

STATE OFFICERS ELECTORAL BOARD
Special Board Meeting Via Videoconference
Friday, December 21, 2007

MINUTES

PRESENT: Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Wanda L. Rednour, Member
Robert J. Walters, Member

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Officers Electoral was called to order via videoconference means at 10:36 a.m. with seven members present. Members Keith, Smart and Walters were present in the Springfield office and Chairman Porter, Vice Chairman Schneider and Member McGuffage present in the Chicago office. Member Rednour was connected via teleconference call and Member Brady arrived at the meeting at 10:40 a.m.

The Board discussed consideration of the nomination papers of Jeffery Hurst, candidate for State Senator, 51st District. It was agreed that this should be discussed as the State Board of Elections and was moved to the other business portion of the agenda.

Chairman Porter called the first objection to candidates nominating petitions, *Johnson v. Link*, 07SOEBGP515. Present in Chicago were Mike Lavelle on behalf of the objector and Courtney Nottage on behalf of the candidate, and no one was present in Springfield. The General Counsel stated the minimum number of signatures required was 1,000 and the number submitted was 3,378. The basis of the objection alleges the petition contains an insufficient number of valid signatures and two circulators do not reside at the address listed in the circulator's affidavit, rendering those sheets invalid. The number of signatures objected to was 2,393 of which 1,660 were sustained and 689 overruled after conducting a binder check. The General Counsel indicated he agreed with the recommendation of the hearing officer that the petition contained no fewer than 1,526 valid signatures (after subtracting the 192 additional names on the Mr. Davison's petition sheets) and therefore should be deemed valid and the name Terry Link appear on the ballot for the office of State Senator for the 30th Legislative District. Mr. Lavelle stated he did not agree with the recommendation of the hearing officer and that a definite pattern of fraud was established and the other petition sheets circulated by Mr. Davison should be stricken as well. Mr. Lavelle then stated that those petition sheets circulated by

Mr. Knight also be thrown out due to pattern of fraud. Mr. Nottage indicated he agreed with the recommendation of the hearing officer and that all evidence was considered and no allegation of fraud was contained in the petition. He further explained that based on the testimony it was found that Mr. Knight was in fact a resident at the address on the affidavit. The General Counsel indicated only those signatures that were specifically challenged on Mr. Davidson's petition sheets were sustained and that the pattern of fraud should be pled but not during the proceeding. He further explained that the Board should refrain from introducing issues that could have been introduced at the beginning of the procedure. Member McGuffage moved to accept the recommendation of the hearing officer and General Counsel that the objection be overruled and the candidate Terry Link be certified to the February 5, 2008 ballot. Member Rednour seconded the motion which passed by roll call vote of 5-3 with Vice Chairman Schneider and Members Smart and Walters voting in the negative.

The General Counsel presented *Coady, O'Hare v. Roney, 07SOEBGP116*. The candidate, Shirley Roney, representing herself and Timothy Dugan on behalf of the objectors were present in the Springfield office. The hearing officer in the case, David Herman was also present in Springfield and no one was present in Chicago. The General Counsel stated the minimum number of signatures required was no fewer than 833 and the number of signatures submitted was 997. The number of signatures objected to was 319 of which 182 were sustained and 126 overruled after conducting a binder check. The hearing officer heard evidence and arguments and ruled that the number of valid signatures was 18 below what was required and that the objection be sustained. The General Counsel concurred with the recommendation of the hearing officer. Mr. Dugan also concurred and asked that the Board adopt the recommendation of the hearing officer. Ms. Roney did not concur and felt that the objection against her sister-in-law, who was a circulator, was absurd and that she had with her a notarized affidavit along with the voter registration card verifying this. Ms. Roney also felt she was treated unfairly in that she was told she could not speak during the records examination when she observed others making comments and that staff did not follow procedures when making rulings on individual signatures. Mr. Herman verified that those allegations toward staff were not brought up at the December 7 hearing. Member Keith moved to adopt the recommendation of the hearing officer to sustain the objection and the name of Shirley Roney not be printed on the February 5, 2008 ballot for

the office of 19th District, Representative in Congress. Member Brady seconded the motion which passed by roll call vote of 7-1 with Member Walters voting in the negative.

The General Counsel presented *Sendejas v. Shabo*, 07SOEBGP500. The candidate, Miriam Shabo representing herself and Mike Kasper representing the objector were present in Chicago and no one was present in Springfield. The General Counsel stated the minimum number of signatures required was no fewer than 500 and the number of signatures submitted was 547. The number of signatures objected to was 361 and after a binder check was conducted, 312 of those were sustained and 48 overruled. Based on these results, the candidate's petition contained no more than 235 valid signatures which was 265 signatures below the statutory minimum of 500 required. The hearing officer also denied the candidate's Motion to Strike and Dismiss the Objector's petition after it was determined that the objector was sufficiently identified by name and address. The General Counsel concurred with the recommendation of the hearing officer that the objection be sustained and the candidate not be certified to the ballot. Ms. Shabo indicated she believed her petition should be deemed valid and felt the records examination was conducted before the objection had any standing. Mr. Kasper agreed with the recommendation of the hearing examiner and explained that Ms. Shabo misunderstood the geographical location and that those signatures did not count because they reside outside of the district. Vice Chairman Schneider moved to accept the recommendation of the hearing officer that the objection be sustained and the name of Miriam Shabo not be certified to the February 5, 2008 ballot. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Byrd v. Porter*, 07SOEBGP502. The candidate, Jarmon Porter, representing himself and Mike Kasper, representing the objector were present in Chicago and no one was present in Springfield. The General Counsel explained the minimum number of signatures required was no fewer than 500 and the number of signatures submitted was 851. A records examination was conducted on the 498 signatures objected to and it was determined that 390 were sustained and 106 signatures were overruled. The candidate also failed to file a Statement of Economic Interest with the Secretary of State and also failed to file the receipt within the statutory time frame. The General Counsel concurred with the recommendation of the hearing officer that the objection be sustained and the candidate not be certified to the Primary Election ballot. Mr. Porter

stated a Motion to Dismiss and Strike was filed and no response was filed and that the objection should be thrown out. Mr. Kasper indicated a Motion to Strike was not served to him, therefore, he could not respond to such Motion. He further stated the candidate is prohibited from appearing on the ballot because he failed to file required Statement of Economic Interest with the Secretary of State's Office. The General Counsel indicated that a Motion to Strike was not a referenced factor in the hearing officer's decision and the other grounds for the objection were sufficient to sustain the objection. Member Keith moved to accept the recommendation of the hearing officer and General Counsel to sustain the objection and the candidate not be certified to the Primary Election ballot. Member Smart seconded the motion which passed by roll call vote of 7-1 with Member Walters voting in the negative.

The General Counsel presented *Flynn v. Jagla*, 07SOEBGP504. The candidate, Stan Jagla, representing himself, and Matthew Flam on behalf of the objector were present in Chicago and no one was present in Springfield. The General Counsel indicated the minimum number of signatures required was 827 and the candidate submitted 1,004. The number of signatures objected to was 268 and after a binder check was conducted, 150 of those were sustained and 188 overruled. The General Counsel concurred with the recommendation of the hearing officer that the objection be overruled. Mr. Flamm stated that some of the petition signatures did not remotely match the voter registration and felt that every line was not individually compared. Mr. Jagla indicated he concurred with the recommendation of the hearing examiner. The General Counsel agreed that the hearing officer reviewed each signature ruling in column B, signature not genuine, on the recap sheets. He also stated that a signature that was printed and not written is not a valid basis for objection. After discussion, Member Keith moved to accept the recommendation of the hearing officer and General Counsel to overrule the objection and certify the name of Stan Jagla to the Primary Election ballot. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Ferritto v. Abernathy*, 07SOEBGP505. Matthew Flamm was present in Chicago on behalf of the Objector and no one was present in the Springfield office. The General Counsel stated the minimum number of signatures required was no less than 600 and the number of signatures submitted was 13 on the petition. The heading on the petition lists the office as

Representative in Congress and the heading on the Statement of Candidacy lists the office as United States House of Representatives. The Objector alleges this was a violation of 10 ILCS 5/7-10 that the nominating papers specifically identify the office being sought, and the heading of each sheet shall be the same. The General Counsel concurred with the recommendation of the hearing officer that the objection be sustained due to lack of sufficient number of valid signatures and that the name of Iain Abernathy not be certified to the Primary Election ballot. The General Counsel recommended the Board dismiss the designation of office portion of the objection in that there is no statutory requirement the designation of office be identical on the petition sheets and the Statement of Candidacy. Vice Chairman Schneider moved to accept the recommendation of the hearing officer to sustain the objection on the basis of lack of valid signatures and the name of Iain Abernathy not be certified to the Primary Election ballot. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Couvall v. Kalbfleisch*, 07SOEBGP506. Scott Summers was present in Chicago on behalf of the candidate and no one was present in Springfield. The General Counsel indicated the minimum number of signatures required was 600 and the candidate submitted 374. The candidate also filed a Motion to Recalculate Signature Requirement alleging the minimum number signatures required for the Green Party was incorrectly calculated by the State Board of Elections. The General Counsel concurred with the hearing officer's recommendation that the objection be sustained due to lack of valid signatures and the Motion to Recalculate should be denied and the name of David Kalbfleisch should not be certified to the Primary Election ballot. Mr. Summers disagreed with the recommendation of the hearing officer and felt the signature requirement for the Green Party should be accorded the same methodology as the Democrat and Republican Parties. The General Counsel indicated that the default requirement of 600 is still less than the requirements for the Democrat and Republican parties. Vice Chairman Schneider moved to accept the recommendation of the hearing officer and General Counsel to sustain the objection and the name of David Kalbfleisch not be certified to the Primary Election ballot. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Aron, Dehmlow, Alexander v. Johnson*, 07SOEBGP509. Michael Dorf was present on behalf of the objectors in Chicago and no one was present in Springfield. The General Counsel stated the minimum number of signatures required was 1,000 and the number submitted was 1,514. The number of signatures objected to was 824 and after a records examination it was determined that 673 signatures were sustained. The General Counsel concurred with the recommendation of the hearing officer that the objection be sustained due to lack of valid signatures. Mr. Dorf also concurred with the recommendation. Member Smart moved to accept the recommendation of the hearing officer that the objection be sustained and Jerry Johnson should not be printed on the Primary Election ballot. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Martin v. Hill*, 07SOEBGP510. No one was present in either office. The General Counsel indicated the minimum number of signatures required was no less than 5,000 and no more than 10,000 and the number submitted on the petition was 560. The General Counsel concurred with the recommendation of the hearing examiner that the nominating papers of Norm Hill be deemed invalid and that his name not appear on the Primary Election ballot. Member Smart moved to accept the recommendation of the hearing examiner and the General Counsel. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Martin v. Psak*, 07SOEBGP511. Mike Simmons on behalf of the candidate and Mike Psak were both present in Chicago and no one was present in Springfield. The minimum number of signatures required was no less than 5,000 and nor more than 10,000 and 5,554 signatures were submitted on the candidate's petition. The number of signatures objected to was 221. The General Counsel concurred with the recommendation of the hearing officer that the objector's petition should be dismissed and the candidate's Motion to Strike and Dismiss the Objector's Petition should be granted and the name Mike Psak should appear on the Primary Election ballot. Vice Chairman Schneider moved to accept the recommendation of the hearing examiner and the General Counsel that the objection be overruled and the name of Mile Psak appear on the Primary Election ballot. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Linkenheld, Jr. v. Kegarise*, 07SOEBGP517. John Countryman, representing the objector and Donald Laxton, representing the candidate were both present in the Chicago office. No one was present in Springfield. The General Counsel stated the number of signatures required was no fewer than 500 and the number submitted on the candidate's petition was 558. The number of signatures objected to was 172 and after conducting a binder check it was determined that 113 signatures were sustained and 59 overruled, which lowered the number of valid signatures to 55 below the required minimum. A Motion for Default was filed by the Objector against the Candidate for failure to appear at the initial hearing of the State Officers Electoral Board on November 19, 2007. That Motion was denied as the hearing examiner found that the appearance was timely filed. The General Counsel concurred with the recommendation of the hearing examiner that objection be sustained and that the name of Charlotte Kegarise not be certified to the Primary Election ballot. Mr. Laxton stated that the hearing examiner failed to address the Motion to Dismiss and the records check was conducted without proper notice to either party and asked the Board to overrule the recommendation of the hearing examiner. Mr. Countryman disagreed and gave an overview of the events leading up to the hearing and requested the Board accept the recommendation of the hearing officer. After lengthy discussion, Member Brady moved to accept the recommendation of the hearing examiner and General Counsel to sustain the objection and the name of Charlotte Kegarise not be certified to the Primary Election ballot. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Mayers v. Keyes*; 07SOEBGP520. No one was present from the parties in either office. The General Counsel explained The State Board of Elections received what purported to be an objection on December 12, 2007 by Richard B. Mayers to the candidacy of Alan Keys. The objection stated that he was a registered voter but since then we have received notice that Mr. Mayers had canceled his voter registration effective immediately which means the objection would have no standing. Furthermore, the objection does not state any provision of the Election Code that has been violated. It was noted that proper Notice of today's meeting was sent to both parties. The General Counsel recommended the Board strike the objection as not being in compliance with 10-8 of the Election Code in that Mr. Mayers is not a legal voter in the State of Illinois and he did not state the

specific statutory citations that have been violated. Vice Chairman Schneider moved to accept the recommendation of the General Counsel to dismiss the objection. Member Rednour seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the State Officers Electoral Board, Vice Chairman Schneider moved to recess until call of the Chairman. Member Brady seconded the motion which passed unanimously. The meeting recessed at approximately 1:10 p.m.

Respectfully submitted,

Amy Calvin, Administrative Specialist II

Daniel W. White, Executive Director