

STATE OFFICERS ELECTORAL BOARD MEETING

SEPTEMBER 17, 2012

EXCERPT FROM PROCEEDINGS

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1 CHAIRMAN McGUFFAGE: Okay. The first
2 matter is the approval of the Rules of Procedure for
3 the State Officers Electoral Board.

4 Has everyone seen a copy of the
5 rules?

6 Have there been any changes
7 since the last time, any amendments?

8 MR. SANDVOSS: There are a few minor
9 changes that I made that make the rules more
10 appropriate for today's hearing but the substance of
11 them is not judicial.

12 CHAIRMAN McGUFFAGE: Okay. All
13 right.

14 So consideration of objections
15 to candidate nomination for the November 6, 2012
16 general election, and we have Martin v. Obama,
17 Freeman v. Obama, and Jackson v. Obama.

18 MEMBER BYERS: Mr. Chairman, we need
19 to approve the rules that we're going to follow for
20 this.

21 CHAIRMAN McGUFFAGE: Okay.

22 MEMBER BYERS: I move that we approve
23 the rules for the State Officers Electoral Board as
24 presented.

1 MEMBER COFFRIN: Second.
2 CHAIRMAN MCGUFFAGE: Roll call.
3 MS. CALVIN: Mr. Byers?
4 MEMBER BYERS: Aye.
5 MS. CALVIN: Ms. Coffrin?
6 MEMBER COFFRIN: Yes.
7 MS. CALVIN: Mr. Gowen?
8 MEMBER GOWEN: Yes.
9 MS. CALVIN: Ms. Rice?
10 MEMBER RICE: Aye.
11 MS. CALVIN: Mr. Schneider?
12 MEMBER SCHNEIDER: Yes.
13 MS. CALVIN: Mr. Scholz?
14 MEMBER SCHOLZ: Aye.
15 MS. CALVIN: Vice Chairman Smart?
16 VICE CHAIRMAN SMART: Yes.
17 MS. CALVIN: Chairman McGuffage?
18 CHAIRMAN MCGUFFAGE: Yes.
19 I thought there was only
20 technical changes.
21 All right. Now we'll consider
22 these objections.
23 I understand there's objections
24 to the resolution of the Democratic National

1 Convention nominating President Obama as their
2 presidential candidate.

3 Steve, would you give us a
4 summary and give us your recommendation?

5 MR. SANDVOSS: Yes, Mr. Chairman.

6 Last Thursday, we received three
7 objections to the candidacy of President Barack
8 Obama; Benjamin Freeman, Michael Jackson and Amanda
9 Martin I believe it is. The sum and substance of
10 the objection and the challenge is to the natural
11 born citizenship of our current president citing the
12 constitutional requirement that the sitting
13 president or a candidate for president indeed be a
14 natural born citizen.

15 The candidate through counsel
16 submitted three motions to dismiss stating that
17 essentially this case has already been litigated in
18 a previous objection that was filed both by
19 Mr. Freeman and Mr. Jackson in which the hearing
20 officer represented dismissal as the candidate
21 submitted a birth certificate establishing his
22 national born U.S. citizenship.

23 Also, the motion to dismiss
24 states that the objector did not state his interest,

1 which is a mandatory requirement of the Election
2 Code, and also, that the objector based his premise
3 upon an incorrect legal interpretation of what
4 constitutes a natural born citizen.

5 My recommendation in this
6 objection is that pursuant to Rule 3 of the Rules of
7 Procedure in which the board may, on its own motion,
8 strike any objection if it determines it not to be
9 well-grounded in fact or law or is otherwise subject
10 to dismissal, I would recommend that the Board
11 invoke that rule and grant the motion to strike and
12 dismiss submitted by counsel for the candidate and
13 dismiss the objection for the reasons contained in
14 the motion to strike and dismiss.

15 CHAIRMAN MCGUFFAGE: As you pointed
16 out, this objection has no basis in fact or law, and
17 there's also res judicata. Therefore, I move that
18 this objection be dismissed with prejudice.

19 MEMBER BYERS: Second.

20 CHAIRMAN MCGUFFAGE: Roll call.

21 MS. CALVIN: Mr. Byers?

22 MEMBER BYERS: Aye.

23 MS. CALVIN: Ms. Coffrin?

24 MEMBER COFFRIN: Yes.

1 MS. CALVIN: Mr. Gowen?

2 MEMBER GOWEN: Yes.

3 MS. CALVIN: Ms. Rice?

4 MEMBER RICE: Aye.

5 MS. CALVIN: Mr. Schneider?

6 MEMBER SCHNEIDER: Yes.

7 MS. CALVIN: Mr. Scholz?

8 MEMBER SCHOLZ: Aye.

9 MS. CALVIN: Vice Chairman Smart?

10 VICE CHAIRMAN SMART: Yes.

11 MS. CALVIN: Chairman McGuffage?

12 CHAIRMAN MCGUFFAGE: Yes.

13 It will be so recorded.

14 All right. I move that we rise
15 from the State Officers Electoral Board and
16 reconvene as the State Board of Elections.

17 MEMBER SCHOLZ: Second.

18 CHAIRMAN MCGUFFAGE: Okay. All in
19 favor indicate by saying aye?

20 (Chorus of ayes)

21 CHAIRMAN MCGUFFAGE: The next item on
22 the agenda...

23 VICE CHAIRMAN SMART: Don't we need
24 another roll call?

1 CHAIRMAN MCGUFFAGE: Do we need
2 another roll call for --

3 MR. JACKSON: Sir, are we not allowed
4 to speak as appearances on a public forum?

5 CHAIRMAN MCGUFFAGE: No, you're not.
6 We've been through this before. You have no
7 basis --

8 MR. JACKSON: This is a public forum.

9 CHAIRMAN MCGUFFAGE: Listen, I told
10 you before, I'm telling you again, if you guys were
11 lawyers bringing this complaint here a second time,
12 you'd be referred to the Supreme Court for
13 sanctions. This has no basis in fact or law. It is
14 not grounded in law whatsoever, and there's nothing
15 more to say about it.

16 MR. JACKSON: Sir, First Amendment
17 allows us to freedom of speech.

18 CHAIRMAN MCGUFFAGE: Wait. This is
19 an administrative hearing, okay?

20 COURT REPORTER: I need your name,
21 sir.

22 MR. JACKSON: Michael Jackson.

23 CHAIRMAN MCGUFFAGE: The case has
24 been dismissed. That's it.

1 Now, we need a roll call to
2 return to the State Board of Elections posture.

3 MS. CALVIN: Mr. Byers?

4 MEMBER BYERS: Aye.

5 MS. CALVIN: Ms. Coffrin?

6 MEMBER COFFRIN: Yes.

7 MS. CALVIN: Mr. Gowen?

8 MEMBER GOWEN: Yes.

9 MS. CALVIN: Ms. Rice?

10 MEMBER RICE: Aye.

11 MS. CALVIN: Mr. Schneider?

12 MEMBER SCHNEIDER: Yes.

13 MS. CALVIN: Mr. Scholz?

14 MEMBER SCHOLZ: Aye.

15 MS. CALVIN: Vice Chairman Smart?

16 VICE CHAIRMAN SMART: Yes.

17 MS. CALVIN: Chairman McGuffage?

18 CHAIRMAN MCGUFFAGE: Yes.

19 (Conclusion of State Officers
20 Electoral Board proceedings on
21 this date.)
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1 STATE OF ILLINOIS)
2 COUNTY OF SANGAMON) SS.

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4 CERTIFICATE

5 I, Laurel A. Patkes, Certified Shorthand
6 Reporter in and for said County and State, do hereby
7 certify that I reported in shorthand the foregoing
8 excerpt of proceedings and that the foregoing is a
9 true and correct transcript of my shorthand notes so
10 taken as aforesaid.

11 I further certify that I am in no way
12 associated with or related to any of the parties or
13 attorneys involved herein, nor am I financially
14 interested in this action.

15 Dated September 19, 2012.

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19 Certified Shorthand Reporter
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EXCERPT REQUESTED OF COMMENT THAT WAS MADE AFTER THE
BOARD RETURNED TO THE STATE BOARD OF ELECTIONS
REGULAR MEETING

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1 CHAIRMAN McGUFFAGE: All right. The
2 next item is presentation of resolution to James
3 Lewis, former executive director of the
4 East St. Louis Board of Election Commissioners.

5 MR. FREEMAN: You all witnessed it.
6 We did not get a right to have a say.

7 CHAIRMAN McGUFFAGE: Take it up with
8 a judge. Take it up with a court of law.

9 (Conclusion of excerpt requested)

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