

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE NOVEMBER 6, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, November 6, 2023 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Executive Administrator

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Lawson opened the meeting at 9:06 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Beyer moved to approve the Minutes of October 16, 2023 and October 23, 2023 Commissioners' Meetings as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) The Boone County Surveyor's Offices recommends approval of the following bonds:
 - a. Accept the Maintenance Bond for Jackson Run North Section 2 for storm sewer and rear yard subsurface drains in the amount of \$145,700.00.
 - b. Accept the Maintenance Bond for Jackson Run North Section 2 for erosion control in the amount of \$12,500.00.
 - c. Accept the Performance Bond for Bidle Oaks Section 4 for storm sewer and rear yard swale (\$273,494.,10) and erosion control (\$51,642.25) in the amount of \$325,136.35.
 - d. Accept Maintenance Bond for Westpark Logistic Center for storm drains in the amount of \$53,875.00.
 - e. Accept Maintenance Bond for Jackson Run East Section 1 for storm sewer and rear yard subsurface drains in the amount of \$259,800.00.
 - f. Accept Maintenance Bond for Jackson Run East Section 1 for erosion control in the amount of \$31,250.00.

Commissioner Wolfe moved to approve the acceptance of the bonds as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Datacom Connect, Inc construction contract to upgrade the fiber optic backbone cabling. The flat fee for service is in the amount of \$59,250.00. GUTS recommends approval of the service.

Commissioner Beyer moved to approve the Datacom Connect, Inc construction contract. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF BID OPENING FOR RFP IT2023-101
HOSTED VOICE OVER INTERNET PROTOCOL (VOIP) TELEPHONE SERVICES**

Bidder	Date Submitted	Time Received	Downloaded Response to File
Davies-Martin Rural Telephone Corp.	11/3/2023	1:41 PM	Yes
Sharp Business Solutions	10/31/2023	2:05 PM	Yes
Spectrum VoIP	10/30/2023	NM	Yes
People Driven Technology	10/31/2023	NM	Yes
Genesis Business Communication Solutions	11/2/2023	9:11 AM	Yes
Vertical Communications	11/3/2023	9:02 AM	Yes
Telcom Innovations Group LLC	11/2/2023	10:22 AM	Yes
Nextiva Inc	11/3/2023	9:02 AM	Yes
AT&T	11/3/2023	10:34 AM	Yes
TDS Metrocom LLC	11/2/2023	10:22 AM	Yes
Sangoma	11/3/2023	9:02 AM	Yes
Ustronics.com Inc.	11/2/2023	10:22 AM	Yes

Windstream Communications	Rejected - Late Arrival 11-6-2023 8:26 AM _DID NOT OPEN
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Commissioner Wolfe moved to take the bids received under advisement by the IT Support/GUTS department. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF BID OPENING FOR PROJECT 2023-05
SIDEWALK REPLACEMENT IN VARIOUS LOCATIONS**

Bidder	Date Submitted	Time Received	Base Bid	Total Bid
CC and T Construction	11/2/2023	10:02 AM	\$ 29,900.00	\$ 392,420.00
DC Construction Services	11/6/2023	8:16 AM	\$ 33,125.00	\$ 422,625.00
Edward & Jones Concrete Inc.	11/6/2023	8:02 AM	\$ 26,950.00	\$ 356,510.00
Calumet Civil Contractors, Inc.	11/6/2023	8:23 AM	\$ 38,943.75	\$ 499,598.75
Howard Companies	11/6/2023	8:02 AM	\$ 27,995.00	\$ 365,351.00
Mattingly Concrete Inc.	11/6/2023	8:02 AM	\$ 25,511.34	\$ 340,488.36
Morphey Construction	11/6/2023	8:13 AM	\$ 49,025.00	\$ 540,445.00
Olco Inc.	11/6/2023	8:08 AM	\$ 52,849.00	\$ 649,317.00
Wilson Construction LLC	10/31/2023	12:20 PM	\$ 28,444.50	\$ 376,280.10
Chandler Construction, Inc.	11/6/2023	8:18 AM	\$ 39,010.00	\$ 476,028.00

Commissioner Beyer moved to take the bids received under advisement by the Boone County Highway Department. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BID OPENING FOR 2024 FUEL

Co-Alliance Bid received on November 6, 2023 at 8:15 AM.

Item	Quantity	Fixed Price - delivered BCHD	Fixed Price - picked up/station
Gasoline - E10	141,250 gal	\$2.73	\$2.71
Diesel - On Road Prem	46,350 gal	\$3.22	\$3.20
Diesel - Off-Road	32,500 gal	\$3.22	N/A

Commissioner Wolfe moved to accept the Co-Alliance bid. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF ECO-SHRED AGREEMENT

Max Mendenhall presented the Eco-Shred Agreement for shredding services.

Commissioner Wolfe moved to approve the Eco-Shred Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF REQUEST USE OF COURTHOUSE ROTUNDA FOR AN EVENT

Missy Krulik, Executive Director of The Heart of Lebanon, presented the request to use the Courthouse Rotunda on Saturday, December 2nd from 3pm-9pm during the Christmas on the Square Event.

Commissioner Wolfe moved to approve the use of the courthouse rotunda during the Christmas on the Square Event. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF 2024 BOARD APPOINTMENT DISCUSSION

Kaylee Jessie, Executive Administrator, presented the board appointments set to expire at the end of the year.

The Boone County Commissioners are accepting letters of interest with resumes for the following boards: Area Plan Commission Board (1), Alcoholic Beverage Board (1), Board of Zoning Appeals (1), Health Board (4), Community Action of Greater Indianapolis (1), Central Indiana Regional Transportation (1), Convention and Visitors Bureau (2), EMA and LEPC Board (1), Hospital Board of Trustees (2), PTA/BOA (3), Redevelopment Commission (3), Region 5 Workforce Development Board (1), Solid Waste District Board (1).

IN THE MATTER OF ARP PROJECT LIST

Commissioner Wolfe and Claire Gelinas with Boone County Economic Development Corporation (Boone EDC) presented a request on behalf of the Town of Advance for a 180 Makeover Program with READI grant match in the amount of \$50,000.

Commissioner Wolfe moved to approve the Town of Advance's APRA funding request of \$50,000. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

Surveyor Cunningham presented the request to increase the APRA funding for the Trailside 36-inch outlet across Main Street in Whitestown. They are requesting an additional \$450,000 – totaling \$700,000 for the project.

Commissioner Beyer moved to approve the Surveyor's APRA funding request of an additional \$450,000. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BOONE COUNTY SENIOR SERVICES INC SECTION 5311 QUARTERLY CLAIM

County Attorney Bob Clutter presented the Boone County Senior Services Inc (BCSSI) / Boone Area Transit System (BATS) Section 5311 Quarterly Claim in the amount of \$103,679.

Commissioner Beyer moved to approve the BCSSI/BATS 5311 Quarterly Claim. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF DISCUSSION ON COUNTY ROADS SURROUNDING LEAP PROJECT

Jim Love, resident of Boone County, wanted to discuss the road closures and conditions surrounding the Lebanon-Indiana Economic Development Corporation (LEAP) Project. There are issues with barricade placement and access to properties. County Road (CR) 450 between Witt Road and SR 39 was widened with new stone and was turned over to the county. Jim Love asked what is going to be done about dust control within the area. Another resident's internet line was cut approximately three weeks ago during the construction project. The resident has reported the line was cut and is still waiting for a solution. A contractor left a silt fence in one of Love's cornfields and he had to pull up the stakes before harvest to avoid gobbling them up with the combine. He shared pictures of his field entrance and the poor soil conditions that he needed to drive his equipment over. There are issues with field tile. Witt Road is closed to the north of CR 300 N and to the south from SR 47; the westbound lane of CR 300 N is closed from Witt Road to SR 52; CR 375 N is closed from Witt Road to SR 39; and the northbound lane of SR 39 is closed at CR 300 N. Jim love asked where is the oversight for these projects and how can we improve the conditions?

IN THE MATTER OF DISCUSSION ON NOTICES REGARDING ELECTIONS

Charles Bookwalter, resident of Boone County, wanted to discuss the notices regarding elections submitted to the Boone County Commissioners, Boone County Clerk, and the Boone County Election Board. There was a workshop held on Friday, September 29, 2023 at 8:30 AM to discuss elections and the County Clerk and County Election Board opted not to attend. Mike Broach presented the explanation of law role of government and the role of providing notice and read it aloud. (See Appendix #2) David Myers presented the Notice of Maladministration of Federal Funds Impairing Free Elections of State Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent and read it aloud. (See Appendix #3). Charles Bookwalter spoke on the current voting methods using Microvote election machines and the training he attended recently. Sondra Sixberry presented a PowerPoint presentation with data collected by the Indiana First Action (IFA) regarding elections and encouraged the change back to paper ballots. (See Appendix #4). Corina Papabathini supports going back to paper ballots.

**IN THE MATTER OF LPA/USI CONSULTANTS, INC
AGREEMENT BRIDGE 61 REPLACEMENT**

Nick Parr, Director of Highways, presented the Local Public Agency (LPA)/Consultant Agreement with USI Consultants, Inc. for right-of-way services for Project 2021-14, Bridge No. 61 at County Road 1000 E over Eagle Creek north of State Road 32. The total not to exceed (NTE) is \$20,000.

Commissioner Beyer moved to approve the LPA/Consultant Agreement with USI Consultants, Inc. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

BOONE COUNTY JUSTICE CENTER PROJECT UPDATES

Michael Nielsen, Project Manager, presented the following updates for the Boone County Justice Center project:

Safety	● 169 days without a recordable incident. ● Daily and weekly safety meetings continue. ● We will be adding a light on the current barn to help light temporary parking. ● Temporary Ramp making sure with winter it stays free of ice and non-slip. ● We will install a camera in the temporary parking lot as well.
Issues	● Talking through how to maintain the current electrical room and re-design the area so we do not have to move the current electrical panels and UPS. ● Couple areas on site that we will have to go through soil remediation, but we anticipated this.
Milestones accomplished since last update	● October 25th the cutover in operations included. Hagerman took control of the existing Booking, Holding, and Work Release area. ● Current holding and booking area made safe by Hagerman Team. ● Demo of Sally port occurred Friday.

Schedule milestones to be accomplished	● Continue to work on Masonry walls in all interior buildings. Building B, second floor. ● Unit E underground plumbing continues to begin to pour floors. ● Continuing to review Scope for drywall and case work subcontractors. ● Unit B roof steel and Truss delivery on 11/9 ● All storm installation scheduled to be complete by end of this month.
Utilities	● Lebanon Utilities worked hard to complete the switch from the old feed to our building to the new transformer. This is a very large accomplishment for the project, and we want to thank Lebanon Utilities for getting this completed before winter sets in.



Join Us!

Date: November 9, 2023
Time: 3:00 PM – 5:00 PM (Boone County Employees ONLY)
6:00 PM – 8:00 PM (Open to the public)
Location: Connie Lamar Conference Room,
Boone County Annex Building

The Boone County Commissioners are excited to invite you to an event that will provide a sneak peek into the progress and vision for the Boone County Justice Center. Project Team Members will be available to answer questions.

Check out the fly-through video and visual aids that will be displayed.

TIMECLOCK PLUS PROJECT UPDATES

Michael Nielsen, Project Manager, presented the following updates for TimeClock Plus (TCP):

- Continuing to work on policies and procedures with the County Auditor and Human Resources.
- GUTS has worked with Auditor Crum on a few test dumps of TCP into CYMA.

K2M 20 YEAR NEEDS ASSESSMENT PROJECT UPDATES

Michael Nielsen, Project Manager, presented the following updates for K2M 20 Year Needs Assessment Project:

- K2M continues to work through the data retrieved during the interviews with Department Heads and reviewing drawings of buildings.

IN THE MATTER OF STAFF REPORTS

- APC – Stephen Elkins
- Capital Investments / Facilities – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Other Elected Officials

Nick Parr, Director of Highways presented the following item(s):

- 1) Construction in right of way permit (#202310132) for Center Point at 8195 E 250 S in Zionsville for underground construction. There is a blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Beyer moved to approve the construction in right of way permit (#202310132) for Center Point. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Construction in right of way permit (#202310133) for BSM Groups / Charter Communications at various locations for placement of overhead lines and underground construction. There is blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310133) BSM Groups for Charter Communications. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Construction in right of way permit (#202310134) for REMC at 5752 N 900 E in Sheridan for underground construction. There is a blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310134) for REMC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 4) Construction in right of way permit (#202310135) for Charter at 9441 W 700 N for underground construction. There is a blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310135) for Charter. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5) Construction in right of way permit (#202310136) for TNT Concrete at Boone County Bridge No. 182 for emergency bridge repair. The Boone County Highway Department recommends approval and to waive the bond.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310136) for TNT Concrete. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 6) Construction in right of way permit (#202310137) for REMC at Boone County Small Structure WA-030 for the relocation of Projection 2022-18. The Boone County Highway Department recommends approval and to waive the bond.

Commissioner Beyer moved to approve the construction in right of way permit (#202310137) for REMC. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 7) Construction in right of way permit (#202310138) for REMC at 4255 N Hazelrigg Road for underground construction. There is a blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Wolfe moved to approve the Construction in right of way permit (#202310138) for REMC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 8) Construction in right of way permit (#202310139) for BMS Groups / Charter Communications at 6925 E 525 S for underground construction. There is a blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Beyer moved to approve the construction in right of way permit (#202310139) for BMS Groups / Charter Communications. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF DOCUMENT SIGNING

- 1) An affidavit for payment to GM Development in the amount of \$2,019,951.00 for Draw Request 011 for the construction of BCJC Expansion.

Commissioner Beyer moved to approve ratifying the affidavit for payment to GM Development. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) An affidavit for payment to Lochmueller Group in the amount of \$10,102.45 (Invoice #311730) for the Boone County Culvert SC015 replacement.

Commissioner Wolfe moved to approve the affidavit for payment to Lochmueller Group. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Claims Dockets – regular, prepaids, payroll, and insurance.

Commissioner Wolfe moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

See Appendix #5 for a list of mail opened by the Commissioners on this date.

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 11:21 AM on Monday, November 6, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

Explanation of lawful role of government and the role of providing notice:

1. The People created a public trust, the state constitution, for the sole benefit of the People, who are the beneficiaries of the public trust. The only reason for the public trust is to benefit the People.
2. The public trust, the constitution, delegates certain authority from the People to three branches of government: legislative, executive, and judicial. Government acts as an agent for the benefit of the People.
3. In each branch of government, there are trustees, which means anyone who exercises the authority delegated by the People in the public trust, such as governor, judge, county commissioner, sheriff, clerk, bureaucrat, etc.
4. The state constitution, created by the People, institutes a republican form of government, which means government open to administration by the People.
5. The public trust, the constitution, is an expressed document, which means that everything is written and that trustees cannot exercise any authority unless it is an authority written by the People in the public trust, the constitution.
6. In order to exercise the authority in the public trust, trustees, first, swear an oath that they will abide by the terms of the public trust and only exercise the authority written by the People in the public trust.
7. Breach of trust includes any act done by a trustee contrary to the terms of the trust, in excess of authority delegated in the trust and to the detriment of the trust, whether willful, by omission, negligence, oversight, or forgetfulness.

Breach of trust means that trustees are at war with the public trust, the constitution.

8. Commissioner Beyer summarized this as follows in a previous meeting where the previous notice was discussed when he said government acts as the agent of the People to protect their inalienable rights, only with the People's authority and under the People's control. Government officials are trustees of the trust (the constitutions) for the beneficiaries (the People) of the trust. Trustees (government officials) cannot use any power not delegated in the constitutions against the People, rather only delegated power can be used for the benefit of the People.

Indiana Code is simply the government policy that is established in order to administer the People's business. Using that policy, no authority can be created by government that has not already been specifically delegated by the People in the constitutions. While it is not necessary because the constitutions stand on their own, this is specifically stated in Indiana Code 1-1-2-1, Hierarchy of Law, which states that the state and federal constitutions are first (supreme) followed by statutes (code) of the state and federal government that are consistent with such constitutions.

Specific explanation and main points of this new notice:

1. A notice is a legal document intended to provide information. This notice provides information about the maladministration of elections and provides an opportunity for such maladministration to be corrected.

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent means that anyone who receives the notice, such as an administrative assistant, is to provide this notice to the principal (the Secretary of State, the County Commissioners, or the County Election Board in this case), and similarly, the Secretary of State, the County Commissioners, or the County Election Board (the Principal) are to provide this notice to everyone who works in the their offices, including any appointees, and including those who appoint them, and whoever else may act on their behalf, in order to achieve all of its intended audience.

2. This notice repeats the following from the first notice delivered in September, as follows: Our state constitution (in Article 1, which is our state constitutions' Bill of Rights, Sections 1, 25, and 31) declares that all power is inherent in the People, that the People are endowed by their creator with certain inalienable rights, that no power exists in government except where it is derived from and delegated by the People, and that the People are to instruct their representatives, which is the purpose of a notice.

Indiana Constitution Article 2 (Suffrage and Election), Section 1 declares that "All elections shall be free and equal". In the 1816 constitution, this was declared in the Bill of Rights (Article 1, Section 4). Free is defined as "subject only to fixed laws (the constitutions), made by consent, and to a regular administration of such laws (constitutions)", "open", "unencumbered". In other words, free from interference, free from maladministration, free from improper influence or conduct; public, not hidden, exposed to view.

In addition to citing the state constitution, the notice also cites various Maxims of Law. As was mentioned by Commissioner Beyer in a previous meeting where the previous notice was discussed, Maxims of Law are established principles universally admitted as being a correct statement of the law without proof, argument, or discourse. They are fundamental principles which form the basis of law and that have been universally accepted as being the true rules and principles of law and to which reference must be frequently made in its application.

3. Then this notice declares that elections belong to the People, not to the government.

Federal money in state elections interferes with the People's right to free elections and the lawful administration of elections as declared by the People in the Indiana Constitution. Furthermore, the Federal government has zero authority to provide funds for and to shape elections (see the enumerated powers in the Federal Constitution Article 1, Section 8, which is the only authority that the Federal government has been delegated).

Any federal money that requires state elections to conform to federal election standards is maladministration, which means wrong administration, and bad form of government because it forms an unlawful partnership between state and federal government conflating the distribution of powers. When receiving public money from the People of the State, the State cannot also receive money from the Federal Government because then the State is acting as a double agent and entering into a program with the Federal Government creating dual loyalty such that instead of having loyalty to the People of the State, the loyalty is to the Federal Government.

4. **No blame is being placed for past actions by trustees; however, now that notice has been given about what is being done wrong, the expectation is that corrective action be taken (remedy be provided as outlined in the notice) so that trustees are not in breach of trust.**

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

To: Secretary of State, Diego Morales; County Commissioners; County Election Board

I, the undersigned, one of the People (as seen in the Indiana Constitution, Article 1, Section 1), republican in form, *Sui Juris*, do Notice you, by Necessity, that you do provide due care:

Please take Notice that the People have all political power. Elections are political events that belong to the People. The State of Indiana, through the Secretary of State, supervises elections, which means its policy is not law, and no law can be inconsistent with free and equal elections (see evidence below).

Indiana Constitution Article 1 Section 1 – Inherent Rights

“WE DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government.”

Indiana Constitution Article 2 Section 1 – Elections

“All elections shall be free and equal.”

Indiana Constitution Article 4 Section 22 – Local and Special Laws

“The General Assembly shall not pass local or special laws: ...Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;...”

Maxim of Law 47a: “Whenever the interpretation of liberty is doubtful, the answer should be on the side of liberty” *Dig. 50, 17, 20; Co. Litt. 116.*

Please take Further Notice that county elections are maladministered because the State of Indiana is in contract with a program for federal funds as part of the Help America Vote Act of 2002 (see evidence below).

Help America Vote Act of 2002, Pub. Law 107-252, 116 Stat 1666

“To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.”

Please take Notice that counties are organized body politic and corporate, which means that local rule of government is essential to county government. Federal funds in exchange for state election policy waives the benefit of free and equal elections. Under Indiana Constitution Article 13 Section 1, there is reference to the existence of political and municipal corporations of the State (see also evidence below).

Indiana Constitution Article 3 – Distribution of Powers; Section 1 – Three Departments

“The powers of the Government are divided into three separate departments; the Legislative, the Executive including the Administrative, and the Judicial: and no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.”

Indiana Constitution Article 1 Section 25 – Laws – Taking Effect

“No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.”

Maxim of Law 83e: “Nothing is more just than that which is necessary.” *Dav. Ir. K.B. 12; Branch, Princ.*

Please show me the evidence that federal funds influencing state election policy makes county elections free. Failure to show me this evidence means that elections are not free when federal money shapes state policy.

Please take Final Notice that it is my wish, demand, and order that you restore free and open elections, as the Indiana Constitution secures, which means that elections are one day, use paper ballots, hand count the ballots, only have mail-in ballots for physically handicapped or deployed military, and give all due diligence that elections remain free and equal, and that you do publicly declare, within fourteen (14) days receipt of this notice, that all elections shall conform to the lawful standard of free and equal, and that you never waive the benefit of free and equal elections.



BOONE COUNTY

A COST COMPARISON OF ELECTION SYSTEMS

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Indiana First Action



IndianaFirstAction.com

History of Voting Methods



Voting Practices used in USA over time

- **Voice Voting**
- **Evolution of Paper Ballots**
 - Back of envelope
 - Printed offices to be elected – voter wrote in the name
 - Straight Party Tickets
- **First Voting Machines – Lever operated Machines/Tabulators**
 - Paper Ballots
 - Hanging Chads
- **Election Machines self contained**
- **Election Machines with printed Paper Ballots and Tabulators**
- **Help America Vote Act (HAVA)**
 - Push for electronic voting with mandated standards
- **AND then the Backlash ...**

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Paper Ballots



According to Pew Research:

- Counting paper ballots has been done for hundreds of years and in most countries around the world (including USA).
- It is a tried and true method that we've relied on for centuries.
- Despite electronic voting, votes are cast by manually marking ballots in 209 of the 227 countries in the Electoral Knowledge Network database.
- Paper Ballots are by far the most common form of voting.
- Electronic Voting Machines are only used in 10% of the countries for which data is available.

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POLITICO

MAGAZINE

THE FRIDAY COVER

One Man's Quest to Break Open the Secretive World of American Voting Machines

Why doesn't anyone know what a voting machine costs?

Why doesn't anyone know what a voting machine costs



By BEN WOYCHOWSKI
04/25/2021 04:30 AM EDT

When President Donald Trump began spreading the conspiracy theories about why Joe Biden beat him in November's election, he swung at all the glittery targets: The media, Democrats, China. But he saved his most spectacular accusations for a more obscure and

Cost of Voting



Wharton College Study
Matthew Caulfield

- 2016 – Professor - How big, precisely, was the U.S. elections industry?
- “It was supposed to be a one-semester thing,” Caulfield recalled. “Easy.”
- 5 years later.....
- private companies are private, and they don't have to disclose information like annual earnings or market share.
- Publications Caulfield & Coppersmith
 - “The Business of Voting”
 - “Price of Voting”

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Indiana First Action



IndianaFirstAction.com

SOURCES



- **Boone County Recent Election Costs**
 - Gateway Indiana
 - https://gateway.ifionline.org/report_builder/
 - BUDGET Documents – Detailed Description (Machines)
 - EXPENDITURE Documents
 - State Board of Accounts (SBOA)
 - <https://www.in.gov/sboa/>
 - Annual Financial Reports
 - Federal Funds (HAVA & CARES) and when expended
- **Hand Counted Paper Ballots**
 - Indiana First Action's "Hand Counted Paper Ballot Model"
 - Indiana Secretary of State Voter Turnout Statistics

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COUNTY BUDGET from GATEWAY



Description from Budget	2019	2020	2021	2022	2023
ROOM RENT	\$ 2,000.00	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 1,500.00
SOFT MAINT AGREEMENT	\$25,250.00	\$30,000.00	\$18,000.00	\$30,000.00	\$30,000.00
ST MTGS	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
TRAIN	\$ 1,500.00	\$ -	\$ -	\$ -	
Transport Voting Machines					
VOTER MACH MECH (4)	\$ 8,000.00	\$ 8,000.00	\$ -	\$ 9,500.00	\$ 9,500.00
Repair Voting Machines					
MILEAGE-MACH MECH	\$ 500.00	\$ 600.00	\$ -	\$ 800.00	\$ 800.00
VOTING MACH ASSISTS (2)	\$ -	\$ -	\$ -	\$ -	
Capital Outlays from Budget	\$ 2,640.00	\$ 2,000.00	\$ -	\$14,000.00	\$ 5,000.00
Total	\$41,390.00	\$44,100.00	\$19,500.00	\$57,800.00	\$48,300.00

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CAPITAL OUTLAY from SBOA



YR	Description	Received	Disbursed	Remaining
2005	HAVA	\$238,000		\$238,000
2006	HAVA		\$237,989	\$11
2007	HAVA			\$11
2008	New Voting Machines			\$11
2009	New Voting Machines			\$11
2010	New Voting Machines			\$11
2010	HAVA	\$408,525	\$209,227	\$199,298
2011	New Voting Machines			\$11
2011	HAVA	\$11	\$6,891	\$192,418
2012	HAVA (Disabled)	\$5,000	\$34,622	\$162,796
2013	HAVA		\$9,500	\$153,296
2014	HAVA		\$51,850	\$101,446
2015	HAVA			\$101,446
2016	HAVA		\$101,446	\$0
2017				\$0
2018				\$0
2019				\$0
2020	CARES	\$13,798	\$15,013	-\$1,215
2021	CARES			-\$1,215
2022	CARES	\$1,215		\$0
2023				
TOTALS		\$666,549	\$666,538	
AVERAGE			\$37,030	PER YEAR

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Estimate Cost for Machine per Election



Election ▼	Type ▼	Budget Services ▼	Capital Outlay from SBOA ▼	Total Cost/Election ▼
2022	Primary	\$28,900	\$18,515	\$47,415
2022	General	\$28,900	\$18,515	\$47,415
2020	Primary	\$22,050	\$18,515	\$40,565
2020	General	\$22,050	\$18,515	\$40,565
2019	Primary	\$21,195	\$18,515	\$39,710
2019	Municipal	\$21,195	\$18,515	\$39,710
2018	Primary	\$17,375	\$18,515	\$35,890
2018	General	\$17,375	\$18,515	\$35,890

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IFA – Hand Count Model



BALLOTS PER PRECINCT	NUMBER OF TEAMS	NUMBER OF VOLUNTEERS	TIME NEEDED FOR MUNICIPALS	TIME NEEDED FOR PRIMARY/GENERAL
600	3 teams of 2	6	Done by 8 pm 100 Ballots/Hour x 2 Hours x 3 Teams = 600 Ballots	Done by 10 pm 50 Ballots/Hour x 4 Hours x 3 Teams = 600 Ballots
1200	6 teams of 2	12	Done by 8 pm 100 Ballots/Hour x 2 Hours x 6 Teams = 1200 Ballots	Done by 10 pm 50 Ballots/Hour x 4 Hours x 6 Teams = 1200 Ballots
1800	9 teams of 2	18	Done by 8 pm 100 Ballots/Hour x 2 Hours x 9 Teams = 1800 Ballots	Done by 10 pm 50 Ballots/Hour x 4 Hours x 9 Teams = 1800 Ballots

INDIANA FIRST ACTION'S HAND COUNTING PAPER BALLOT MODEL / 7

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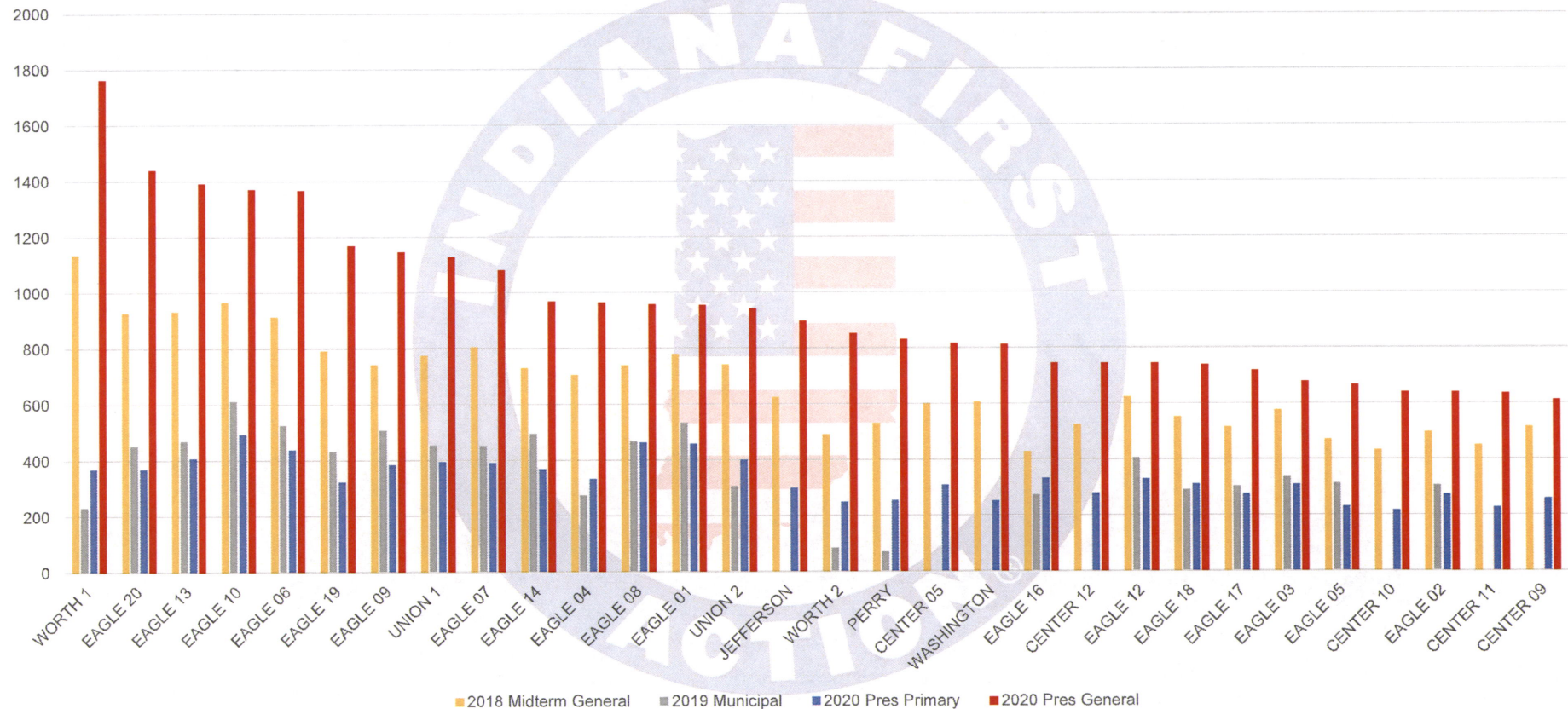


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IFA – Hand Count Model



Boone County Indiana - Ballots Cast by Precinct



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IFA – Hand Count Model



Election	Type	Registered Voters	Voters Voting	Average Voter/Precinct	Total Precincts	# Teams	Counters per Precinct	Total Counters
2022	General	56,847	25,098	474	53	3	6	318
2022	Primary	55,587	9,763	184	53	1	2	106
2020	General	53,840	38,992	736	53	4	8	424
2020	Primary	51,564	13,811	261	53	2	4	212
2019	Municipal	29,644	9,402	336	28	2	4	112
2019	Muni Pri	12,370	2,713	97	28	1	2	56
2018	General	49,251	27,789	524	53	3	6	318
2018	Primary	48,050	10,336	195	53	1	2	106

COUNTING COMPLETED IN 2 HOURS - 8PM

Municipal Elections

100 ballots/Hr

1 Team for every 200 ballots

1 Team = 2 Counters

COUNTING COMPLETED IN 4 HOURS - 10PM

Primary & General Elections

50 Ballots/Hr

1 Team for every 200 Ballots

1 Team = 2 Counters

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Cost Comparison



Election	Type	Voters Voting	Total Counters	Cost of Hand Count @ \$125/Counter	Total Cost/Election	Savings from Paper Ballots
2022	General	25,098	318	\$39,750	\$47,415	\$7,665
2022	Primary	9,763	106	\$13,250	\$47,415	\$34,165
2020	General	38,992	424	\$53,000	\$40,565	-\$12,435
2020	Primary	13,811	212	\$26,500	\$40,565	\$14,065
2019	Municipal	9,402	112	\$14,000	\$39,710	\$25,710
2019	Muni Pri	2,713	56	\$7,000	\$39,710	\$32,710
2018	General	27,789	318	\$39,750	\$35,890	-\$3,860
2018	Primary	10,336	106	\$13,250	\$35,890	\$22,640
Savings OVER last 5 years						\$120,660

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Conclusions



- Evaluating Current Costs of Elections is cumbersome
 - Initial Machine Costs
 - Upgrades/Updates
 - Maintenance/Repairs
 - Transport/Storage
 - Training
- Hand Counted Paper Ballots Cost is easy to quantify.
 - Cost only increases as voter participation increases.
- Hand Counted Paper Ballots have the potential to reduce costs in our elections.
- Estimate savings over the last 5 years is approximately \$120,000.

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