

ST. JOSEPH COUNTY ELECTION BOARD

101 S. MAIN ST.
SOUTH BEND, IN 46601

CHARLES LEONE, DEMOCRATIC CHAIR
THOMAS DIXON, REPUBLICAN MEMBER
RITA L. GLENN, SECRETARY

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October 14, 2022

St. Joseph County
Election Board Meeting
3:00 PM

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 Thomas Dixon, Republican Member and Ex-Officio Clerk of the Circuit Court, Rita L. Glenn, also present are:

Dave Smith-Machine Tech
Clint Zalas-County Attorney
Debbie Ladyga-Block-Democratic Party Liaison
Diana Hess-Democratic Party Chair
Susan Baxmeyer-Republican Party Vice-Chair
Nick Abernathy-RBM
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
Jennifer Bybee – Deputy Clerk
Karen Haue – Citizen
Michael McManus – Citizen
Kathleen Fox – Citizen
Kevin Conery – Citizen
Judy Bradford – LWV
Jack Springer – WNDU
Charlotte Pfeifer – Citizen
Linda Silcott- St. Joseph County Republican
Amy Rolfes – Citizen
Ginny Schumacher – St. Joseph County Republican
Deb Fleming – County Commissioner
Don Westerhausen – Citizen
Joanne Westerhausen – Citizen
Dorsey Gordon - Citizen

2. Approval of the minutes from the last meeting. 10/07/22. Chuck Leone says there will be a deferral of approval of minutes. The meeting was not taped since it was at Olive Street for the Public Test. Tom stated that there may be video possibly from the media. Chuck states to check and see if there is a record somewhere so the Board can clarify the discussion of the minutes.
3. Poll working Training – John Butler states he can start updating information on the website for poll worker once all meeting dates and information is verified by the Election Board. John gave the Board the Power Point to review. John states the goal is to have it up a week before training begins but can have it up earlier if all the editing has been done. Chuck inquires if there is a training schedule. Penny reviews the dates of training with the Board that were already established at a previous Election Board meeting. The dates are Thursday, November 3, 2022, at 6pm, Saturday, November 5, 2022, at 9:30 am and 12:00 pm, Sunday, November 6, 2022, at 1:00 pm and 3:30 pm. These training sessions will be located on the 4th floor of the Council Chambers of the County City Building. It is stated that the Saturday and Sunday before the election is required training for inspectors and Republican judges. It is stated that poll worker clerks required training is the Thursday night before the election. Chuck inquires if there is a way to verify that poll workers go to required training. Voters Registration states that attendance is taken, and they are required to take a test in person or Zoom. All training meetings will be broadcast on Zoom for poll workers wanting to do training via Zoom. If a poll worker doesn't come to training, they lose \$75.00 of training pay. It is stated by law, that if a poll worker does not come for training, the poll worker is disqualified to work on Election Day. John states the assessment will be sent to the Board with the questions that were utilized last time and if the Board wishes they can change, add, or delete any of the questions.
4. Litigation involving Election Board and employment of counsel. The Election Board is involved in litigation and that a lawsuit was brought on Monday, October 10, 2022, by Tom Dixon in his official capacity, SJC Republicans and State Republicans as the plaintiffs vs Chuck Leone and Rita Glenn in their official capacity as the defendants in their capacity as Election Board members. The lawsuit is a challenge to the resolution that was passed at the October 7, 2022, Election Board Meeting. Chuck states because the matter is in litigation, it is not appropriate to discuss the resolution right now. Chuck states that himself and Rita, as Election Board members do need and have engaged in counsel and wants to ratify that action. They have chosen to retain James Masters, as counsel, as he is knowledgeable in election matters. Motion to retain James Masters as legal counsel, subject to his letter of engagement, for Rita Glenn and Chuck Leone. So moved, by Rita Glenn. Chuck Leone seconds. Tom Dixon inquires as to how the legal fees will be paid. He asks if the Election Board has the funds to pay the legal fees or does the County General fund for attorneys pay those fees. Tom knows that county attorneys that are hired from the outside have strict hourly rates. Chuck requested Mike Misch investigate this matter, and if he is aware of a source of funds. Chuck doesn't know at this point if it comes out of the Election Board or County Commissioners' budget. Tom states before they voted on this, his intention

was to put this issue on the agenda and if the Board would reconsider the resolution and rescind it, that the litigation would likely go away. Tom states it is something they would have to raise as a group. Chuck says he understands this, but given the status of the litigation, it is not appropriate to change anything on which the litigation is based on at this point. Tom states since he is a plaintiff, he should abstain from voting. Chuck Leone – I, Rita Glenn – I, Tom Dixon - abstains. Motion passes. Tom goes on the record stating he thinks Jim Masters is a very good attorney.

5. Acknowledgement of ballot room key designations. Chuck wants to verify for the record, who has keys to the Absentee Ballot room. Chuck states his key is designated to Rita. Chuck's secondary key is designated to Amanda in Voters Registration. Chuck asks Tom if he is going to keep his key or designate it to someone. It is stated Trisha from Voters Registration is Tom's backup key. Tom states if he is here and gets called, he can come and open the door, but generally for now, call Trisha first and that will probably work. What Tom doesn't understand is he thought state law does not allow backup keys. He thought the Board had to have non-duplicatable keys and that there should only be two of them. That is Tom's biggest concern, coming into compliance with state law so we don't get taken over like some other counties with their Election Boards when they lack compliance with state law. Chuck informs Tom from previous Board meetings this summer, via the minutes, that the Board is looking into gaps in state law as it related to handling the keys as they are set forth in the statute. Particularly, how it relates to the Building Engineer and how to deal with emergencies such as a failure of systems. How does that room get accessed? Chuck states that other counties are dealing with the same statutes and ideally determining best practices. These practices should be put into place and followed. Chuck states one suggestion is to look at VStop, which provides the technical umbrella of the use of the election equipment and see if they would be able to assist us. The Board has made informal inquiries to VStop but has not gone any farther than that. Chuck does not believe this issue will get resolved in this election cycle, but he does believe it is something that should be addressed before the next election cycle. Tom asks the Board if it is possible for a locksmith to make two non-duplicatable keys that are the same key. Tom is suggesting that there be two non-duplicatable for each party if we feel we are in compliance with the law by the assignment aspect of it. Brian Davidson, Building Engineer is asked by Tom Dixon if it is possible to install two non-duplicatable keys by a locksmith that fit that lock. This so the two keys that designated to each party, so that they don't lose track of how many keys are "floating around". Brian gives an overview regarding why the room was originally moved, his initial desire to utilize the unique, one-of-a-kind, commercial grade, cannot be duplicated, Best lock system. This so that Brian could control who could duplicate the key, and that a person couldn't just go anywhere and duplicate the key. Brian has the grand master key, as he does for all buildings. Originally, it was requested one secure lock be put on that room. Brian states that two weeks before absentee opened for the spring election, the Board requested from Brian, a second lock. Due to short notice for the second lock, there was an issue with the availability of parts and the equipment was on backorder. The BEST key system was not available for this election cycle. There was a backup for BEST keys, it is a commercial Yale lock system. This system was installed on the door of the Absentee Ballot Room. Brian states he can order the BEST system, but the equipment

- and installation would not be available until the spring of 2023. Brian will investigate to see if it is possible for this election cycle, but unlikely. He could have from BEST lock systems and have two copies of lock keys. Since there would be only two keys, Brian asks if there is some sort of mechanical failure in the room, that he be given contact information if he need to get in the room. Chuck thinks we are in the middle of this election cycle, and don't have all our procedures in place and wants to get a best practice that we can follow. Chuck states daily access to that room is critical. Tom asks Brian to make the call, see the length of time it would take and report back to the Election Board. Tom states that it might go into the processes of the Election Board.
6. Absentee Updates – The Board is given a spreadsheet showing number of votes by mail and early votes. Penny explains the spreadsheet that the Board is reviewing. She states the report was ran today at 1:59 PM. Chuck asks if anyone has any comment. None. Tom and Chuck review an application where the signatures do not match. They both agree the signature does match and both Chuck and Tom write their findings on the ABS 20. This will be returned to Absentee supervisors to process. Rita states Hamilton Grove wants Travel Board to come to their facility. Hamilton Grove has 51 voters, and the discussion was to send three teams to the facility. Rita states that by October 18, 2022, the parties need to send to the Clerk all names and addresses for poll, central count, and travel board workers. If these lists aren't turned in by that date, the Election Board will designate Voters Registration to recruit workers. Amanda states all democratic poll, central count and travel board workers have been recruited. Rita sent Mishawaka Mayor, Dave Wood an email asking for an update on the closed streets around the County Services Building. Since the streets will not be opened for a while, Mayor Wood said there will be signage added to show how to get access to the building. Chuck asks if all Vote Centers room location issues are all worked out. Dave states he has resolved room issues with two of the three locations. The third location, Mishawaka High School, has not been resolved. If he does not get the correct space, Dave will request that the Election Board attorney get involved. Chuck asks if signage is worked out at Vote Center locations. This issue is being worked out. Dave asks since Kennedy School is not a Vote Center, can there be signage at the door informing the public where the Vote Centers are located. Vote Machine Technicians will put a sign up at Kennedy School.
 7. Correspondence from Knowink – The Election Board received a letter from Knowink. Our attorney states there was a 3rd party dispute between Knowink and the Board regarding the quality of their product and service. Knowink states they want to make the issues right and have offered a reduction in the price of new ePoll books. Clint has a strong feeling that the issues will be worked out. Rita Glenn and Dave Smith give an overview of the issues with the ePoll books in the primary election. Knowink had to bring in loaner ePoll books for the primary election because upgrades were not done by Knowink. The ePoll books were an earlier generation and issue with creating a ticket for calling up a ballot on a Freedom Vote Machine. They were in certification at the same time, and there was an encryption difficulty that didn't get matched and had to go back to an earlier version of software and a later version of the poll pad. We determined that was unacceptable, so Knowink sent a team in two weeks before the election to resolve the issue in time for the 2022 Primary Election.

8. Dave gives update on Voting Machines. All 679 Freedom Votes tested and ready to go. There are 15 Freedom Vote Machines that will be repaired the week after next by the vendor. Dave has recruited 40 Vote Center Technicians. He wants to have six spare Vote Center Technicians.
9. Public Comment – Mike McManus. 51910 Lilac Rd., South Bend. Mr. McManus went over the resolution that was approved by the Election Board at the Oct 7, 2022, meeting and the lawsuit that was filed in Marshall County, on October 10, 2022, against Election Board Members Rita Glenn and Chuck Leone. Furthermore, Mr. McManus states at the Commissioners meeting the next day, Carl Baxmeyer says he was forced to retain the Taft law firm to monitor that lawsuit. He states the Marshall County lawsuit is frivolous. He says that Mr. Dixon just demonstrated it in today's meeting. He points out that one of Mr. Dixon's issues was that he was deprived of verifying voters' signatures. He states that Mr. Dixon performed that task just a few minutes ago in front of a room of spectators with Mr. Leone. He states the lawsuit is also frivolous because it names Chuck Leone as a defendant when he was absent to vote on that resolution. Mr. McManus believes it should be investigated by Indiana State Police. Kathleen Fox. 130 Friendship Lane, Walkerton. She is angry and frustrated. She has friends that are home bound, and they are afraid to turn in their ballot. Not convinced of the integrity of the elections. Brings up Butch Morgan. She states the clerk hired workers with a history of election fraud. Diana Hess, Democratic County Chair, clarifies that it is the parties' responsibility to hire the workers, not the Clerk. She states the workers in question have not been hired to work. Diana also clarified Butch Morgan's crime. It was not election fraud; it was ballot petition fraud. It did not have to do with the election Tim Cotton. 63808 SR 23, Walkerton. He is the chair of the Libertarian Party. He reads a statement from his party. He states there is a reason why there is a Libertarian party in St. Joseph County and chastises the Democratic Party. Joseph Varga, 1202 E. Jefferson Blvd, South Bend. He is a registered Republican. He thinks it's shameful and states the mere image in impropriety calls in the question of elections and its integrity. He wants St. Joseph County elections cleaned up. Ryan Konrath 1015 College Street, South Bend. States IC 3.6.15.19 and reads this statute that gives the Circuit Court Clerk, with the approval of the Election Board, the authority to exercise the duties when the facilities of the Clerk's office make it more reasonable and efficient for the Clerk to do so. Any action taken by the Clerk, with the approval of the Board, is considered an action of the Board. He states it has been the Indiana code, nothing has changed and it's not new. Darcy Gordon, 51208 Plantation Drive, Granger. She has lived in Cook County where she says elections are corrupt. She is disappointed with the election process in St. Joseph County. She wants the Board to make the elections honest and secure.
10. The Chairman makes a motion to adjourn at 3:59 PM. Motion by Tom Dixon. Seconded by Rita Glenn.

Next meeting is Thursday, October 20, 2022, at 11:00 AM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rita L. Glenn". The signature is fluid and connected, with a prominent initial "R".

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

rlg/lrc