

St. Joseph County
Election Board Meeting
January 13, 2023

Present: Chuck Leone, Chair; Thomas Dixon, Republican Member; Amy Rolfes, Secretary; Trisha Carrico, Chief Deputy Elections Clerk; Amanda Govaert Konrath, Democrat, Voter Registration; County Attorney Clint Zalas. Also present:

Alex Bowman – Attorney
James Groves – Attorney
Jeremy McDonald - Attorney
Dave Smith – Voting Machine Technician
Donna Hurley - Voter Registration
Mary Kate McNulty – Deputy County Clerk
Diana Hess – St. Joseph County Democrats
James and Diana Chamberlain
Debbie Ladyga-Block – St. Joseph County Democrats
Judy Bradford – League of Women Voters SBA
Mike McManus
Pat Schafer
Jessica Logan
Keith McGinnis – RBM Consulting
Rick Hurley – Citizen
Pam Claeys – Citizen
Ryan Konrath – Democratic Party
Angela Upchurch – Voter Registration
Desmont Upchurch
Randy Romeo – Attorney, School City of Mishawaka
Mark Peterson – WNDU-TV
Don Schoenfeld
Cindy Streich
Susan Baxmeyer – St. Joseph County Republicans
Tim Cottons – St. Joseph Libertarians
John Belat Harlan – Interested Voter

1. Call to Order

Mr. Leone introduced the new County Clerk, Amy Rolfes.

2. The Pledge of Allegiance

3. Approval of Minutes

Motion was carried unanimously for approval of minutes from both the November 18 and December 2, 2022 EB meetings.

4. Noted: December 22, 2022 meeting was not held due to closure of the County-City Building that afternoon.

5. Update on Deficient and Delinquent Campaign Finance Filings

Chuck Leone opened the hearings by noting that historically, fines were not typically imposed for deficient and delinquent filings except in cases with egregious circumstances. Of 15 Committees called, only the Committee to Elect Desmond Upchurch had representation. Mr. Upchurch answered that he had been attending a funeral out of state when the form was due, but promptly filed it upon his return.

Mr. Leone noted the list of fines, set at \$50/day, ranged between \$50 and \$1,000. Mr. Dixon moved that the fines are not imposed; motion carried unanimously.

6. Initiation of process to dissolve certain committees

Amy Rolfes will provide a list by Jan. 27, 2023 of those committees that meet the criteria for dissolution according to IN Code 3.9.1.12 and are not dissolved voluntarily as of the Jan. 18th deadline.

7. Invoice from RBM Consulting

Keith McGinnis of RBM Consulting stated that the submitted invoice is a projection for 2023, presented only for budgeting purposes. No action needed at this time.

8. Petition from Mishawaka Schools Operating referendum

Mr. Leone has a letter of Dec. 22, 2022 from Dr. Theodore Stevens, Superintendent of Mishawaka Schools, re: referendum that is coming upon expiration. New referendum has been approved by the DOGF. Randy Rompolo of Barnes and Thornburg asking, as required by statute, for Clerk to put the referendum on the Primary ballot. Although the referendum language is laid out by IN Code, he requested to review the actual ballot draft to confirm it will be printed as submitted.

9. Hearing on processing of canceled voter request on November 7th, 2022

Mr. Dixon noted for the record that there had been a unanimous vote by the Board in an open meeting on Nov. 7 to conduct this hearing. The Board also voted unanimously on November 18, when final ballots were examined, to not count the vote in question.

Amanda Konrath testified that on November 7th 2022, she received a call from Henrietta Wilson forwarded from the Auditor's office asking why she was canceled. Amanda verified her address and then looked in documents and correspondence. Since she did not see a scan of a VRG-4/12 she decided to make the voter active. Trisha Carrico came to her office and stated she was not comfortable with what Amanda had just done, because a VRG-4/12 had already been completed. The two searched the boxes of VRG-4/12's and found none for Henrietta Wilson.

Ms. Carrico testified that on Nov. 7 she received a transferred phone call from voter Henrietta Wilson. Ms. Wilson asked to speak with a Democrat, so Ms. Carrico transferred the call to Amanda Konrath. Ms. Carrico noted that she had recognized the caller's name as someone from whom she had taken a call three weeks prior, during which she had explained to Ms. Wilson the reasons for her cancellation and the cure.

Ms. Carrico testified as to Ms. Wilson's voting registration records, with several status changes made between Oct. 27, 2020 and Feb. 11, 2022 involving address changes, returned mail, missing social security number /or missing license information. On Feb. 11, 2022, the cancellation had been made by Ms. Konrath's predecessor, Muhammad Shabazz, due to missing information, since information had to be fixed or rejected going into the primary election.

Ms. Carrico stated that after she had transferred the call on Nov. 7 to Ms. Konrath, she received notice that Ms. Wilson's status had been made active. Ms. Carrico told Ms. Konrath that she was not comfortable with that decision being made by Ms. Konrath without consultation or agreement by Ms. Carrico. In the case of disagreements between Voter Registration (VR) party members in the disposition of voter status, a Certificate of Error (COE) should be filed to allow further investigation. She also stated that Ms. Wilson could have voted using a Provisional ballot.

Mr. Leone inquired about steps usually taken to handle canceled voter status. He noted that both Ms. Carrico and Ms. Konrath had received what seemed to be differing information from the two co-directors of the Indiana Elections Commission. Ms. Carrico had testified that Bradley King at the IEC told her a Certificate of Error should have been filed in this case; Ms. Konrath testified that Angela Nussmeier at IEC had told her regarding a previous case that a Certificate of Error applies only on election day.

Mr. Dixon handed out documents about two other voters whose status had been changed by Ms. Konrath: Charles Weber and Nancy Ruben.

Donna Hurley testified that she had begun to process these two absentee ballot applications on October 11, 2022 but had consulted Ms. Konrath regarding errors on them. The social security number of Ms. Ruben's ballot was completely wrong, and Mr. Weber's ballot application was missing his date of birth. Ms. Konrath told Ms. Hurley to cross off the social security numbers on Ms. Ruben's application and gave her four numbers to write in. They had been told not to change information on ballot applications without speaking with the voter directly for verification, so Ms. Hurley said she was not comfortable with that, and asked Ms. Konrath to add her initials for that reason. It was almost 4:30, when the office closes and employees required to leave. Ms. Hurley left with the applications unprocessed. The next morning Ms. Hurley noted that Mr. Weber's application had been processed.

Ms. Hurley also testified that early on Nov. 8 Ms. Konrath had asked her to come into her office and closed the door. Ms. Konrath threatened her with termination if she should speak with anyone about what had happened on Nov. 7 between her and Ms. Carrico regarding the ballot of Henrietta Wilson. Ms. Hurley stated that since that time she had been harassed, bullied and targeted by Ms. Konrath.

Ms. Konrath testified that she had called the nursing home to verify Ms. Rueben's social security number.

Mr. Dixon asked Ms. Konrath if she had tried or threatened to have Donna Hurley fired. Ms. Konrath refused to answer based on advice of counsel.

Mr. Leone noted that this hearing was not, as in a court of law, a trial based on specific allegations, but an inquiry, after which the matter could be referred to other authorities. He felt both parties had acted in good faith in the matter. Mr. Dixon found Ms. Konrath's actions were wrong in in

not fostering an atmosphere of cooperation and not filing a COE so this matter could be brought to the Board. Ms. Rolfes stated that the Democrat and Republican members are appointed to cooperate in following Indiana law, and she believed procedures had not been followed properly. All three members agreed the matter should not be referred to other authorities. Mr. Dixon made a motion that the Board find that Ms. Konrath had done something wrong in changing the status of the voter from cancelled to active and in not collaborating with Ms. Carrico to file a COE after Ms. Carrico expressed disagreement. The motion was seconded and carried with Mr. Leone voting nay.

10. Designation of ballot room keys and inspection of ballot room

Indiana Code 3-11-10-10 designates that absentee ballots are to be kept in a room secured by two locks during the time ballots are being received. One key is given to the Republican designee and the other to the Democrat counterpart. The statute explains how the room is to be accessed. They will not designate keyholders at present, since not currently receiving ballots, but will do so soon.

At the end of an election cycle, after recounts are completed, ballots are taken to county storage where they are kept for 22 months. Since he and Mr. Dixon are responsible for the keys, he wants to proceed after the meeting to examine the ballot room and make note for the record of what they observe.

11. Technician Equipment Update

Dave Smith stated he attended the County Council meeting on Jan 10 as requested by the EB regarding his request for new equipment and poll pads. It would cost \$166,425 for replacing 180 poll pads with outdated software and 60 hotspots. The 165 poll pads purchased in 2016 can only accommodate up to iOS-13, and now the election software requires iOS-16. In the 2022 elections, loaners were used. He would need to order the new machines as soon as possible, hoping to receive them by March 1 to allow time for them to be paired with other existing equipment and to be sure they are ready to go for the Primary election in May.

Mr. Smith noted that the upcoming Municipal Elections will not require as many voting machines as General elections do. It would be helpful for him to know the exact number and location of voting centers in order to prepare and hire an appropriate number of technicians.

12. Other Business

A. In light of the change in the office of Circuit Court Clerk, a vote was taken as to the chairmanship of the Elections Board. Amy Rolfes moved to nominate Tom Dixon. Mr. Dixon seconded; motion carried unanimously.

B. Mr. Dixon moved to rescind a resolution that had been passed Oct. 7, 2022, when Mr. Leone was out of town. The resolution allowed the Clerk's office to sort the ballots. Rita Glenn had voted on that, which Mr. Dixon felt was inappropriate. A case had been filed in that regard which was dismissed. The motion passed, with Mr. Leone abstaining.

13. Public Comment

Amanda Konrath introduced herself as former Democrat Board Member, stating that this is her last Elections Board meeting. She declared that everything she had done in her capacity as Democrat member of Voter Registration was for the good of the citizens, and she is glad to walk out the door with her head held high. She wanted to publicly thank Rita Glenn, Terri Rethlake and Lana Cleary for their dedicated years of service to voters. She feels the allegations against them were egregious and outright lies. She exhorted Ms. Rolfes to act in a non-partisan manner.

Pam Claeys of South Bend voiced a verbal complaint regarding a complaint made by Pat Schaeffer made against Trisha Carrico. It was a complaint that Ms. Carrico should not have participated in central count because she was on the ballot. She asked why the Board has not addressed this. Mr. Leone advised the facts and law of this matter are being looked into, and it will be taken up at a future board meeting.

Mike McManus of 50940 Lilac Rd, South Bend, also wanted follow-up on Schaeffer's complaint against Ms. Carrico. He finds the complaint also applies to Mrs. Angela Upchurch. As a licensed attorney he believes today's hearing was a farce and partisan hackery.

Scott Carrico of Lakeville commented that the country is founded upon the ability of parties to disagree, and to bring something forward and not cover it up. It is not right for individuals to "bash on" others. The matter was started by a previous Board and the current Board is doing their duty in following up.

Donna Hurley of 1404 Berkeley Circle, Mishawaka stated that she came to work for Voter Registration as a Democrat, but it isn't about the label. It's about being honest and true to yourself. She had a binder containing sworn statements from every member of Voter Registration concerning the lies Ms. Konrath has told and things she has said and done. Trisha Carrico has more honesty and integrity than anyone she knows. Amanda does not, and she has never been so disgusted to call herself a Democrat in 60 years.

Next Meeting not yet scheduled. Since these meetings are to be public, it is thought that an evening meeting time would allow more public access.

Meeting adjourned at 4:25pm.

Respectfully Submitted,