

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Thursday, January 7, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
Betty J. Coffrin, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Darlene Gervase, Admin. Assistant III

The Chairman called the State Officers Electoral Board meeting to order at 10:31 a.m. All members of the State Officers Electoral Board were present.

Executive Director Sandvoss presented the minutes of the December 14, 2015 meeting for approval. Member Cadigan so moved and Member Carruthers seconded the Motion which passed 8-0.

The following objections to established political party candidate nominating petitions for the March 15, 2016 General Primary Election were considered.

Pearson v. Pahlke, 15SOEBGP500. Attorney Edward Ronkowski filed an appearance and was present at the meeting. Elizabeth Diane Pahlke had filed a *Pro Se* Appearance but was not present at the meeting. Five thousand valid signatures are required to be submitted by the Republican candidate for the Office of U.S. Senate. Respondent submitted approximately 5,562 signatures. Objection alleged violations of Section 7-10 involving circulation, notarization, 90 day circulation requirement, both party and blanks for party references, unnumbered petition pages violations; 52 pages devoid of human signatures and approximately 38 pages of mud, grass, leaves and bird feces. Candidate numbered only 18 pages of the 613 submitted. The Hearing Officer found that the Candidate's petition lacked overall substantial compliance with Section 7-10 of the Election Code and recommended (1) the Objector's Motion for Summary Judgment be Granted, (2) the Objection be Sustained, and (3) the Candidate's name not be printed on the ballot as a Republican Party candidate for the Office of U.S. Senate to be voted upon at the March 15, 2016, General Primary Election. The General Counsel concurred. Member Cadigan so moved and Member Carruthers seconded the Motion. The Motion passed unanimously by roll call vote.

Cramer v. Straw, 15SOEBGP501. Both parties submitted *Pro Se* Appearances and were present at the meeting. Basis of the Objection was an insufficient number of valid signatures. Candidate filed 128 signatures. Valid signatures required for a Republican Candidate for Representative in the 8th Congressional District is 475. Candidate submitted 128 signatures. Candidate argued that the Americans with Disabilities Act entitled him to an accommodation

related to gathering and petition circulation. The Hearing Officer found that the State Officers Electoral Board cannot grant the requested accommodations, cannot address constitutional challenges raised and has no jurisdiction over alleged Federal Campaign Finance violations involving an opposing candidate. The Hearing Officer recommended the Candidate's Motion to Strike the Objection be dismissed. Further, by filing an insufficient number of signatures, the Candidate's name not be certified to the ballot as a Republican Candidate for Representative from the 8th Congressional District. The General Counsel concurred. Vice Chairman Gowen so moved and Member Watson seconded the Motion. The Motion passed unanimously by roll call vote.

Cramer v. Evans, 15SOEBGP502. Thomas Bastian appeared for the Objector and Candidate filed a *Pro Se* Appearance. Both were present at the meeting. The candidate filed 434 signatures to run for the office of Representative in Congress from the 8th District for the Republican Party. The required number of valid signatures is 475. The Hearing Officer recommended that Candidate's Motion to Strike and Dismiss be denied; the Objection be Sustained and the Candidate's name not be certified to the ballot as a Republican Party candidate for the office of Representative in Congress from the 8th District for the Republican Party. The General Counsel concurred. Member McGuffage so moved and Member Watson seconded the Motion. The Motion passed 8-0 by roll call vote.

Cramer v. Hantsch, 15SOEBGP503. Thomas Basitian appeared for the Objector and the Objector, Mark Cramer, filed a *Pro Se* Appearance. Both were present at the hearing. Candidate had filed a *Pro Se* Appearance but was not present at the meeting. Candidate filed 547 signatures. The required number of valid signatures for a Republican Candidate for the Office of Representative in the 8th Congressional District is 475. An Objection was timely filed to the validity of signatures and a binder check was performed. 175 objections were Sustained, leaving 372 valid signatures; 103 less than the requirement. The Hearing Officer recommends the objection be Sustained and the Candidate's name not certified to the ballot as a Republican Party candidate for the Office of Representative in the General Assembly for the 8th Representative District. The General Counsel concurred. Member Carruthers so moved and Member Cadigan seconded the Motion which passed unanimously by roll call vote.

Ogunneye v. Hastings, 15SOEBGP506. McStephen Solomon filed an Appearance for the Objector. Burton Odelson, Lauren Glennon and Luke Keller filed an Appearance for the Candidate but did not appear at the meeting. An Objection to residency requirement was filed against Michael Hastings, a Democratic candidate for the Office of State Senate in the 19th District. The Hearing Officer found that the Candidate satisfies the residency requirement to be a candidate for State Senate and Recommends the Candidate's Motion to Strike and Dismiss be granted, (2) the Objector's petition be dismissed in its entirety; and (3) the Candidate's name be certified for the ballot as candidate for the Democratic Party for the Office of State Senator for the 19th Legislative District for the State of Illinois. The General Counsel concurred. Member Keith so moved and Member Watson seconded the Motion. The Motion passed unanimously.

Mason v. Jernigan, 15SOEBGP507. Michael Kasper filed an Appearance for the Objector and appeared at the meeting. No one appeared for the Candidate. Linda Jernigan filed 524 signatures to run for the Office of State Representative from the 38th District for the Democratic Party. An Objection was filed to the validity of 295 signatures and a binder check was ordered. Objections to the validity of 244 signatures were sustained resulting in 284 valid signatures, 220 less than the minimum of 500. The Hearing Officer recommended the Objection be Sustained and the Candidate's name not be certified to the ballot as a Democratic Party candidate for the Office of Representative in the General Assembly for the 38th Representative District in the State

of Illinois. The General Counsel concurred. Member Keith moved to adopt the Hearing Officer and General Counsel's recommendations. Member Watson seconded the Motion. The Motion passed unanimously by roll call vote.

Larson v. Wesa, 15SOEBGP513 and Airdo v. Wesa, 15SOEBGP515. Michael Kasper and Kevin M. Morphew filed Appearances for the Objector Larson in 513. Rich Means filed an Appearance for Objector Airdo in 515. Attorneys Kasper and Means appeared at the meeting. No one appeared for the Candidate. The objections similarly alleged that the Candidate's Statement of Candidacy was false and were consolidated for the Board Meeting only. Objector Airdo argued that the Candidate failed to satisfy the two year residency requirement prior to filing her nomination papers. The matters were consolidated. Evidence proving the candidate did not reside at the address on the nomination papers was presented at the hearing. A binder check resulted in 503 valid signatures, 3 over the minimum. The Hearing Officer recommended that the Objection to Candidate's nomination papers be Sustained and the Candidate's name not be certified for the ballot as candidate for the Republican Party for the Office of Representative in the General Assembly for the 77th Representative District for the State of Illinois. The General Counsel concurred and added that the Candidate faxed a signed and notarized Withdrawal of Candidacy. The Board cannot process her withdrawal until it receives an original signed document. Member Keith moved to Sustain the Objection and Candidate's name not appear on the ballot. Member Cadigan seconded the Motion which passed 8-0 by roll call vote.

Schmidt v. Moeller, 15SOEBGP516. Anna Moeller, candidate for State Representative from the 43rd District for the Democratic Party signed her petition; the petition of a Republican Party candidate; and her Statement of Candidacy as a Democratic Party candidate, in that order. The Objector was represented by Jeffrey Meyer and Michael Kasper represented the Candidate. Both were present at the meeting. The timing of the signatures and sequence of events were undisputed and supported by affidavits submitted by the Candidate. Relying on case law, the Hearing Officer found that the candidate's signature on her own Democratic petition is valid and the subsequent signatures should be stricken. Further that the candidate aligned herself with the Democratic Party when she signed her own petition and the Statement of Candidacy. The Hearing Officer recommended that the Board (1) grant the Candidate's Motion for Summary Judgment, (2) overrule the Objection in its entirety, and (3) order that the Candidate's name be certified for the ballot as Democratic Party candidate for the Office of Representative in the General Assembly for the 43rd Legislative District. The General Counsel concurred. Member Cadigan moved to accept Attorney Meyer's request for Leave to File Exceptions to Include in the Record. Member Carruthers seconded the Motion which passed unanimously by 8 voices in unison. Member Keith moved to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot. Member Watson seconded the motion which passed 6-2 with Members Cadigan and Carruthers dissenting.

Bartlett v. Rush, 15SOEBGP517. Objections were filed to the validity of signatures and circulators filed on the candidate's petition. A binder check was ordered. The Objector was represented by Michael Dorf; and Brendan Shiller represented the Candidate. Attorneys for both parties were present at the meeting. Candidate Bobby Rush filed 3,067 to run for the Office of Representative in Congress from the 1st Congressional District for the Democratic Party. 1,314 valid signatures are required. The binder check showed 93 valid signatures more than required. All motions and pleadings filed in the case were rendered moot in light of the results of the binder check. The Hearing Officer recommended (1) that objections to Candidate's nomination papers be overruled, (2) Candidate's nomination papers be deemed valid and (3) Candidate's name certified for the ballot as candidate for the Democratic Party for the Office of United States Representative for the 1st Congressional District for the State of Illinois. The General Counsel

concurrent. Member Cadigan so moved and Vice Chairman Gowen seconded the Motion which passed unanimously.

Dobkin & Jacobs v. Sherman, 15SOEBGP520. Objections were filed to the candidacy of Rob Sherman as candidate for the Office of Representative in Congress for the 5th Congressional District for the Green Party. Andrew Finko represented the Objector and Richard Means represented the Candidate. Attorneys for both parties were present at the meeting. Twelve valid signatures are required for the office. Objections included an incomplete Statement of Candidacy, insufficient number of valid signatures, circulators issues and candidate is not a registered voter in the district. A binder check was ordered and resulted in 22 valid signatures, 10 more than required. The Hearing Officer recommended the Objection be Overruled and dismissed arguments that the Candidate is not sufficiently affiliated with the Green Party to be their candidate, and ruled that candidate must reside within the State of Illinois, not the 5th Congressional District, to run for office. The General Counsel agreed and takes the position that a “qualified primary elector” to run in a primary election is a person who is properly registered to vote and who has not taken prior action to affiliate with a different political party for the current election cycle. Member Coffrin so moved and Vice Chairman Gowen seconded the Motion to adopt the Hearing Officer and General Counsel’s recommendations and the Candidate’s name be certified for the ballot. The Motion passed unanimously by roll call vote.

Dobkin & Jacobs v. Mayers, 15SOEBGP521. An Objection to the candidate’s Statement of Candidacy, various invalid signers, a pattern of fraud, candidate is not a qualified voter, petition not bound and photocopied sheets in violation of Section 7-10 of the Election Code was timely filed. Andrew Finko represented the Objectors. Candidate Mayers filed a *Pro Se* Appearance. Mr. Finko was present at the meeting. Mr. Mayers was not present. A binder check was ordered and examiners ruled on objections to 31 signatures. The binder check yielded 17 valid signatures, 5 more than the required minimum 12. The Hearing Officer recommended the claim the Candidate is not affiliated with the Green Party, and that the Candidate must be a resident of the 5th Congressional District be dismissed as in Case # 15 SOEB GP520. The Hearing Officer originally recommended the objection the Candidate is not a qualified voter be sustained because Mr. Mayers did not provide proof he was a registered voter at the time of signing his Statement of Candidacy was reconsidered. He amended that recommendation because being unable to vote in Illinois when the Candidate filed his Statement of Candidacy and being unable to vote in the 5th Congressional District may be too subtle of a distinction to pass Constitutional muster. Therefore, the Hearing Officer recommended the Candidate need not present proof to the Board that he was a registered voter of signing his Statement of Candidacy and recommended the Candidate be certified to the ballot. General Counsel Menzel did not concur with the Hearing Officer’s ultimate recommendation as he take the position a “qualified primary elector” for the purpose of running in a primary election is a person properly registered to vote and who has not taken prior action to affiliate with a different political party for the current election cycle. Mr. Mayers chose to cancel his voter registration so as to no longer be a properly registered voter. For that reason, Mr. Menzel found he is not a “qualified primary elector” of any political party. Member Keith moved to adopt the General Counsel’s Recommendation to sustain the election and find the Candidate’s name not be certified as a candidate for the 2016 General Primary Election for the Office of U.S. Representative for the 5th Congressional District on the Green Party’s primary ballot. Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote.

Objections were filed by the same person to Candidates in cases 15SOEBGP523; 524; and 525 which were summarized together. The Objection to all cases involved validity of signatures and referenced an Appendix-Recapitulation sheet which should detail line-by-line objections. However no such Appendix-Recapitulation sheet was filed with any of the Objections.

Lewis v. Rayburn, 15SOEBGP523. Objector and candidate filed *Pro Se* Appearances. Only Mr. Rayburn was present at the meeting. The Candidate filed a Motion to Overrule/Strike the Objector's Petition on the basis Objector failed to include the Appendix-Recapitulation. Objector filed his response alleging his petition satisfies the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Vice Chairman Gowen seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2nd Congressional District. The Motion passed unanimously by roll call vote.

Lewis v. Myrickes, 15SOEBGP524. Objector and candidate filed *Pro Se* Appearances. Neither was present at the meeting. The Candidate filed a Motion to Overrule/Strike the Objector's Petition on the basis Objector failed to include the Appendix-Recapitulation. Objector filed his response alleging his petition satisfies the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Member Watson seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2nd Congressional District. The Motion passed unanimously by roll call vote.

Lewis v. Kelly, 15SOEBGP525. Objector a filed *Pro Se* Appearance and the candidate was represented by Michael Dorf. Only Mr. Dorf was present at the meeting. The Candidate filed a Motion to Dismiss on the basis Objector failed to include the Appendix-Recapitulation. Objector's Response to Motion to Dismiss alleged his petition satisfied the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Member Watson seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2nd Congressional District. The Motion passed unanimously by roll call vote.

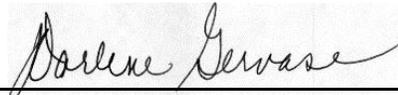
The following Objections/Candidates withdrawn were presented for informational purposes:

- a. *Kaye & Kaye v. Phillips*, 15SOEBGP100 – objection withdrawn;
- b. *Cronauer & Fassnacht v. Carrier*, 15SOEBGP101; objection withdrawn;
- c. *Sparrow v. Pritchett*, 15SOEBGP102 – objection withdrawn;
- d. *Riley & Arends v. Pierce*, 15SOEBGP103 – objection withdrawn;
- e. *Runyon & Lycan v. Kaye*, 15SOEBGP105 – objection withdrawn;
- f. *Solomon v. Riley*, 15SOEBGP505 – objection withdrawn;
- g. *Iler v. Hudson*, 15SOEBGP510 – candidacy withdrawn;
- h, *Gierhahn v. Solomon*, 15SOEBGP511 – objection withdrawn; and
- i. *Palacio v. Rush*, 15SOEBGP519 – objection withdrawn.
- j. *Brown v. Harris*, 15SOEBGP522 – objection withdrawn.

There being nothing further before the State Officers Electoral Board, Member Keith moved to recess to January 20, 2016 or the call of the Chairman, whichever occurs first. Member Carruthers seconded the motion which passed unanimously by 8 voices in unison.

The State Officers Electoral Board recessed at 12:22 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene Gervase".

Darlene Gervase, Admin. Asst. III

A handwritten signature in cursive script, appearing to read "S. Sandvoss".

Steven S. Sandvoss, Executive Director