

This document, except for this annotation, was conveyed, as is (no date, salutation, or signature) to The B Square Bulletin on Feb. 27, 2024 as an attachment to an email from an anonymous source. According to the source, the document was drafted in consultation with Bill Groth, an attorney. Responding to a question from The B Square, Groth confirmed in an email sent on Feb. 28, 2024 that he “was consulted and helped draft the letter you referenced in your email to my office today.”

We write to object to the improperly attempted “forfeiture” of the elected Precinct Committeeperson (PC) for Perry 21, Monroe County, Indiana, by the Chair of the Monroe County Democratic Party in January 2024. As set forth below, this attempt to ban the Perry 21 PC from participating in the current series of important caucuses votes violates the Rules of the Indiana Democratic Party as well as Indiana state election law. If carried out, the voters of Perry 21 would be deprived of representation during critical democratic processes and votes.

Thus, we insist that the forthcoming Monroe County Caucuses proceed in accordance with applicable rules and law with the participation of the duly elected PC for Perry 21. Nothing in either the Rules of the Indiana Democratic Party or state law authorizes or permits a county party chair to declare a “forfeiture” of an elected PC.

A	B	C
Perry 15	Elected	Regina Moore
Perry 16	Elected	Jack Davis
Perry 17	Elected	Joleena L. Mundy
Perry 18	Elected	Iris Fabius Kiesling
Perry 19	Elected	Sarah Bauerle
Perry 20	Chair Appointed	Shelli Yoder
Perry 21	Forfeited	
Perry 22	Elected	April Hennessey
Perry 23	Chair Appointed	Margie Rice
Perry 24	Elected	Dan Combs
Perry 25	Chair Appointed	Penny Githens
Perry 26	Elected	Edward Robertson
Perry 27	Chair Appointed	Karen Wrenbeck
Perry 28	Chair Appointed	Matt Flaherty
Perry 29	Elected	Sara A Bretz
Perry 30	Elected	Stephen Volan
Perry 31	Elected	Ryne R J Shadday
Perry 32	Elected	Sarah E Kopper

Nevertheless, in January 2024, the Monroe County Democratic Party Chair unlawfully marked the Precinct Committee spot for Perry 21 on the state PC list as “forfeited,” in an attempt to bar that elected PC for Perry 21 from participating in upcoming party caucuses. This action was unauthorized by either state party rules or the statutory procedures for filling vacancies in local offices. Ind. Code sections 3-13-11. The current elected PC for Perry 21 meets all the conditions to participate in a caucus. See I.C. 3-13-11-5 (a)(1)-(3).

No state party rule or state statute allows for “forfeiture” of an elected PC position. A Precinct Committeeperson is either elected or appointed. An appointed PC may be *vacated* by the Chair of the party (IDP State rule 13(j)) but an elected PC is an elected official who can only be vacated through notice and process (IDP State Rule 11(l)). There is no rule or statute allowing for “forfeiture” of an elected PC position. The only time the word “forfeit” even appears in the text of the state party rules is with reference to the vice chair position, or people who switch political parties, rules not applicable here. IDP State rule 11(h), Rule 13(o). It is thus not possible for an elected PC position to be “forfeited” by a Party Chair or anyone else.

Moreover, any attempt to vacate the PC for Perry 21 at this time would be unlawful for two independent reasons. First, Party Chairs are barred from vacating *any* PCs, much less elected PCs, during the lock period (the 30-day period prior to calling a meeting to fill a central committee or elected official vacancy (Rule 11(f)(3); Rule 13)). Second, even if we were not currently under a lock period barring the vacatur of PCs, Party Chairs may only vacate elected PCs through a notice and process Rule 11(l) (possibly Rule 19?). No such process has been initiated here.

There are important reasons for these rules, and failing to follow the rules here would not only be unlawful but would create a dangerous precedent for all future Democratic caucuses throughout the state. An elected PC is an elected official under Indiana law; Party Chairs have no authority to independently vacate elected officials. Allowing that here would place all elected officials at risk of being vacated by a Party Chair subject to the Chair's displeasure or discretion, which would be an untenable situation clearly barred by law. Moreover, vacating an elected PC in advance of a caucus, when it is not possible to appoint a PC due to the lock period, would deprive an entire precinct of representation during a caucus, again creating a situation the rules were designed to prevent as well as undermining democratic principles. In addition, allowing Party Chairs to vacate elected PCs during the lock period prior would allow party chairs to unilaterally "vacate" elected PCs to skew a particular vote—the exact scenario the rules were designed to prevent and render meaningless the state party rules which were intended to create transparent and democratic processes for caucuses and PCs.

Therefore, so long as we are in an applicable lock period, the Perry 21 elected PC cannot be vacated or "forfeited". We insist that the elected Perry 21 PC must be allowed to participate in the forthcoming Monroe County caucuses through the lock period.