

STATE OFFICERS ELECTORAL BOARD
Special Meeting via Videoconference
Tuesday, January 9, 2012

MINUTES

PRESENT: William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
Judith C. Rice, Member
Bryan A. Schneider, Member
Charles W. Scholz, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The special meeting of the State Officers Electoral Board was called to order via videoconference at 10:06 a.m. with all Members present. Chairman McGuffage and Members Gowen and Rice were present in Chicago. Vice Chairman Smart and Members Byers, Coffrin and Scholz were present in Springfield. Member Schneider was present via teleconference.

The first item on the Agenda was to call cases and accept appearances for objections to candidate nominating petitions for the March 20, 2012 General Primary Election. The Chairman called the following cases:

- a) *Bromley v. Evans*, 12SOEBGP100 – Attorney Jeff Jurgens on behalf of the objector and no one appeared for the candidate;
- b) *Bromley v. Canfield*, 12SOEBGP101 – Attorney Jeff Jurgens on behalf of the objector and candidate Robert Canfield;
- c) *Brimm v. Newman*, 12SOEBGP102 – Attorney John Fogarty on behalf of the objector and candidate Teri Newman;
- d) *Hoffman v. Farnick*, 12SOEBGP52 – Attorneys Mike Kreloff and Sally Salzberg on behalf of the objector and candidate Jonathan Farnick;
- e) *Petzel v. Ritter*, 12SOEBGP522 – Geoffrey Petzel for the objector and candidate Tim Ritter;
- f) *Rodriguez v. Rutagwibira*, 12SOEBGP523 – Attorney Rich Means on behalf of the objector and no one appeared for the candidate;
- g) *Coyle & Bigger v. Miller*, 12SOEBGP524 – Attorney John Fogarty on behalf of the objectors and candidate Darrel Miller;
- h) *Schaefflein & Brezinski v. Cunningham*, 12SOEBGP525 – Attorney John Fogarty on

behalf of the objector and Attorney Deanna Mool and candidate John "Jack" Cunningham;

- i) *Billerman & Pettlon v. Harris*, 12SOEBGP526 – Attorney John Fogarty on behalf of the objector and no one appeared for the candidate;
- j) *Cunningham v. Biggert*, 12SOEBGP527 – Attorney John Duggan and John "Jack" Cunningham for the objector and Attorney John Fogarty on behalf of the candidate;
- k) *Cunningham v. Harris*, 12SOEBGP528 – Attorney John Duggan and John "Jack" Cunningham for the objector and no one appeared for the candidate.

The General Counsel presented the revised Rules of Procedure for the State Officers Electoral Board. He noted that there were minor changes in paragraph eight concerning deadlines for subpoena requests and responses to those requests. Vice Chairman Smart moved to approve the revised Rules of Procedure as presented. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel said he has chosen the individuals that will serve as hearing officers and the cases that would be assigned to them outlined in his memo to the Board. These are the same hearing officers that presided over the last round of objections and after their appointment they would meet with the parties for initial case management conferences. Vice Chairman Smart moved to approve the appointment of hearing officers and assignment of cases. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Next on the Agenda was Consideration of objections to candidate nominating petitions for the March 20, 2012 General Primary Election and presented *DeVivo v. Bradley*, 11SOEBGP500. No one was present for the objector and candidate Duane Bradley was present in Chicago. The General Counsel summarized the matter and said he concurred with the hearing officer recommendation to sustain the objection and not certify the candidate to the ballot due to an insufficient amount of signatures. Mr. Bradley stated that he disagreed with the recommendation made some general objections and questioned the interpretation of the statute. After discussion regarding the statutory signature requirement, Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel to sustain the objection and not certify the candidate to the ballot. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Zurek v. Saviano*, 11SOEBGP501 and summarized the objection. No one was present for the objector and Attorney Andrew Raucci was present on behalf of the candidate. The General Counsel concurred with the hearing officer recommendation to overrule the objection and certify the candidate to the ballot. Mr. Raucci agreed with that recommendation. The General Counsel noted that the recommendation also included referral of the circulators to the state's attorney's office on the allegation that they committed perjury. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel to overrule the objection, certify the candidate to the ballot and dismiss the referral to the state's attorney's office. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *McSweeney v. Rowe*, 11SOEBGP503 and summarized the objections. Attorney Rich Means was present on behalf of the objector and attorney Laura Jacksack was present on behalf of the candidate. The General Counsel concurred with the hearing officer recommendation to overrule the objection based on the results of the records examination and certify the candidate to the ballot. Mr. Means and Ms. Jacksack both concurred with the recommendation. Member Scholz moved to accept the recommendation of the hearing officer and General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

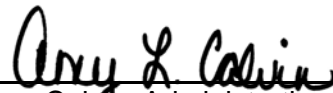
The General Counsel presented *Young v. Jacobs*, 11SOEBGP504 and summarized the objection. No one appeared for the objector or the candidate. The General Counsel concurred with the hearing officer recommendation to grant the motion for summary judgment, sustain the objection and not certify the candidate to the ballot. Member Byers moved to accept the recommendation of the hearing officer and General Counsel. Member Rice seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Montgomery/Williams v. Mahon*, 11SOEBGP519 and summarized the matter. No one appeared for the objector or the candidate. The General Counsel concurred with the hearing officer recommendation to overrule the objection and certify the candidate to the ballot. The General Counsel also noted that the recommendation to certify the candidate be stayed until the disposition of *Harris v. Mahon*, 11SOEBGP505. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

A listing of Objections that have been withdrawn was presented. Vice Chairman Smart moved to accept the withdrawal from the objectors for the following matters: c) *Wooters/Cannon v. Roman*, 11SOEBGP103; d) *Harmon v. Dove*, 11SOEBGP108; e) *Kim v. Barnhart*, 11SOEBGP109; and f) *Harris v. Harris*, 11SOEBGP507. Member Scholz seconded the motion which passed unanimously.

With there being no further business before the State Officers Electoral Board, Member Scholz moved to recess until Thursday, January 12, 2012 at 10:00 a.m. or until call of the Chairman whichever occurs first. Vice Chairman Smart seconded the motion which passed unanimously. The meeting adjourned at 10:50 a.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert Borgsmiller, Executive Director