

STATE OFFICERS ELECTORAL BOARD  
Thursday, January 11, 2018

MINUTES

PRESENT: William J. Cadigan, Chairman  
John R. Keith, Vice Chairman  
Andrew K. Carruthers, Member  
William M. McGuffage, Member  
Katherine S. O'Brien, Member  
Charles W. Scholz, Member  
Casandra B. Watson, Member

ABSENT: Ian K. Linnabary, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director  
Bernadette Matthews, Asst. Exec. Director  
Kenneth R. Menzel, General Counsel  
Amy L. Calvin, Administrative Assistant III

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The meeting convened at 9:06 a.m. via videoconference with seven Members present in Chicago. Member Linnabary was absent and Member Carruthers held his proxy. Member McGuffage held Member Watson's proxy until her arrival at 9:10 a.m.

Member Scholz moved to approve the December 19 minutes as presented. Vice Chairman Keith seconded the motion which passed by roll call vote of 8-0.

Chairman Cadigan called the case and accepted appearances for *Tucker v. Atteberry*, 17SOEBGP112, an objection to judicial candidate nominating petitions for the March 20, 2018 General Primary Election.

Member Scholz moved to approve the Rules of Procedure for the State Officers Electoral Board. Vice Chairman Keith seconded the motion which passed by roll call vote of 8-0.

Member Scholz moved to authorize the General Counsel to appoint Hearing Examiners as required. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The following objections to established political party candidate nominating petitions for the March 20, 2018 General Primary Election were considered. The Chairman reminded the parties to be brief with their comments so enough time would be allowed to process all of the objections.

***Pierce v. Senor, 17SOEBGP100.*** Objector Gary Pierce was present as well as John Fogarty on behalf of the candidate. Mr. Menzel reviewed the objection and indicated a records examination was conducted and ruled on 531 signatures. It was determined that 83 of the signatures submitted were ruled invalid leaving a total of 762 valid signatures, which was 262 signatures above the required minimum number of 500 signatures. Mr. Menzel concurred with the hearing officer recommendation that objection be overruled and that the candidate be certified to the primary election ballot. Member Scholz so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

***Ruocco v. Hilmes, 17SOEBGP102.*** Objector Katherine Ruocco was present and no one

appeared for the candidate. Mr. Menzel reviewed the objection and explained that it alleges the candidate's use of variations of his full name. He concurred with the hearing officer recommendation that the objection be overruled and that the candidate be certified to the primary election ballot. Vice Chairman Keith so moved and Member McGuffage seconded the motion, which passed by roll call vote of 7-0. Member Carruthers recused himself from the matter and Chairman Cadigan held Member Linnabary's proxy.

***Sparks-Franklin v. Bequette, 17SOEBGP103.*** Brian Flynn was present on behalf of the objector and William McGrath was present on behalf of the candidate. Mr. Menzel reviewed the objection and stated that 488 signatures were objected to as well as some circulator issues. A records exam was conducted and it was found that the candidate had 823 valid signatures, which was 7 more than the required 816 signatures. The hearing officer also found that the five petition sheets in question were substantially compliant with the requirements of the Election Code. The hearing officer recommended that the objection be overruled and that the candidate's name appear on the general primary ballot. Mr. Menzel concurred with the hearing officer recommendation. Member Carruthers so moved and Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

***Sparks-Franklin v. Koen, 17SOEBGP104.*** Brian Flynn was present on behalf of the objector and Lionel Nixon was present on behalf of the candidate. The number of signatures objected to was 394 and a records exam was conducted. It was found that 604 signatures were valid, which was 212 signatures less than the required minimum number of 816 needed to appear on the ballot. The objection also alleged some circulator issues as well. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 6-0. Members McGuffage and Watson voted present.

***Pellegrini v. Westerfield, 17SOEBGP105.*** John Fogarty was present on behalf of the objector and no one appeared for the candidate. Mr. Menzel said that 200 signatures were objected to and a records exam was conducted. The results of the exam left the candidate with 436 valid signatures, which was 64 signatures below the required 500 minimum number of signatures. He concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Scholz so moved and Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

***Pillsbury v. Hicks, 17SOEBGP106.*** David Kelm was present on behalf of the objector and Christopher Hicks was present pro se. The objection alleges the candidate did not have a sufficient number of required signatures contained in the petition. After a staff count of the signatures, it was found to have a total of 688 signatures, which was 312 less than the minimum number of required signatures. The candidate also filed a motion to dismiss and strike and an exception to the hearing officer recommendation. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Vice Chairman Keith moved to deny the motions and sustain the objection. Member Scholz seconded the motion which passed by roll call vote of 8-0.

***Graham v. Brown, 17SOEBGP109.*** Nathaniel Harris was present on behalf of the objector and Terry Brown was present on behalf of the candidate. Mr. Menzel indicated that 1,265 signatures were objected to as well as circulator problems. The results of the records exam found 788 valid signatures, which was 212 less than the required 1,000 minimum number of signatures. The

hearing officer recommended that the objection be sustained and the candidate's name not appear on the primary election ballot. Mr. Menzel concurred with the hearing officer. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

***Yancey v. Patton, 17SOEBGP110.*** Mike Kasper was present on behalf of the objector and Burt Odelson and John Fogarty were present on behalf of the candidate. The objection alleges the candidate's petitions were invalid as Mr. Patton was not a qualified voter of the republican party for the 2018 primary election cycle because he signed the petition of a candidate from the other party before signing other petitions for candidates within the party in which he's running. Mr. Menzel noted that this matter was similar to another matter in 2016 and other cases of party switching. There was some conflicting evidence as to whether the candidate signed the opposite party petition prior to signing petitions with his own party, but the hearing officer found the testimony and evidence that the opposite party petition was signed first to be more credible. The hearing officer recommended that the objection be sustained and that the name of the candidate not appear on the primary election ballot. Mr. Menzel concurred with the recommendation and added that the hearing officer analyzed the current law very well. Lengthy discussion ensued. Vice Chairman Keith moved to accept the recommendation of the General Counsel and hearing officer. Member Watson seconded the motion which failed by roll call vote of 4-3. Members Linnabary (via proxy by Chairman Cadigan), O'Brien and Chairman Cadigan voted in the negative and Member Carruthers recused himself from the matter.

***Rogers v. Bonner, 17SOEBGP500.*** Max Solomon was present on behalf of the objector and Michael Dorf was present for the candidate. The objection alleges that the candidate lost his residency in the 38<sup>th</sup> Representative District when he worked in Washington, D.C. for the U.S. Army. The hearing officer found that the candidate maintained his Illinois residency during his military employment under both 10 ILCS 5/3-2A and the Illinois Supreme Court's holding in Maxim versus Board of Election Commissioners. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the general primary election ballot. Member Scholz so moved and Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

***Biasiello v. Quigley, 17SOEBGP505.*** James Hartman was present on behalf of the candidate and no one was present for the objector. A records exam was conducted and 2,666 signatures were ruled upon. It was found that a total of 1,943 signatures were valid, which was 793 signatures above the required 1,150 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Vice Chairman Keith so moved and Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

***Perales v. Calloway, 17SOEBGP507.*** Both the objector and candidate are pro se and neither were present. A records exam was conducted and 196 signatures were ruled upon. It was found that a total of 221 signatures were valid, which was 121 signatures above the required 100 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. The hearing officer also found that the Statement of Candidacy was in substantial compliance with the requirements of the Election Code, despite the minor misstatements noted. Member Scholz so moved and Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

***Kmiecik v. Byrne, 17SOEBGP511.*** Burt Odelson was present for the candidate and no one was present for the objector. A records exam was conducted and 361 signatures were ruled upon. It was found that a total of 523 signatures were considered to be valid, which was 23 signatures above the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Carruthers so moved and Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

***Rogers v. Graham, Jr., 17SOEBGP512.*** The candidate, Clifton Graham, was present pro se and no one was present for the objector. A records exam was conducted and 944 signatures were ruled upon. The results of the exam show a total of 902 valid signatures, which was 402 signatures above the required 500 minimum number of signatures. . Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Vice Chairman Keith moved to dismiss the objection for want of prosecution. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

***Rogers v. Matthews, Jr., 17SOEBGP513.*** No one was present for the objector or the candidate. A records exam was conducted and 796 signatures were ruled upon. It was found that a total of 759 signatures were considered to be valid, which was 259 signatures above the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Carruthers so moved and Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

***Rogers v. Meyers-Martin, 17SOEBGP514.*** No one was present for the objector and Burt Odelson was present for the candidate. A records exam was conducted and 1,279 signatures were ruled upon. It was found that a total of 977 signatures were considered to be valid, which was 477 signatures above the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Scholz moved to dismiss the objection for want of prosecution. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

***Sanders v. Winston, 17SOEBGP516.*** Burt Odelson was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 758 signatures were ruled upon. It was found that a total of 429 signatures were considered to be valid, which was 71 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

***Sanders v. Jones, 17SOEBGP517.*** Burt Odelson was present on behalf of the objector and Mike Kasper was present for the candidate. Mr. Menzel said the objection alleges the candidate did not live within the district for which he was running. The hearing examiner heard testimony from the candidate, the candidate's wife and a private investigator. The hearing examiner found that the candidate had previously established a residency at home in Calumet City, which was within the district, and was currently splitting his time between that home and the home of his wife located in South Holland, which was outside of the district. The hearing examiner also found that the objector did not carry his burden of establishing that the candidate had abandoned his

residency in Calumet City. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Carruthers so moved and Member Scholz seconded the motion, which passed by roll call vote of 8-0.

***Bernas v. Kegarise, 17SOEBGP519.*** John Fogarty was present for the candidate and no one was present for the objector. A records exam was conducted and 486 signatures were ruled upon. It was found that a total of 722 signatures were considered to be valid, which was 222 signatures above the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Vice Chairman Keith so moved and Member Scholz seconded the motion, which passed by roll call vote of 8-0.

***Martin v. Winston, 17SOEBGP520.*** Mike Kasper was present for the objector and no one was present for the candidate. A records exam was conducted and 779 signatures were ruled upon. It was found that a total of 332 signatures were considered to be valid, which was 168 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member Scholz seconded the motion, which passed by roll call vote of 8-0.

***Ford v. Graham, Jr., 17SOEBGP521.*** Mike Kasper was present on behalf of the objector and the candidate, Clifton Graham, was present pro se. A records exam was conducted and 879 signatures were ruled upon. It was found that a total of 509 signatures were considered to be valid, which was 9 more than the required 500 minimum number of signatures. After a Rule 9 hearing it was determined that an additional 16 signatures were actually invalid, reducing the total number of valid signatures to 493, which was 7 below the required minimum. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

***Stanfa v. Toolis, 17SOEBGP522.*** James Hartman was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 792 signatures were ruled upon. It was found that a total of 260 signatures were considered to be valid, which was 240 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Vice Chairman Keith so moved and Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

***McGlynn v. Egunwoke, 17SOEBGP523.*** James Hartman was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 678 signatures were ruled upon. It was found that a total of 162 signatures were considered to be valid, which was 338 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

***Padilla v. Tomkowiak, 17SOEBGP526.*** Mike Kasper on was present on behalf of the objector and the candidate, Mateusz "Mat" Tomkowiak, was present pro se. A records exam was conducted and 136 signatures were ruled upon. It was found that a total of 107 signatures were

considered to be valid, which was 7 signatures above the required 100 minimum number of signatures. After a Rule 9 hearing, it was found that an additional 25 signatures were invalid, reducing the total number of valid signatures to 82, which was 18 below the required amount. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Scholz so moved and Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

**Rottman, Jr., v. Drury, 17SOEBGP527.** James Nally was present on behalf of the objector and the candidate, Scott Drury, and his attorney, Casey Westover, were also present. The objection alleges that the candidate failed to file a Statement of Economic Interest in relation to his candidacy. The candidate's receipt was related to his earlier 2017 filing with respect to his current position as State Representative. Section 10 ILCS 5/7-12(8) permits a candidate to use the receipt filed in relation to the same governmental unit within a year preceding the date on which such nomination papers are filed. The issue is whether the receipt in connection with the Illinois General Assembly relates to the same governmental unit as the office of Attorney General. The hearing officer agreed with the objector's argument that the Legislative and Executive Branches should be deemed to be separate units of government and recommended the objection be sustained and the candidate's name not appear on the primary election ballot. Mr. Menzel did not concur with the recommendation and cited case law to support his recommendation. He felt that the General Assembly and the Executive Branch were both part of the same governmental unit, the State of Illinois, and that the objection be overruled. Lengthy discussion ensued. Member McGuffage moved to sustain the objection and the candidate's name not be certified to the primary election ballot. Member Watson seconded the motion which failed by roll call vote of 5-3. Members Carruthers, Linnabary, O'Brien, Vice Chairman Keith and Chairman Cadigan voted in the negative. Member Carruthers moved to overrule the objection and certify the candidate to the primary election ballot. Member O'Brien seconded the motion which passed by roll call vote of 5-3. Members McGuffage, Scholz and Watson voted in the negative.

**Anderson v. Jhingan, 17SOEBGP528.** The objection was not ready for disposition and placed on the special board meeting agenda.

**Symonds & Anguiano v. Evans, 17SOEBGP529.** John Fogarty was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 290 signatures were ruled upon. It was found that a total of 478 signatures were considered to be valid, which was 22 signatures below the required 500 minimum number of signatures. At the Rule 9 hearing the hearing examiner found that 3 objections were erroneously sustained, bringing the candidate up to 19 short of his minimum. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

**Atsaves v. Grasso, 17SOEBGP530.** John Fogarty was present on behalf of the objector and Burt Odelson was present for the candidate. A records exam was conducted and 6,193 signatures were ruled upon. It was found that a total of 5,440 signatures were considered to be valid, which was 440 signatures above the required 5,000 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Scholz so moved and Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

**Drury v. Mariotti, 17SOEBGP531.** Scott Drury was present pro se and Ed Mullen was present

on behalf of the candidate. A records exam was conducted and 1,997 signatures were ruled upon. It was found that a total of 7,300 signatures were considered to be valid, which was 2,300 signatures above the required 5,000 minimum number of signatures. The hearing officer found that the evidence proffered by the objector inadmissible and that the objector did not carry his burden of proving circulator or notary misconduct. Mr. Menzel concurred with the hearing officer recommendation that the objection be overruled and the candidate's name appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

**Williams v. Jackson, 17SOEBGP532.** Kevin Morphew was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 185 signatures were ruled upon. It was found that a total of 436 signatures were considered to be valid, which was 64 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Vice Chairman Keith moved to adopt the recommendation of the hearing officer and General Counsel and also deny all requests from the candidate subsequent to the issuance of the General Counsel's recommendation. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

**Williams v. Aguirre, 17SOEBGP533.** Kevin Morphew was present on behalf of the objector and no one was present for the candidate. A records exam was conducted and 340 signatures were ruled upon. It was found that a total of 370 signatures were considered to be valid, which was 130 signatures below the required 500 minimum number of signatures. Mr. Menzel concurred with the hearing officer recommendation that the objection be sustained and the candidate's name not appear on the primary election ballot. Member Carruthers so moved and Member O'Brien seconded the motion, which passed by roll call vote of 8-0.

The following Objections/Candidates withdrawn were presented for informational purposes:

- a) *Landon v. DeBates, 17SOEBGP101* – candidacy withdrawn;
- b) *Reed v. Davie, 17SOEBGP107* – objection withdrawn;
- c) *Sampson v. Hildenbrand, 17SOEBGP108* – objection withdrawn;
- d) *Deshane v. Anderson, 17SOEBGP111* – objection withdrawn;
- e) *Smith v. Augustynowicz, 17SOEBGP501* – candidacy withdrawn;
- f) *Bryant v. Rotheimer, 17SOEBGP502* – candidacy withdrawn;
- g) *Verr v. Reinert, 17SOEBGP503* – candidacy withdrawn;
- h) *Biasiello v. Schwartzberg, 17SOEBGP504* – objection withdrawn;
- i) *Minelli v. Vercolio-Osmund, 17SOEBGP508* – objection withdrawn;
- j) *Allen v. Mohammad, 17SOEBGP509* – objection withdrawn;
- k) *Kmiecik v. Augustynowicz, 17SOEBGP510* – candidacy withdrawn;
- l) *Gerwin v. DeBates, 17SOEBGP515* – candidacy withdrawn;
- m) *Couvall v. Lee, 17SOEBGP518* – objection withdrawn;
- n) *Pelko v. Chlystek, 17SOEBGP524* – objection withdrawn;
- o) *Dorsey v. Bailey, 17SOEBGP525* – candidacy withdrawn.

It was noted that a special board meeting would be necessary to consider two additional objections. An e-mail would be circulated and a date will be determined in the near future.

With there being no further business before the State Officers Electoral Board, Member Scholz moved to recess until the call of the Chairman. Member O'Brien seconded the motion which passed unanimously. The meeting recessed at 12:35 p.m.

Respectfully submitted,



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Amy L. Calvin, Administrative Assistant III



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Steven S. Sandvoss, Executive Director