

**VILLAGE OF LAKE BLUFF
MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE VILLAGE OF LAKE BLUFF
SECOND MEETING AND HEARING OF CASES**

JANUARY 8, 2021

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O'Hara called the meeting to order at 2:00 p.m. and Village Clerk Megan Michael called the roll.

The following were present:

Chair: Kathleen O'Hara

Trustee: Mark Dewart

Also Present: Megan Michael, Village Clerk
Peter Friedman, Village Attorney (VA)
Stewart Weiss, Village Attorney (AVA)
Jackie Shenberger, Court Recorder
Drew Irvin, Village Administrator
Glen Cole, Assistant to the Village Administrator (ATVA)

2. ITEM 2 - INTRODUCTORY REMARKS BY BOARD CHAIR

Chair O'Hara explained that the Village's Municipal Officer's Electoral Board is a special public body that is convened for the sole purpose of conducting hearings and making rulings on objections to nominating petitions submitted by candidates for Village offices. The Membership of the Electoral Board is set by statute and members are required to serve unless they have a direct conflict – either they are candidates whose own petitions are being challenged or they are running in a race in which their opponent's petitions are being challenged. None of these circumstances exist, and thus the makeup of the Lake Bluff Electoral Board is required by statute to be the Village President, the Village Clerk, and the Village Trustee who has served the longest, which is Trustee Mark Dewart. President O'Hara said the Village Clerk received four objections, three to candidates for Village Trustee, and one to a candidate for Village Clerk. Chair O'Hara said since that point in time the objection to the candidacy of Mickey Collins has been rescinded. At today's meeting the Electoral Board will call each of the cases, conduct full hearings and possibly render a decision.

3. **ITEM 3 - REVIEW OF LEGAL AND PROCEDURAL ISSUES BY BOARD'S LEGAL COUNSEL**

VA Friedman said we have received appearances from all parties, Case 20 MOEB 4 was withdrawn by the Objector (Linda Hinde) so only Cases MOEB 1, MOEB 2 and MOEB 3 remain to be heard today. For each of these cases all of the parties agreed at the Board's first meeting that they would present their cases orally without written briefs; therefore, each of the three cases can be heard in their entirety during today's hearings.

VA Friedman reviewed the procedures stating for each case the objector will be allowed to speak first then the candidate will have a chance to response and, if only necessary, the objector will have a very short period of time to reply, if required and if necessary. After the oral arguments are over the Electoral Board has the opportunity to ask questions of either the objector, candidate, Village Counsel or Staff. After all of this is done there will be three options for the Electoral Board to consider (i) entertain a motion to sustain the objection which would indicate that the objector has satisfied the burden of proof to show why the candidate's nominating papers are not valid and that the candidate's name should be removed from the ballot, (ii) entertain a motion to overrule the objection which would indicate that the objector has not met their burden of proof and the Electoral Board would determine that the candidates petition and nominating papers are valid and their name should remain on the ballot and, (iii) if the Electoral Board is not ready to decide today whether they need more information from Village Staff, objector, candidate or Village Counsel, there could be a motion to continue the hearing/proceeding until next week. He said each motion would require a second, a discussion among the Electoral Board Members once the second is made, then a roll call, and any motion must be approved by at least two Electoral Board Members.

Chair O'Hara opened the floor to questions and as there were no question she proceed with the hearings.

4. **ITEM 4 – HEARING OF CASES**

Chair O'Hara called Case - 20 MOEB 1 – IN THE MATTER OF THE OBJECTIONS OF LINDA K. HINDE TO THE NOMINATION PAPERS OF AARON TOWLE AS A CANDIDATE FOR THE OFFICE OF TRUSTEE OF THE VILLAGE OF LAKE BLUFF.

Ms. Hinde introduced her Attorney, Ed Mullen who addressed the Electoral Board. Mr. Mullen presented arguments regarding this case. He stated that he believes that Section 10-5 of the Illinois Election Code and the case law interpreting it are very clear regarding the requirement that candidates file a receipt of file of their Statement of Economic Interests with the local election official before the end of the nomination period. Mr. Mullen argued that the candidate has not complied with the minimum requirements set forth in Section 10-5 of the Election Code for the Candidate Aaron Towle to be allowed to run for the office of Trustee for the Village of Lake Bluff and the Electoral Board should strike the Candidate's name from the April 6 ballot on those grounds.

Chair O'Hara opened the floor to comments from the Candidate.

Mr. Towle defended his nomination papers by reading a prepared statement.

Chair O'Hara opened the floor to questions from the Electoral Board.

Trustee Dewart inquired of the Board's Attorney if there were any differences among the four cases cited and asked if there is anything among the four cases that would be pertinent to this situation. VA Friedman replied he does not believe so.

Village Clerk Michael asked if there is an example in the cases presented of cases where the candidates who failed to file have filed previously in the past six years, not filed to file but failed to obtain and provide the receipt of filing to the local election official. Mr. Mullen said in the *Bolger* case the candidate did file the statement of economic interest properly with the Clerk but did not file the receipt, so had in fact correctly filed the Statement of Economic Interest with the clerk previously and just failed to file the receipt. Mr. Mullen concluded that the *Bolger* case was directly analogous to the candidate's actions in this case.

Village Clerk Michael asked Candidate Towle if he had filed in the same year that candidates for the April 2021 Consolidated Election were required to file their nomination papers, to which Mr. Towle responded affirmatively.

Chair O'Hara said the Electoral Board has the option to select (i) a motion to sustain the objection to the candidacy which would indicate that the objector has satisfied the burden to show why the Candidate's nomination papers are not valid and the Candidate's name removed from the ballot, (ii) a motion to overrule the objection which would indicate that the Objector has not satisfied is burden and that the candidates nomination papers would be deemed valid and the Candidate would remain on the ballot and, (iii) a motion to continue the hearing for further proceedings.

Trustee Dewart made a motion to sustain the Objection, and the motion failed due to the lack of a second. A discussion followed.

Village Clerk Michael said she is having a hard time with this as Mr. Towle has correctly filed for the past six years and diligently served the Village, and requested the ability to discuss this matter further.

Trustee Dewart said he finds little argument with Mr. Towle statement and he has been pleased to serve with Mr. Towle for 6 years. He thinks he has done an incredible service to the community for that particular time. He said in his mind there is no ethical transgression by any means.

Chair O'Hara said for 125 years we have had many contested elections but to her knowledge we have had no one challenge candidacies of anyone prior to this. She stated the objection brought forward is not for any illegal action but rather procedural. She said, that there are no egregious allegations; no one forged a signature or put a deceased person on a petition; there may have been technical errors made by busy residents who were willing to volunteer their time to serve our Village. She said our community deserves to have a choice at their local elections and these challenges do not serve that principle or our Village well. Chair O'Hara questioned who would want to volunteer when they might be scrutinized for minor infractions. She stated that this is a

community that runs on volunteer support. She said she is deeply saddened by all of this and, in her opinion, this is not in the overall best interest of Lake Bluff.

As there were no further discussion from the Electoral Board, Trustee Dewart renewed his original motion to sustain the Objection, and the motion failed due to the lack of a second.

Village Clerk Michael made a motion to overrule the Objection, Chair O'Hara seconded the motion. The motion passed on the following roll call vote:

Ayes: (2) O'Hara and Michael
Nays: (1) Dewart
Absent: (0)

VA Friedman said his office will prepare a written order that the Electoral Board will have to vote on at a subsequent meeting.

Chair O'Hara called Case 20 MOEB 2- IN THE MATTER OF THE OBJECTIONS OF FREDRIC B. LESSER TO THE NOMINATION PAPERS OF KATHERINE HATCH AS A CANDIDATE FOR THE OFFICE OF THE VILLAGE CLERK OF THE VILLAGE OF LAKE BLUFF.

Mr. Lesser, the Objector, said he wished to withdraw his objections regarding 20 MOEB 2 and 20 MOEB 3. There were no objections from the Electoral Board.

VA Friedman said we will prepare a written order that the Electoral Board will have to vote on at a subsequent meeting acknowledging the withdrawal of those objections.

5. **ITEM #6 - PUBLIC COMMENTS**

Chair O'Hara opened the floor for public comments.

Village Administrator Drew Irvin said a comment related to the objection hearings was circulated via email earlier today that will be included as part of the record.

Chair O'Hara said the next meeting of the Electoral Board will be on Monday, January 11 at 5:45 p.m. There were no objections from the Electoral Board.

Susan Rider thanked the Electoral Board for considering this matter and everyone who addressed this issue with such clarity and concern, and she thinks we are well served by the decision made today and she is glad we can move forward. She is glad we did not go down the bipartisan road because no one would benefit from that and thanked Mr. Towle for his service.

Trustee Dewart said he would be remiss if he did not reiterate his concerns and the sole of the matter he share the concerns that the Electoral Board Members cited. Trustee Dewart said he bowed to Mr. Towle with the greatest respect for his volunteer service.

Chair O’Hara thanked everyone serving and everyone who desires to serve the community. There is a lot going on in this country that she has never seen. She does not want bipartisan politics in local government, and that the beauty of Lake Bluff is that we may differ or bicker but eventually we all do come together. She said that we all have the same goals we may review them differently and maybe take differ paths to get there, but she truly believes that anyone that wants to serve this community has the best interest of this community at heart and she hopes we can continue in that manner as we move forward.

6. **ITEM #7 – ADJOURNMENT**

Trustee Dewart moved to adjourn the meeting. Village Clerk Michael seconded the motion and the motion passed on a unanimous voice vote at 2:31 p.m.

Ayes: (3) Michael, O’Hara and Dewart
Nays: (0)
Absent: (0)

Respectfully Submitted,

R. Drew Irvin
Village Administrator/Deputy Village Clerk

Megan Michael
Village Clerk