

ST. JOSEPH COUNTY ELECTION BOARD

101 S. MAIN ST.
SOUTH BEND, IN 46601

M. CATHERINE FANELLO, CHAIRPERSON
BEN HORVATH, REPUBLICAN MEMBER
RITA L. GLENN, SECRETARY

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February 18, 2022

St. Joseph County
Election Board Meeting
2:00 PM

1. Call to order

It being the appointed date and time, Chairman M. Catherine Fanello calls the St. Joseph County Election Board Meeting to order. Present are Ben Horvath, Republican Member and Ex-Officio Clerk of the Circuit Court, Terri Rethlake proxy for Rita L. Glenn, also present are:

Dave Smith-Machine Tech
Murray Winn – Citizen
Diana Hess - Democratic Party Chair
Debbie Ladyga-Block-Democratic Party (Zoom)
Susan Baxmeyer-Republican Party Vice-Chair
Pat Schafer – Citizen
Clint Zalas – Election Board Attorney
James A. Masters – Attorney, for Richard Pfeil
Richard Pfeil – Candidate (Zoom)
Michael McManus – Candidate
Alex Bowman – Candidate
Dan Schaetzle – Candidate (Zoom)
Shannon Gianatasio – Precinct Committeemen Candidate (Zoom)
Nick Abernathy – RBM (Zoom)
Keith McGinnis – RBM (Zoom)
Zach Potts – Republican Party Chair (Zoom)
Andrew Jones (Zoom)
Jason Critchlow (Zoom)
Pam Claeys – League of Women Voters (Zoom)
Geri Pawelski – League of Women Voters (Zoom)
Marek Mazurek – South Bend Tribune (Zoom)
Jakob Lazzaro – WVPE (Zoom)
Jennifer Prawat – St. Joseph County Council Admin Asst (Zoom)
Gerry Brown - Citizen

Matt Gotsch – WNDU
Elizabeth Parm - Citizen
Mike Kruk – Citizen
Muhammad Shabazz – Democrat Member Voter Registration
Kim Riskovitch – Republican Member Voter Registration
Amanda Govaert Konrath – Democrat Voter Registration
Jennifer Bybee – Republican Voter Registration
Jeffrey Tumbleson – Republican Voter Registration
Lana Cleary-Deputy Clerk
Penny Stratton-Election Clerk

2. Approval of the minutes from the last meeting.

Catherine moves to approve the minutes of the last meeting. So, moved by Terri Rethlake seconded by Ben Horvath. Minutes stand approved.

Old Business

3. Vote Center Resolution. Voters Registration reviewed the 2022 list of Vote Centers. St. Joseph County has 197,000 active voters. Motion to approve as amended 2022 Vote Center list. So moved by Terri Rethlake, seconded by Ben Horvath.
4. Motion to adopt the Electronic Meeting resolution. So moved by Ben Horvath, seconded by Terri Rethlake.
5. Updated request letter to Vote Center needs to be updated. The letter needs to include access to the premise the day prior to the election.

New Business

Candidate Challenges

6. Catherine established the ground rules for today's hearing on candidate challenges. The challenger and candidate being challenged each have fifteen minutes maximum to speak. There will be a five-minute rebuttal time limit. All remarks will be directed to the Election Board president. The Board will review the documentation presented and make their decision.
Richard Pfeil. Contested candidate for County Commissioner, District 1. Ms. Hess presents her challenge for Mr. Pfeil's declaration of candidacy for County Commissioner, District 1. She states Mr. Pfeil declared on January 14, 2022, his declaration of candidacy for County Council, District C. She states Mr. Pfeil filed his declaration of candidacy for County Commissioner, District 1 on February 4, 2022, without withdrawing formally from the Council race. She states Mr. Pfeil did submit a candidate withdrawal form for his candidacy for Count Council, District C later that day at 4pm. Ms. Hess believes this form was a copy, not the original. She states on February 10, 2022, Mr. Pfeil submitted the form to withdrawal from the County Commissioner, District 1 race and rescind his withdrawal of his County Council seat, District C and reinstate his candidacy for the Council seat. Ms. Hess' stance is what is the official

submission of the proper paperwork of a candidate and the legitimacy of the withdrawal. The County Council withdrawal appears to be a photocopy, not the original. There is a statute in the Election Code that states a candidate must withdraw from one race before a candidate can file to run for another office.

Mr. Masters request a motion to dismiss challenge. Mr. Masters believes that Catherine and other members of the Board have prejudged the decision for Mr. Pfeil to retain his original candidacy for County Council, District C. Mr. Masters believes Mr. Pfeil deserves his fundamental right to have due process and a fair hearing. Catherine states it is her duty as an officer of the Election Board to listen to the testimony and judge it fairly. Mr. Masters believes the Election Board president should not have the right to influence this decision. Mr. Masters' stance is if the Board decides the fate of this candidacy, then the argument is that the other political party decided the candidate. Mr. Masters requests the Board certify Mr. Pfeil as the republican candidate for County Council, Seat C. Attorney James Masters presents his case for Richard Pfeil. See attached document. Catherine believes Mr. Masters' is challenging the application of the chairman of the opposing party. She believes home rule statute applies, and that the board operates under this rule. Catherine disagrees that this statute applies in this challenge. The Board does not have home rule power. The Board administers the law, not prescribe it. The Indiana Election Division prescribes forms, not the Election Board. Catherine states that she sought guidance from the Indiana Election Division on this matter. If the withdrawal of county council is invalid, then the original filing should stand. Catherine states the County Council candidacy withdrawal was faulty because it was a copy, not the original. Mr. Masters rescinds his withdrawal. There is no statute, and the Board doesn't have power to create forms, only the Indiana Election Board has this power. Mr. Masters states that this board has limited power and the County Council withdrawal was faulty. Additionally, the County Commissioner race is moot and there is not a challenge to this filing. Ms. Hess goes on record stating the party has no interest disfranchising voters. She wants to make sure that the rules of filing for office are followed as prescribed by the Indiana election laws. Mr. Masters' requests a motion to dismiss to the challenge to candidacy for County Commissioner, District 1. He further states that there is not a withdrawal of the County Council seat, District C that Mr. Pfeil filed for candidacy. Motion to dismiss challenge of Richard Pfeil for Commissioner candidacy. So moved by Terri Rethlake, seconded by Ben Horvath. Roll call is taken. Catherine Fanello, yes. Ben Horvath, yes. Terri Rethlake, yes.

Terri Rethlake asks that it be placed on the record that the county attorney was the one that advised the clerk to accept the photocopy paperwork. Challenge to original withdrawal was defective and the withdrawal was defective. Motion to uphold the challenge and Mr. Pfeil's original candidacy stands. So moved by Ben Horvath, seconded by Terri Rethlake. Roll call is taken. Catherine Fanello, yes. Ben Horvath, yes. Terri Rethlake, yes.

Monica Crawford. Contested candidate for Precinct Chair, Precinct 130208. Penny contacted Ms. Crawford and explained the challenge to her. Ms. Crawford did not indicate to Penny if she would be present for this meeting. The Board proceeds with the default. Motion to uphold Diana Hess' challenge of Monica Crawford's candidacy for

Precinct Chair, Precinct 130208. So moved by Terri Rethlake, seconded by Ben Horvath. Roll call is taken. Catherine Fanello, yes. Ben Horvath, yes. Terri Rethlake, yes. Shannon Gianatasio. Contested candidate for Precinct Chair, Precinct 90502. The challenger, Diana Hess, is no longer contesting Ms. Gianatasio's candidacy. The two parties have come to an agreement. Ms. Gianatasio will remain on the ballot. The vote is to deny the challenge. Motion to deny challenge of Shannon Gianatasio's precinct chair. So moved by Terri Rethlake, seconded by Ben Horvath. Roll call is taken. Catherine Fanello, yes. Ben Horvath, yes. Terri Rethlake, yes.

Larry Jasinski. Contested candidate for St. Joseph County Council, District E. Alex Bowman is the challenger. Mr. Bowman is sworn in and presents his argument. Mr. Bowman states the Larry Jasinski lives in precinct 130606, which in the current maps is in Council District D. Therefore, he states, Mr. Jasinski is ineligible to run in County Council, District E. Mr. Bowman further states his understanding is that contingency map # 3 is the map that was chosen by the commissioners. He states there is ongoing litigation on the maps, but since there isn't a legal resolution, the current maps approved should stand. Mr. Bowman's argument is Mr. Jasinski resides in a different district and does not reside in the district where Mr. Jasinski is seeking the council seat he filed for candidacy. It is noted that Mr. Jasinski is not present for this hearing. Motion to uphold Mr. Bowman's challenge of Larry Jasinski's candidacy filing of County Council, District E. So moved by Terri Rethlake and seconded by Ben Horvath. Roll call is taken. Catherine Fanello, yes. Ben Horvath, yes. Terri Rethlake, yes.

7. Delinquent CFA-4. There are several delinquent CFA-4 reports. All but two have since filed their forms. The forms that were submitted late will have fines assessed to them. Meeting to be set for the Board to address the late CFA-4 and applicable fines to candidates.
 8. Set agenda item to pass additional resolutions at an upcoming meeting.
 9. VStop provided the Board with a list of the county's election equipment. Penny to send Dave Smith the electronic format so he can verify the inventory of equipment for his records.
 10. Dave Smith requests the Board approve the Machine Technicians to work the following week to update the poll pads. He further states that RBM will be performing updates to their machines starting the week of March 7th.
- Public Comment
11. Mike McManus. He disagrees with Mr. Masters regarding Mr. Pfeils' actions of withdrawal of candidacy. He questions whether the board has the authority to uphold the clerk's acceptance of the filing, because it was challenged. Otherwise, he feels, it would not have been addressed.
 12. Mike Kruk. Question of late filings of campaign finance reports. He asks if everyone is being considered for the penalties. The Board states it does have discretion.

13. Gerry Brown. Town council of North Liberty. His concern was the removal of North Liberty as a Vote Center. The Board says the Community Center in North Liberty has been added.
14. Dan Schaetzle. Candidate. Mr. Schaetzle expresses that when he filed for office, he submitted his paperwork properly. He stated Mr. Pfeil had surrogates file his paperwork. Mr. Schaetzle's concern is for future candidates filing requirements and submitted paperwork. And that this case of accepting "faulty" forms by this candidate not just a "technicality."
15. Pam Claeys. League of Women Voters. Pam asks if the clerk's office would not be directed to accept photocopies in the future because of ongoing litigation. The Board clarifies that the clerk's office was given legal advice from the county attorney to accept Mr. Pfeil's photocopy.

Next meeting February 25, 2022, 1 PM.

The Chairman makes a motion to adjourn at 3:47 pm.

Respectfully submitted,

 by 
Rita L. Glenn, Secretary
St. Joseph County Election Board

rlg/lrc