

**STATE OFFICERS ELECTORAL BOARD  
Special Board Meeting Via Videoconference  
Monday, July 26, 2010**

**MINUTES**

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

**ABSENT:** Albert S. Porter, Member

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

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The special meeting of the State Officers Electoral Board was called to order via videoconference means shortly after 10:00 a.m. with six Members present. Chairman Schneider and Member McGuffage were present in Chicago, Members Keith and Smart were present in Springfield and Member Walters was present in Godfrey. Vice Chairman Rednour was present via telephone. Member Porter was absent and Member McGuffage held his proxy. Chairman Schneider held Member Brady's proxy until his arrival in Chicago at 10:30 a.m.

The Chairman indicated the first order of business was to consider subpoena requests in connection with challenges to nominating petitions of Independent and new Political Party candidates. The General Counsel explained that Rule 8 of the Rules of Procedure adopted by the State Officers Electoral Board requires any party requesting a subpoena to submit such request to the Board for consideration. The first request concerned *Heffernan, et al. v. Constitution Party, et al.*, 10SOEBGE570 and it was noted that attorney John Fogarty was present in Chicago on behalf of the objector and attorney Doug Ibendahl was present in Springfield on behalf of the candidates. The subpoena request was filed in a timely manner and the objector is seeking subpoena of Gayle Cotor whose residence at the address shown on the petition sheet was being questioned. The hearing officer recommended the subpoena request be denied on the basis that the evidence submitted by requestor of the subpoena did reveal that Ms. Cotor's address, while even though there were other names affiliated with that social security number, Ms. Cotor's name was one of them and her address matches that on the petition. The General Counsel concurred with the hearing officer's recommendation. Mr. Fogarty indicated that the basis of the objection alleges a pattern of fraud, among other things, and believes that more information should be sought to determine if Ms. Cotor was actually the one who circulated the petitions. Mr. Ibendahl felt the evidence was merely a one page document claiming three individuals shared the same social security number but no support for

that claim and asked the Board to deny the subpoena request. Discussion ensued concerning verification of the social security number and limiting the items outlined in the subpoena request. Mr. Fogarty did not object to narrowing the scope of the request and Mr. Ibendahl indicated he felt a little better about it as well. Member McGuffage moved to authorize the subpoena request limited to commanding the presence of Ms. Cotar for questioning whether she was the actual petition circulator. Member Smart seconded the motion which passed by roll call vote of 6-1-1. Member Keith voted in the negative and Member McGuffage passed Member Porter's vote.

The General Counsel presented *Atsaves v. Clark*, 10SOEBGE511 and explained it was a request for fourteen subpoenas to be issued. The first six alleged those persons did not circulate the petitions even though their names and signatures were on the circulator's affidavit. Items seven through fourteen were individuals who were listed on the semi-annual report of the candidate showing payments for petition circulation. As to paragraphs one through six, the hearing officer recommended the requests be granted and paragraphs seven through fourteen he recommended those requests be denied. The General Counsel concurred with the recommendation of the hearing officer. Attorney John Fogarty was present on behalf of the objector and attorney James Nally was present on behalf of the candidate. Mr. Fogarty indicated the reason the objector seeks a subpoena, especially on Granger Terry, is to discover who actually circulated the petitions for candidate Clark and indicated he agreed with the recommendation of the hearing officer with the exception of individual number nine. This individual would possibly have knowledge as to who actually circulated the petitions but has not been accused of any wrong doing. Mr. Nally summarized his points as outlined in the written response and explained that the candidate submitted approximately one thousand signatures above the minimum required and felt there was no basis to call individuals in for deposition. He then asked that the motion for all of the subpoenas be denied. After discussion, Member Brady moved to accept the narrow recommendation of the hearing officer and the General Counsel modified only slightly to include the subpoena issue as it relates to Mr. Bartholomae. Member Smart seconded the motion which passed by roll call vote of 8-0. In response to a suggestion from Member Keith, Member Brady agreed to amend his motion that in regards to the subpoena to Grainger Terry also, if requested, require the appearance of the records custodian. Member Smart agreed to the amendment and it passed by roll call vote of 8-0.

Due to the volume of objections for consideration on the Agenda for the August 17 meeting the Board agreed to change the meeting time to 9:00 a.m. instead of 10:30 a.m.

With there being no further business before the Board Member Brady moved to recess until 9:00 a.m. on August 17, 2010 or until call of the Chairman, whichever occurs first. Member McGuffage seconded the motion which passed unanimously. The meeting recessed at 11:00 a.m.

**Respectfully submitted,**

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**Amy Calvin, Administrative Specialist II**

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**Daniel W. White, Executive Director**