

## St Joseph County Election Board

101 S. Main ST.

South Bend, IN 46601

Thomas Dixon, Republican Chair

Telephone 574-235-9635

Charles Leone, Democrat Chair

Fax 574-235-9838

Amy Rolfes, Secretary

February 22, 2023

3:30 PM

### Minutes for 02/22/2023 Meeting

#### 1. Call to order

Present are:

Dave Smith-Machine Tech

Oliver Davis-Citizen

Henry Davis Jr- Citizen

Nick Abernathy- RBM

John Butler-SJC Auditor

Trisha Carrico-Chief Deputy

Shayla Kimbrough-Finance Deputy

Donna Hurley-VR Supervisor

Judy Bradford- League of women Voters SBA

Pam L Brown-Citizen

Pat Schaefer-Citizen

Mike Mcmanus-Self

Mike Kruk-Citizen

John Harlan-Citizen

Shane Williams Inez-SB City Clerk's

Dawn Jones-SB City Clerk

Sylvia Carrillo

Drew Duncan-Candidate

Susan Baxmeyer-St Joseph Co Republicans

Kim Riskovich-Election Clerk

Martina Carrillo-Citizen

Mark Rolfes- Citizen

Tom Cotton-St Joseph Libertarian Party

Jeremy McDonald -Election Board Atty.

Bruce Mitchell-Citizen

Joe Rice-Executive Administrative Assistant to the Clerk

2. Pledge of Allegiance
3. Mr. Dixon went through the agenda
4. Mr. Dixon went through the calculated requirements for the upcoming election. Democrats and Republicans each need 60 clerks, 24 judges, and 24 inspectors.
5. Mr. Dixon went over Candidates who still need to turn in a CFA one form.
6. Mr. Dixon brought up the order adopting the amendment to the Saint Joseph County Vote Center plan for 2023 only.
  - The vote was done in 2 sections: This is only for the 2023 election cycle & the minimum number of vote centers will be raised to 20.
  - Mr. Dixon entertained a motion to adopt the order subject to the changes discussed.
  - Motion carried unanimously.
  - It was determined there will be 24 vote centers.
7. Next item- Vote on the February 15<sup>th</sup> hearing challenging the candidacy of Bruce Mitchell of District 6.
  - Mr. Dixon summarized the situation, and stated that the letters received by the board, and Chairwoman Hess, would be made part of the record. Chairwoman Hess, Vice Chair Westerhausen, and Secretary Muhammad for the Saint Joseph County Democratic party have submitted a letter that would also be added to the record.
  - Mr. Dixon stated each member will comment on the hearing and then they would put it to a vote.
  - Mr. Leone stated his opinion, regarding the law and how it is written. He also stated the question becomes “What is our authority”? He then stated he does not see anything under Indiana election law that allows us to make an exception. Mr. Leone also stated that if the board did overturn the challenge, it could open the board up to questions regarding its judgment and used the Connory case as an example. Mr. Leone voted to uphold the challenge.
  - Mr. Dixon stated he was aware of the Connory case and stated that he looked at the spirit/intent of the law in addition to the way it was written. He believed the intent is to stop people from hopping parties, and sabotaging candidates. Mr. Dixon stated this was the reason he asked Chairwoman Hess if she had any doubt Mr. Mitchell was a democrat, and the response was no. Mr. Dixon stated if the board gives a clear explanation why it is not upholding the challenge, then a slippery slope could be avoided. Mr. Dixon believes there is a conflict between state statute and state/federal law. He believes there is evidence of a disparate impact and was not satisfied with the explanation Chairwoman Hess gave on February 15<sup>th</sup>, 2023. He voted to oppose the challenge.

- Mrs. Rolfes stated she had a prepared statement and understands both sides. She was advised by legal counsel to abstain from voting.
  - Mr. Leone responded to Mr. Dixon.
  - Mr. Dixon responded to Mr. Leone.
  - Vote took place, motion does not carry. Mr. Mitchell will be allowed to appear on the ballot.
8. Next issue- Mr. Leone wanted to discuss in a future meeting about the possibility of getting periodic updates from Voter Registration and what those would include.
9. Next issue- Mr. Dixon brought up the possibility of scheduling future meetings later, timewise, to be more accommodating. The board members agreed to discuss schedules via e-mail.
10. Mr. Dixon asked Dave Smith if there was a date scheduled for public testing. Dave Smith suggests March 31<sup>st</sup> at the warehouse. The Board agrees on March 31<sup>st</sup> at 10 AM. Mr. Smith asked how many Optical Voting Operation Systems (OVOS, or ballot box scanners) are needed for the test? The board agrees on 6. Mr. Smith then goes through a list of needs. Voter Registration needs to set the voting center locations in the Statewide Voter Registration System and send out contact letters to those sites.
- Trisha Carrico stated the letters are ready, they are waiting for the board's approval, and include the changes from the previous fall.
  - Mr. Dixon entertained a motion to formally approve the vote center form letters for schools/ non-school. The matter was agreed upon unanimously.
  - Mr. Smith then stated he needs permission to hire vote technicians. He is expecting to hire around 30 at \$20.00/HR.
  - Mr. Smith needs the envelopes with the tapes and flash drives from the 2022 general election at the warehouse and gives an explanation.
  - Mr. Leone asked Jeremy McDonald to confirm with the election division in Indianapolis if flash drives can be overridden.
  - Mr. Smith stated they would like to start on March 13<sup>th</sup>, and there is an opening for a democratic machine technician.
  - Mr. Dixon requested that Mr. Smith send a thumbnail of the list, along with deadlines.
11. Mr. Dixon asked if Mr. Hamilton showed up, he was answered no.
12. Kim Riskovich stated March 17<sup>th</sup> is the deadline for parties to give written recommendations for absentee office and ballot counters. Mr. Dixon stated the board is open to recommendations.
13. Public Comments
- Mike McManus spoke
  - Pam Claeys spoke
  - Jessica Logan spoke
14. Adjourned