

STATE OFFICERS ELECTORAL BOARD
Friday, August 26, 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, Asst. Executive Director
Kenneth R. Menzel, General Counsel
Darlene Gervase, Admin. Assistant III

The meeting of the State Officers Electoral Board began at 10:33 a.m. with all members present in the Chicago office.

Chairman Scholz asked for a motion to approve the minutes from the July 11 meeting. Member Keith so moved and Member Cadigan seconded the motion which passed unanimously by roll call vote.

Consideration of objections to independent and new party candidates' nominating petitions for the November 8, 2016 General Election began with Item 2.a. *Koehn v. Silver*, 16SOEBGE102. Michael J. Kasper was present for the Objector and no one appeared for the candidate. The minimum signature requirement is 1,824. Candidate submitted 1,325 signatures. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to Sustain the Objection and the name of Dan Silver as an Independent Candidate not be printed on the ballot for the office of 115th Representative at the November 8, 2016 General Election. The General Counsel concurred with the recommendation. Member McGuffage moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred and sustain the objection. Member Watson seconded the Motion which passed 8-0 by roll call vote.

John G. Fogarty, Jr., appeared for the Objector in 2.b. *Brown & Welbers v. Schreiner*, 16SOEBGE103 and no one appeared for the Candidate. The number of signatures to run for Representative in the 16th Congressional District is 11,141. The Candidate submitted 1. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to Sustain the Objection and the name of Joseph Schreiner not be printed on the ballot for the Libertarian Party Representative from the 16th Congressional District at the November 8, 2016 General Election. The General Counsel concurred with the recommendation. Member Cadigan so moved and Member Carruthers seconded the Motion which passed unanimously by roll call vote.

As to 2.c. *Bigger v. Fluckiger & Koppie*, 16SOEBGE104, Mr. Fogarty appeared for the Objector and no one appeared for the Candidates. Twenty-five thousand signatures are required for President and United States Senator. The candidates submitted 83. The Candidates did not dispute the count. Neither party submitted subpoena requests nor filed Motions. Based on the

failure to file sufficient valid signatures, the Hearing Officers recommended to Sustain the Objection and the Candidates not be certified to the November 8, 2016 General Election ballot as Constitution Party Candidates for the offices of President and United States Senator. The General Counsel concurred. Member Carruthers moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. Member Cadigan seconded the Motion which passed unanimously by roll call vote.

Chairman Scholz call 2.d. *Bigger v. Conklin*, 16SOEBGE105 and noted the appearance of John G. Fogarty, Jr., for the Objector and no one for the Candidate. Independent Candidate, Eric M. Conklin, filed 225 signatures, however, 25,000 are required to run for United States Senator. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to sustain the Objection and not certify Independent Candidate Conklin to the office of United States Senator and the General Counsel concurred. Member Keith moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. Member Cadigan seconded the motion which passed unanimously by roll call vote.

The General Counsel asked to move 2.e. *Wicklund v. Gill*, 16SOEBGE106 after 2.h due to an Order filed in U.S. District Court. His request was approved.

As to 2.f. *Swift & Patrick v. Harner*, 16SOEBGE107, the office for the Representative from the 117th Representative District requires 1,759 signatures. Candidate Harner submitted 731. Mr. Fogarty appeared for the Objector and no one appeared for the Candidate. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to sustain the objection and not certify Robert "Bobby" Harner to the November 8, 2016 General Election ballot as a Tea Party candidate for the office of Representative for the 117th Representative District. The General Counsel concurred. Vice Chairman Gowen moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. Member Cadigan seconded the motion which passed 8-0 by roll call vote.

The Chairman noted the appearance of John G. Fogarty, Jr., for the Objectors and Mr. Schluter appeared *Pro Se* in 2.g. *Swift & Patrick v. Schluter*, 16SOEBGE108. The number of signatures for the office of Representative in the 117th Representative District is 1,759. Candidate submitted 2,059 and the Objectors objected to 1,071 as not genuine; not registered at address shown; resides outside of district; address missing or incomplete and signer signed petition more than once. A binder check was necessary and both parties filed Dispositive Motions. The Records Check showed 697 objections were sustained, leaving a total of 1,362 valid signatures – 397 signatures less than required. As to the Motion to Dismiss, the Hearing Officer found the Objectors met the requirement of 10-8 and recommends the Motion be denied. Since the Candidate did not timely offer evidence to prove the staff findings to be in error and submitted no supporting evidence, he recommended the Rule 9 arguments be rejected. The Hearing Officer found no evidence that SBE staff violated 10 ILCS 7/5-10 and that the Candidate's Motion to Dismiss be denied and the Candidate's failure to submit the minimum number of valid signatures, his name not be certified to the ballot as a candidate to the office of Representative for the 117th Representative District. The General Counsel concurred. Member Keith so moved and Member Watson seconded the motion which passed unanimously by roll call vote.

The Chairman noted the Appearances of John G. Fogarty, Jr., for the Objector; Sam Cahnman in the Springfield office and co-counsel Andrew Finko in Chicago for the Candidate in 2.h. *Stocks v. Gill*, 16SOEBGE109. Discussion was had among the Board regarding the ruling of United States District Court Judge Sue E. Myerscough's Order that enjoins the Board from enforcing the Election Code's signature requirement against David M. Gill in light of the fact that he has obtained

8,593 valid signatures and shown a modicum of support. Her order requires that Gill remain on the ballot for the 2016 General Election. Mr. Fogarty asked for a motion to have the hearing reopened to hear the objections he filed on pagination and circulators that were not heard, or ruled upon by the Hearing Officer. Member Keith moved to deny the motion and Member Watson seconded the motion. The motion failed 3-5 with Members Cadigan, Carruthers, Coffrin, McGuffage and Vice Chairman Gowen voting in the negative. Member Carruthers moved to reopen the Hearing allowing the Hearing Officer to hear other objections that were not considered at the Hearing. Member Coffrin seconded the motion which passed 7-1 with Chairman Scholz voting No. The Hearing Officer's supplemental recommendation will be scheduled for the next meeting.

As to 2.e. *Wicklund v. Gill*, 16SOEBGE106, Member Keith moved to defer action and the matter be continued to be heard at such time as the next hearing is held in the *Stocks v Gill* matter. Member Cadigan seconded the Motion which passed unanimously by roll call vote.

The Chairman called 2.i. *Sherman v. Soltysik & Walker*, 16SOEBGE504 and noted the appearance of Rob Sherman, the Objector, *pro se*. No one appeared for the Candidates. The number of signatures required to run for President and Vice President is 25,000. Candidates submitted 1. The Candidates did not dispute the count. Neither party submitted subpoena requests nor filed Motions. Based on the failure to file sufficient valid signatures, the Hearing Officer recommended to sustain the objection and not certify Emidio Soltysik and Angela N. Walker to the November 8, 2016 General Election ballot as candidates for President & Vice President of the Socialist Party USA. The General Counsel concurred. Member Keith moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. Vice Chairman Gowen seconded the motion which passed 8-0 by roll call vote.

As to 2. j. *Sherman v. Vann*, 16SOEBGE505, Chairman Scholz note appearances of both parties. To run for President, candidate Vann, needed 25,000 valid signatures. She submitted 11. The Hearing Officer found Candidates failure to file a sufficient number of valid signatures and recommended to Sustain the objection and not certify Mary Vann to the November 8, 2016 General Election ballot as a Human Rights Party candidate for the office of President of the United States. The General Counsel concurred. Member Keith moved to adopt the Hearing Officer's recommendation in which the General Counsel concurred and sustain the objection. Vice Chairman Gowen seconded the Motion which passed unanimously by roll call vote.

The Chairman noted the appearance of Objector Sherman in 2.k. *Sherman v. Fluckiger & Koppie*, 16SOEBGE506 and no one present for the Candidates. Candidates were required to file 25,000 valid signatures. They filed 83. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to sustain the objection and not certify Frank Fluckiger and Chad Koppie to the November 8, 2016 General Election ballot as Constitution candidates for the offices of President and Vice President. The General Counsel concurred. Member Carruthers moved to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. Member Coffrin seconded the motion which passed 8-0 by roll call vote.

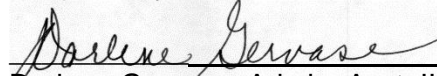
Chairman Scholz called 2.l. *Sherman v. Conklin*, 16SOEBGE507 and noted the appearance of Objector Sherman and no one for the candidate. Candidate Conklin needed 25,000 valid signatures to run for United States Senator. He submitted 225. The Candidate did not dispute the count. Neither party submitted subpoena requests nor filed Motions. The Hearing Officer recommended to sustain the objection and not certify Eric M. Conklin to the November 8, 2016 General Election ballot as an Independent candidate for the office of United States Senator. The General Counsel concurred. Member Carruthers so moved to adopt the Hearing Officer's

Recommendation in which the General Counsel concurred. Member Cadigan seconded the motion which passed 8-0 by roll call vote.

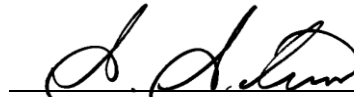
As to 2. m. *Weber v. Harsy*, 16SOEBGE508, Michael J. Kasper was present for the Objector in Chicago and Candidate Harsy was present in the Springfield office. The Candidate was required to file 1,792 signatures to run as an Independent for Representative from the 116th District. He submitted 631 signatures. The Candidate did not dispute the count. Dispositive Motions were filed by both parties. The Hearing Officer found the objector met the requirements of 10-8 and recommended the Candidates' Motion to Dismiss be denied. Further, candidate failed to file a sufficient amount of valid signatures and he recommended to sustain the objection and not certify Bubba Harsy to the November 8, 2016 General Election ballot as an Independent candidate for Representative for the 116th Representative District. The General Counsel concurred. Member Keith moved and Vice Chairman Gowen seconded a motion to adopt the Hearing Officer's Recommendation in which the General Counsel concurred. The motion passed 8-0 by roll call vote.

There being no other business before the State Officers Electoral Board Member Carruthers moved and Member Cadigan seconded a Motion to recess the State Officers Electoral Board until Monday, September 19, 2016 at 10:30 a.m. in Springfield or until call of the Chairman, whichever occurs first. The State Officers Electoral Board meeting ended at 11:59 a.m.

Respectfully submitted,



Darlene Gervase, Admin. Asst. III



Steven S. Sandvoss, Executive Director