

Serve

INDIANA ELECTIONS DIVISION  
2022 NOV 29 AM 9:07

**BEFORE THE  
INDIANA RECOUNT COMMISSION**

**ORDER 2022-10  
ORDER OF IMPOUNDMENT**

The Indiana Recount Commission convened on April 23, 2018 and adopted Order 2018-01, which is incorporated herein by reference.

Order 2018-01 employed Mr. Philip A. Sicuso as Recount Director, and designated Mr. Sicuso to exercise any of the powers of the Commission, including the ordering of the impoundment of any election records and equipment under Indiana Code 3-12-10.

On November 28, 2022, at 9:38 a.m. EST, a petition for the impoundment of election equipment and materials utilized or related to the general election for Indiana State House District 62 on November 8, 2022, was filed with the Indiana Election Division by David Henry, the Monroe County Democratic Party chair, a county chairman who resides in a county located within Indiana State House District 62 and who is a member of the same political party as Penny Githens, a candidate entitled to petition for a recount under Indiana Code 3-12-11, which is incorporated herein by reference.

Under IC 3-12-11-16, the Indiana Recount Commission shall impound and provide for the protection of all ballots, electronic voting systems used at the election for casting votes in all of the precincts within the election district, all tally sheets relating to votes cast for the office, and all poll lists of persons registered by the poll clerks as having voted for the office, and take possession of, transport, or otherwise protect any election records or equipment

Having determined, based on the filing of the aforesaid request, that the following election to a state legislative office may be subject to a recount proceeding, namely:

**The election for Indiana State House, District 62**

**IT IS THEREFORE ORDERED** that the Indiana State Police immediately impound and secure the following election materials, currently in the possession of the Brown County Election Board, the Jackson County Election Board, and the Monroe County Election Board for all precincts within Indiana State House District 62, which is located entirely within Brown County, Jackson County, and Monroe County:

(1) All ballots and voting systems (as defined in IC 3-5-2) used (or prepared for use) at the November 8, 2022 general election for casting votes in Indiana State House, District 62.

(2) All tally sheets and canvass sheets related to the votes cast in Indiana State House, District 62 at that election.



(3) All poll lists and electronic pollbooks relating to the votes cast in Indiana State House, District 62 at that election.

(4) All other election materials, records, or equipment, including all absentee ballot applications, affidavits and envelopes and canvass materials used in the election for this office within the precincts or any vote center, or created during any canvass conducted under IC 3-12-4; the central count of absentee ballots under IC 3-11.5; the counting of provisional ballots under IC 3-11.7; and the counting of overseas ballots under IC 3-12-1-17.

**IT IS FURTHER ORDERED** that this specified election material remain impounded until further order of the Indiana Recount Commission.

So ordered this 28<sup>th</sup> day of November, 2022.



/s/ Philip A. Sicuso  
Philip A. Sicuso, Recount Director  
Acting on behalf of and  
Under the authority of the  
Indiana Recount Commission

**Copies to:**

Indiana State Police  
Indiana State Board of Accounts

Brown County Election Board  
Jackson County Election Board  
Monroe County Election Board

Petitioner David Henry  
PO Box 92  
Bloomington, IN 47402

Candidate Penny Githens  
PO Box 7381  
Bloomington, IN 47408

Respondent Dave Hall  
11454 W US Hwy 50  
Norman, IN 47264