STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141 TTY: 217/782-1518
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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
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BOARD MEMBERS
Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Wanda L. Rednour
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

AGENDA

State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Monday, April 21, 2008
James R. Thompson Center – Room 9-040
Chicago, Illinois
10:30 a.m.

1. Call State Officers Electoral Board to order.

2. Call cases and accept appearances – objections to resolutions to fill vacancies in nomination for the General Election;
   a. *Gronewold v. Shrier,* 08SOEBGE100;
   b. *Doyle v. Dennis,* 08SOEBGE101;
   c. *Guethle v. Hill,* 08SOEBGE500;
   d. *Kreloff v. Kalbfleisch,* 08SOEBGE501;
   e. *Ferritto v. Abernathy,* 08SOEBGE502;
   f. *Gooch v. Garling,* 08SOEBGE503;
   g. *Karmel v. Shabo,* 08SOEBGE504;
   h. *Schultz v. Sugrue,* 08SOEBGE505;
   i. *Alexander v. Gray,* 08SOEBGE506.

3. Approve the Rules of Procedure for the State Officers Electoral Board.

4. Authorize the General Counsel to appoint Hearing Examiners as required.

5. Other business.

6. Recess State Officers Electoral Board until a date certain or until the call of the Chairman, whichever occurs first.

Objection Report

Objection Information	Office and Party	Hearing Information
8SOEBGE100 PENDING 04/14/2008 12:39 PM		SBE 04/21/2008 10:30 AM
andidates: TOM SHRIER 313 NORTH NEBRASKA MORTON, IL 61550	**106TH REPRESENTATIVE** DEMOCRATIC	
bjectors: DONALD GRONEWOLD 1006 KINGSBURY ROAD WASHINGTON, IL 61571		
3SOEBGE500 PENDING 04/14/2008 02:00 PM		SBE 04/21/2008 10:30 AM
andidates: ROBERT H. HILL 1460 MOLUF ST. DEKALB, IL 60115	**14TH CONGRESS** GREEN	
bjectors: MARK GUETHLE 1566 HARTSBURG LANE NORTH AURORA, IL 60542		
ISOEBGE501 PENDING 04/14/2008 02:42 PM		SBE 04/21/2008 10:30 AM
andidates: DAVID J. KALBFLEISCH 1621 WEST PARTRIDGE COURT #3 ARLINGTON HEIGHTS, IL 60004	**10TH CONGRESS** GREEN	
ojectors: MICHAEL KRELOFF 1884 STOCKTON NORTHFIELD, IL 60093		

Objection Report

Objection Information	Office and Party	Hearing Information
3SOEBGE502 PENDING 04/14/2008 03:11 PM		SBE 04/21/2008 10:30 AM
andidates: IAIN ABERNATHY 111 FERNDALE DRIVE ROUND LAKE BEACH, IL 60073	**8TH CONGRESS** GREEN	
bjectors: GREGORY FERRITTO 2219 NINTH STREET WINTHROP HARBOR, IL 60096		
3SOEBGE503 PENDING 04/14/2008 03:47 PM		SBE 04/21/2008 10:30 AM
andidates: RICH GARLING 3310 GREENWICH LANE ISLAND LAKE, IL 60042	**52ND REPRESENTATIVE** DEMOCRATIC	
bjectors: THOMAS W. GOOCH III 23559 NORTH OLD BARRINGTON ROAD LAKE BARRINGTON, IL 60010		
SOEB504 PENDING 04/14/2008 04:07 PM		SBE 04/21/2008 10:30 AM
andidates: MIRIAM SHABO 1512 190TH STREET HOMEWOOD, IL 60430	**80TH REPRESENTATIVE** REPUBLICAN	
ojectors: JONATHAN KARMEL 132 GRAYMOOR LANE OLYMPIA FIELDS, IL 60461		

Objection Report

Objection Information	Office and Party	Hearing Information
3SOEBGE505 PENDING 04/14/2008 04:09 PM		SBE 04/21/2008 10:30 AM
andidates: DAN SUGRUE 281 CRESCENT KNOLL DRIVE GREEN OAKS, IL 60048	**59TH REPRESENTATIVE** REPUBLICAN	
bjectors: SHEILA SCHULTZ 393 SOUTH MEADOWBROOK LANE WHEELING, IL 60090		
3SOEBGE506 PENDING 04/14/2008 04:18 PM		SBE 04/21/2008 10:30 AM
andidates: KEITH GRAY 14540 WEST OLD SCHOOL ROAD METTAWA, IL 60048	**30TH SENATE** REPUBLICAN	
ojectors: CYNTHIA ALEXANDER 1044 McALISTER AVENUE NORTH CHICAGO, IL 60064		
SOEBGE101 PENDING 04/14/2008 04:40 PM		SBE 04/21/2008 10:30 AM
andidates: TROY DENNIS 6 MORNING GLORY COURT MOUNT ZION, IL 62549	**17TH CONGRESS** GREEN	
ojectors: MAURICE DOYLE 5205 WEST MAIN STREET HARRISTOWN, IL 62537		

PROPOSED RULES OF PROCEDURE

ADOPTED BY THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO RESOLUTIONS TO FILL VACANCIES IN NOMINATION SEEKING TO PLACE ESTABLISHED POLITICAL PARTY CANDIDATES ON THE BALLOT FOR THE NOVEMBER 4TH, 2008 GENERAL ELECTION

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/28-4, 10 ILCS 5/10-10), the State Board of Elections (the "Board"), a duly constituted electoral board under Section 10-9 of the *Election Code*, hereby adopts the following rules of procedure:

1. EXPEDITED PROCEEDINGS

On all hearing dates set by the Board or its designated hearing officer, the objector and the candidate (at times individually referred to as "party" or collectively referred to as the "parties") shall be prepared to proceed with the hearing of their case. Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objections. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown. During the course of the proceedings, parties must be reasonably available by telephone, facsimile machine or e-mail to receive notices from the Board or opposing parties.

2. APPEARANCE

The candidate or objector may appear in person on his or her own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than those acting pro se shall not appear or participate in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate at any records examination on behalf of any party. Out of state attorneys may appear subject to Part 125.60 of the Rules and Regulations of the State Board of Elections. A party must file with the Board and other parties of the case a written appearance stating his or her name, address, telephone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

If a party has received actual or constructive notice of a hearing and fails to appear, the failure to appear shall constitute waiver by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing. If an objector fails to appear at the initial hearing after having received due notice, the Board may dismiss the objection for want of prosecution.

At the initial hearing the Board will offer an objector who has not verified his or her objection an opportunity to verify the objection. Verification shall provide an evidentiary basis sufficient for the Board to make a determination of the matter in the event that the candidate does not appear and/or contest the matters placed in issue.

3. AUTHORITY OF THE BOARD

The Board (through its duly appointed hearing examiner if applicable; See Part **4** below) shall conduct all hearings and take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. The Chairman of the Board, a member of the Board designated by the Chairman or the Hearing Examiner shall preside over the hearing. The Board shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to:

(a) Administer oaths and affirmations;

(b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of these Rules;

(c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

(d) Rule upon offers of proof and receive relevant evidence;

(e) Direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;

(f) Dispose of procedural requests or similar matters;

(g) Issue subpoenas and rule upon objections to subpoenas and discovery requests;

(h) Consider and rule upon all motions presented in the course of the proceedings except that a Motion to Dismiss can only be ruled upon by the Board;

(i) Consider such evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and

(j) Enter any order that further carries out the purpose of these Rules.

The Board may on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law.

4. HEARING EXAMINERS

In view of the time limitations and the amount of evidence to be presented, the Board may appoint a hearing examiner in any case which the Board deems such an appointment necessary or expedient. Any hearing examiner so appointed shall have the duties and powers of the Board as set forth in these rules, except that a hearing examiner shall not have the power to rule upon any motion which would be dispositive of the objection or issue a final decision. In addition, any hearing examiner appointed by the Board is authorized and directed (a) to hold a full hearing and receive all evidence and argument, (b) to prepare a record of the hearing including a full transcript of court reporter stenographic notes of the proceedings where the hearing examiner has determined that a recording of the proceedings by a court reporter was necessary (c) to prepare an outline of all the evidence, issues and argument and (d) to prepare recommendations, and proposal for decision for submission to the Board and the parties. In cases where a hearing examiner is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the Hearing Examiner is served upon the parties and an opportunity is afforded each party to take exceptions, whether written or oral, and, if the Board so permits, oral argument before the Board. The Board will make a final ruling on the objection and may consider the following as part of its consideration and appraisal of the record: the hearing transcript, the hearing officer's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits or arguments presented by the parties.

5. CASE MANAGEMENT CONFERENCE (Initial Hearing)

The Board will notify the parties to appear at a specified time and place for a conference with the General Counsel of the State Board of Elections, his designee or the Board's appointed hearing examiner for the purpose of considering issues such as scheduling, number of witnesses, discovery matters and any other proceedings intended to aid in the expeditious resolution of the objection. This is usually done at the same time as the initial hearing before the State Officers Electoral Board. Additional case management conferences may be called by the Board, the General Counsel or the appointed hearing examiner when necessary.

6. SERVICE OF DOCUMENTS

All briefs, notices, documents, pleadings, answers and correspondence shall be served upon the opposing parties, or their attorneys if represented by counsel, and filed with the General Counsel or hearing examiner where appropriate. All briefs, notices, documents, pleadings, answers and correspondence may be sent by telefax or e-mail attachment if the other receiving party or his or her representative agrees. In those instances where a telefax or e-mail communication is used, a hard copy shall also be sent by regular mail. The date the telefax or e-mail attachment is received shall be deemed the date notice is given.

7. MOTIONS PRACTICE

All Motions Generally

(a) If a hearing examiner has been appointed, motions shall be addressed to the hearing examiner, with copies provided to the General Counsel's office in

Springfield. The hearing examiner will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a hearing examiner has not been appointed motions will be filed with the General Counsel and will be decided by the Board.

(b) The Board will decide all motions in cases in which no hearing examiner has been appointed. In accordance with the Open Meetings Act, the Board may meet by video conference call to rule on motions. The Chairman may appoint a member of the Board or the staff of the Board to hear and decide for the Board all motions except dispositive motions. Motions addressed to the Board shall be thoroughly briefed so as to minimize the time needed for oral argument.

(c) Motions for continuance are discouraged and will be granted only in extreme circumstances.

Dispositive Motions

(d) The Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/ or the General Counsel.

(e) Preliminary motions not already ruled upon and objections to an objector's petition in the nature of a motion to dismiss or strike the objections will be heard prior to the case on the merits. The Board may, in its discretion, reserve rulings on preliminary motions and objections pending further hearing thereon.

(f) The Board may, upon its own motion with notice to the parties, dismiss for failure to prosecute an objection in any case where the objector fails to attend the initial meeting of the Board at which the objection is called.

8. SUBPOENAS

At the request of any party, the Chairman or the Hearing Examiner may issue subpoenas requiring the attendance of witnesses at a deposition or hearing and subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. Subpoenas and subpoenas *duces tecum* shall be issued in substantially the same manner as stated by the Illinois Code of Civil Procedure. The decision of the Chairman or Hearing Examiner to issue or not to issue a subpoena may be overruled by a vote of five concurring members of the Board.

In case any person so served shall neglect or refuse to obey a subpoena, or refuse to testify in a hearing before the Board or Hearing Examiner, the Board may file a petition in the Circuit Court setting forth the facts of such knowing refusal or neglect. The petition shall be accompanied by a copy of the subpoena, the return of service thereon and the sworn statement of the person before whom the witness was to appear that the witness did not so appear. The petition shall apply for an order of the Court requiring such person to comply with the duly issued subpoena.

9. EVIDENCE

Evidence will be heard by either the Board or the duly appointed hearing examiner as may be submitted, including, but not limited to, documentary evidence, depositions, affidavits, and oral testimony. Evidentiary depositions submitted by either party shall be entered into evidence. Discovery depositions shall be entered into evidence if agreed to by both parties, otherwise such depositions may only be used for purposes of impeachment. Such documentary evidence shall be presented at a hearing, however service of such documentary evidence may be made by facsimile or e-mail followed by a copy to be served by U.S. Mail if the Board or hearing officer finds that to be the most expedient method of service.

Due to the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross examination of witnesses will be subject to the discretion of the Board, and the Board will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. The Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where a hearing examiner has been appointed, he or she will receive all evidence and make all evidentiary rulings, subject to review by the entire Board. The Board will not retry issues heard by a hearing examiner unless the hearing examiner has excluded evidence the Board believes should have been admitted. In such cases the Board will hear the excluded evidence and such other evidence as may be appropriate in response to the matter excluded. The Board will not hear evidence that could have been but was not presented to the hearing officer.

10. ARGUMENT

All arguments and evidence must be confined to the points raised by the objector's petition and objections, if any, to the objector's petition. Allegations that could have been plead in the objection, but were not so plead shall not be considered by the hearing examiner or the Board. The hearing examiner shall determine whether an allegation could have been plead in the objection; such decision being subject to overrule by a majority vote of the Board. The Board reserves the right to limit oral arguments in any particular case and will ordinarily allow not more than ten minutes per side for argument.

11. ORDER

If the objections are sustained in whole or in part, the Board will issue an Order declaring the remedy up to and including invalidation of the nomination papers. The Board will state its findings in writing noting the objections which have been sustained. If the objection is overruled, the Board will issue the appropriate Order; stating its findings in writing.

12. GENERAL PROCEDURES

For the matters not covered herein, the Board will generally follow the provisions of the Code of Civil Procedure of Illinois and the rules of the Illinois Supreme Court regulating discovery and practice in trial courts, provided however that the Board will not be strictly bound by the Code or rules in all particulars.

13. SESSIONS

After the Board convenes the initial hearing, it will be in continuous session until all objections arising out of that filing period have been considered and disposed of, and, in the discretion of the Board, its session may be extended or recessed for a period to be determined by the Board.

14. TRANSCRIPT

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board.

ADOPTED THIS

_____)	CONSTITUTING THE
_____)	STATE BOARD OF
_____)	ELECTIONS
_____)	SITTING AS THE
_____)	DULY AUTHORIZED
_____)	STATE OFFICERS
_____)	ELECTORAL
_____)	BOARD

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EXECUTIVE DIRECTOR
Daniel W. White

MEMORANDUM

TO: Chairman Albert Porter
Vice Chairman Bryan Schneider
Members of the Board
Executive Director Dan White

From: Steve Sandvoss, General Counsel

Re: Appointment of Hearing Officers

Date: April 15, 2008

I have selected the following persons to serve as hearing officers for the several objections filed with the State Board of Elections following the filing period for Resolutions to fill vacancies in nomination; such nominees to be placed on the ballot for the November 4, 2008 General Election and propose the following cases be assigned to them for hearing.

Barbara Goodman
Schultz v Sugrue 08SOEBGE505
Gooch III v Garling 08SOEBGE503
Karmel v Shabo 08SOEB504
Gronewold v Shrier 08SOEB100

Ken Menzel
Ferritto v Abernathy 08SOEBGE502
Kreloff v Kalbfleisch 08SOEBGE501
Guethle v Hill 08SOEBGE500
Doyle v Dennis 08SOEBGE101

Kelly McCloskey Cherf
Alexander v Gray 08SOEBGE506

I would request of the Board authorization to appoint the above persons to serve as hearing officers and for the above cases to be assigned to them for hearing.

Sincerely

Steven S. Sandvoss
General Counsel

SSS/trl