

**Municipal Officers Electoral Board of the City of Sandwich
Objection Hearing Minutes of January 8, 2021**

Call to Order: Mayor/Board Chairman Robinson called the hearing to order at 2:05 PM

Roll Call: Mayor/Chairman Robinson, City Clerk li, and Senior Alderwoman Killey were present. Also present was Attorney Jessica Harrill of Foster, Buick, Conklin & Lundgren Law Group (Sycamore) as presiding attorney.

Introductory Remarks by Board Chairman: Mayor Robinson, as designated Electoral Board Chairman, explained the purpose of the hearing was an objection to the nominating papers for candidate for the Consolidated Election to be held on April 6, 2021. *Case No. 21-01 Gary A. Beins, Petitioner – Objectitioner and Kevin Kelleher, Respondent - Candidate*

Adoption of Rules: Motion required to adopt Electoral Board Rules (attached herewith) consisting of five (5) pages outlining procedural rules related to the hearing.

So moved by Mayor/Board Chairman Robinson and seconded by Alderwoman Killey. Aye: Mayor/Board Chairman Robinson, Clerk li, and Alderwoman Killey Nay:0 Motion carried

Public Comment: None

Mayor/Board Chairman Robinson requested the record show the following people in attendance for the hearing: Mayor/Board Chairman Robinson, Clerk li, Alderwoman Killey (being the most senior alderman), Gary Beins as the objectitioner and Kevin Kelleher as respondent.

Case No. 21-01, Beins v. Kelleher: Mayor/Board Chairman Robinson swore in objectitioner, Gary A. Beins. Mr. Beins was also asked by Mayor/Board Chairman Robinson if he was a eligible registered voter in the State of Illinois, has sworn to tell the truth, and if the contents of his objection are true. Mr. Beins answered in the affirmative. He explained his Petition of Objection for nomination papers concerning candidate for Ward 2 Alderman, Kevin Kelleher. The reasons for his objection were (1) Independent Candidate Petition lacked circulator's signature and was not notarized; (2) State of Candidacy was not signed and was not notarized; and the Loyalty Oath (optional document) was not signed and was not notarized. Mr. Beins noted that all other candidates for the April 6th, 2021, election had complied with their candidate nominating papers.

Mayor/Board Chairman Robinson asked Mr. Beins if there were any opening motions. Response was "none". Mayor/Board Chairman Robinson asked if there were any more objections to be added. Response was "no".

Mayor/Board Chairman Robinson then asked Alderman Kelleher if he would like to make a statement. He answered in the affirmative and stated that he had some questions. He attested that he had gone to Denise's office (City Clerk) and presented her with all of his material. He further stated that she handed him a receipt. Alderman Kelleher stated that he then asked her if they (documents) needed to get signed and stamped. He continued that Denise looked at him

and said no and replied, “you’re good”. Alderman Kelleher questioned her by saying “you’re sure?” and Denise replied “yes, you’re good”. Alderman Kelleher said he thought it was odd and should have questioned one more time. He thought maybe the rules or law had changed; he added he didn’t know. Alderman Kelleher then started to direct questions to Clerk Li when interrupted by Attorney Harrill asking if Alderman Kelleher’s intent was to call Clerk Li as a witness. He said he wanted her as a witness and asked if the hearing was similar to a trial procedure. Attorney Harrill further explained that this was a hearing, and the respondent is allowed to call witness(es) and question them but because the witness (City Clerk) also sits on the Electoral Board, she would have to relinquish her position. Alderman Kelleher affirmed that he wanted to question the City Clerk. Attorney Harrill ruled that Clerk Li would need to relinquish her position and be sworn in as a witness. This resulted in an Electoral Board consisting of two (2) people that could still be deemed a majority vote but that Clerk Li would no longer be able to vote. Mayor/ Board Chairman Robinson swore in Clerk Li prior to her taking a seat on the sideline.

Alderman Kelleher then proceeded to question (paraphrased) Clerk Li as follows:

K (Kelleher) – Denise, can you tell me the procedures for processing a candidate’s material once it is presented in front of you

D (Denise) – My job is to check for the Economic Interest Statement and that all of the paperwork has been turned in. My job is not to scrutinize the accuracy of the paperwork

K – You make sure that everything is in the packet when it is submitted to you?

D – That the necessary documents are there, yes

K – You don’t review the paperwork? Who reviews the paperwork then?

D – Actually no one unless it is objected to. Anyone can come in and review the paperwork

K – So where does it go from your desk? Does someone review it at any point?

D – After the objection period, I fill out forms for the County Clerk and submit it to them listing the candidates

K – So when you get the paperwork, the only thing that you look at is the Economic Interest Statement?

D – Correct

K – And that it is stamped? If it is not there, what is the procedure?

D – The person has until 5 o’clock on the last day of turning in candidate’s petitions. If I don’t have it by 5 o’clock, anything that was turned into me becomes void

K – Do you contact them and tell them that document is missing from the packet?

D – I tell them at the time they turn it in that they are missing the Economic Interest Statement that they have until 5 o’clock on the last day

K – That is the only thing you would contact anyone for?

D – Yes

K – When are documents available for viewing to the public?

D – (asked Attorney Harrill if she should provide actual dates) You have five (5) days to turn in your petition and the objection period follows for another five (5) days. I do not have a calendar to provide the actual dates.

K – That’s fine, I’m good with that. I do not have any further questions. I am done with this witness

Mayor/Chairman Robinson asked Mr. Beins if he had any questions for her (City Clerk). Response was “no”. Mayor/Chairman Robinson then asked Kelleher if he had any further questions. Response was “yes”.

K (Kelleher) – (paraphrased) “We thought about this, er I thought about it, actually I anguished about it before I even turned in the paperwork. My wife and I are going to relocate by June, or that is the target date. So, I guess this whole hearing is kinda unnecessary because I don’t intend on continuing to run after my period is up. So, I understand that we have another candidate to fill in and I don’t believe she is opposed by anybody. So, that is where I stand.”

Alderman Kelleher said he would withdraw his nominating papers if it is proven that they were not signed. He felt that he was misled when he turned in his paperwork and the City Clerk had said everything was fine.

Mayor/Board Chairman asked City Clerk Li if she had any response to Alderman Kelleher.

D (Denise) – You never asked me if those papers should be signed or notarized. You handed them to me, they were put in a file folder. Is that true?

K (Kelleher) – No. That is not correct

D – That is not true?

K – No. That is not true.

D – I know otherwise, we’ll leave it as that

K – We’ll leave it as that

Mayor/Board Chairman Robinson asked Alderman Kelleher if he was withdrawing his candidacy. Response was affirmative. Alderman Kelleher continued his narrative that he had come home and mentioned to his wife that he thought it was odd that he did not have to sign any of the paperwork to which she (spouse) responded saying would it really matter since they were planning on relocating.

Attorney Harrill advised that candidate Kevin Kelleher would need to sign a Withdrawal of Candidacy. Clerk Li left the hearing to return to her office to get the required document. Billing Clerk Lisa Mangers, present in the audience, returned to her office to retrieve her notary seal to witness the signing of the Withdrawal of Candidacy.

Signed and notarized Withdrawal of Candidacy was presented to Mayor/Board Chairman Robinson.

Adjournment: Motion made by Mayor/Board Chairman Robinson to close the hearing and adjourn at 2:26 PM. Motion seconded by Alderwoman Killey. Motion carried

Transcribed from WSPY hearing recording of January 8, 2021
Typed by City Clerk Denise Li