

ST. JOSEPH COUNTY ELECTION BOARD

101 S. MAIN ST.
SOUTH BEND, IN 46601

CHARLES LEONE, DEMOCRATIC CHAIR
BEN HORVATH, REPUBLICAN MEMBER
RITA L. GLENN, SECRETARY

TELEPHONE 574-235-9635
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July 22, 2022

St. Joseph County
Election Board Meeting
11:00 AM

1. Call to order

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

Dave Smith-Machine Tech
Mike Misch-County Attorney
Debbie Ladyga-Block-Democratic Party Liaison
Diana Hess-Democratic Party Chair
Zach Potts-Republican Party Chair
Susan Baxmeyer-Republican Party Vice-Chair
Michael Castellon – Candidate
Jim Masters – Attorney for Mr. Castellon
Heather Fite – Citizen
Ted Booker – Candidate
Judy Bradford – League of Woman Voters
Amy Rolfes – Candidate
Mike Kruk – Citizen
Pat Schafer – Citizen
Richard Warfield – SJC IT
Amanda Govaert Konrath-Dem. Member Voter Reg.
Trisha Carrico-Rep. Member Voter Reg.
Terri Rethlake-Chief Deputy Clerk
Lana Cleary-Deputy Clerk
Penny Stratton-Election Clerk

2. Pledge of Allegiance

3. Approval of the minutes from the last meeting.

Charles Leone moves to approve the minutes of the May 13, 2022, and July 15, 2022. So, moved by Ben Horvath, seconded by Rita L. Glenn. So, ordered. Minutes stand approved.

4. Motion to name Charles Leone as Chair of the Election Board and acknowledge appointment and qualifications of Democratic appointee to the Board. So, moved by Rita Glenn. Seconded by Ben Horvath.

Old Business

5. Ballot room security and key access. Chuck requests a status on keys. Chuck confirms that Ben Horvath has republican key and Rita Glenn has democrat key. Chuck continues his designation of his key to Rita. Chuck asks for a summary of who has possession of keys to the door. Rita states there is a duplicate set in the office for when “designated personnel” don’t show up to open the door. Rita states she is sworn to protect the integrity of the election process. Rita further states that Brian Davidson, head of county maintenance, has a set of keys. She states Brian is appointed by the Board of Commissioners and is responsible for all doors/locks in county buildings. Rita states to her knowledge, these are the only sets of keys. Chuck asked what other counties deal with building related items like electrical or air issues. How is access gained? Rita spoke to other Indiana counties, and they stated they have additional keys to these locked rooms in case of emergencies. Chuck asks if other counties have a policy what to do in case of these situations. This way, the policy would be transparent. Rita spoke to the Indiana Clerks Association. The Indiana Clerks Association stated to Rita that this situation needs to be addressed because the procedure is not clear. Chuck asks if there is any guidance by other counties or the election division and what is best practices that are consistent with the law. The question is raised if there were a law on the books that would confirm what would happen if there were an interference with an election. Ben asked what the issue was with using the former room that housed the ballots in previous elections. Ben states the former room didn’t have air conditioning or any other mechanical items. Rita states that room is a clerk’s supply room, and that a clerk is a candidate for the upcoming election. Therefore, the ballot room had to be moved. Chuck requests input from both party chairs on the process and best practices for the ballot room.
6. Communication with Schools that will be Vote Centers for the General Election, 2022. Chuck has copy of letter that will be sent to schools. Chuck asks if there were any communications to date with the schools that are Vote Centers. Amanda from VR and County Attorney, Mike Misch will be strengthening the verbiage of the letter. Amanda and Trisha from Voter’s Registration set up a generic email address for the public to send inquires to and anyone in Voter’s Registration can address. It was pointed out the letter needs to be updated and add the date November 7, 2022. Chuck agrees with all the mentioned changes asks the board if they have changes. Motion to approve the letter that will be sent to schools that will be Vote Centers in General Election 2022. So, moved by Ben Horvath, seconded by Rita Glenn.

New Business

7. Set hearing date for Candidate Challenge, Mike Castellon. Hearing will be held on August 12, 2022 @10 AM in Council Chambers. Chuck wants to confirm that both political parties, Mr. Booker and Mr. Castellon are aware of the date for the candidate challenge. Mike Misch requested that Jim Masters submit an appearance on this case. Jim Masters filed a Motion to Dismiss through email to Rita Glenn. Mr. Masters has based this motion partially on the law and partially on factual statements. Chuck states its appropriate to give Ted Booker time to review the documents. Therefore, Chuck states that the Board cannot make a ruling on it today. And it probably won't happen before the challenge date. Chuck would like documents for this challenge from Ted Booker to be filed with the Clerk's office at least one week before the challenge. Jim Masters states there should be a full evidentiary hearing on this matter. If there are evidentiary items, each side should report them to the Board. Mr. Masters acknowledges Mr. Booker should have time to review the documents. Mr. Masters believes the facts that support this challenge, refute them. Action on this case will be taken solely by the Board. Motion to take up dismissal of the case on 08/12/22. So moved, by Ben Horvath. Seconded by Rita Glenn. Chuck lays out expectations for 08/12/22 challenge. Chuck states the issue is whether Mike Castellon is a resident of St. Joseph County. He states the proceedings are informal, the parties can be represented by legal counsel. Each side can have exhibits and witnesses. The exhibits must be submitted one week prior to meeting. Documents that have already been received and be part of record for this case include certification of appointment by party, the challenge, the CAN -1 form, and exhibits from Ted Booker. If witnesses need to be subpoenaed, please inform the Board. This must be submitted to the Election Board within the next ten days. Witness can be examined by the Board. Board may or may not consider a decision. When decision is made, it will be a formal meeting. Jim Masters asks who has the burden of proof in this case. Chuck states he hasn't look at statute yet, but states that assumption is the one who brought the case.

8. Twelve new election laws. Chuck requests Mike Misch review with Rita the new election laws to make sure nothing operationally needs to change with the upcoming election.
9. Report of additional candidate's names added by the local parties. The state hasn't sent their names for the state level candidates. They had a recount that hasn't allowed them to send their certification of candidates. Once updated Penny will update the spreadsheet.
10. Dave Smith gives status of equipment for General Election 2022. RBM came in this past Monday to perform maintenance on the machines. RBM stated there doesn't seem to be any concerns on the equipment. There are four freedom vote machines with the manufacturer. The Election Board to receive an update on the tablets. It is the desire of the board to stay with the current vendor, Knowink. Knowink will continue to loan the county 165 poll pads. The Rita and Dave have been in discussions with Knowink on the purchase of new poll pads. Knowink states there isn't a buy back value on the current poll pads. The Rita is checking to see if the tablets can be repurposed for other uses. Rita stated she brought the need for county funds for these new poll pads to the attention of the commissioners and council members that were at the yearly budget meeting last week.

11. Poll worker conditions for May 2022 Primary Election. Ben stated to the Board that there were complaints about poll workers. Ben stated the Republican Party received emails that he needs to submit to the Election Board and county attorney for review about the issues.
12. Vote Center Location Proposals. Ben wants to raise to attention to Vote Center locations and if there are any concerns with current locations. Voter's Registration and Lana and Penny state they have heard complaints about not enough Vote Centers in South Bend District 6. A few suggested sites to investigate and contact for District 6 are Navarre School and UAW5. Dave brought up inventory issues if additional sites are added to current list. Chuck invited the party chairs to review at the current list of Vote Centers. Chuck stated he wanted to set a deadline to designate and finalize Vote Centers around late August. He requested that this item stay on the agenda.
13. Request of video footage of Absentee Ballot Room by Ben Horvath. There is confusion on how Ben requested the video. Ben clarifies that he has requested surveillance footage from the clerk's office via an earlier email. Ben states that today he sent a new, formal request via email for the video footage. He stated he filled out a public request form today. There are concerns of privacy issues of the video footage as it relates to Clerk Court business. Chuck said since there wasn't a request by anybody other than a fellow board member for the video footage, the question is how should that footage be formally requested. Chuck contacted for further guidance the Indiana Election Division and the Secretary of State's office and will continue to follow with both these offices on this matter. Since the Election Board has two forms of requests from Ben as of today for the video footage, the Board and Mike Misch will await the guidance of Luke Britt, State Public Access Counselor. It is stated that Ben is entitled to the footage. However, is there any different means he should have requested the information since he is an Election Board member? The question is raised if there are any responsibilities of how that information that Ben is requesting will be used. The Board will seek guidance from the State. Chuck asks what form is required to request this information. Is it the VRG24? Trisha said that form is for Voter's Registration requests and not what Ben is requesting. Trisha sent Ben a public records form. Chuck also wants to clarify what video footage Ben is requesting? Which specific rooms or hallways?

Public Comment

14. Judy Bradford. LWV. 1122 Claremont, South Bend, IN 46617. Judy asks why the video of the absentee ballot room from May 2022 is being requested. Ben states the Election Board wasn't in compliance with state statute on the key situation.
15. Mike Kruk asked for clarification on the requirements for a Vote Center, both statutory and federal requirements.

The Chairman makes a motion to adjourn the meeting at 11:53 AM So moved, by Ben Horvath. Seconded by Rita Glenn.

Election Board meeting is reopened at 11:55 AM.

16. Richard Warfield from SJC IT Department approaches the podium. He states that the cameras are pointed to a different server and that recording still happening. He states this will be the backup. The video footage is still being backed up. He states the server has been moved out of the room that houses the absentee ballots. Since the election is over, Rita stated that Clerk's need access to the room and that the door does not need to be locked at this time.

Richard stated data goes back to August 2021. Moving to the new data storage location and it will store for 22 months. Ben states it will be good that only IT has access currently to the data.

The Chairman makes a motion to adjourn the meeting at 11:57 AM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rita L. Glenn".

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

rlg/lrc