

ST. JOSEPH COUNTY ELECTION BOARD

101 S. MAIN ST.
SOUTH BEND, IN 46601

M. CATHERINE FANELLO, CHAIRPERSON
MURRAY WINN, REPUBLICAN MEMBER
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September 7, 2018

St. Joseph County
Special Election Board hearing
1:00 p.m.

1. Call to order

It being the appointed date and time, Chairman M. Catherine Fanello calls the St. Joseph County Election Board Hearing to order. Present are Murray Winn, Republican Member and Ex-Officio Clerk of the Circuit Court, Terri J. Rethlake, also present are:

Kimberly Riskovitch- Rep. Member Voter Reg (Witness)
Rick Hunt-Witness (Kim Teska)
Jason Critchlow-Democratic County Chair
Arielle Brandy-Dem. Member Voter Reg
John Kuehn-Attorney (Kim Teska)
John Anella-Witness (Kim Teska)
Stan Wruble-Witness (Kim Teska)
Lynn Fitzpatrick-Republican County Chair
Jamie Woods-County Attorney
Penny Stratton-Election Clerk
Jen Hudak-Voter Registration (Witness Kim Teska)
Kim Teska (Via Cell Phone)

New Business

2. Jamie Woods explained the process of the hearing for the Candidate Filing Challenge filed by Kim Teska. Mr. Woods asked Mr. Kuehn if he was motioning to continue the hearing.

Mr. Kuehn requested the motion to continue.

Catherine asked Terri to explain the deadlines we were against for printing ballots. Terri informed everyone that we had to have the ballots done by Wednesday 9-12-18 to get them to the printers and back by the deadline.

Catherine asked Mr. Woods if we could proceed with the witnesses here and if needed, reconvene the hearing on the Election Board meeting that is scheduled for 9-12-18 at 1:00 PM. Mr. Woods stated that would be fine but to remember that Wednesday would be our drop-dead date, so we would need a decision on Wednesday.

Mr. Kuehn asked to have the Candidate Filing Challenge entered as evidence. He stated that Ms. Teska made a timely filing on August 24, 2018 and had more signatures than needed before the noon deadline. He said the Clerk's office refused to file stamp the petition before the validation of signatures and feels this is in contradiction of the statutory requirement. There is no authority to require that step before filing. He asked the board to find that Ms. Teska complied with the statutory requirements and she filed a valid petition and that petition be deemed valid and she be placed on the ballot. Catherine asked Mr. Kuehn how he read IC 3-8-2.5-5 (a) and (c), he stated he didn't agree with her interpretation of the code. Murray asked if the Clerk file stamped the petition then there weren't the required signatures what would happen. Mr. Kuehn said then the candidate wouldn't be validly placed on the ballot. Murray asked if Ms. Teska realized that the signatures had to be from the district of the seat she was seeking to fill. Mr. Kuehn said she didn't realize it for the first petition that was filed around 10:00 AM.

Mr. Kuehn called Mr. Stanley Wruble as a witness. Mr. Woods swore Mr. Wruble in. Mr. Kuehn asked Mr. Wruble if he was present when Ms. Teska submitted her petition to Voter's registration on August 24, 2018. Mr. Wruble stated he was with the second round of petitions, and he arrived around 11:40 to 11:55ish. He said he helped to get signatures and got some other people to gather signatures also. When he arrived some of the signatures were being validated. Mr. Kuehn showed Mr. Wruble some documents and questioned him what some of the marks on the documents meant. Mr. Wruble wasn't sure of this but thought NR means "not registered" so they wouldn't be able to count. His understanding is if the precinct/ward has numbers filled in they are in the correct district. Mr. Wruble counted the number of valid signatures and stated there were 15. Mr. Wruble said after the signatures were verified he went to the Clerk's office to see if the petitions could be filed. He stated that Terri Rethlake and her Chief Deputy Rita Glenn weren't in the office this day and he spoke with Penny. Penny told him she could not take the petitions because it was after 12:00 PM but had a call into Terri and if she said the petitions could be accepted she would have him bring them back to the Clerk's office. Mr. Wruble kept the original petitions. Mr. Kuehn gave him some more documents and asked Mr. Wruble to describe what they were. Mr. Wruble explained the CAN-12 was the Statement of Economic Interest for Local and School Board Offices and the other was Consent of Candidate Nominated by Petition. The Election Board didn't have any questions for Mr. Wruble.

Mr. Kuehn called Mr. John Anella as a witness. Mr. Woods swore Mr. Anella in. Mr. Kuehn asked Mr. Anella if he assisted Ms. Teska with submitting the petitions on August 24, 2018. Mr. Anella said he delivered five signatures at 11:54 AM at the Voter Registration and that Mr. Wruble arrived shortly after him. He stated that they had at least ten valid signatures at Voter Registration before noon. At 12:02 PM Voter Registration told them they were going to stop processing because it was after noon and

the Clerk's office wouldn't take them. Terri asked Mr. Anella if he said Mr. Wruble came in after him and confirmed that is correct but it was before noon. Mr. Anella was excused.

Mr. Kuehn called Ms. Jen Hudak as a witness. Mr. Woods swore Ms. Hudak in. Ms. Hudak explained what her duties were in Voter Registration. Mr. Kuehn asked if she was involved in processing petitions for School Boards. Ms. Hudak said she was and explained the process of validating the signatures. Mr. Kuehn asked what the writing in red meant. Ms. Hudak said "dist" means not in the correct district, "NR" means not registered, "add" means address in the computer doesn't match address on petition, and a number written in precinct/ward column means the signature is valid. She said she was processing the petitions with Kim Riskovitch that day. Mr. Kuehn asked Ms. Hudak if they validated more than ten signatures before noon, she confirmed they had validated at least ten before noon. Murray asked Ms. Hudak how many signatures she checked, and she said that she had checked four signatures personally. Murray stated that means more than Ms. Hudak and Kim were checking signatures. Ms. Hudak confirmed that Kim and Arielle were checking signatures then she took over after Arielle left around noon. Ms. Hudak was excused.

Mr. Kuehn called Ms. Kim Teska as a witness. Ms. Teska testified via cell phone. Mr. Woods swore Ms. Teska in. Ms. Teska told the board about herself and why she was running for school board. Ms. Teska stated that all the testimony she had heard was accurate. She confirmed they had at least ten valid signatures at Voter's Registration before noon. The Election Board didn't have any questions for Ms. Teska.

Mr. Kuehn entered as exhibits Ms. Teska's original Petitions for Nomination and Economic Interests.

Mr. Woods called the County Election Officials that were involved in the process. Ms. Kim Riskovitch was the first to be called. Mr. Woods swore Ms. Riskovitch in. Mr. Woods asked Ms. Riskovitch to walk through the morning of August 24, 2018. Ms. Riskovitch stated Voter Registration received the first round of petitions around 10:30 AM, after the process of validating the signatures there was only one valid signature because everyone else wasn't in the proper district. Ms. Riskovitch called Ms. Teska and left a message that she needed more signatures from her district. Ms. Teska returned Ms. Riskovitch's call around 11:15 AM and she was informed she only had one valid signature and would need to have them in and checked and to the Clerk's office prior to noon. Ms. Riskovitch said Ms. Teska arrived at about 11:45 AM and she didn't have any petitions with her, a couple of minutes later someone else arrived and had some petitions. Ms. Riskovitch and Ms. Brandy started checking the signatures validity. She stated a couple minutes later someone else arrived with more petitions. She said she informed Ms. Teska at noon that there were only eight valid signatures, at this time there were more petitions arriving, so Ms. Riskovitch and Ms. Brandy continued checking the validity. Around 12:15 they completed the process and Ms. Teska and everyone else left to go to the Clerk's office. Murray asked how many total signatures they checked, Ms. Riskovitch stated she thought it was around thirty. Catherine asked if she had any

training in the processing of the petitions. Ms. Riskovitch explained that she hadn't but if she has questions she calls the Indiana Election Division or Terri Rethlake. She also explained while she has only been in her current position for several months, she has been working in Voter Registration since 2007. Terri asked how long it takes to build the Candidate filing. Ms. Riskovitch stated it takes about 8 minutes for all the steps from building the petition to adding the candidate, then a couple of minutes to validate each signature. Mr. Kuehn asked Ms. Riskovitch how many signatures were counted before noon in the second wave of petitions. Ms. Riskovitch explained there were seven in the second wave and one in the first wave.

Ms. Arielle Brandy was called next. Mr. Woods swore Ms. Brandy in. Catherine asked Ms. Brandy if she had anything additional to add to what Ms. Riskovitch stated. Ms. Brandy added that to her recollection deputies only process petitions during busy races like presidential and senators. Ms. Brandy stated that Ms. Hudak didn't process any petitions. Mr. Woods asked if the testimony that eight signatures were validated by noon and more came in after was correct and Ms. Brandy said it was correct. Murray asked if she could verify what petition carriers arrived in Voter Registration before noon. Ms. Brandy explained Ms. Teska arrived before noon and shortly after Mr. Wruble showed up but she wasn't sure what time everyone else arrived. Mr. Kuehn asked Ms. Brandy if she could specifically show which petitions came in after noon. Ms. Brandy explained she couldn't because they aren't time stamped so she wouldn't be able to tell. Mr. Kuehn asked Ms. Brandy if she would be able to tell specifically what time any of the petitions that Ms. Hudak collected at the counter came in. Ms. Brandy stated she couldn't give a specific time because she was validating the signatures.

Ms. Penny Stratton was the last person called. Mr. Woods swore Ms. Stratton in. Catherine asked Ms. Stratton to state her recollection of events that happened August 24, 2018. Ms. Stratton explained that Ms. Teska arrived in the Clerk's office at 9:20 AM on August 24, 2018 to pick up blank forms for filing for school board. Ms. Stratton stated she explained to Ms. Teska she need to have at least ten signatures and would need to have them checked in Voter Registration and back to the Clerk's office in two hours and forty minutes. Ms. Stratton stated she received a call from Mr. Rick Hunt saying the petitions were in Voter Registration and only one signature counted because Ms. Teska wasn't informed the signatures had to be from the same district, Ms. Stratton informed him the direction were on the petitions. Ms. Stratton read the directions at the request of the Election Board. Ms. Stratton stated that Mr. Hunt called at 12:01 PM asked that since they were in Voter Registration could she take the petitions, Ms. Stratton said she told Mr. Hunt the petitions needed to be in the Clerk's office by noon, so she could stamp them by the deadline. Mr. Kuehn asked Ms. Stratton if she was asked to take the petitions before the signatures were validated. Ms. Stratton again stated Mr. Hunt only asked to take the petitions after noon not stamp them before the validation.

A discussion was held about if there were ten valid signatures supplied to the Voter's Registration before noon even if they weren't validated. Catherine, Mr. Woods, and Mr. Kuehn discussed the statute and came to an agreement that the petitions had to be in Voter Registration by noon but not validated. Ms. Riskovitch and Ms. Brandy pointed

out that all the petitions were not signed by the candidate. Mr. Woods noted that some of the petitions filed didn't have a corresponding candidate consent (back page). After discussion and further review of the petitions it was found that some pages weren't notarized, one was missing the candidate consent page. Murray makes a motion to deny Kim Teska's challenge to allow her on the ballot. Terri seconded. The Election board voted unanimously in favor of the motion.

3. Murray made a motion to amend the agenda to include the number of ballots to be ordered and whether Write-in option on all offices or just the required. Terri seconded.
4. Terri asked if we were matching the number of ballots that we ordered in the Primary Election. The Election Board agreed to print 80% of the total active voters in each precinct.
5. Terri explained that Federal law requires a write-in option for all Federal offices, but we have an option if we want a write-in space for all offices. She asked the board if they wanted this included. Murray said he thought it would be confusing and Catherine agreed. The board agreed to only put a write-in option where it is required.

The Chairman makes a motion to adjourn at 4:57 PM

Respectfully submitted,



Terri J. Rethlake, Secretary
St. Joseph County Election Board

tjr/pds