



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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December 22, 2015

Mr. Theodore Miller  
831 Douglas Drive  
Evansville, Indiana 47712

*Re: Formal Complaint 15-FC-311; Alleged Violation of the Access to Open Door Law by the Vanderburgh County Election Board*

Dear Mr. Miller:

This letter is in response to your formal complaint, which alleges the Vanderburgh County Election Board ("Board") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.*

Your complaint dated November 11, 2015 alleges the Vanderburgh County Election Board violated the Open Door Law by conducting a meeting without proper notice.

The Evansville Courier and Press reported the County Clerk had found several hundred absentee ballots which had not been counted. It was also reported there would be a meeting concerning the matter on November 9, 2015. You contend no notice was posted.

It is the intent of the Open Door Law (ODL) that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. See Ind. Code § 5-14-1.5-3(a).

Ind. Code § 5-14-1.5-5(a) states that public notice of a meeting must be provided at least 48 hours in advance. Ind. Code § 5-14-1.5-5(b) requires that notice be public posted outside the principal office of public agency holding the meeting.

Based on the facts provided, I cannot determine if the meeting actually took place. If the meeting were taking place at 9:00 a.m., on Monday, November 9, 2015, notice would need to be posted in advance by November 5, 2015 at 9:00 a.m. But this is only if the County Election Board met as a majority.



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You also mention an agenda which may have been used; however, I am confused as to which meeting, if any, to which you are referring. If there is more information you have regarding these series of meetings or events, please follow up with my office in order that I may make a more accurate determination.

Please do not hesitate to contact me with any questions.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt  
Public Access Counselor