

STATE OFFICER'S ELECTORAL BOARD
Monday, July 21, 2008
Springfield, Illinois

MINUTES

PRESENT: Albert Porter, Chairman
Bryan Schneider, Vice Chairman
John Keith, Member
William McGuffage, Member
Wanda Rednour, Member
Jesse Smart, Member
Robert Walters, Member

ABSENT: Patrick Brady, Member

ALSO PRESENT: Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director

The meeting of the State Officer's Electoral Board was called to order at 10:42 a.m. with seven members present. Member Brady was absent and Member Schneider held his proxy. Member Smart was connected via telephone and the Chicago office was connected via videoconference.

The General Counsel reviewed the objection of *Denzler v. Carter*, 08SOEBGE102, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 18th District was no fewer than 11,422. The candidate filed no more than 116 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Andrew Raucci was present on behalf of the objector. Bradley Carter was present pro se. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *Boltz v. Ferguson*, 08SOEBGE507, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 13th District was no fewer than 10,480. The candidate filed no more than 2 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with

the recommendation. Andrew Raucci was present on behalf of the objector. No one was present for the candidate. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Vice Chairman Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *LeBeau v. Stevo*, 08SOEBGE508, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 10th District was no fewer than 10,285. The candidate filed no more than 6,978 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Andrew Raucci was present on behalf of the objector. Allan Stevo was present pro se. Mr. Stevo asked the Board to reject the challenge to his petition and allow him on the ballot and challenged the law which he feels is unconstitutional. Mr. Raucci stated that the Illinois Supreme Court upheld the constitutionality of the larger signature requirement and in his opinion since new political party candidates did not have the burden of having to participate in a primary election, it justified the larger signature requirement to appear directly on the General Election ballot. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and sustain the objection. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel reviewed the objection of *Haase v. Druck*, 08SOEBGE509, noting the basis of the objection was an insufficient number of signatures. The required number of signatures for new political party candidates for Representative in Congress in the 14th District was no fewer than 9,995. The candidate filed no more than 7,131 signatures. The hearing officer recommended the objection be sustained on the basis of insufficient signatures. The General Counsel concurred with the recommendation. Jeff Jurgens was present on behalf of the objector. Andrew Spiegel was present on behalf of the candidate. Mr. Spiegel indicated he agreed partially with the hearing officer in that this Board cannot declare a statute unconstitutional, but felt that the larger signature requirement for new party candidates was nevertheless unconstitutional. Mr. Jurgens rested on the pleadings as submitted. Member Keith moved to adopt the recommendation of the hearing officer and General

Counsel and sustain the objection. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for Board consideration motions to reconsider the three unresolved objections to resolutions to fill vacancies in nomination submitted by counsel for the parties, in the following matters: *Gronewold v. Shrier*, 08SOEBGE100; *Gooch v. Garling*, 08SOEBGE503; *Karmel v. Shabo*, 08SOEBGE504. John Countryman and John Fogerty were present on behalf of the objector in the matter of *Gronewold v. Shrier* and *Gooch v. Garling*. Michael Kasper was present on behalf of the candidate in those matters as well. In the matter of *Karmel v. Shabo*, Mr. Kasper represented the objector and Mr. Countryman the candidate. After discussion on who has the right to make a request for reconsideration Member McGuffage moved to grant the Motion for Reconsideration which was rephrased as a Motion for Further Consideration. Member Rednour seconded the Motion which passed by a roll call vote of 8-0. It was noted that this was a procedural vote only. Mr. Countryman asked the Board to break the previous deadlock vote on the matter to enable the parties to take appropriate action. Both Mr. Countryman and Mr. Kasper were seeking final orders in the three cases. Member McGuffage moved in the matter of *Gronewold v. Shrier* to accept the recommendation of the hearing officer and General Counsel in order to reach a majority decision which would allow the parties an opportunity to appeal if they so choose. Member Rednour seconded the motion. Discussion ensued on how these candidates would appear on the official Board Certification in the event the Board failed to dispose of these cases by a majority vote, as it was noted that the cases are not ripe for appeal until the electoral board issues a Final Order by such a vote. The motion was called and failed as a result of a vote of 4-4, with Members Brady, Smart, Walters and Vice Chairman Schneider voting in the negative. Mr. Kasper and Mr. Countryman agreed to withdraw their motions for reconsideration in the two remaining cases. In response to a question from Member Rednour, the General Counsel stated that currently, the candidate's names were still on the ballot in that they have not been removed by a majority vote of the Board and further explained that the tie vote leaves the objections in limbo, and that it would be the decision of the State Board of Elections (as opposed to the State Officers Electoral Board) as to whether these candidates will appear on the

Official Certification and if so, whether the words “objection pending” would appear next to their names.

With there being no further discussion, Member Schneider moved to adjourn until August 29 or the call of the chair and reconvene as the State Board of Elections. Member Rednour seconded the motion which passed unanimously. The meeting adjourned at 11:20 a.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director