

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Thursday, January 9, 2014

MINUTES

PRESENT:

Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
William M. McGuffage, Member
Bryan A. Schneider, Member
Casandra B. Watson, Member

ALSO PRESENT:

Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The special meeting of the State Officers Electoral Board was called to order via videoconference at 10:35 a.m. with all Members present. Chairman Smart and Members Coffrin, Gowen, McGuffage, Schneider and Watson were present in Chicago and Vice Chairman Scholz and Member Byers were present in Springfield.

Member Byers moved to approve the minutes from the December 17 meeting as presented. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Chairman Smart presented for consideration objections to candidate nominating petitions for the March 18, 2014 General Primary Election. Agenda item 2.a, *Kelm v. Jones*, 13SOEBGP101 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained due to the lack of valid signatures to qualify for the ballot. Andrew Raucci was present on behalf of the objection and concurred with the recommendation. No one was present on behalf of the candidate. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and sustain the objection. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.b, *Solomon v. Riley*, 13SOEBGP500 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the results of the records examination. The objector, Max Solomon was present and felt errors were contained in the hearing officers report and asked that the Board not accept the recommendation. Courtney Nottage was present on behalf of the candidate and concurred with the recommendation of the hearing officer. Member Schneider moved to accept the recommendation of the General Counsel and overrule the objection. Member Coffrin seconded the motion which passed by roll call of 8-0.

Agenda item 2.c, *Ramsey v. Solomon*, 13SOEBGP522 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the inadequacy of the candidate's Rule 9 motion and the results of the records examination. The candidate, Max Solomon was present and said he filed a Rule 9 motion and also had over one hundred sworn affidavits of voters who had signed his petition. Mr. Solomon

asked the Board to allow an evidentiary hearing and reconsider the recommendation of the hearing officer. Mike Kasper was present on behalf of the objector and said Mr. Solomon misstated what happened regarding the hearing and that he failed to attach evidence to the Rule 9 motion. Mr. Kasper asked that the Board accept the recommendation of the hearing officer. After discussion, Member Schneider moved to accept the recommendation of the General Counsel and sustain the objection. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.d, *Atsaves v. Alvarez*, 13SOEBGP502 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained due to a lack of valid signatures to qualify for the ballot. No one was present on behalf of either party. Member McGuffage moved to accept the recommendation of the General Counsel and sustain the objection. Member Byers seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.e, *Atsaves v. Lee*, 13SOEBGP505 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained due to the lack of valid signatures to qualify for the ballot. No one was present on behalf of either party. Member McGuffage moved to accept the recommendation of the General Counsel and sustain the objection. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.f, *Wright & Cochrane v. Lewis*, 13SOEBGP503 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the results of the records examination. The candidate, Marcus Lewis was present and said the hearing officer did not address the alleged fraud and he felt this was a matter of perjury on behalf of the objectors. Sally Salzburg was present on behalf of the objector and concurred with the recommendation of the hearing officer. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and sustain the objection. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.g, *Couvall v. Hickory*, 13SOEBGP506 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the results of the records examination. Sally Salzburg was present on behalf of the objector and concurred with the recommendation. No one was present on behalf of the candidate. Member Schneider moved to accept the recommendation of the General Counsel and sustain the objection. Member Gowen seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.h, *Gress & Farrar v. Thomas*, 13SOEBGP507 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the results of the records examination. John Fogarty was present on behalf of the objector and Mike Kasper was present on behalf of the candidate. Mr. Fogarty and Mr. Kasper both concurred with the recommendation. Member Gowen moved to accept the recommendation of the General Counsel and sustain the objection. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.i, *Bigger & Shearer v. Zalczman*, 13SOEBGP508 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the results of the records examination. No one was present on behalf of

either party. Member McGuffage moved to accept the recommendation of the General Counsel and sustain the objection. Member Byers seconded the motion which passed by roll call vote of 8-0.

Agenda item, 2.l, *Trigleth v. Ekhoﬀ*, 13SOEBGP515 was called and the General Counsel concurred with the hearing officer recommendation that the objectors request for a Rule 9 evidentiary hearing be denied and the objection be overruled. No one was present on behalf of the objector. John Fogarty was present on behalf of the candidate and concurred with the recommendation of the hearing officer. Member Schneider moved to accept the recommendation of the General Counsel and overrule the objection. Member Gowen seconded the motion which passed by roll call of 8-0.

Agenda item 2.m, *Thompson v. Ekhoﬀ*, 13SOEBGP517 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the results of the records examination. Courtney Nottage was present on behalf of the objector and John Fogarty was present on behalf of the candidate. Mr. Nottage and Mr. Fogarty both concurred with the recommendation. Member Schneider moved to accept the recommendation of the General Counsel and overrule the objection. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.n, *Macklin v. Sims, Jr.*, 13SOEBGP516 was called and the General Counsel concurred with the hearing officer recommendation that the candidate's motion to strike and dismiss be granted and the objection be overruled. Laura Jacksack was present on behalf of the objector and Courtney Nottage was present on behalf of the candidate. Ms. Jacksack and Mr. Nottage both concurred with the recommendation. Member McGuffage moved to accept the recommendation of the General Counsel and overrule the objection. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.j, *Wright & Cochrane v. Rayburn*, 13SOEBGP509 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the reasons set forth in her report. The candidate Charles Rayburn was present and said he objected to the hearing officer recommendation and discussion ensued regarding U.S. citizenship of the objectors and other parties involved in the hearing. Sally Salzburg was present on behalf of the objectors and said that the objection was personally delivered to the candidate. She also concurred with the recommendation because the number of valid signatures is 544 short of the required minimum based on the results of the records examination. After discussion, Member McGuffage moved to accept the recommendation of the General Counsel and sustain the objection. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.o, *Imhoff v. Flores*, 13SOEBGP520 was called and the General Counsel concurred with the hearing officer recommendation that the objection be sustained based on the results of the records examination. Courtney Nottage was present on behalf of the objector and concurred with the recommendation. No one was present on behalf of the candidate. Member McGuffage moved to accept the recommendation of the General Counsel and sustain the objection. Member Watson seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.p, *Willard v. Howard*, 13SOEBGP521 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the results of the records examination. Mike Kasper was present on behalf of the objector and concurred with the recommendation. No one was present on behalf of the candidate. Member Watson moved to accept the recommendation of the General Counsel and overrule the objection. Member Gowen seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.q, *Kolovitz v. Galhotra*, 13SOEBGP524 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the results of the records examination. Mike Kasper was present on behalf of the objector and the candidate, Bob Galhotra was also present. Mr. Kasper and Mr. Galhotra both concurred with the hearing officer recommendation. Member Gowen moved to accept the recommendation of the General Counsel and overrule the objection. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.r, *Franklin v. Jones*, 13SOEBGP525 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the findings set forth in his report. Andrew Finko was present on behalf of the objector and disagreed with the recommendation. He felt the candidate was not legally qualified to be on the ballot because of incompatibility issues with the office of Alderman position in which he currently serves. Mike Kasper was present on behalf of the candidate and indicated he concurred with the hearing officer recommendation. He said the Mr. Finko incorrectly interpreted the law of incompatibility and the term for which the candidate filed nominating papers has not yet begun. Mr. Kasper also felt the State Officers Electoral Board did not have statutory authority to consider incompatibility issues in this matter. Discussion ensued regarding the compatibility of the offices and the proper forum for consideration of those issues. Member Schneider moved to accept the recommendation of the General Counsel and overrule the objection. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.k, *Mullen v. Goel*, 13SOEBGP514 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the findings set forth in his report. John Fogarty was present on behalf of the objector and said the notary public did not legally affix his handwritten signature on approximately 80% of the petition sheets. Instead the notary used a facsimile signature stamp which Mr. Fogarty felt was a violation of the Election Code and the Illinois Notary Act. Anish Parikh was present on behalf of the candidate and concurred with the recommendation of the hearing officer. According to testimony at the hearing, all of the circulators appeared and signed the petition sheets before the notary public and a master file log was also maintained. After discussion, Member Byers moved to accept the recommendation of the General Counsel and overrule the objection. Vice Chairman Scholz seconded the motion which passed by roll call vote of 5-3 with Members McGuffage and Schneider and Chairman Smart voting in the negative.

Agenda item 2.s, *Hardiman v. Quinn & Vallas*, 13SOEBGP527 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the findings set forth in his report. Burt Odelson was present on behalf of the candidates and said he concurred with the recommendation. No one was present on behalf of the objector. Vice Chairman Scholz moved to accept the recommendation of the General

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

Agenda item 2.t, *Vara v. Harmon*, 13SOEBGP528 was called and the General Counsel concurred with the hearing officer recommendation that the objection be overruled based on the findings set forth in his report. Laura Jacksack was present on behalf of the objector and Courtney Nottage was present on behalf of the candidate. Ms. Jacksack and Mr. Nottage both concurred with the recommendation. Member Schneider moved to accept the recommendation of the General Counsel and overrule the objection. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

A listing of objections and/or candidates withdrawn was presented for informational purposes.

The General Counsel indicated that two objections remain for consideration by the State Officers Electoral Board and said a special meeting will need to be scheduled. It was agreed by all to schedule the meeting for January 16, 2014 at 1:00 p.m. via videoconference in Springfield and Chicago.

With there being no further business before the State Officers Electoral Board, Member Schneider moved to recess until Thursday, January 16, 2014 at 1:00 p.m. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at 12:35 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert Borgsmiller, Executive Director