

EXHIBIT 1

LaSota Declaration

DECLARATION OF SALLY LaSOTA

The undersigned, Sally LaSota, declares and states as follows:

1. I am the Director of the Lake County Board of Elections and Registration (“Board”).
2. Lake County has a combined Board of Elections and Registration, which consists of five members: two Democrats, two Republicans, and the county clerk as an ex officio member.
3. The Board’s offices are located at 2293 N. Main Street, Building A205, Crown Point, Indiana. Crown Point, which is centrally located within Lake County, is approximately 25 miles from East Chicago, approximately 18 miles from Hammond, and approximately 16 miles from Gary.

Procedures for Voter Registration and Voting in Lake County, Indiana

4. To register to vote, a voter must complete a state voter registration form that asks for various personal identifying information such as name, address, and date of birth. The voter also must sign the registration form and signature must be original certifying that he or she will be at least 18 years old on the following election day and is a citizen of the United States.
5. The voter must sign at the bottom of the registration card, and the signature card is scanned into the Board’s computer system as a part of the processing of the registration. After a seven-day waiting period, the voter is officially registered to vote. Thereafter, the Board sends voters an acknowledgement card that serves as proof of registration.
6. Lake County presently uses “Infinity” DRE electronic voting machines at all precinct polling places on Election Day. The only “paper” ballots that Lake County uses on Election Day are for provisional voting, mailed-in absentee ballots, and any emergency voting cards from precincts at which there were any technical difficulties with the Infinity machines. These ballot cards are called “optical scan cards.” In prior elections when in-person early absentee voting occurred in the weeks leading up to Election Day, the Infinity machines were used at all early voting locations.
7. To vote on Election Day, a registered voter must show a valid photo identification at the voter’s precinct polling place and sign a “wide list” containing the names of all registered voters within that precinct, and an indication of whether they have already voted absentee. The wide list has a photostatic image of the voter’s signature taken from their registration papers. Representatives of both the Republican and Democratic parties, who serve as bipartisan judges, are present when a voter shows identification. Every polling place on Election Day also has an election inspector who is responsible for confirming the valid photo ID, and two bipartisan clerks who compare a voter’s signature to the registration signature on the “wide list.” Election inspectors and judges watch over the voting machines throughout the day at a precinct polling places.

8. To vote early and in-person by absentee ballot, the procedures are highly similar. In order to vote in-person via absentee ballot at an early voting site before Election Day, a voter is required to show valid identification, and he or she must sign an absentee ballot application form. Representatives of both the Republican and Democratic parties are present at an early voting site when the voter presents identification and signs the absentee ballot application form. A bipartisan absentee voter board is present at the early voting site to determine whether the voter has a valid registration to vote, and this is accomplished by comparing the voter's name and address to the Board's database.

9. All early voting sites in East Chicago, Gary, and Hammond have been set up to have continuous and direct access to the Board's live-feed voter database, which is Indiana's statewide voter registration system operated by Quest. As soon as any changes are made to a voter's registration or voting status, those changes are immediately viewable and accessible to the absentee voter board at all early voting sites.

10. At the end of each day at every early voting site, staff members of the Board transport each Infinity machine to a locked, secured ballot room at the Board's office in Crown Point. Each evening, the Board's authorized staff verifies the total number of votes in the Infinity machine and compares it to the total number of the absentee applications. For example, if there are 20 paper absentee ballot applications, the Board confirms that only 20 votes were cast. The fact that a voter cast his or her ballot via absentee ballot during early voting is noted in the Board's database. The Infinity machines are returned to the same early voting site the next morning before the opening of the early on-site voting site.

11. The precinct-specific "wide list" to be used on Election Day is updated on the Tuesday morning of the election.

12. Couriers are dispatched to every polling place to provide inspectors with an updated list of individuals who cast in -person absentee ballots after the "wide list" was generated. Inspectors are required to immediately update the "wide list" to reflect the new voting information.

2008 Elections

13. On February 29, 2008, the Board passed Board Resolution 2008-1, a unanimous resolution under Indiana Code 3-11-10-26.2 to authorize electronic voting for the casting of absentee ballots "in the office of the Lake County Board of Elections and Registration." A true and correct copy of Board Resolution 2008-1 is attached as Exhibit A.

14. On April 7, 2008, the Board passed a unanimous motion approving early voting at the county courthouse in East Chicago, Gary, and Hammond for the May 5, 2008 Indiana primary elections. The motion allowed early in-person voting at the county courthouse for nearly two weeks before Primary Day, from April 21 through May 1 at all three locations. The motion was made by Patrick Gabrione, a Republican member of the Board. A true and correct copy of an excerpt of the transcript of the meeting of the Board on April 7, 2008, which was recorded on audio tape, is attached as Exhibit B. Early in-person voting also was conducted at the Board's office in Crown Point.

15. For the primary election, 130,000 voters cast ballots. Of that number, 11,000 voted absentee and nearly 6,000 of those absentee votes were in-person at the county's early voting site in East Chicago, Gary, Hammond, and Crown Point.

16. With only one exception, the Board received no reports of any instances of anyone voting twice or attempting to vote twice at any of the early voting sites or in Crown Point.

17. There was, however, a single instance in which a voter attempted to vote twice. The voter voted in-person at an early voting site and then returned the next day and voted again. Although the voter's second vote was cast at the site, only one vote from that voter was counted because the Board staff caught the double-vote that evening through its routine checks. The matter was turned over to the Lake County Prosecutor's Office.

18. During the May 2008 primary, the Board encountered difficulties with a small number of recently registered or re-registered voters whose current information was not loaded into an election worker's laptop computers at the early in-person voting site. No one was preventing from voting, however, and since the May primaries, I have arranged for each early voting site to have immediately access the Board's live feed database.

19. At a Board meeting on September 23, 2008, the Board considered whether to conduct early on-site voting in East Chicago, Gary and Hammond. At that meeting, I advised the Board of my efforts to arrange for a live data feed. No one asked any questions. A true and correct copy of an excerpt of the meeting of the Board on September 23, 2008, which was recorded on audio tape, is attached as Exhibit C.

Increasing Voter Registration

20. There has been a steady increase in voter registration over the last year.

21. For the General Election in November 2007, 274,137 voters registered to vote.

22. For the Primary in May 2008, 285,404 voters registered.

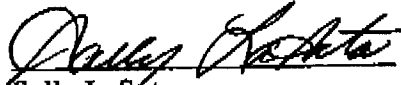
23. For the General Election in November 2008, at least 300,000 voters have registered. That number does not include the approximately 20,000 new registrations that our office currently is processing. I anticipate that there will be approximately 320,000 registered voters on Election Day this year.

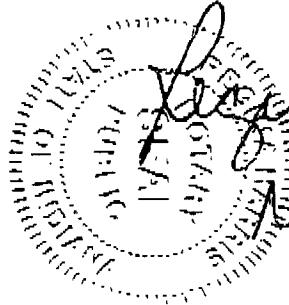
24. The Board anticipates a high voter turnout on election day in November and long lines at many polling places in Lake County. To reduce lines and make it more convenient for people to vote, the Board voted to open early in-person voting sites in three of the Lake County's largest cities (East Chicago, Gary, Hammond). These cities also have county buildings where early in-person voting occurred in the weeks before the May 2008 primaries.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2008.

Signed,


Sally LaSota


Regina Harris
Notary

5-28-16

EXHIBIT A

To LaSota Declaration



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

RESOLUTION 2008-01

**RESOLUTION OF THE LAKE COUNTY
BOARD OF ELECTIONS AND REGISTRATION
ESTABLISHING USE OF ELECTRONIC VOTING SYSTEMS FOR ABSENTEE
VOTING IN THE OFFICE OF THE LAKE COUNTY BOARD OF ELECTIONS AND
REGISTRATION**

WHEREAS, pursuant to IC 3-11-10-26.2 a county election board may adopt a resolution to authorize the circuit court clerk to use an electronic voting system for voting by absentee ballot in the office of the board of elections and registration;

WHEREAS, IC 3-6-5.2-6 (b) entitled "Powers of Board; duties of director" provides that the director appointed under section 7 of this chapter shall perform all the duties of the circuit court clerk and perform the election or voter registration duties of the circuit court clerk under other titles of the Indiana Code.

WHEREAS, the Lake County Board of Elections and Registration is empowered, and directed, by IC 3-6-5-14 to conduct all elections and administer the election laws within the county; and

WHEREAS, a resolution adopted pursuant to IC 3-11-10-26.2 may only be adopted in a county that has adopted a resolution regarding the central count of absentee ballots under IC 3-11.5-5-1 or IC 3-11.5-6-1 and Lake County has adopted a central count resolution pursuant to (IC 3-11.5-5-1 or IC 3-11.5-6-1) on the 28th day of July, 1993;

WHEREAS, a resolution adopted pursuant to IC 3-11-10-26.2 must be adopted by the unanimous vote of the board's entire membership;

Whereas, a resolution adopted pursuant to IC 3-11-10-26.2 must provide procedures to do the following: 1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot; 2) Compare the signature on an absentee ballot application with the applicant's signature on the applicant's voter registration application; and 3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.

Whereas, a resolution adopted pursuant to IC 3-11-10-26.2 may also contain other provisions the board considers useful.

Whereas, the Lake County Board of Elections and Registration has determined that a resolution to authorize the director to use an electronic voting system for voting by absentee ballot in the office of the Lake County Board of Elections and Registration pursuant to IC 3-11-10-26.2 would be beneficial to the administration of elections in the county;

Whereas, this Resolution has received the unanimous vote of the entire membership of the Board;



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION:

Section 1. Lake County Board of Elections and Registration hereby authorizes the director to use an electronic voting system for voting by absentee ballot in the office of the Lake County Board of Elections and Registration pursuant to IC 3-11-10-26.2


Section 2. Lake County Board of Elections and Registration adopts the attached procedures marked as **Exhibit A** and incorporated herein by reference, which are substantially similar to the procedures for casting a ballot in the office of the board of Elections under IC 3-11-10-26.2, and that specifically provide procedures: 1) That secure absentee votes cast via an electronic voting system in the office of the Lake County Board of Elections and Registration in a manner that provides protection comparable to the protection provided to absentee votes cast by paper ballot; 2) That require the comparison of the signature on the absentee ballot application with the applicant's signature on the applicant's voter registration application; 3) That ensure that an invalid ballot (as determined under IC 3-11.5) is not counted; and 4) That the board considers otherwise useful in implementing IC 3-11-10-26.2.

Section 3. In accordance with IC 3-11-10-26.2(f), an absentee ballot voted on an electronic voting system pursuant to this Resolution is not required to bear the seal, signature, and initials of the clerk prescribed by IC 3-11-10-27.

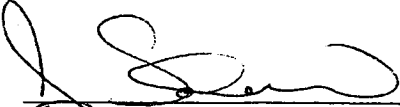
Section 4. This resolution shall be subject to the procedures set forth in **Exhibit A** attachment hereto.

Adopted this 29th day of February, 2008 by all of the members of the Lake County Board of Elections and Registration.

Lake County Board of Elections and Registration



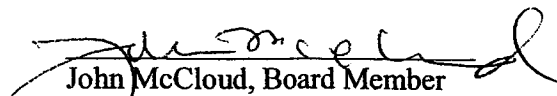
Thomas R. Philpot, Chairman



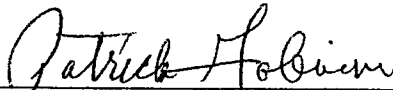
Al Salinas Sr, Board Member



Jim Brown, Board Member



John McCloud, Board Member



Patrick Gabrione, Board Member



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

ATTACHMENT A

In-Office use of Electronic Voting Systems IC 3-11-10-26

&

Use of the Electronic Voting System to Vote by Absentee Ballot When Absentee Ballots Are Counted At a Central Location

IC 3-11-10-26.2

Absentee Voter Board members are appointed by the Democrat and Republican Party Chairman and shall be referred to in this attachment as AVB Members.

When a voter comes into the office to vote by absentee ballot, the same AVB member must follow each of the steps listed below to completion.

The AVB member must inform the voter of the photo identification requirements. If the voter does not wish to provide photo identification the AVB member must inform the voter that the voter will have to vote by a provisional ballot. And, the AVB member must provide the provisional voter with the required information on how to make sure his or her ballot is a valid ballot before the closing of the polls on Election Day.

If the voter has the required photo identification the following steps shall be followed:

The voter must have either a completed Application for Absentee Ballots (ABS-1) with the required information and signature OR the voter may request an Application for Absentee Ballots (ABS-1) from an AVB member.

The AVB member shall search the State-Wide Voter Registration System (SVRS) in order to verify that the voter does not have a current, valid Application for Absentee Ballots (ABS-1) in the system; and that the voter has not already voted.

If the voter has a valid Application for Absentee Ballots (ABS-1) in the SVRS, the voter may not be allowed to request another Application for Absentee Ballots (ABS-1), UNLESS the voter fills out a Statement Concerning Lost, Destroyed, or Spoiled Absentee Ballot (ABS-5)

If the AVB member determines that the voter qualifies to vote by absentee ballot, the AVB member shall complete the required steps in the SVRS including the signature verification.

After completion of the required steps, the AVB member shall assign the voter to a specific DRE and shall record the date, the voter's VID, name, ballot preference (Primary Election Only), in the next chronological sequence order for that machine in the log designated for that DRE.

When the designated machine becomes available the AVB member will escort the voter to the voting machine and enter the VID number in the presence of the voter. Next, the AVB member



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

shall select the political party ballot style or school board ballot style that the voter has requested on his or her application.

The Election room staff shall provide step-by-step instructions to the voter for using the DRE. The instructions will be provided by Micro Vote and or the Election Staff.

The voter may ask for assistance with the use of the DRE. Both a Democrat and a Republican AVB member shall assist the voter OR the voter may have a person of their choice assist them after the Affidavit of Voter Assistance (PRE-3) has been completed.

The AVB member shall check each machine BEFORE the voter leaves the voting area to make sure the vote has been registered as cast. Any machine found having not been registered as voted by the voter shall be voted by both the Democrat and Republican AVB member. They shall note the circumstance, the voter assigned to that machine and they shall forward this information to the Election Board for final determination as to voter intent.

The Election Supervisors and or designated staff members shall together, complete a separate log for each DRE machine used in the AVB voting period that identifies each voter in the sequence they voted and the associated VID number entered on the voting machine to ensure that an invalid ballot (as determined under IC 3-11.5) IS NOT COUNTED.

Voting machine access and tally cards shall be treated as paper ballots and provided the same protection comparable to the protection provided to absentee votes cast by paper ballot.

Each voting machine shall be stored inside its respective case at the end of the day; the voting machine and caste shall be locked in the Ballot room; the Ballot room shall be locked at the end of the day by two locks, each in the possession/control of the Democrat and Republican Election Administrators. The voting machine access and tally cards shall be treated the same as paper ballots and other AVB logs and certificates.

Any voter who desires not to use the DRE machine shall be advised the only non-handicap accessible ballot alternative is a paper ballot cast by mail or before a traveling board for eligible voters.

EXHIBIT B

To LaSota Declaration

APRIL 7, 2008 BOARD MEETING TRANSCRIPT EXCERPT

MAGISTRATE'S HEARING ROOM

* * *

Sandy Radoja: All right. Satellite offices. Is that where we're going next? I've kind of slowed down. I'm running through my stuff real fast here. Okay. Satellite offices. Oh, this is Michele's.

Pat Gabrione: Is there a handout on the satellite offices?

Michelle Fajman: Yes.

Mr. Gabrione: Who's gonna speak to it?

Mrs. Radoja: Who's gonna speak to us? Who loves us?

Sally LaSota: Okay, are we going to then, from my understanding some of the campaigns are asking for two weeks at the satellite locations, Gary, Hammond and East Chicago, since we do have the Infinity machines?

Mr. Gabrione: Wait a minute. So these satellite offices, they're where? They're Gary, Hammond and East Chicago?

Mrs. Radoja: The county courthouses in Gary, Hammond and East Chicago.

Mr. Gabrione: Oh. Are you reading? Is there a piece of paper on this?

Mrs. Radoja: No. I'm looking at the agenda. I wouldn't —

Mr. Gabrione: So you know that they're in the, where are they?

Mrs. Radoja: No, that's what she means by Gary, Hammond, East Chicago.

Mr. Gabrione: Oh, she means that.

Mrs. LaSota: In the county.

Mr. Gabrione: I don't know what she means unless it's said.

Mrs. Radoja: That's why I told you.

Mr. Gabrione: So it's Gary, Hammond and East Chicago.

Mrs. LaSota: County courthouses.

Mr. Gabrione: Count courthouses. And for what timeline are these satellite offices gonna be open?

Mrs. Radoja: Beginning Monday, the 21st, is that what you said?

Mrs. LaSota: My understanding —

Mr. Gabrione: I didn't hear her say anything. Did you know this in advance?

Mrs. Radoja: She just said the 21st.

Mrs. LaSota: Three days, three days, four days and then --

Mr. Gabrione: Let me read the rest of my, all my questions to Sally.

Mrs. LaSota: Two weeks.

Mr. Gabrione: Two weeks beginning when?

Mrs. LaSota: We're looking at the 21st.

Mr. Gabrione: And the rationale?

Mrs. LaSota: So people can vote like they do here in Crown Point in person. Why deny the three northern —

Mr. Gabrione: No, the rationale for Gary, Hammond and East Chicago as opposed to Schererville, Highland and Lowell.

Mrs. LaSota: They're county buildings, like, if you want to vote in person here, you come to Crown Point.

Mr. Gabrione: So that's the rationale for location?

Mrs. LaSota: Right.

Mr. Gabrione: What's the rationale for having the voting? Is there enough, is there an increase in absentee ballots, or an increase in registration versus 2004 based on numbers? Not on feeling and newspapers.

Mrs. LaSota: No, no, no. Not on numbers. Not on numbers. I think it's more or less for the excitement on the Democratic side.

Mr. Gabrione: I don't think you open up, I don't think you can open up offices based on excitement. There has to be a reason for opening up. And if you have —

David Saks: My understanding is that they did this in Texas, and in Texas they had a dramatic increase in voting. Multiples.

Mr. Gabrione: Do we have any other government buildings in the southern part of our county?

Mr. Saks: What it is —

Mrs. LaSota: County Building.

Mrs. Radoja: Highway grounds.

Mr. Gabrione: This one.

Mrs. LaSota: This one.

Mr. Saks: What it is, is it's anecdotal evidence that in Texas there was a 500% increase in voting in certain urban areas where the voting —

Mr. Gabrione: There was a lot of crossover votes from the Republican party there, too.

Mr. Saks: Well, I don't know. I'm just telling you what I heard. I'm really not arguing one way or the other.

Mr. Gabrione: I'm telling you what I heard.

Mr. Saks: Okay.

Mr. Gabrione: So, could I ask the question: has there been an increase in absentee ballots because of the excitement?

Mrs. LaSota: Has there been an increase? It's early. We have the first day we mailed out; it was 1,200.

Mr. Gabrione: As opposed to 2004?

Mrs. LaSota: I don't have those figures.

Mr. Gabrione: How about the number of registrations? Is the registration up?

Mrs. LaSota: Registration hasn't been going up. We won't know. Today's the last day for filing. In fact, an increase in the week, I've had the staff come in an hour early in the morning last week, and an hour after, because of the registrations that are coming in.

Mr. Saks: Let me just tell you —

Mr. Gabrione: I'm certainly for opening up more areas for the ability for people to vote early, etc. I just think that we should have some background of why we've chosen it, why we chose the locations. And more than excitement, I'd feel more comfortable knowing the registration number is up, and the

absentee number is up. Otherwise we're setting precedent. Now, are we gonna do this —

Mrs. LaSota: Not necessarily. We've had them before. We've had them, we've had then, the county buildings have been open up north for in-person voting.

Mr. Gabrione: In the last primary? In 2004?

Mrs. LaSota: No, a couple of years ago. And that's because of the ballot cards we used. Those were cumbersome. Hopefully, we're trying to push that, that everybody's aware of the Infinity. As you see, we've got the grocery store issue next, had that project. Just the exposure, to have people come to the county courthouses in those three major cities, to come vote in person. Encourage people to come out and vote. And perhaps that'll translate, 2010 and 11, the county

Mr. Gabrione: Plus it relieves pressure here, and makes it a little easier here.

Mrs. LaSota: The line up, yes, yes.

Mr. Gabrione: Better distance. Now, tell us about who's gonna be out there to control.

Mrs. LaSota: We would hire, of course, the Republican Party and the Democratic Party would hire workers for those two weeks. Hopefully we would reach out to people who have worked at our, on our boards in the precincts. Have these people located and come down to Crown Point, we'd still schedule. At the end of the day they would come back with the tally cards, whatever information that we would need back to us. And the next day, go out and we would have the same people in three locations —

Mr. Gabrione: And the tally cards are secured until election night after 6:00?

Mrs. Fajman: The vote-in cards, so that way no one gets the impression that we were actually tallying any votes.

Mrs. LaSota: Right.

Mrs. Fajman: We are throwing around different ideas. It has been suggested that we go back to the satellite offices of course, to again encourage more people to vote. There are people registering, you know, this is the first time since the 60s that Indiana has been a player in the presidential campaign, so there is increased awareness of the voting going on. We've got lots of people calling us and so forth.

Mr. Gabrione: Okay. Beside, beside the reporters are here today, and so there could be something in the newspaper. But are we gonna put anything in the paper to announce to the voters that we are opening satellite offices?

Mrs. Fajman: Absolutely.

Al Salinas: Yes.

Mrs. Fajman: We will take out ads in the newspapers. They would, we've been throwing around the ideas of possibly doing voting maybe ten to three by securing the machines. We do not want to leave them at the county courthouses. We would transport them back and forth here to our office, at which time they would go into the ballot room, which is under double lock and key, we would store our machines in there each and every night with the vote card. And then we would ship them back out in the morning for voting.

Mr. Gabrione: Are you gonna use a mechanic to go with the, to meet the clerks? Is that who's gonna be the vehicle for bringing them back and forth?

Mrs. Fajman: We would be using a list of the voters, and you would have to have a list of every single registered voter. And it would be an electronic list. It'll be in a computer where we can bring up the people's name and their precinct because at these satellite locations not just voters from Gary or just voters from Hammond, it could be voter that lives down in Shelby and works at the mill and, you know, doesn't think he's gonna make it home on election day by the time the polls are open. So he can go to Gary or Hammond or East Chicago and cast his vote early and know that his vote is going to count.

Mr. Gabrione: That makes it easier.

Mrs. Fajman: It is a lot easier than in the past. You would have problems with initial ballot cards and board members have seen that. We've rejected ballots and the wrong codes and so forth. By having the Infinity machine it's a lot easier. We will punch in a voter identification number for that voter, you find their precinct, mark their party preference, and then the voter can vote right there on the voting machine. Those votes will go directly to their precincts on, not to the precinct locality. It will stay here in our office. We will download those votes at the end of the night once we ensure that those votes should be cast. Those go straight to their individual precinct totals and combine with those. So you don't have to worry about the clerks forgetting the initials anymore. It's an electronic ballot, so that's good. Or in the past they've grabbed the wrong ballot label. In this case, again, it's directly associated with their precinct. So some of the problems that we've had in the past.

Mr. Gabrione: Can be alleviated.

Mrs. Fajman: Should not be an issue. But we do want to have time to get those individuals who will be working at those locations time to come in here,

shadow us maybe for a couple of days to look, to practice on looking people up, how to activate the voting machines and so forth.

John McCloud:

Ms. Fajman, what would the voting hours be?

Mrs. Fajman:

Well, we had discussed, the staff had discussed and throwing around some ideas, feeling like ten to three would be a good time. Again, that would give us time to bring the machines back here at the end of the day, so that we can lock them up. And again, we would have to start inputting all those voters into the system to show that they've already voted. That gives us time at the end of the day to cover all those bases, and then again in the morning at 8:30 have the mechanics start transporting those machines out to the locations. That way they would be up and ready for voting at 10:00 a.m. So ten to three is the proposed hours.

Mr. Gabrione:

And everything else is in place. The challenge environment, the provisional ballot environment. It's as if they had walked in on primary day and voted.

Mrs. Fajman:

Yes. Because you can extract, if by chance someone votes and then they pass away, there is the extract feature where as long as we know that this person has passed away, we can extract that vote back out of the machine, mark it for not to be counted. Whenever you look at that person's vote, you just mark it as either to count or not to count. Their signatures will be checked on screen, you know, the voter signature, because you no longer have the voter affidavit envelope versus the application. So as the ballots, as the application comes in, we look at the signature on the screen. As these people vote in the satellite locations, again, we still have to input that information into our statewide voter file. We would look at the signatures on the screen to verify. If at any point in time we find that someone's signature does not match, we would print that out and that will still be addressed by the Election Board members on election day, prior to it being marked as a get to count or not to count.

Mrs. Radoja:

When do you close this voting? When do you close the voting upstairs that you have in your office? When is it over, as the last chance to go up in your office?

Mrs. Fajman:

Of the day? 4:30.

Mrs. Radoja:

Not today.

Mrs. Fajman:

On the Monday, May 5th, 12 noon.

Mrs. Radoja:

Twelve noon, the day before election. And that's how you would handle this?

Mr. Gabrione:

No, no. This is ten to three for two weeks, right?

Mrs. Radoja: Ten to three. So specifically it would end on the Friday at the close of the, at 3:00, and Friday before election?

John Moose: May 2nd would be the day.

Mrs. Fajman: Because there's too much work to be done on Friday for inspectors Saturday. So originally we were suggesting that it would actually end on Thursday.

Mrs. Radoja: That's true because the board has to stand for inspector Friday, or on inspector Saturday we have to post all those people who have voted in-person, absentee, at these courthouses to make sure that the inspectors, when they picked up their kits on Saturday, that everything was posted in there with those voters voting in the outlying buildings.

[Overlapping conversations]

Mrs. Fajman: And just with the interest in voting in our office.

Mrs. Radoja: Maybe nine days.

Mr. Gabrione: We don't do it Saturday, right?

Mrs. Radoja: It's Thursday, May 2nd. What about, what about 3 p.m.?

Sally LaSota: So they're there for the last two Saturdays.

Mr. Gabrione: So this begins on Monday, April 21st. It's Monday through Friday, it's 10:00 to 3:00, and it ends at 3:00 on Friday, May 2nd?

Mrs. Radoja: Thursday, May 2nd.

Mr. Moose: Thursday, May 1st.

Mrs. Radoja: What kind of calendar. Thursday is May 1st?

Mr. Gabrione: Yes, it is.

Mrs. Radoja: Oh, sorry. Thursday, May 1st. It is not open on the weekends, and if some emergency should arise in those courthouses, and that courthouse is closed —

Mrs. LaSota: Then they'd have to come to Crown Point.

Mrs. Radoja: Then forget about it. They'd have to go somewhere else.

Mrs. Fajman: At least out here we are open through Saturdays, but we also have sheriffs right next door, whereas over at the county buildings there's no security or anything.

Mrs. Fajman: So we do not want the weekend hours there.

Mr. Moose: So this is purely a courtesy thing and there's no reason for a judge to say you have to stay open another day for some problems or anything like that.

Mr. Gabrione: No.

(Unknown man): No, this is within the discretion of the Board.

Mr. Gabrione: Good point, good point. And then again, how many workers go out? How many clerks? One from each —

Mrs. Fajman: It's considered an absentee voter board which is comprised of one Democrat and one Republican. Again, we would be suggesting that the people that worked at the polls before hopefully that have knowledge of the voting machines, either inspectors and/or judges, and those names would come from both the Democratic and Republic party be submitted to us. And then we would like them to shadow the staff members upstairs at least for a few days, again to get familiar with looking people's names up and how to activate the voting machines.

Mr. Salinas: Well, there will be two persons working?

Mrs. Fajman: At each location.

(Unknown man): So that would —

Mrs. LaSota: That would be four, six. One of each. That will work. One works someone, a voter coming in to sign in and the other one would go to the machine to —

Mrs. Fajman: That's typically what we've been doing upstairs is, one individual looks them up, the other one is walking around activating the machine.

Mr. Gabrione: Yeah.

Mrs. Fajman: When that one gets tired, they simply flip-flop positions, you know, because otherwise you're on your feet the entire time, back and forth.

Mrs. LaSota: And I think the Board has to understand, even if there's 10 or 15 people lined up, voters have to be patient. Everybody has their turn. And that's why the two machines in case there is a disabled individual, wheelchair, visually impaired, some disability. We understand that they will occupy one machine perhaps a little longer, maybe not, and then the other one is free.

Mr. Gabrione: And the chairman, or their appointees, will choose the clerks. Is that how we're gonna do it?

Mrs. LaSota: Yes. Everybody who works for the Board of Elections and Voter Registration is authorized by the Democratic and Republican parties, the chairmen. They all come in. Couriers, counters, travel board people, we the board members. Except for the clerk. We're all authorized by our respective parties.

Mr. Gabrione: Time for a motion?

Mrs. Radoja: Do I hear a motion?

Mr. Gabrione: I'll make a motion that beginning the two weeks of Monday, April 21st and ending on Thursday, May 1st, the time between 10:00 and 3:00 at the county buildings at Gary, Hammond and East Chicago, with both a Republican and a Democrat poll clerk, with the mechanics bringing the machines out and after 8:30 to the sites and the machines are brought back here for security purposes after 3:00, I make the motion that we go forward.

Mrs. Radoja: I have a motion by Mr. Gabrione. Is there a second?

Mr. McCloud: I second that.

Mrs. Radoja: Seconded by Mr. McCloud. Any further discussion? All those in favor say "aye."

All: Aye.

Mrs. Radoja: Those opposed? Motion passes.

(Unknown woman): And it was a unanimous vote?

Mr. Gabrione: Yes.

Mrs. Radoja: And you guys are gonna promote this?

Mrs. LaSota: We will advertise, of course.

* * *

EXHIBIT C

To LaSota Declaration

BOARD OF ELECTIONS HEARING TRANSCRIPT (EXCERPT)

SEPTEMBER 23, 2008

Michelle Fajman: The Board is in receipt of numerous letters requesting the early voting locations to be opened as they were in the primary election.

We had a lot of distinguished guests yesterday and I'll open this up by asking the mayors if they would like to come up and make some comment on this issue before --

[inaudible]

Mayor Rudy Clay: Thank you for the opportunity to be here this morning. I want to thank the Chairperson for allowing me to speak here this morning. Before we first start this meeting let's give pledge allegiance to the flag by saying liberty and justice for all. There is no greater justice than allowing a person the convenience and opportunity to vote in this country. We are asking for the satellite offices -- and it's not a party issue, it's a people issue. Because of the convenience of it all. You all remember what happened in the primary last year. We had almost 11,000 absentee votes we had to count earlier this year. We are asking for the satellite offices because it would be totally inconvenient for people to travel all the way to Crown Point, Indiana especially from places like Whiting and etc. and I don't have to tell you what the price of gas is. I think we would lose a lot of voters because of the fact that it would be inconvenient for them. Also, what I'm understanding there will be approximately 8,000 people that want to vote, early voting, absentee voting, satellite offices will certainly help that because it would push those folks to vote on election day. That means that the lines will be long, and some of those lines would be so long that people probably would say, well I'll just go home and that's called disenfranchisement. We don't want to do that. Todd Rokita, Secretary of State, who supports satellite voting and I think he's on the right track there and here in Lake County, Indiana in the year 2004 the ballots only had two pages. 2006 the ballot was two pages. Now, we are here in 2008, we're talking eight pages and the law says you can only spend two minutes inside a polling place. So, I think it would be in the best interest of the people to have these satellite voting places adhered to the Secretary of State Todd Rokita, elected officials around the state and I'll end by saying again it's about people, not democrats, not republicans, just people.

(applause.)

Mayor Tom McDermott:

Thank you for letting me address you -- I'm Mayor Tom McDermott of Hammond, Indiana: Al Salinas, your son is a councilman in the City of Hammond, he represents the Second District and in the Second District in the City of Hammond you have precincts that have less than 10% voter turnout on election day. We have some -- one or two individual precincts that will have 10-20%, some precincts with no more than 30%, but the Second District in Hammond is really a hard district for one reason or another to get people to vote. If you had options in Hammond -- like early voting, satellite voting, we saw the numbers go up during the primary, we did have these options available and I believe in an America where everybody has a right to vote regardless of what party you are, I believe in that. I think Mayor Clay and myself have some disagreements during the last election about what was going on with the voting, but one thing him and I both agree on is people should have the right to vote. I think it's funny -- it's sort of sad actually that over the past few years in Indiana it is perceived that we are making things harder for people to vote. We can have satellite voting go in and then we said that if you are going to vote you have to have IDs. And some people perceived that as an impediment against people without IDs. Maybe if you don't own a car, it's going to be harder for you to vote now. It was perceived by many that that was a move against the poor to keep poor people from voting and state-offered options, you could still get a motor ID, you don't need a driver's license to vote. You can still get your voter ID and you can still vote. I'm sure people got around that impediment, but it was an impediment. And now we have an opportunity to have satellite offices in poor cities, my city, where I'm the mayor, Hammond, Indiana. We have poor people who live there, Gary, East Chicago, it's no secret, we all know that. There's people in my city that don't have a car. There's people in my city that have trouble getting around because they are old, they can't walk as well as they used to be able to and they don't have these options available to them and our option right now is, if you want to vote early, you have to go to Crown Point. It's not easy to get to Crown Point if you don't own a car. It's not easy at all. You can't take a bus here. You can't take a cab here. So your option is -- vote on election day and if you don't -- too bad for you. Don't forget your ID by the way. I think it's crazy that we are even talking about this and for some reason Indiana State Law requires all five of you to vote affirmatively for this. That's satellite voting, I'm urging you because you're Americans, vote 5-0 because this is fair, it's not about party, it's about fair. What am I going to tell my people, how am I going to get them there? What am I going to tell my people, how am I going to bus people here, and that's a decision he made. I tell you what, we may have no option in Hammond, if this is the only place you can vote. Our buses don't come here. You have to take a bus from Hammond Transit System to Gary Transit System and from the Gary Transit System down here and don't miss your bus home, because if you do you are staying the night down here. I'm just asking you guys -- five of you to do this, it's the

right thing to do, it's not about parties. This is going to be the biggest voter turnout we've all seen for this election. America is in a shambles right now, we need to work together and try to change image. If we don't get this approved, it's going to look across the state like we're trying to hold people in Hammond, Gary and East Chicago away from the polls. It's going to be perceived that way whether you like it or not. So, I'm asking you to do the right thing. I gave up my entire morning to come out here, it's something I believe in, I appreciate your time. Thank you very much.

(applause)

Rep. Mara Candelaria Reardon:

Hi, Good morning. Thank you for allowing me a moment here. My name is Mara Candelaria Reardon and I'm the 12th District State Representative. And I heard a little mention of Munster, and I wanted to just point out a little bit something else to you. I agree with everything that both mayors have said, that is about access and it's about encouraging people to participate in the political process and that is what a true democracy is, but I'd also like to bring to your attention that you know in my community we recently suffered a disaster. It didn't just affect my community, it affected thousands of residents all across Lake County and we really have to give serious consideration to these (inaudible) satellite locations to allow people the opportunity to come and vote in those locations. These people are going to be struggling to rebuild their lives, they are going to be meeting with contractors and electricians and you know companies that say they will be there between 1:00 and 4:00 and they are going to be tied to their homes and they are not going to have the opportunity to drive 40 minutes to Crown Point. All of the devastation happened in the northern part of the County. It's very difficult for these people who are trying to rebuild their lives and want still to participate in the political process. I think it's essential that we consider that. It's not something new. It's done in 26 other states in some form or fashion and we really need to get on board with these early satellite locations. I think it would be helpful to all of those people affected by the flooding (inaudible). The National Caucus of State Legislature Election Reform Task Force states that every citizen deserves an easy open and understandable avenue to vote and that voting is the most basic fundamental right guaranteed in a democratic form of government. I urge you to please do the right thing and vote this 5-0. Thank you.

Lake County Commissioner Roosevelt Allen:

Good morning. I'm the County Commissioner Roosevelt Allen, and I'm here to support the early voting at the satellite offices. I think it is very important. I think this is a special election year in America and especially

in the State of Indiana. We've had a record number of new voters registered in our state and we want to make absolutely certain that these new voters get every opportunity to cast their votes in this election and as Mara stated we've had some flooding problems in certain areas of the County and so those citizens that were involved – those victims that were involved in the flood – it would make it much easier for them to vote if they were able to vote in their communities. We went through this process in the primaries, it's a very transparent process, there were no problems. As the County Commissioner we had no problems at the courthouse in Gary and East Chicago accommodates these voters so I think if this is a democracy, this is America, I think it's very important that everyone gets the opportunity to vote. I also sit on the Board of the Regional Bus Authority which is actually still in the infancy stages so we are not able to adequate transportation County-wide for voters – for people that want to participate in this election so I don't think that the County or the Election Board that we should be an impediment to allow these voters their right to vote. That's a very important right in this Country and that's one of the few opportunities that a lot of our citizens have to express their approval or disapproval with the elected offices, through our state, through our nation, it's important that we make every opportunity as elected officials our responsibility is to be facilitators. We are facilitators and so we are supposed to assist and supplement the rights of our citizens, the voters in this Country and in our State of Indiana. I strongly support the satellite offices. Thank you.

(applause)

Jim Wieser: Good morning, my name is Jim Wieser, I'm an elected official but I'm here representing a number of interested parties and I was just mentioning to Mayor McDermott I thought that it would have been more appropriate if we would have he and Ruby standing next to each other and it would have been like watching CNN again (laughter) I better not.

Pat Gabrione: Can we ask a question?

Mr. Wieser: Sure.

Mr. Gabrione: Who are you representing?

Mr. Wieser: I've been asked to represent Congressman Visclosky office. I've been asked to represent elected officials who are seated here. I've also been asked by just folks to represent them and this particular issue I was asked, although not formally, so I don't want to, but I was asked by some of the members of the Steelworkers Union if I would appear if I would comment on their behalf so I guess that – a number of people have just approached me about it.

Mr. Gabrione: (Inaudible) Obama campaign?

Mr. Wieser: I'm not going to deny that. I've certainly talked to the people from the Obama campaign. There's no question about it and I know that they are tremendously interested in this. I made the assumption because of my background that I probably wouldn't be approached by the McCain campaign, but I'd be happy to talk to them if they would be willing to do so. If I could, and I'll try to be as brief as I can. I would like to maybe summarize some of the arguments that I've already heard and maybe ask one or two and that would be it. But, it seems to me that we are going to have an election that by everybody's estimation – and I don't mean us down here – I mean the big folks – the folks that make these prognostications. By everybody's estimation it's going to be a record turnout throughout this Country. It is an historic election. I mean when this election is over on November 5th, we're going to either have the first African American President this Country has ever had or we're going to have the first female Vice President this Country has ever had. So, it's an historic election. It's just going to bring out a lot of people and my background and experience having had good fortune to sit up here with you folks for a number of years, it says to me that it's going to be a real challenge on election day. I mean an incredible challenge on Election Day. As Mayor Clay said before you have a ballot that's going to be at least seven, possibly eight pages long. We do have the two minute rule. I know a number of inspectors, I know your inspectors are well trained, I know they try to enforce the rules when they can. The enforcement of that rule is going to be a challenge. The terribly long, or at least anticipated to be terribly long and we think they are going to be. And early voting is a very efficient, effective way to help to avoid that. Secondly, and I think that in and of itself is a compelling reason. I don't even know that you need another reason, but if you do need another reason, or if you do need other reasons, you've permitted and you did authorize early voting in the primary so it would certainly flow logically that it would be authorized in the General Election when it's even more critical from a practical perspective. And approximately 6,000 people took advantage of that and it was only open – and I don't want to speak out of school – but I believe it was only open was it 10 days Michelle? It was only open 10 days. 10 days and 6,000 people took advantage of that. Well, wait, you had a little over 11,000 voting absentee overall, but 6,000 were in person, I managed to grab the figures, it was like 5,880 or 5,900. That figure is going to double or triple if provided the opportunity to utilize it in a County that has no mass transportation, that has no way other than people's own privately-owned vehicles essentially to get out to only one point in this County where you would allow it. Early voting is being permitted throughout the State of Indiana. It's encouraged by everybody in the State of Indiana. It's been encouraged by the Governor, it's been encouraged by our Secretary of State. In fact, I saw an article this morning just before I came in here where he's very concerned, and I understand why Tod is

concerned, he's born and raised in Munster. He's concerned about his home community and he says we have to create voting centers. We have to give these people every opportunity we can to have them vote. So these are all incredibly compelling reasons as to why we have to do it and if there is no more, incredibly compelling just sort of a policy reason, there is a statutory reason. The statute, Indiana Code 3-11-10-26 says a voter is entitled – it doesn't say may or could or possibly – it says a voter is entitled to cast an absentee ballot before an absentee voter board in the Office of the Circuit Court Clerk for the 29 days before the election. Well, if I live in Hammond and I don't have a vehicle, I lost my entitlement. That isn't just something that is given out willy-nilly, it's something that – hey, maybe I could have it if I want it. The Indiana law is clear, you are entitled to take advantage of that. And if we don't have satellite offices, they lose an entitlement. They run the risk of what Mayor Clay referred to before as disenfranchised. I guess I could sum up by saying – what I really did is I sat down and I tried to think about this and I said, well, man, this just seems too logical. I mean you had several of us stand up here already for 25 minutes and say to you why it ought to be done, so I sat there and said well why would anybody oppose it? Why wouldn't it be done? I mean how could someone oppose something so fundamental and so right and so just as to let people vote. Why would you be opposed to it? I mean I understand the mechanics of it. I guess I have some background that some of the folks here don't have because I sat up here for a number of years and I know there is mechanics involved in it and I know there are practicalities involved in it and I know there is some cost involved in it. But those pale in comparison when we balance – it's just like balancing the public interest versus the first amendment exercise of the first amendment right. When we balance what we've been talking about, and the fundamental fairness in allowing someone to cast their vote and to make it accessible for them to cast their vote, those aren't even an issue. And so when it finally comes down to the final analysis, the fact of the matter is there is no reason to oppose it so we ask you to adopt the resolution. Thank you.

(applause)

Rev. Asher Harris: Good morning to this distinguished Board. My name is Rev. Asher Harris, Pastor of Great Missionary Baptist Church, outgoing President of what was called Interfaith Federation of Northwest Indiana representing about 50,000 voters, black, white, brown, Gary, Hammond, East Chicago, Munster, Lake Station. A part of the ministry of alliance, 40 churches in Gary. We work with coaching pastors around the city and it is imperative to us that you allow the early voting to continue, a voting right, especially to the African American community is so fundamental and important. One of the members of the RTA Board has already spoken and I am also an RV Board member, we know we don't have the transportation in place to get people where they need to go so it is so important to us – the

community of faith – we do justice work – it would be a great injustice if you do not allow this to happen. (inaudible) Thank you.

(applause)

Robin Richman:

I'm Robin Richman and I'm from the United Steelworkers and I want to just add to another set of reasons to all the excellent reasons that have already been stated here today. When our demos went bankrupt, tens of thousands of our workers our part of our agreement was to take on twelve hour shifts. We have tens of thousands of folks in Lake County that work 12 hour shifts and they also work shifts that are not predictable and you don't always know in time to send in an absentee ballot and we believe very strongly that acceptability for every single working person should be there whether they are a republican, democrat, independent. They need to have the ability to get to the polls or have the convenience of their day off which could be a Wednesday, could be a Thursday. People in the mills working 12 hours never really know what days off they are going to have. As well as the tens of thousands of folks that we know that work in Chicago that get up early in the morning and are gone from 6:00 a.m. until 6:00 p.m. so the more accessible – it is an historic election – it is eight pages. The lines are going to be long. But even if it was not, I think the satellite offices are a fantastic idea for working people throughout this country to make voting as accessible as possible for as many people as possible.

(Applause)

Sandy Radoja:

According to what I have here in front of me and according to Indiana statute, the Election Board may adopt a resolution authorized the Clerk to establish the satellite offices and I have a draft t of the resolution in front of me. Do any of you people have this draft. Any other members of the Board? Do I need to read this into the record?

This says as follows: “Whereas turnout in the 2008 General Election is projected to reach historic levels and whereas Indiana Secretary of State Todd Wokita has encouraged county election officials to promote absentee voting as a way to mitigate the strain placed on the Election Day infrastructure and whereas in the 2008 primary election approximately 6,000 voters cast absentee in-person ballots in the offices of the Circuit Court Clerk in Hammond, East Chicago and Gary, as well as the County Election Office in Crown Point, and whereas under Indiana Code 3-11-10-26 a voter “is entitled to cast an absentee ballot before an absentee Voter Board in the offices of Circuit Court Clerk”. Now, therefore, be it resolved that the Lake County Election Board does hereby authorize the use of any and all necessary voting machines, ballots and election personnel for use in the Circuit Court Clerk Offices in Hammond, East Chicago and Gary and be it further resolved that voting in these locations

will at all times be conducted consistent with the requirements of Indiana Code 3-11-10-26, and be it further resolved that such absentee in-person balloting shall commence on the _____ day of October, 2008 from _____ a.m. to _____ p.m. to and including 12:00 noon on November 3, 2008. So, I guess I need a resolution that would include filling in those blanks, excuse me – a motion that would include filling in those blanks on this resolution.

Mr. Salinas, you make a motion to approve this resolution.

- Al Salinas:** No, I make a motion that we (*inaudible*)
- Mrs. Radoja:** Mr. Salinas has made a motion to adopt the resolution. Is there a second?
- Mr. McCloud:** I second that.
- Mrs. Radoja:** Seconded by Mr. McCloud. Is there any further discussion? Hearing none. I guess I need a roll call vote.
- Mrs. LaSota:** Al Salinas?
- Mr. Salinas:** Yes.
- Mrs. LaSota:** John McCloud?
- Mr. McCloud:** Yes
- Mrs. LaSota:** Pat Gabrione?
- Mr. Gabrione:** No
- Mrs. LaSota:** Jim Brown?
- Mr. Brown:** No
- [inaudible]*
- Mrs. Radoja:** Let the record reflect that it's 3-2.
- Mayor Clay:** Madame Chair:
- Mrs. Radoja:** Mayor Clay.
- Mayor Clay:** I know this may be kind of off the record but Jim Wieser really represents – not represents but has more people ask him to appear here can he make another statement.
- Mrs. Radoja:** Sure.

Mr. Wieser:

Madam Chairman and Members of the Board, having taken a careful look or attempted to take a careful look at the statute, Indiana Code 3-11-10-26 says – and I’ve said it before – I just want to say it again for purposes of the record that a voter is entitled to cast an absentee ballot before an Absentee Voter Board in the Office of the Circuit Court Clerk 29 days before the election. It’s my belief and a belief shared by a number of folks that that would authorize – I agree that if – let me just turn it around for a second – I agree that if you were to authorize satellite voting offices anywhere other than in the Court Clerk’s Office the satellite voting office statute applies, but since voters are entitled to vote in the office, it doesn’t say anything about the Clerk, entitled to vote in the office of the Circuit Court Clerk. They’re entitled to it in those communities. I believe it’s within the purview of the power of this Board to say by simple majority vote that we authorize this and authorize the use of our personnel in the Clerk’s Office. That satellite voting statute applies only if those satellite offices are conducted other than in there because the people – the voters already have an inherent statutory right to vote in the Clerk’s Office. So, I think this Board adopted a motion that said we authorize the Election Board to provide the appropriate personnel and equipment and man power to conduct the satellite voting in those offices. You can do that by simple majority vote and I would encourage you and ask you to do that now. Thank you.

Bruce Lambka:

What do I think? I think the statute hasn’t been quite quoted accurately. I’ll read it: “As an alternative to voting by mail a voter is entitled to cast an absentee ballot before an Absentee Voter Board: (1) in the office of the Circuit Court Clerk (or Board of Election and Registration in a county subject to IC 3-6-5.2); Statute IC 3-6-5.2 is the statute that sets of the Lake County Board of Election and registration” and that part of the code also assigns all of the duties and powers of the Circuit Court Clerk to the Board of Election and registration, which is why the parenthesis are there. Were there no Election Board the argument might be valid. Here, we transferred those from the Circuit Court Clerk to the Board of Election and Registration and of course, we do have in-person voting for 29 days in our office before each election, everything.

[End of Side A]

Mrs. Fajman:

Just so the Board members know, we did have, you know, issues in the primary with people with, you know, wrong precincts and so forth because of the system not having a complete, updated copy of all the voter registrations. The one way to fix that going into the general election is there are computers there, data has indicated, I’ve contacted Qwest, which is the state SBRF system, they have indicated that if we simply gave them an IP address that the county owned and maintained that work there, that they could simply allow access from that satellite location to have a live data feed, which was the biggest problem that we had in the primary

election. We did not have live data. We only had information that was downloaded to the laptop, downloaded before we even completed all the registration processes before the pending voters had made it out of their seven-day pending cycle. Having the live data feed, you would not run into those same problems that we had in the primary. So that has been addressed.

Mrs. Radoja: Attorney Gillion.

David Gillion: I believe both, and it's just my opinion, that the lawyers are going to have to (inaudible) court (inaudible). I agree with what both Lambka and Wieser said. I would point out that the statute referred to by both counsel is the statute 3-11-10-26. It provided two things. One, as an alternate to voting by mail the voter can cast an absentee ballot, number one, in the office of the circuit court clerk or the board of elections. That's one. Or, he may cast it at a satellite office established under section 26-3. In order to cast a vote at a satellite office there must be a resolution passed by this board, unanimously, which allows for a county election board to adopt a resolution to authorize the clerk to establish satellite offices in the county where the votes may be cast. So now there are two places where you can cast this absentee ballot. Number one, in the office of the circuit clerk. That's one way. Then number two, by resolution in a satellite office established by this board by unanimous vote. That satellite office resolution was defeated because it had to be unanimous. However, the statute still provides that you can have absentee balloting without satellite offices but they should be in the office of the circuit clerk. That's Hammond, they have an office. They have an office in Chicago. They have an office in Gary. And they have an office in Crown Point. These are not satellite offices. These are offices of the clerk. They do not require a resolution, they do not require passage, they do not establishing a satellite. They already exist. So, the board has voted down satellite offices elsewhere than the clerk's office. According to the statute, you may still vote in the office of the circuit clerk without resolution. Any my understanding is you've got four offices. They are not satellite offices, they are circuit court clerk offices. The satellite office resolution was defeated.

[Applause]

Mr. Lambka: I simply would point out that we're in a county subject to IC 3-6-5.2. We have a combined Lake County Board of Election and Registration. And in such a county, the absentee voter is entitled to cast an absentee ballot in the Board of Election and Registration Office, which of course, we always have.

Mr. Gillion: I agree, they can. But that's not the only place they can.

Mr. Lambka: Well, we are in a county — or Board of Election and Registration in a county subject to IC 3-6-5.2. In other words, it's alternative. In 91 counties they can vote in the office of the circuit court clerk. In one county, which this one, they vote in the Board of Election and Registration. Which is —

Mr. Gabrione: Did you say may?

Mr. Lambka: Which is the way we've done it, incidentally, in every election since the Lake County Board of Election and Registration was set up by the statute.

Mr. Gabrione: Was that "may"? Did you say "may" or "shall"?

Mr. Lambka: No, the voter is entitled to cast an absentee ballot before an absentee voter board in the office of the circuit court clerk or board of election and registration in any county subject to IC 3-6-5.2, which is this county. You're either in the circuit court clerk's office or in the board of election and registration.

Mrs. Radoja: Did, see, I don't, it didn't say either/or. It said "or".

Mr. Lambka: Yes. Because we're the county that has them.

Mrs. Radoja: I know we're the county that has that. But it says "or." "Or" means you have an option. It doesn't mean you're limited to one of those.

Mr. Lambka: It's actually not an option. It's "or" if you're subject, or the board of election if you're subject to that statute. We're the only one subject to that statute. Everyone's always read it that way before because we've never had voting in the clerk's office anywhere out at all, except by adopting a satellite voter. And in every election we've had the in-person voting in the election board office and never at the clerk's office. Since the establishment of the Lake County Board of Election and Registration.

Mr. Wieser: Can I comment briefly on that? I appreciate what Bruce is saying and said that that's how we've always done it in the past. Well, wait a minute. We have, taking Bruce's example. I'm not agreeing with it, but taking Bruce's, we had satellite voting in the primary. So what changed?

Mr. Lambka: But, well, that was done by unanimous by the Board

Mr. Wieser: And what, wait a minute —

Mr. Lambka: And that was done by setting up by a unanimous vote of the board.

Mr. Wieser: Well, I appreciate that fact. However, I took it upon myself to research your records, and unless you all can find a resolution to that effect, which I couldn't find, and in fact your records in no way reflect, there is no

resolution you adopted in the primary, and there's nothing in your minutes that reflect that. There is no resolution. So you just did it. Now, how can you do it for the primary and not for the general? It doesn't make any sense.

Mr. Salinas: Madame Chairman?

Mrs. Fajman: I just wanted to show you. This is the ballot from the general '06 which showed you had a two-page ballot. That's the ballot from the general '04 which showed a two-page ballot. Going into this year's ballot, this is one for the City of Highland, which would be pretty much the same for anyone who has a school board, which is half of your county. It is a six-page absentee ballot going as much as eight pages for your Infinity voting machine. So those are the differences that you have going into your long lines on election day. If you try to read through these questions, you have at least five local judicial retentions which require you to read a question over "Shall so-and-so be retained in office?" along with justices of the supreme court, tax court, court of appeals and so forth. It is a very long ballot. So everyone knows we will, the media knows, we will count long lines on election day. This will make it even longer without having an opportunity for the voters to be able to do the satellite. I just wanted to show you guys the difference in the ballots if anyone wants to see them.

Mr. Salinas: Madame Chairman, if I may.

Mrs. Radoja: Mr. Salinas.

Mr. Salinas: I want to make a motion that we vote at the circuit clerk's office.

Mrs. Radoja: You're making a motion to establish —

Mr. Salinas: As of, right. Like our rules state.

Mrs. Radoja: Voting at the offices of the circuit court clerk.

Mr. Salinas: Right.

Mrs. Radoja: All the offices of the circuit clerk.

Mr. Salinas: All the ones that we have available for us, like they did in the past.

Mrs. Radoja: All right. I have a motion by Mr. Salinas to permit early voting at the offices of the circuit court clerk, all locations. Is there a second?

Mr. McCloud: I second, Madame Chairman.

Mrs. Radoja: Seconded by Mr. McCloud. Any discussion?

Mr. Gabrione: Does this have to be by unanimous vote?

Mrs. Radoja: According to attorney, no.

Mr. Gabrione: Which attorney?

Mrs. Radoja: Attorney Gillion, the one who said no.

Mr. Lambka: Well there, there's actually no provision in the statute for doing this. Because we either vote at the board of election and registration in this county, or you can also vote at a satellite if it's set up under the statute. There's no, there's no provision in the statute for doing this.

Mrs. Radoja: According to you. And, and I'm getting conflicting interpretations of the statute. So we do have a motion on the floor. Is there any further discussion on that motion?

Mr. Salinas: Madame Chairman, if I may, I'd like to, I haven't heard any rebuttal from the Republican Party. Is there any questions why or answers why we're doing like the satellites, or the motion that I made right now?

Mrs. Radoja: Gentlemen.

Mr. Brown: I have no comment, Mr. Salinas, at this point in time. But thank you. Thank you for inquiring.

Mrs. Radoja: They have no comment. Okay. Hearing none, roll call vote.

Mrs. Radoja: Al Salinas?

Mr. Salinas: Yes.

Mrs. LaSota: John McCloud?

Mr. McCloud: Yes.

Mrs. LoSota: Pat Gabrione?

Mr. Gabrione: No.

Mrs. LaSota: Jim Brown?

Mr. Brown: No.

Mrs. LaSota: Madame Chair?

Mrs. Radoja: Okay. That motion passes.

[Applause]

EXHIBIT 2

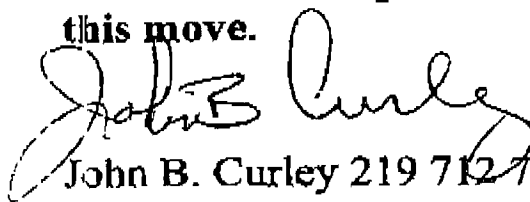
John B. Curley Press Release
9/23/08
Attachment

Lake County Board of Elections Actions

Despite my efforts the Lake County Voter Board has apparently voted to **usurp** the Indiana state law and override the Republican votes illegally placing satellite voting in clerk's offices in **selected** locations in north Lake County. Sites included were **Gary, East Chicago and Hammond.**

South Lake County was left without these early voting locations. Winfield with 1600 voters going to one location was left out. Munster, Dyer and Schererville who have persons displaced by recent flooding were left out. Many long distance commuters in Lowell and Crown Point have limited voting time but were left out.

If you are going to allow satellites for one you must do it for all! I represent the entire county and resent this move.


John B. Curley 219 712 7326

*" They are basically
breaking the law."
GOP doesn't have \$ to fight.*

EXHIBIT 3

1 STATE OF INDIANA) IN THE LAKE SUPERIOR COURT
)SS: CIVIL DIVISION, ROOM TWO
 2 COUNTY OF LAKE) SITTING AT EAST CHICAGO, INDIANA

3
 4 JOHN B. CURLEY, as Chairman of)
 the Lake County, Indiana,)
 republican central committee,)
 5 and as a registered voter, and)
 JIM B. BROWN, as member of the)
 6 Lake County Board of Elections)
 and Registration and as a)
 7 registered voter,)
 Plaintiffs,)
 8)
 vs.) CAUSE NO.
 9) 45D02-0810-PL-190
 LAKE COUNTY BOARD OF ELECTIONS)
 10 AND REGISTRATION, and the)
 HONORABLE THOMAS PHILPOT, not)
 11 individually but as Lake County)
 Clerk,)
 12 Defendants.)

13

14

15 REPORTER'S TRANSCRIPT OF THE TEMPORARY RESTRAINING
 ORDER HEARING held in the above-captioned cause on the
 16 3rd day of October, 2008, before the HONORABLE CALVIN
 D. HAWKINS, Judge of said Court.

17

18

APPEARANCES:

19

20

SENDAK & STAMPER
 21 BY: MR. TIMOTHY R. SENDAK
 209 South Main Street
 22 Crown Point, Indiana 46307
 appeared on behalf of the plaintiffs;

23

5 primary election.

6 Q Can you tell us what has changed between April
7 and your position today, or your position in
8 September of 2008?

9 A What has changed is that this is now the
10 presidential election and not a primary
11 election, and we had some complications with
12 that process in the May election.

13 Q Were your concerns any different in the
14 primary election saying that people are not
15 disenfranchised from voting, having the right
16 to vote? Is there a distinction between the
17 primary and the general election?

18 A I think your characterization of
19 disenfranchisement is incorrect because
20 everyone has an opportunity to vote in
21 Indiana on election day, November 4, 2008.

22 Q They have the same right during the primary?

23 A Yes.

24 Q I'm asking you what distinguishes the primary
25 from the general election?

40

PLTF'S WIT. JIM B. BROWN-CROSS BY MR. WORK

- 1 A In the primary we had several instances, one
2 in particular because of the way things were
3 voted and so forth, we discovered at least
4 one person had voted twice in that election.
- 5 Q That's not the first time that that's occurred
6 in Lake County?
- 7 A When you discover those things, that would
8 suggest you would try to eliminate that
9 possibility.
- 10 Q But the elimination process, or the attempts
11 to eliminate that possibility certainly are
12 not impacted by satellite voting; is that
13 correct?
- 14 A They were simply because we do not and did not
15 have current data at the satellite voting
16 stations. We were working off stale data
17 that was not current on a day-to-day basis
18 because of the way the State handles its
19 voter registration.
- 20 Q That would have occurred whether the voting
21 had taken place at Crown Point or the
22 satellite offices?
- 23 A No, that would not occur in the Crown Point
24 office because we were directly tied into the
25 State voter registration data base and all of

PLTF'S WIT. JIM B. BROWN-REDIRECT BY MR. BROOKS

1 our information was current on a daily basis,
2 Mr. Work.

3 MR. WORK: I have no further questions at this
4 time.

5 THE COURT: Redirect.

6 MR. BROOKS: Just a couple of quick follow-ups.

7 REDIRECT EXAMINATION

8 BY MR. BROOKS:

9 Q Mr. Brown, you reference that voters who would
10 not be -- should this injunction be granted
11 by this Court, there would be not have
12 -- there would not be availability of the
13 satellite in-person absentee ballot voting
14 sites. What are the -- what's a range of
15 options for these voters?

16 A I'm sorry, I don't -- I guess I didn't follow
17 your question.

18 Q Would anybody who didn't have a satellite
19 -- one of these illegal satellite offices
20 available would still have the opportunity to
21 vote absentee by mail; correct?

22 A Yes, that's correct. They could vote by mail.
23 I understand now. They can vote by
24 mail. They certainly can vote in person at
25 the Crown Point office.

42

PLTF'S WIT. JIM B. BROWN-REDIRECT BY MR. BROOKS

1 Q By absentee?
2 A By absentee ballot.
3 Q And they could vote in person on election day?
4 A And on election day, of course.
5 Q So there are plenty of remedies and ways to
6 get a vote?
7 A Yes. There are polling places in every
8 precinct in Lake County, which encompasses
9 over 500 different precincts.
10 Q Do you recall who proposed the Hammond, Gary,
11 and East Chicago sites for the general
12 election?
13 A There were a group of persons who appeared on
14 the 23rd, among which were Chairman Clay --
15 Q Actually, let me limit that. Not to stop you,
16 but who on the Board or the staff of the

19 I would need official notification if someone
20 says we're getting clerks or judges or
21 something. Yes, I participate in that, but
22 no one calls me or tells me we should. And I
23 think rightly so they understand I maybe
24 should know it. But to -- until I get here
25 to find out I'm officially supposed to be

60

PLTF'S WIT. JOHN B. CURLEY-CROSS BY MR. WORK

1 notified, no, I did not know that.

2 THE COURT: Mr. Brooks, any follow-up
3 questions?

4 MR. BROOKS: No, sir.

5 THE COURT: Mr. Work.

6 CROSS EXAMINATION

7 BY MR. WORK:

8 Q Were you notified verbally of -- were you
9 notified verbally of the -- that you were to
10 make written recommendations for
11 appointments?

12 A I was told Wednesday when I talked to Mr.
13 Gasparovic.

- 14 Q In the past, have you not received written
15 notification (indiscernible)?
- 16 A No, sir, I've never received written notice.
- 17 Q If they were sent to the party headquarters,
18 would that -- you wouldn't dispute that?
- 19 A I wouldn't dispute it. I've never seen it.
- 20 Q You have always participated in the process,
21 have you not?
- 22 A Yes, sir.
- 23 Q And you were prepared to participate in the
24 process with regards to the absentee early
25 voting?

61

PLTF'S WIT. JOHN B. CURLEY-CROSS BY MR. WORK

- 1 A Sir, let's back up a little bit.
2 When you say I've always participated in
3 the process, we got a huge process going on.
4 What are you --
- 5 Q I'm talking about the process of recommending
6 the persons to work these sites.
- 7 A To work the polls during the elections?
- 8 Q Yeah.
- 9 A Correct.

10 Q You, of course, indicated to Ms. LaSota you
11 would do so with regards to the satellite
12 sites, did you not?

13 A No. Nick said to me Wednesday they are going
14 ahead with this, which tells me that the
15 majority of the voters are going ahead with
16 it. That didn't say I was going ahead with
17 it, and that didn't say I wanted it.

18 But what I'm saying to you is if you're
19 going to go ahead with it and I don't believe
20 it's right, I'm not going to let you do it
21 without at least having some republicans
22 there.

23 Q Okay. So you had indicated that you would
24 have to have a --

25 A I didn't indicate to her. I indicated to Nick

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PLTF'S WIT. JOHN B. CURLEY-CROSS BY MR. WORK

1 to go ahead and get the people if that's what
2 they're going to go ahead and do.

3 Q All right. To your knowledge, were these
4 people determined?

1 STATE OF INDIANA)
)SS:
 2 COUNTY OF LAKE)
 3 CURLEY, et al)
) CAUSE NO. 45D02-0810-PL-190
 4 vs.)
)
 5 LAKE COUNTY BOARD OF)
 ELECTIONS AND)
 6 REGISTRATION)

7

REPORTER'S CERTIFICATE

8

9 I, JOYCE A. PANKOWSKI, Official Court Reporter of
 the Superior Court of Lake County, Civil Division,
 10 Room Two, East Chicago, Indiana, do hereby certify
 that I am the Official Court Reporter of said court,
 11 duly appointed and sworn to report the evidence of
 causes tried therein.

12

That upon the HEARING ON TERMPORARY RESTRAINING
 13 ORDER held on the 3rd day of October, 2008, I recorded
 and transcribed all statements by counsel, the
 14 evidence given during the trial of this cause, the
 objections of counsel thereto, and the rulings of the
 15 Court upon such objections, the introduction of
 exhibits, the objections thereto, and the Court's
 16 rulings thereon.

17 I further certify that the foregoing transcript as
 prepared, is full, true, correct and complete.

18

IN WITNESS THEREOF, I have hereunto set my hand
 19 and affixed my Official Seal, this 7th day of October,
 2008.

20

21
