

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Thursday, February 2, 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 11:00 a.m. with all Members present. Chairman McGuffage and Members Gowen and Rice were present in Chicago. Vice Chairman Smart and Members Coffrin and Scholz were present in Springfield and Members Byers and Schneider were present via teleconference.

The minutes from the January 9 and 17 State Officers Electoral Board meetings were presented. Vice Chairman Smart moved to approve the minutes. Member Coffrin seconded the motion which passed unanimously.

First on the Agenda was consideration of objections to candidate nominating petitions for the March 20, 2012 General Primary Election. The Chairman called *Brimm v. Newman*, 12SOEBGP102 and the General Counsel summarized the objection. He concurred with the hearing officer recommendation to sustain the objection and not certify the candidate to the ballot due to the results of the records examination. Attorney John Fogarty concurred and was present on behalf of the objector and no one appeared for the candidate. Member Rice moved to accept the recommendation of the General Counsel and hearing officer to sustain the objection and not certify the candidate to the ballot. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman called *Freeman v. Obama*, 12SOEBGP103 and *Jackson v. Obama*, 12SOEBGP104. The General Counsel concurred with the hearing officer recommendation to grant the candidate's motion to strike and dismiss the objector's petition and certify the candidate to the ballot. No one was present for the objector for *Freeman v. Obama* and Objector Michael Jackson was present pro se for *Jackson v. Obama*. Attorney's Mike Kreloff and Mike Kasper were present on behalf of the candidate in both matters and concurred with the hearing officer recommendation. Member Rice moved to grant the motion to strike and dismiss and certify the candidate to the ballot in both of the above noted matters. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman called *Petzel v. Ritter*, 12SOEBGP522 and the General Counsel summarized the objection. 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. No one was present for the objector or the candidate. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer 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 Chairman called *Rodriguez v. Rutagawibira*, 12SOEBGP523 and the General Counsel summarized the objection. He concurred with the hearing officer recommendation to sustain the objection and not certify the candidate to the ballot due to the results of the records examination. Furthermore, he noted that the misidentification in the spreadsheet was simply a scrivener's error and the results were checked by staff. Attorney Rich Means concurred with the recommendation and was present for the objector and no one appeared for the candidate. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer to sustain the objection and not certify the candidate to the ballot. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Chairman called *Coyle/Bigger v. Miller*, 12SOEBGP524 and the General Counsel summarized the matter. 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. Fogarty was present on behalf of the objectors and candidate Darrell Miller was present pro se. Mr. Fogarty agreed with the recommendation of the hearing officer and Mr. Miller summarized his exceptions to the hearing officer's report. After discussion from both parties, Member Rice moved to accept the recommendation of the General Counsel and hearing officer. Member Gowen seconded the motion which passed by roll call vote of 5-3 with Members Byers, Coffrin and Vice Chairman Smart voting in the negative.

The Chairman called *Schaeflin/Brezinski v. Cunningham*, 12SOEBGP525 and the General Counsel reviewed the objection. He concurred with the hearing officer recommendation to sustain the objection and not certify the candidate to the ballot due to the results of the records examination and subsequent evidentiary hearings. The General Counsel reluctantly agreed with the recommendation to strike thirty-one pages containing an incorrect residence address of the circulator because even though it appeared to be an inadvertent mistake on the part of the circulator the relevant case law interprets the statute as mandating a correct address. Mr. Fogarty was present on behalf of the objection and attorney Deanna Mool was present on behalf of the candidate. Ms. Mool did not feel it was necessary to strike the thirty-one pages because two digits were accidentally transposed and indicated there was no evidence of fraud in this case. Mr. Fogarty insisted the whole record must be examined and felt there was a pattern of fraud and agreed with the hearing officer recommendation. Member Rice moved to accept the recommendation of the hearing officer and General Counsel. Member Gowen seconded the motion which passed by roll call vote of 6-2 with Member Coffrin and Vice Chairman Smart voting in the negative.

The Chairman called *Billerman/Pettlon v. Harris*, 12SOEBGP526 and *Cunningham v. Harris*, 12SOEBGP528 and the General Counsel summarized the objections. He concurred with the hearing officer recommendation to sustain the objection and not certify the candidate to the ballot due to an insufficient number of signatures in both matters. Mr. Fogarty was present for the objectors Billerman/Pettlon and agreed with the recommendation. No one was present for Objector

Cunningham and candidate Diane Harris was present for both matters. Ms. Harris felt the signatures that were stricken as not being registered should be considered registered because she personally collected these signatures. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel in both matters to sustain the objections and not certify the candidate to the ballot. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman called *Cunningham v. Biggert*, 12SOEBGP527 and the General Counsel reviewed the objection. He concurred with the hearing officer recommendation to overrule the objection and certify the candidate to the ballot. No one was present for the objector and Mr. Fogarty was present on behalf of the candidate. He indicated he also concurred with the recommendation. 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.

The Chairman presented *Sutton v. Baker, et al.*, 12SOEBGP501 and the General Counsel summarized the objection. He concurred with the hearing officer recommendation that the objection be rendered moot and no further action be taken as the slate of candidates is unable to appear on the ballot because they did not appear on the official list of approved delegates submitted by President Obama's campaign. No one appeared for the objector and Mark Loveless, a candidate on the slate, was present on behalf of the candidate. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman presented objections that had been withdrawn and the General Counsel informed the Board that the objector had withdrawn their petition for judicial review in the matter of *Meroni, et al. v. Obama* 12SOEBGP500. Member Rice moved to accept the withdrawal of the objections. Vice Chairman Smart seconded the motion which passed unanimously.

With there being no further business before the State Officers Electoral Board, Member Scholz moved to recess until Wednesday, February 22, 2012 at 9:00 a.m. or until call of the Chairman whichever occurs first. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at 12:45 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert Borgsmiller, Executive Director