

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

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BOARD MEMBERS
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

AGENDA
STATE BOARD OF ELECTIONS
Sitting as the Duly Authorized
State Officers Electoral Board
Monday, September 20, 2010
10:30 a.m.

1020 South Spring Street
Springfield, Illinois
and via videoconference
James R. Thompson Center – Suite 14-100
Chicago, Illinois

1. Call State Officers Electoral Board to order.
2. Approval of the minutes from the July 26, August 6, 17 and 27 meetings. (August 17 & 27 sent under separate cover)
3. Adjourn State Officers Electoral Board.

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

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 John Fogarty was present in Chicago on behalf of the objector and 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

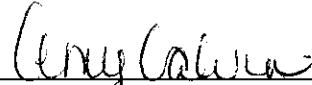
individuals shared the same social security number but no support for that claim and asked the Board to deny the subpoena request. Discussion ensued concerning verification of the social security number and limiting the items outlined in the subpoena request. Mr. Fogerty did not object to narrowing the 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. John Fogerty was present on behalf of the objector and James Nally was present on behalf of the candidate. Mr. Fogerty indicated the reason the objector seeks a subpoena, especially on Grainger 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 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,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

STATE OFFICERS ELECTORAL BOARD
Special Board Meeting Via Videoconference
Friday, August 6, 2010

MINUTES

PRESENT: Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
Albert S. Porter, Member
Jesse R. Smart, Member
Robert J. Walters, Member

ABSENT: William M. McGuffage, Member

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

The special meeting of the State Officers Electoral Board was called to order via videoconference means shortly after 2:35 p.m. with seven Members present. Chairman Schneider and Members Brady and Porter were present in Chicago and Members Keith and Smart were present in Springfield. Vice Chairman Rednour and Member Walters were present via telephone. Member McGuffage was absent and Member Porter held his proxy.

The first order of business was to approve the minutes from the June 11 meeting. Member Keith moved to approve the minutes as presented. Member Smart seconded the motion which passed unanimously.

The next item on the agenda was consideration of subpoena requests in connection with challenges to nominating petitions of Independent and New Political Party candidates. The General counsel presented *Heffernan, et al. v. the Libertarian Party, et al.*, 10SOEBBE567 and indicated the objector was requesting subpoenas to be issued to Darryl Bonner and a Cheryl Ford, who the objector believed could offer testimony and other evidence in relation to their circulation of nominating petitions on behalf of the Libertarian Party. The hearing officer recommended the subpoena request be granted so that the objector has an opportunity to establish or present evidence that they feel is a pattern of fraud related to the petition circulated by these individuals. The General Counsel concurred with the recommendation of the hearing office but indicated he felt that the Board did not have jurisdiction to enforce the subpoena for the deponent to travel to Chicago. However, the requester would be able to take the Illinois issued subpoena to the appropriate authorities in Pennsylvania and ask that they issue on their own based on this request or take other action as the requester may ask them to do. The General Counsel felt the requestor of the subpoena would have to pay for all travel expenses associated with the deponents appearing in Chicago. Brian Sheehan was present on behalf

of the objector and Andrew Spiegel was present on behalf of the Libertarian Party candidates. Mr. Sheehan concurred and verified that the deponents travel expenses and reasonable witness fees would be covered and the depositions would take place on August 10. Mr. Spiegel felt there was not sufficient evidence to warrant the issuance of subpoenas against the two individuals and in addition to the circulators' affidavits, attached documents showing Cheryl Ford's motor vehicle registration card showing that she's at the same address that she included on the nominating petition. Also, these are professional circulators that are most likely circulating in another state at this time and would be difficult to serve. Member Brady moved to accept the recommendation of the hearing officer and General Counsel and grant the subpoenas requested and this matter be ready for disposition on August 17. Member Smart seconded the motion which passes by roll call vote of 8-0 as to the Darryl Bonner subpoena and 7-1 as to the Cheryl Ford subpoena with Member Keith voting in the negative.

The General Counsel presented *Heffernan v. Dabney*, 10SOEBGE569 and explained the subpoena request was directed to circulator Bernice Travis and it was alleged she circulated petitions for Corey Dabney and also a candidate for the Libertarian party as well with is contrary to the provisions of Section 10-4 of the Election Code. The hearing officer recommended the request be granted and the General Counsel concurred. Brian Sheehan was present on behalf of the objection and no one was present for the candidate. Mr. Sheehan indicated he was basically looking for information pertaining to when Ms. Travis circulated the petitions that were filed on behalf of candidate Dabney and when she circulated certain petitions filed on behalf of The Libertarian Party and agreed to amend language that would limit the subpoena to whatever purpose the Board would think is appropriate. Member Keith moved to permit the subpoena to be issued limiting the documentation, requesting the documentation, reflective of when the petitions for candidate Dabney filed on his behalf and when the petitions for the Libertarian Party filed on his behalf were circulated. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented consideration of objections to new party and independent candidate petitions for the November 2, 2010 General Election and indicated the following agenda matters be considered together as they were all similar in the allegations that were being raised:

- a) *Meroni v. Trexler*, 10SOEBGE524;
- b) *Meroni v. Moore*, 10SOEBGE525;
- c) *Meroni v. Malan*, 10SOEBGE526;
- d) *Meroni v. Pauly*, 10SOEBGE527;
- e) *Meroni v. Hanson*, 10SOEBGE528;
- f) *Meroni v. Fox*, 10SOEBGE529;
- g) *Meroni v. Labno*, 10SOEBGE530;
- h) *Meroni v. Horton*, 10SOEBGE531;
- i) *Meroni v. White*, 10SOEBGE532;
- j) *Meroni v. Dunlap*, 10SOEBGE533;

- k) *Meroni v. Cotton*, 10SOEBGE534;
- l) *Meroni v. Becker*, 10SOEBGE535;
- m) *Meroni v. Officer*, 10SOEBGE537;
- n) *Meroni v. Walls III*, 10SOEBGE538;
- o) *Meroni v. Dabney*, 10SOEBGE539;
- p) *Meroni v. Scanlan*, 10SOEBGE540;
- q) *Meroni v. Czarny*, 10SOEBGE541;
- r) *Meroni v. Pedersen*, 10SOEBGE542;
- s) *Meroni v. Rutledge*, 10SOEBGE543;
- t) *Meroni v. Green*, 10SOEBGE544;
- u) *Meroni v. Pedersen*, 10SOEBGE545;
- v) *Meroni v. Pedersen*, 10SOEBGE546;
- w) *Meroni v. Pedersen*, 10SOEBGE547;
- x) *Meroni v. Pedersen*, 10SOEBGE548;
- y) *Meroni v. Martin*, 10SOEBGE549;
- z) *Meroni v. Estill*, 10SOEBGE550;
- aa) *Meroni v. Pedersen*, 10SOEBGE551;
- bb) *Meroni v. Pedersen*, 10SOEBGE552;
- cc) *Meroni v. Boyd Jr.*, 10SOEBGE553.

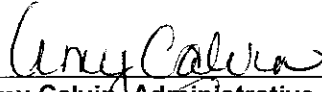
The basis of the objections was that the candidates' nomination papers were insufficient because they failed to demonstrate and/or provide documentation that the candidate meets the constitutional requirements or laws. In some cases, the candidates either themselves or through counsel filed motions to strike and dismiss or motions for summary judgment. In other cases, no motions were made. The hearing officer recommended that as to the cases where there were motions to strike and dismiss filed that the Board grant those motions on the basis that the petition does not allege any deficiencies that would invalidate any of the candidates' nominating papers. They simply make a claim that the candidate has failed to prove that they meet the constitutional requirements. It does not comply or comport with the requirements of the 10-8 which states that the objection must specifically state the objection in writing. Also, as to the group of candidates that did not file any motions, Mr. Menzel recommended that the Board invoke Rule 4 of the Rules of Procedure which gives the Board the authority to strike any objection that the Board feels does not comply with Section 10-8 and they can do so on their own motion, and the hearing officer recommended that the Board exercise that power and invoke Rule 4 to strike the objections in their entirety. The General Counsel concurred with the recommendations of the hearing officer on all twenty-nine cases. Sharon Meroni was present in person pro se and was afforded ample time to address the Board and make arguments as to why the objections should be granted. Ms. Meroni began by asking for a continuance of the matters as she felt she did not have enough time to prepare for today's meeting. The General Counsel verified that Ms. Meroni and the candidates received the hearing officer recommendations on July 16 and 20 and the parties were properly notified of the Board meeting. Three days notice was given to both the

objector and the candidates. Furthermore, the notice of the meeting was also made public, posted on the website in conformance with the Open Meetings Act and all procedures adopted that are contained in the Rules of Procedure have been complied with. With no objection from the Board the Chairman ruled to proceed pursuant to the agenda and dispose of the matters. In summary, Ms. Meroni continued and reiterated her allegations raised in the objections explaining there is no evidence provided that the candidates are constitutionally eligible other than the fact that some of them signed the statement of candidacy and felt this was a violation of her civil rights and her ballot. Ms. Meroni then asked the Board to deny the recommendations of the hearing officer and conduct additional hearings. Candidate Steven Estill was present and agreed with the recommendation of the hearing officer. Randy Crumpton was present on behalf of candidate Willie Boyd and indicated he stood on his motion. Member Brady moved to accept the recommendation of the hearing officer to grant the motions to strike in those cases where the motions were filed and the concurrence of the General Counsel in those cases; and where there were no motions filed, accept the recommendation of the hearing officer and the General Counsel that the Board act on its own authority to strike those objections. Member Porter seconded the motion which passed by roll call vote of 8-0. The Chairman thanked Ms. Meroni for appearing and suggested she speak with her attorneys and/or consultants for advice on how to proceed from this point if she chooses to do so.

The General Counsel gave a brief status update on the progress of the records examinations and indicated the vast majority of the cases will be ready for disposition on August 17 but a few may not be ready until the August 27 meeting.

With there being no further business before the State Officers Electoral Board Member Brady moved to recess until August 17, 2010, at 9:00 a.m. or until call of the Chairman whichever occurs first. Member Porter seconded the motion which passed unanimously. The meeting recessed at 3:40 p.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director