

1/29/2019

**Lisle Election Board 2019-8**

**2019-8**

ANNETTE FAKLIS MORIARTY, C.S.R.

BEFORE THE VILLAGE OF LISLE  
MUNICIPAL OFFICERS ELECTORAL BOARD

IN THE MATTER OF THE )  
OBJECTIONS OF: )  
 )  
IRENA BINKIENE )  
 )  
 Objector, ) No. 2019-8  
 )  
 VS. )  
 )  
MARK PATRICK BOYLE, )  
 )  
 Candidate. )

REPORT OF PROCEEDINGS taken at the hearing  
of the above-entitled matter before the  
Municipal Officers Electoral Board in Council  
Chambers, Village of Lisle, 925 Burlington  
Avenue, Lisle, Illinois, 60532, on the 29th day  
of January 2019, at the hour of 10:06 p.m.

1  
2 PRESENT:

3 MAYOR CHRISTOPHER PECAK, Chair;

4 MR. DANIEL PORTER,  
5 Member;6 MR. JONATHAN D. NUSGART,  
7 Member.8 ROBBINS SCHWARTZ  
9 BY: MR. KATHLEEN ELLIOTT  
10 631 East Boughton Road  
11 Suite 200  
12 Bolingbrook, Illinois 60440-3098  
13 (630) 929-3639

14 Appeared on behalf of Village of Lisle;

15 MS. DAIVA M. MAJAUSKAS,  
16 Attorney at Law,  
17 134 N. LaSalle Street,  
18 Chicago, Illinois 60602,19 Appeared on behalf of the Objector,  
20 Irena Binkene;21 ANCEL GLINK  
22 BY: MS. KERI-LYN KRAFTHEFER  
1979 North Mill Street  
Suite 207  
Naperville, Illinois 60563  
(630) 596-4610  
Kkrafthefer@ancelglink.com

23 Appeared on behalf of Mr. Mark Boyle.

1                   MAYOR PECAK: The next case is Case  
2 No. 2019-8, Irena Binkiene versus Mark Patrick  
3 Boyle.

4                   Is there anyone present on behalf of the  
5 Objector?

6                   MS. MAJAUSKAS: Daiva Majauskas on  
7 behalf of Irena Binkiene.

8                   MAYOR PECAK: Is anyone present on  
9 behalf of the Candidate?

10                  MS. KRAFTHEFER: Keri-Lyn Krafthefer  
11 on behalf of Mark Boyle. And Mark Boyle is here.

12                  MAYOR PECAK: I turn the hearing over  
13 to Kathleen Elliott.

14                  MS. ELLIOTT: Did you want to file  
15 an appearance?

16                  MS. KRAFTHEFER: Yes.

17                  MS. MAJAUSKAS: And again just for  
18 the record, Ms. Krafthefer and I discussed all  
19 the same objections, all the same legal arguments  
20 would transfer from the Rego case to the Boyle  
21 case. So we don't have to rehash everything  
22 twice.

1 MS. KRAFTHEFER: We have no problem  
2 adopting or incorporating that. We do have  
3 additional arguments related to this case. So I  
4 would like to preserve our ability to put on  
5 those. And, of course, there are factual  
6 distinctions between cases too.

7 MS. ELLIOTT: Did you have any  
8 additional evidence that you wanted to offer with  
9 regard to --

10 MS. MAJAUSKAS: For the Objector, no.  
11 I think we have three issues at this point: We  
12 have the no notary issue, we have the Catherine  
13 Draut -- and both of those have all been  
14 withdrawn -- the Sarah Boyle page, and the  
15 signatures.

16 And again my arguments would be the same  
17 for everything. The "no notary" I think that's  
18 pretty straight forward. There were five sheets  
19 that didn't have a notary. As such, those cannot  
20 be considered as proper Candidate sheets.

21 MS. KRAFTHEFER: Are you going to go  
22 through and start out with the original?

1           MEMBER PORTER: Can we clarify before  
2 we start which sheets Mr. Boyle withdrew? We  
3 didn't get an official document like we got from  
4 Mr. Rego. But my notes have Sheets 9, 23, 29,  
5 31, 32, 36, and 37, as being withdrawn. I just  
6 want to double check if that's correct.

7           MS. MAJAUSKAS: That's not including  
8 the no notary sheets.

9           MEMBER PORTER: Correct. I think the  
10 no notary sheets were also stipulated to, but I  
11 was going to verify those next.

12          MS. KRAFTHFER: That is correct.

13          MEMBER PORTER: And then on the no  
14 notary sheets that I believe were stipulated to  
15 last time were Sheets 24, 30, 33, and 37.

16          MAYOR PECAK: I believe you read 37  
17 in the first group. And in the first group, I  
18 had 38 and 39. You read 37 twice.

19          MEMBER PORTER: I didn't see a 38 and  
20 39 in our Appendix here.

21          MS. KRAFTHFER: 38 and 39 were  
22 signed by Laurie Boyle. So those weren't

1 voluntarily withdrawn by the Candidate.

2 MEMBER PORTER: I don't even see an  
3 objection to those sheets unless my objection is  
4 missing a page.

5 MS. KRAFTHEFER: There is not any  
6 objection to those sheets.

7 MAYOR PECAK: I have it listed here  
8 from the last -- 38 and 39 were included in the  
9 withdrawn sheets. I don't know how they got on  
10 here, but that's on my notes.

11 MS. MAJAUSKAS: There is 25  
12 unnotarized signatures total on the portions.

13 MEMBER PORTER: The entire Board has  
14 notes from the last Boyle hearing that Petition  
15 Sheets 38 and 39 were stipulated to be withdrawn  
16 also. I don't know if we can consult the record  
17 from back then. I assume everything --

18 MR. BOYLE: Which ones?

19 MEMBER PORTER: Sheets 38 and 39 in  
20 addition to the ones we already mentioned.

21 MR. BOYLE: No.

22 MS. KRAFTHEFER: Is there a signed

1 stipulation?

2 MS. ELLIOTT: So it was oral.

3 MS. KRAFTHOFER: There were the ones  
4 that there were testimony that they were valid.

5 MEMBER PORTER: I will note that the  
6 objection does not even specify those sheets as  
7 being objected to. So my position on that would  
8 be that there is no objection pending as to those  
9 sheets. We can consider them tonight as not  
10 withdrawn, but I welcome any other input from the  
11 Board.

12 MAYOR PECAK: The question is as to  
13 why all four of us have it noted there if it  
14 wasn't stipulated.

15 MEMBER NUSGART: My notes  
16 specifically list 38 and 39 as having been  
17 withdrawn by the Candidate.

18 MEMBER PORTER: As do mine. I don't  
19 see a reason why the Candidate would have done  
20 that.

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MS. KRAFTHOFER: To clarify things were a total of four signatures on those two pages. One is actually a signature of the candidate's wife who is here. We can have her testify further if we need to on additional parts during our rebuttal case if needed. But the purpose of these proceedings aren't to try to trap people in loopholes.

So I think taken up the issue you wanted to clarify at the beginning whether or not they're stipulated to, and he's saying they are not stipulated to.

MAYOR PECAK: You have four signatures on those two pages?

MS. MAJAUSKAS: It's a total of four. But to be jumping back and forth and back and forth I think is also not proper. If they were withdrawn, they were withdrawn and we live with it.

It's only four signatures and we live with it and we move forward. But to be un-withdrawing

1 now, and oh, I made a mistake, that's too bad.  
2 They were withdrawn and they are gone.

3 MAYOR PECAK: Do we have a way of  
4 getting a record from the court reporter?

5 THE COURT REPORTER: If we take a  
6 break, I can look back, and you can tell me what  
7 you need.

8 You're talking about the last hearing;  
9 right?

10 MR. PECAK: Yes.

11 THE COURT REPORTER: If you tell me  
12 what you need, I can look for it.

13 MEMBER PORTER: The Objector has no  
14 further evidence to put on with respect to the  
15 signature objections stated?

16 MS. MAJAUSKAS: Correct. To the  
17 signature, that's correct.

18 MS. KRAFTHFER: Is this correct and  
19 is this going to be -- the last hearing you  
20 started out with your sheet and you adopted it  
21 and made changes.

22 MS. ELLIOTT: Did anyone have any

1 changes to this Tally sheet as presented?

2 MEMBER PORTER: Not that I saw.

3 MAYOR PECAK: I stand by all my  
4 judgments. Anything?

5 MEMBER NUSGART: Looks good.

6 MEMBER PORTER: I would make a motion  
7 to adopt our initial opinions on this.

8 MEMBER NUSGART: Second.

9 MAYOR PECAK: Motion and a second.  
10 All in favor say aye.

11 (Chorus of ayes.)

12 Any opposed?

13 Hearing none, motion passes.

14 So now any affidavits in your rebuttal to  
15 the signatures on the Appendix?

16 MS. KRAFTHFER: Does the Objector  
17 rest in their case in chief?

18 MEMBER PORTER: Correct, as to the  
19 signatures and the entire case.

20 MS. KRAFTHFER: I'm going to give  
21 you each a packet. And we can see which ones we  
22 need and don't need. And we will give the packet

1 to the counsel.

2 MS. MAJAUSKAS: Just with the  
3 understanding that the Sarah Boyle petition I  
4 adopted from the prior hearing as being an  
5 objection in math.

6 MS. KRAFTHEFER: So the first  
7 petition for the affidavit that we have is Sheet  
8 2, Line 3.

9 MEMBER PORTER: Based on the  
10 affidavit, my valid determination will remain  
11 valid.

12 MEMBER NUSGART: Do you have the  
13 Exhibit A? This is for John Sevac. I don't  
14 have the Exhibit A that was attached.

15 MR. BOYLE: I talked to your Chair  
16 and to save paper, he must have had it to go  
17 through this. I did not print those out.

18 MAYOR PECAK: Do you have a packet of  
19 the signatures?

20 MR. BOYLE: The originals are here,  
21 if anyone wants to see it. Every one of them had  
22 an A on it for Exhibit A.

1 MS. MAJAUSKAS: I think at this point  
2 we have a problem with the affidavits because the  
3 affidavit specifically references Exhibit A as  
4 being the signature that this Affiant is  
5 referring to. And if we don't have the ability,  
6 then I don't know how we can compare anything.

7 MR. BOYLE: I will tell you what we  
8 can do. We can go one by one through all six of  
9 us and be here until 4:00 o'clock in the morning.  
10 How's that? Do you want to do that?

11 MS. MAJAUSKAS: You wrote up the  
12 affidavit. So let's do it.

13 MS. KRAFTHEFER: We have them right  
14 here. We didn't make copies. We can do that.

15 MEMBER PORTER: I have them right  
16 here. I have no issue doing that.

17 MS. MAJAUSKAS: My objection stands  
18 that the affidavit isn't a full affidavit. And  
19 to save one sheet of paper is a little bit. But  
20 that's fine, in the interest of time, we can just  
21 go off the Candidate's petition sheets and assume  
22 that they are correct.

1           MEMBER NUSGART: Based on the  
2 rehabilitation as to Sheet 2, Line 3, I find that  
3 this is valid.

4           MAYOR PECAK: I concur. Next sheet  
5 is Sheet 2, line 4.

6           MS. MAJAUSKAS: I think I see two  
7 copies of the Appendix. Unless it's here. Give  
8 me one second.

9           MEMBER NUSGART: I think you gave me  
10 the original affidavit.

11          MR. BOYLE: You can keep it.

12          MEMBER PORTER: Based on the  
13 affidavit, I would find the signature to be  
14 valid.

15          MEMBER NUSGART: I concur.

16          MAYOR PECAK: And I concur.  
17 Next sheet is 12, Line 10.

18          MEMBER PORTER: I would stand by my  
19 valid determination on Sheet 12, line 10.

20          MAYOR PECAK: I would say valid as  
21 well.

22          MEMBER NUSGART: I would change mine

1 to valid as well.

2 MAYOR PECAK: Next one is Sheet 16,  
3 Line 4.

4 MEMBER PORTER: I stand by my valid  
5 determination.

6 MEMBER NUSGART: I will change mine  
7 to valid.

8 MAYOR PECAK: I don't have a  
9 signature record.

10 MS. ELLIOTT: 16, 4 is shown as  
11 valid.

12 MS. KRAFTHFER: Sheet 18, Line 5.

13 MEMBER PORTER: Based on the  
14 affidavit rehabilitating the signer, I change my  
15 determination to valid.

16 MEMBER NUSGART: I concur valid.

17 MAYOR PECAK: I agree We have an  
18 affidavit. But the printed signature doesn't  
19 match. So I'm going to call it invalid, but  
20 still falls as valid.

21 MS. KRAFTHFER: The next one is  
22 Sheet 19, Line 8.

1 MS. MAJAUSKAS: This is the same one  
2 as Mr. Rego's in that the name on the affidavit  
3 is not the same as the name on the Candidate's  
4 petition.

5 MAYOR PECAK: This one is registered  
6 in Bartlett, Illinois, with an active status.

7 MEMBER NUSGART: That's what I show.  
8 I am keeping mine as not valid.

9 MEMBER PORTER: The address on the  
10 voter registration does not match the listed  
11 address on the Signature Sheet or the affidavit.  
12 So I am saying as not valid.

13 MAYOR PECAK: Next one is 19-9. I'm  
14 going to keep my initial observation of that one  
15 being invalid. I think that looks like too much  
16 like Ryan.

17 MEMBER PORTER: I will change my  
18 initial determination to valid based on the  
19 affidavit.

20 MEMBER NUSGART: I concur valid.

21 MAYOR PECAK: One is sheet 20,  
22 Line 10. And that one has no record of voter



1 registration at that address.

2 MEMBER NUSGART: Ms. Carol Flynn?

3 MAYOR PECAK: Yeah.

4 MEMBER NUSGART: I have a  
5 certification from the County at Penwood Drive.

6 MEMBER PORTER: I will maintain my  
7 initial determination as valid.

8 MAYOR PECAK: I don't have it in my  
9 packet. Could someone share this?

10 MEMBER NUSGART: I will change mine  
11 to valid.

12 MAYOR PECAK: And I'll change mine to  
13 valid.

14 The next one is 21-5.

15 MEMBER PORTER: I will maintain my  
16 valid determination.

17 MEMBER NUSGART: I will change mine  
18 to valid.

19 MAYOR PECAK: The next one is 21-7.

20 MEMBER PORTER: I will maintain mine  
21 as valid determination.

22 MAYOR PECAK: I consider that one as

1 invalid because it was printed both sides. But  
2 that's my interpretation.

3 MEMBER NUSGART: I will change mine  
4 to valid based on the rehabilitation affidavit.

5 MAYOR PECAK: Next sheet is 25,  
6 Line 3.

7 MEMBER NUSGART: I show Mary Magaro.

8 MAYOR PECAK: I do as well.

9 MEMBER NUSGART: And the affidavit  
10 is from Lou Magaro.

11 MEMBER NUSGART: Keep is as not  
12 valid.

13 MAYOR PECAK: Invalid as well.

14 MEMBER PORTER: And I would change  
15 mine to invalid.

16 MAYOR PECAK: And the last one is 34,  
17 Line 2.

18 MEMBER NUSGART: I would change mine  
19 to valid.

20 MEMBER PORTER: Valid.

21 MAYOR PECAK: And I will call mine  
22 invalid.

1 MS. KRAFTHEFER: And I have a  
2 question about the Board's Tally sheets. So it  
3 looks like Sheet 25, Line 9. It says invalid.

4 So there is not a signature there.  
5 So was that originally counted as a signature?  
6 Otherwise, it shouldn't be deducted.

7 MAYOR PECAK: I think that's up to  
8 the Candidate, the total number, of whether it's  
9 counted or not. If it's counted, then it needs  
10 to be removed. If it's not counted, then it's  
11 not counted.

12 MS. KRAFTHEFER: We wouldn't have  
13 counted it towards our signatures. But it looks  
14 like it says on your sheet it says valid. That's  
15 why I was asking.

16 MAYOR PECAK: As long as we count it  
17 as not counting, either in the original count --

18 MR. BOYLE: It should be in your  
19 grand total.

20 MS. KRAFTHEFER: You're tallying the  
21 numbers you're taking off. So I want to make  
22 sure that was not taken off.

1           MAYOR PECAK: Whose numbers are we  
2 using as the submitted signatures? Did the  
3 Candidate determine how many signatures?

4           MS. ELLIOTT: You will need to review  
5 it. Do you want to change the number from --

6           MAYOR PECAK: As long as it wasn't in  
7 the original count, I have no objection.

8           MEMBER PORTER: I don't think a  
9 crossed-off signature should be counted against  
10 the Candidate. I agree. And just remove that  
11 one invalid from that sheet tally. I believe  
12 that leaves us with 8 invalid on Sheet 3.

13           MS. KRAFTHEFER: And it's the same  
14 thing as 25, 4, and 5. There is not an objection  
15 raised with respect to those; yet, it looks like  
16 it was sustained.

17           MS. MAJAUSKAS: 25-4 and 5.

18           MS. KRAFTHEFER: Yes.

19           MS. MAJAUSKAS: They were  
20 unidentifiable. That was the objection.

21           MS. KRAFTHEFER: That's not an  
22 objection.

1 MS. MAJAUSKAS: 25-4 was held to be  
2 valid anyways. So we are only dealing with 25-5.  
3 But if it's not identifiable, then it's not a  
4 valid signature.

5 MS. KRAFTHEFER: There is not an  
6 objection to it not being a valid signature.

7 MS. MAJAUSKAS: The objection that  
8 it's not valid because it's unidentifiable.

9 MS. KRAFTHEFER: We actually have the  
10 voter registration document for that signature.

11 MAYOR PECAK: May I have it as well?  
12 You don't have an affidavit for that one.

13 MS. KRAFTHEFER: We didn't need one  
14 because no one objected to the signature being  
15 invalid.

16 MS. MAJAUSKAS: Well, 25-5 is a first  
17 name, a last initial, you couldn't match it to  
18 anything. I can't even read what the first name  
19 is. So it's unclear that Mickey Mouse could have  
20 signed it. So if you can't match it, it's an  
21 unidentifiable signature. Obviously, there are  
22 several people living at 1515 that all signed.

1 So we don't know how many people live there. I  
2 don't think a first name and a last initial is a  
3 valid signature to identify a registered voter.

4 MS. KRAFTHEFER: We have the  
5 registration document.

6 MS. MAJAUSKAS: We don't know who  
7 signed it. There might be a registration  
8 document for somebody who lived there, but we  
9 don't know who signed it. It's something  
10 something.

11 MEMBER NUSGART: I confer with --

12 MS. KRAFTHEFER: And the objection  
13 wasn't that the voter did not register. And the  
14 objection was in fact signature didn't match. It  
15 says it was unidentifiable. And we have  
16 identified it. So we don't have an affidavit.

17 MAYOR PECAK: Do you have an  
18 affidavit or anything?

19 MS. KRAFTHEFER: We didn't need an  
20 affidavit because they didn't prove that --

21 MS. MAJAUSKAS: We don't know who  
22 signed it. That's the problem. How can we prove

1 that it's a registered voter if we don't know who  
2 signed it. There is no -- the signature has an  
3 initial, the voter's printed name is left blank.  
4 So we don't know who this person is.

5 And it sounds just from the way they didn't  
6 put the information, it sure sounds like somebody  
7 is trying to hide the fact that they are  
8 identical -- or they didn't want to sign it and  
9 just did it.

10 MS. MAJAUSKAS: There has to be a  
11 prima facia case of a signature that belongs to  
12 an identifiable human being. And we don't have  
13 that.

14 MS. KRAFTHFER: It's the Objector's  
15 burden to demonstrate.

16 MAYOR PECAK: My observation is it  
17 doesn't match voter registration signature for  
18 25-5.

19 MEMBER NUSGART: I confer with that.  
20 I don't know the person who signed the petition  
21 is the person whose voter registration is there.  
22 There is no printed name.

1           MEMBER PORTER: I think the Objector  
2 has shown by a preponderance that this is not a  
3 valid signature.

4           MEMBER NUSGART: We can't identify  
5 who it is.

6           MAYOR PECAK: I think we have made  
7 our determination.

8           MEMBER NUSGART: Yes.

9           MS. KRAFTHFER: With respect to  
10 Sheet 25, 1 was invalid, 2 was invalid, 3 was  
11 valid. 1 was invalid, 3 was invalid, 4 was  
12 valid, and 5 was invalid, 7 was invalid, 9, there  
13 is not a ruling because it wasn't -- it wasn't a  
14 valid objection. 8 is referred to as invalid; is  
15 that correct.

16           MAYOR PECAK: There is no record is  
17 what I have. Not in reverse order or anything.

18           MS. KRAFTHFER: On the Appendix  
19 sheet, it says 5, 7, 9, 8.

20           MAYOR PECAK: Right, right. But it  
21 wasn't a validated or reverse order. I have no  
22 record sheet for signature.



1 MS. KRAFTHEFER: I have Sheet 25  
2 there were 5 deemed to be invalid; right?

3 MEMBER PORTER: 5 total, yes.

4 MAYOR PECAK: 6 is what I have.

5 MS. KRAFTHEFER: But 9 doesn't have a  
6 signature on it.

7 MEMBER NUSGART: Right.

8 MEMBER PORTER: So my tally is a  
9 total of 23 invalidated signatures. 4 on Page 1,  
10 9 on Page 2, and 8 on Page 3, and 2 on Page 4.

11 MEMBER NUSGART: I had a total of 23  
12 invalid signatures total. Worksheet 1 had 4  
13 invalid signatures, Worksheet 2 had 9 invalid  
14 signatures, Worksheet 3 had 8 invalid signatures,  
15 and Worksheet 4 had 2 invalid signatures.

16 MS. ELLIOTT: If the parties want to  
17 double check what I have, I show that there were  
18 39 petitions filed containing 323 signatures;  
19 that Sheets 24, 30, 33 and 37 were challenged as  
20 not being notarized; that those sheets contained  
21 25 signatures and the Candidate admitted that  
22 challenge by withdrawing the petition sheets;

1 that the Objector challenged a number of sheets  
2 and Candidate admitted to the objection by  
3 withdrawing -- and this is where we have a  
4 question. Sheets 9, 23, 29, 31, 32, 36, 38 and  
5 39.

6 If you use all those, that's 71 signatures.  
7 If you don't use 38 and 39, that's 67 signatures.

8 MS. MAJAUSKAS: I also have the  
9 Candidate withdrew Page 5. That was a notary as  
10 well.

11 MR. BOYLE: If you remember correctly  
12 at the end, we agreed --

13 MS. MAJAUSKAS: Objection. That  
14 objection is to the panel.

15 MS. ELLIOTT: I do show, too, 1  
16 through 5 and 21 were withdrawn. No.

17 MS. MAJAUSKAS: No. 1 through 4 was  
18 not withdrawn and 5 was. Because I have all the  
19 signatures except for 1, 2, 3, 4 with withdrawn  
20 and 1, 2, 3, 4 are all the Boyles' collection.

21 MAYOR PECAK: First for the record,  
22 there is no sheet one. It starts on sheet 2, I

1 believe.

2 My apologies.

3 MS. MAJAUSKAS: I was under the  
4 impression that Mr. Boyle wanted to save his  
5 daughter's and his wife's and that Kathleen Kelly  
6 was number 5, and she was withdrawn as well. And  
7 she was withdrawn as No. 29 as well. So it makes  
8 sense that he would withdraw both.

9 MEMBER PORTER: I did not write down  
10 any notes regarding sheets 5 and 29.

11 MR. BOYLE: I think we were at  
12 different numbers at the end of the day.

13 MAYOR PECAK: I had 29 withdrawn but  
14 no record --

15 MEMBER NUSGART: I did have 29, I  
16 apologize.

17 MEMBER ELLIOTT: The Candidate can  
18 withdraw whichever he wants without a basis, I  
19 suppose.

20 MS. MAJAUSKAS: My records show that  
21 Page 5 was withdrawn.

22 MS. ELLIOTT: I don't think any of

1 the commissioners have that.

2 MS. MAJAUSKAS: And I also show 322  
3 signatures. It's 223, if you count the one that  
4 was crossed off that we were talking about  
5 earlier. So we can count 223 and cross off an  
6 additional one or Count 322 and not count that  
7 cross-off one. That's, I think, where the issue  
8 is coming in on that one.

9 MS. ELLIOTT: Does a Candidate have a  
10 position as to how many signatures they  
11 submitted?

12 MS. KRAFTHEFER: Well, I would go  
13 through them and count them.

14 MS. ELLIOTT: Did he include that  
15 signature?

16 MS. KRAFTHEFER: In your tally, Ms.  
17 Elliott, did you include that signature?

18 MS. ELLIOTT: I don't believe I did,  
19 but I will review the tally.

20 MS. MAJAUSKAS: The stricken  
21 signature is Sheet 21, Signature 6. And it was  
22 crossed off and he resigned again on Line 7. So

1 it would be a double signature but he crossed it  
2 off.

3 MEMBER PORTER: I think when we are  
4 discussing the sheet 25 signature 9 --

5 MS. MAJAUSKAS: There is two of them  
6 now that have been crossed off. So if we count  
7 Sheet 21 as 9 signatures, we are okay. But if we  
8 count them as 10, then we have to take one off as  
9 is the case for the one that you mentioned as  
10 well, sheet 25, Signature 9.

11 MS. KRAFTHEFER: We are coming with  
12 322.

13 MS. ELLIOTT: Okay. Both come up  
14 with the same number then.

15 MEMBER ELLIOTT: Are all parties in  
16 agreement that the total number of signatures  
17 submitted for Mr. Boyle were 322?

18 MS. MAJAUSKAS: Yes.

19 MS. KRAFTHEFER: Yes.

20 MEMBER PORTER: Does the Panel  
21 agree?

22 MAYOR PECAK: Yes.

1 MEMBER NUSGART: Yes.

2 MEMBER PORTER: We will run our  
3 calculations based off 322 submitted signatures.  
4 We have 25 removed for nonnotarized sheets: 24,  
5 30, 33 and 37. We have 23 that were stricken by  
6 the Board as invalid.

7 And then the question is we have either 71  
8 or 67 which were withdrawn by the Candidate. And  
9 then the discrepancy of four signatures comes  
10 from Pages 38 and 39, which we discussed earlier.

11 MS. KRAFTEFER: Well, except you  
12 have to take out of that the ones you ruled on.

13 MAYOR PECAK: I believe that would be  
14 counted for; correct.

15 MS. MAJAUSKAS: I think that was  
16 already done.

17 MEMBER PORTER: Correct.

18 Taking the 322 signatures, less the  
19 25 that were withdrawn nonnotarized, less the 23  
20 that were stricken by the Board, and less the 67  
21 amount to be conservative, leaves the Candidate  
22 with 208 valid signatures. I'm sorry. 207.

1 Excuse me. 207 valid signatures.

2 MEMBER NUSGART: I got 207 as well.

3 MS. KRAFTHEFER: When you say minus  
4 67 being conservative, where are you getting  
5 those 67 from?

6 MR. PECAK: Those four additional  
7 ones on Pages 38 and 39. So if we exclude the  
8 ones on 38 and 39, don't even consider those,  
9 that's 67 signatures. If we include 38 and 39,  
10 there are 71 signatures.

11 MS. KRAFTHEFER: But where are you  
12 getting the 67 from?

13 MS. ELLIOTT: Those were withdrawn.

14 MS. KRAFTHEFER: But on those  
15 withdrawn sheets, there were things that you also  
16 invalidated. So you're double taking away.

17 MS. ELLIOTT: I will get the Tally  
18 sheets. We didn't count the ones where the  
19 sheets were invalid.

20 MS. KRAFTHEFER: Oh, you didn't rule  
21 on those at all?

22 MS. ELLIOTT: No.

1           MEMBER PORTER: Even removing those  
2 from the equation, assuming those were not  
3 withdrawn and assuming they were valid, we still  
4 are left with 67 withdrawn as opposed to 71  
5 withdrawn.

6           MR. BOYLE: Sheet 2 or Sheet 5 in  
7 there?

8           MAYOR PECAK: No, not in that column.

9           MR. BOYLE: Neither one of those  
10 sheets are in that count?

11          MAYOR PECAK: Sheets 2 and 5 are  
12 still valid at this point with the 207 number.

13          MEMBER PORTER: Any discussion from  
14 the Board at this time? Hearing none --

15          MAYOR PECAK: Are we ready for a  
16 motion?

17          MEMBER PORTER: Do either parties  
18 wish to make any closing argument?

19          MS. MAJAUSKAS: I think I would rest  
20 on my closing argument from Mr. Rego's case and  
21 reiterate it without having to repeat it in this  
22 case. And substituting Mr. Rego's name for Mr.



1 Boyle's when appropriate.

2 MS. KRAFTHEFER: And I do have a  
3 couple arguments in response. First I want to  
4 clarify for the record my argument in the last  
5 case was not with respect to the notary law.  
6 It's not that you invalidate all of the sheets by  
7 the notary, you invalidate all the sheets that  
8 there's evidence on. I just want to clarify  
9 that.

10 In addition when the Board was making its  
11 ruling last time, it quoted from standards  
12 articulated in Section 7-10 of the Election Code.  
13 Section 7-10 isn't applicable to these  
14 proceedings because Article 7 of the Election  
15 Code applies to nominations made by political  
16 parties. This is not a political party. These  
17 are independent candidates.

18 So I would ask that that section not be  
19 cited with respect to these cases; it's  
20 inapplicable.

21 And also I wanted to call the Board's  
22 attention to the fact that the Board's rules

1 requires that the Objector has to be present  
2 physically to proceed, not by counsel.

3 And if not, that's a basis for invalidation  
4 of the Objector's petition. So because that rule  
5 has been violated the Objector's petition should  
6 not be considered under its entirety under the  
7 Board's ruling.

8 And also I want to reiterate that I want to  
9 submit our memorandum of law with respect to this  
10 because there are not actually any allegations in  
11 the petition that any of the signatures are not  
12 genuine.

13 MS. MAJAUSKAS: The section that  
14 Counsel quoted in her Closing, I believe she was  
15 the one that mentioned it in the prior closing  
16 argument. Also, the Objector appears through  
17 their attorney. I, as the attorney, have been  
18 present throughout the entire proceedings and  
19 Ms. Binkene has no personal knowledge of anything  
20 that happened and was not any detriment and was  
21 not brought up as an issue until closing argument  
22 after all the argument has been closed. And the

1 memo -- and my objection stands for the memo from  
2 before that it was not provided and it is a  
3 surprise and prejudicial.

4 Thank you.

5 MS. KRAFTHEFER: Just to put in the  
6 record, that particular rule, it's Rule 15 Sub H.  
7 The Objector is Entitled to Appear. There is  
8 another part that talks about counsel, that  
9 appearing by counsel, but that part does not say  
10 that.

11 MS. MAJASKAS: That argument was not  
12 made. So at this point, it's a moot issue  
13 anyway.

14 MS. ELLIOTT: I would point out to  
15 the Commission that there are remaining sheets  
16 and that was part of the objection that they were  
17 notarized without a Circulator appearing before  
18 the notary. There were admissions as to some of  
19 these petitions. But there is outstanding  
20 petitions that need to be made on Sheets 1  
21 through 5, 21, 38, and 39. Now sheets 1  
22 through 5 -- 1 through 4, are Ms. Boyle, who

1 testified. I don't know if you want to find  
2 these were rehabilitated.

3 MS. MAJAUSKAS: I think it would only  
4 be Page 5, Kathleen Kelly, and then Sarah Boyle  
5 also had one page. I have it here.

6 MAYOR PECAK: Page 2, I think.

7 MS. ELLIOTT: Oh, I'm sorry. You're  
8 right.

9 MAYOR PECAK: Page 2 and 5.

10 MS. KRAFTHFER: I believe there is  
11 also a mistake. I think the Board double counted  
12 the fraudulent signatures. Because when you look  
13 at the number of signatures on Sheet 9, 23, 29,  
14 31, 32, and 36, that 71 signatures.

15 MS. MAJAUSKAS: 67.

16 MS. KRAFTHFER: There aren't that  
17 many signatures on those pages. There is 10 on  
18 Sheet 9. Page 36 only has 4 signatures on it.

19 MAYOR PECAK: It would only be a  
20 maximum of 60.

21 MS. KRAFTHFER: How is there 71  
22 subtracted by the Board?

1           MEMBER PORTER: We're going to look  
2 at that right now.

3           MS. KRAFTHEFER: You should have 45  
4 subtracted for that.

5           MS. MAJAUSKAS: But then if we take  
6 out the Kathleen Kelly and Sarah Boyle, we are  
7 still under.

8           MR. BOYLE: Those aren't being taken  
9 out.

10          MAYOR PECAK: That's left to be  
11 determined.

12          MS. MAJAUSKAS: Understood.

13          MS. ELLIOTT: 45.

14          MAYOR PECAK: That's without the 4 in  
15 there. We are on 38 and 39.

16          MS. ELLIOTT: Correct.

17           1 through 5. 21, 38, and 39.

18          MS. KRAFTHEFER: Those aren't  
19 objections in this case.

20          MS. ELLIOTT: Those were Paragraph 2  
21 of the objection.

22          MEMBER PORTER: So with 322 total

1 signatures, less the 25 withdrawn from  
2 nonnotarized sheets, less the 23 stricken by the  
3 Board, less 45, that leaves 229 valid signatures  
4 remaining at this time before a determination on  
5 the other pending matters is made.

6 MAYOR PECAK: I concur with that  
7 number.

8 MEMBER NUSGART: Agreed.

9 MAYOR PECAK: Do we stipulate that  
10 that's our number that we did previously?

11 MEMBER NUSGART: I do. Motion.

12 MAYOR PECAK: I have a motion. And I  
13 second.

14 All in favor say aye.

15 (Chorus of ayes.)

16 Any opposed?

17 Hearing none, the Board is satisfied.

18 Do we move on to --

19 MS. ELLIOTT: You have to consider  
20 Petition Sheets 1 through 5, 21, 30 and 39.

21 Member ELLIOTT: 29 was withdrawn.

22 MS. ELLIOTT: Correct.

1           MAYOR PECAK: So based on our  
2 previous ruling, do you have any thoughts?

3           MEMBER PORTER: Based on the fact  
4 that Notary Public Catherine Draut testified that  
5 she never met Brad Hedish on Page 9; Roger Leon  
6 on Page 23; Joseph Accurso on Page 31; Robert  
7 Klaryn on Page 32; and Ty Morris on Page 37, but  
8 still notarized their circulated sheets, I would  
9 find a pattern of fraud on those sheets.

10           Those sheets have already been withdrawn by  
11 the Candidate. Based on my prior ruling, I would  
12 stay consistent with that and invalidate any  
13 other sheets notarized by Catherine Draut where  
14 rehabilitation testimony was not presented.

15           And I believe Ms. Boyle testified that she  
16 did sign those sheets in front of Ms. Draut and  
17 so I would not invalidate any petition sheets  
18 submitted by Ms. Boyle. The rest of them  
19 notarized by Ms. Draut and not withdrawn, I would  
20 invalidate in their entirety.

21           MAYOR PECAK: That's your motion?

22           MEMBER PORTER: That's my position.

1 I'm open to anymore discussion on it.

2 MS. MAJAUSKAS: Just to clarify. Not  
3 withdraw Laurie Boyle, but still -- not  
4 invalidate Laurie Boyle but invalidate Sara Boyle  
5 as there was no -- because of the last name?

6 MAYOR PECAK: It was in terms of Ms.  
7 Boyle's --

8 MEMBER PORTER: Laurie Boyle  
9 testified before us and we heard evidence that  
10 she was present when the notary verified her  
11 signature, yes. I would validate hers. I  
12 wouldn't invalidate any remaining petition sheets  
13 that were purportedly notarized by Ms. Draut  
14 based on the finding of the pattern of fraud and  
15 the cloud over her notary stamp.

16 MS. KRAFTEFER: Only Sheets 2 and 5;  
17 right?

18 THE COURT: That would be 2, 5, 21,  
19 38, and 39, I believe.

20 MS. KRAFTEFER: So it's just 2 and  
21 5?

22 MS. ELLIOTT: No.



1 MS. KRAFTHEFER: Okay. What am I  
2 missing?

3 MS. ELLIOTT: You're missing that  
4 there were challenges to 2, 5 and 21, 38 and 39.

5 MS. KRAFTHEFER: And the last three  
6 were Laurie Boyle. So the only ones that were  
7 not Laurie Boyle then would be 2 and 5.

8 MS. ELLIOTT: Yeah, 1, 2, 4, and 2 --  
9 yes.

10 MEMBER PORTER: So my motion would be  
11 to invalidate Signature Sheets 2 and 5 for the  
12 reasons previously stated.

13 MAYOR PECAK: And I second. All  
14 those in favor say aye.

15 (Chorus of ayes.)

16 Any opposed?

17 Hearing none, the motion passes.

18 MS. ELLIOTT: But there is still two  
19 validated ones. There is 2, 5, and then on Page  
20 5, there is one invalidated. So that would be a  
21 total of 17 additional.

22 MEMBER PORTER: Based upon the

1 Board's ruling, it appears that there are 212  
2 valid signatures for Mr. Boyle. I believe that  
3 permits him to remain a Candidate on the ballot.

4 MEMBER NUSGART: Correct.

5 MAYOR PECAK: Do we need a motion?

6 MS. MAJAUSKAS: Maybe we then need to  
7 rule on 39 and 38 because those four signatures  
8 then become important. If they were withdrawn,  
9 then that's four signatures, and that puts him  
10 under at 208.

11 MEMBER PORTER: I agree that those  
12 four signatures need to be ruled on.

13 MAYOR PECAK: And I concur. The  
14 record 38 and 39.

15 MS. KRAFTHEFER: On behalf of the  
16 Candidate, he's saying he's not withdrawing them.

17 MS. MAJAUSKAS: He withdrew them last  
18 time. So they're done, they're gone.

19 MS. KRAFTHEFER: First of all,  
20 technically under the Election Code once a  
21 petition is added, nothing can be withdrawn from  
22 it. So I think technically the legal term is he

1 was stipulating, if anything.

2 And usually if a person is appearing before  
3 a tribunal saying there was a misunderstanding on  
4 stipulation, the judge would not compel them to  
5 stick with a stipulation.

6 MAYOR PECAK: I think what we agreed  
7 to is to check the record at the latter part of  
8 the meeting, if we needed to.

9 MR. BOYLE: Even off the record, we  
10 were talking about what numbers. Just trying to  
11 get some clarity. There was nothing sinister  
12 going on as the meeting was ending last time.  
13 She asked me what numbers there were. And I said  
14 1 through 5. And I think I made a mistake of 1  
15 through 5, and you were writing them down. You  
16 were accepting it. You were accepting the  
17 conversation.

18 MAYOR PECAK: I think we all did  
19 because we all wrote it down as well.

20 MR. BOYLE: That was in the earlier  
21 part too. What I'm saying is what we talked  
22 about towards the end and what we talked about in

1 the beginning, I don't know if the numbers match  
2 or not.

3 MS. MAJAUSKAS: I think everyone has  
4 it written down that they were withdrawn. At  
5 this point, I think we need to make a  
6 determination. It's almost 11:00 o'clock and we  
7 need to move on. They were withdrawn. They are  
8 gone.

9 You can't come in and said oh, I also  
10 stipulate to and then start taking them back. It  
11 doesn't work that way. Once they are withdrawn,  
12 they're gone.

13 MS. KRAFTHEFER: The Election Code  
14 does not allow anything to be withdrawn. So I  
15 think the correct terminology is stipulation. If  
16 the Board is actively trying to disenfranchise a  
17 Candidate at this point, I think there is a much  
18 bigger issue.

19 MS. MAJAUSKAS: You can withdraw a  
20 petition sheet, you can withdraw a lot of things.

21 MAYOR PECAK: I think what we said is  
22 we would check the record, and we can take a

1 ten-minute recess and have the court reporter  
2 check her record and see what the record shows  
3 from the last meeting.

4 If you would do so?

5 THE COURT REPORTER: Sure.

6 (Whereupon, the reporter  
7 checked her notes as  
8 requested and read the  
9 following into the record:)

10 "THE COURT REPORTER: MR. BOYLE:  
11 That is the case. They would be different  
12 numbers than the Rego case. But they would be  
13 the same Circulators. And those would be -- let  
14 me go through it: Sheet No. 9, 23, 29 31, 32,  
15 36, 38, 39.

16 MS. MAJAUSKAS: 32 -- I'm sorry -- 36  
17 and 39?

18 MR. BOYLE: Yes, ma'am. And then  
19 there was also separately to that -- let me get  
20 this cleared up right now -- there were, by  
21 mistake, a few sheets that were never notarized  
22 at all. So as, of course, those would not be

1 counted. So those should be dismissed right  
2 away. Those are sheets 24, 30 -- excuse me.  
3 Yeah, 24, 30, 33, 37 and -- yeah, that's it.

4 MS. ELLIOTT: Okay. So I have that  
5 you're withdrawing Sheets 9, 23, 30 --

6 MR. BOYLE: 29.

7 MS. ELLIOTT: 29, 31, 32, 36, 39.

8 MAYOR PECAK: 38.

9 MS. ELLIOTT: 24. Did you say 38?

10 MR. BOYLE: 38 and 39. And the ones  
11 that were not notarized, which I guess we will  
12 group into the same pool, would be 24, 30, 33,  
13 and 37."

14 MAYOR PECAK: Back on the record.

15 MS. KRAFTHFER: So Section 10 of the  
16 Election Code requires the Board to adopt rules  
17 of procedure. This Board did adopt rules of  
18 procedure. And this is the rule the Board  
19 adopted: No signature shall be revoked except by  
20 revocation in writing presented or filed with the  
21 Board or officers with whom the petition is  
22 required to be presented or filed and before the

1 presentment or filing such petition except as may  
2 otherwise be provided in other statute which  
3 authorizes the public question.

4 So the Board's own procedures don't allow  
5 parties to withdraw signatures, other than in  
6 writing.

7 Now the distinction from the last case is  
8 Mr. Rego actually filed a written document and  
9 the Board has a form for it. Mr. Boyle didn't  
10 file that.

11 And at the beginning of this hearing, one  
12 of the public members said: "Just to clarify  
13 what you stipulated to, what did you stipulate  
14 to?" And he said he's not stipulated to that.

15 So for the record, there is not been -- the  
16 Board's rule clearly require any kind of withdraw  
17 has to be in writing. There is nothing in  
18 writing.

19 And we are telling you now, we are not  
20 stipulating to that, regardless of what he  
21 previously said on the record, which is not  
22 binding under the Board's rules.

1 MS. MAJAUSKAS: Well, if what he said  
2 wasn't binding, then we have a whole big  
3 different issue.

4 MEMBER PORTER: What do you say that  
5 to be a judicial admission under oath to the  
6 Court.

7 MS. KRAFTHEFER: I don't know if  
8 there was any kind of judicial admission to the  
9 Court. You have a party saying here that I'm not  
10 stipulating to that.

11 And your Board's rules require it to be in  
12 writing. There is nothing in writing saying that  
13 he stipulated to that. It sounds like what the  
14 Board wants him to do is force him to stipulate  
15 to something that the Board just reasons with  
16 respect to the other part of his case would be  
17 otherwise valid signatures.

18 It sounds like actually the Board is  
19 actively trying to disenfranchise the voters and  
20 come up with a way to take Mr. Boyle off the  
21 ballot.

22 It does not sound like the Court is



1     advancing judicial philosophy favoring ballot  
2     access.  If you were in Court and told the judge  
3     you made a mistake on a stipulation, a judge  
4     wouldn't force you.

5             MS. MAJAUSKAS:  But also we have to  
6     be able to reasonably rely on statements made by  
7     the Candidate.  And picking out one line of one  
8     rule, we have to have a chance at that point to  
9     look at the statutes in their entirety.  And we  
10    haven't this that opportunity.

11            Mr. Boyle came in and he said I am  
12    withdrawing these.  At that point, the Candidate  
13    reasonably relied on that indication.  So at this  
14    point for him to come back and say oh, well, I  
15    was just kidding is prejudicial to the Candidate  
16    because the Candidate took and we prepared our  
17    case based on those numbers.

18            And those numbers fall below.  For the  
19    Candidate now to come in and say he was just  
20    kidding is extremely prejudicial.  And at this  
21    point, we have to look at the case law, we have  
22    to look at all the statutes.  And I think we

1 might be able to find a lot of interesting  
2 information that is different from just that one  
3 line in that one statute.

4           MEMBER PORTER: First and foremost, I  
5 don't believe the Board was attempting to corner  
6 Mr. Boyle into anything. My recollection -- and  
7 the recantation from the court reporter -- was  
8 that he offered this admission to us by  
9 agreement. That was something that he brought to  
10 us. It wasn't something we forced on him. It  
11 wasn't that we demanded. And the fact that we  
12 should be able to take a party's agreement and  
13 use that to rely on our opinion shouldn't be  
14 looked at unfavorably.

15           Second of all, we had this going on for  
16 awhile. This issue just came up. We are not  
17 binding Mr. Boyle to his statement. But we are  
18 trying to address every issue that's been raised  
19 before us tonight and throughout the course of  
20 these proceedings.

21           This is something that we tabled earlier in  
22 the hearing until it became necessary to visit.

1 And it did become necessary to visit it.

2 In the interest of visiting all the issues  
3 that have been raised to this Board, we are  
4 required to take a look at it. And we are taking  
5 a look at it and I think we are finding an  
6 interesting situation.

7 I think we are looking at the Section 10-10  
8 cited by the Candidate's attorney but  
9 withdrawal -- I don't know it necessarily  
10 requires that it's in writing.

11 MS. KRAFTHEFER: Your rules say that.  
12 If we are throwing the rules out the window --

13 MEMBER NUSGART: Which rules?

14 MS. KRAFTHEFER: Page 28 of the rules  
15 here, where it says Petition not Amendable: "A  
16 petition when presented or filed, shall not be  
17 withdrawn, altered, or added to, and no signature  
18 shall be revoked except by revocation in writing  
19 presented or filed with the Board."

20 MS. MAJASKAS: What section?

21 MS. KRAFTHEFER: 28.

22 MS. ELLIOTT: I believe that rule

1 relates to the filing of the petition, not this  
2 proceeding.

3 MS. KRAFTHEFER: It's his petition  
4 that he is saying he is withdrawing the  
5 signatures from.

6 MS. ELLIOTT: It indicates that he  
7 cannot -- any of those things can't be done  
8 before the presentment of filing of such  
9 petition. It relates to when you're filing a  
10 petition and indicates that when you're filing it  
11 with the officer with whom the petition is  
12 required to be presented or filed.

13 So in other words, you're not supposed to  
14 alter the petitions between when they were signed  
15 and when they were filed.

16 MS. KRAFTHEFER: No. This says that  
17 when a petition, when presented or filed, shall  
18 not be withdrawn, altered, or added to and no  
19 signature shall be revoked.

20 MS. ELLIOTT: You're not reading the  
21 whole thing.

22 MS. KRAFTHEFER: What am I not

1 reading?

2 MS. ELLIOTT: It says before the  
3 person that you have to file the petition. This  
4 whole section relates to the filing of petitions,  
5 not the objection.

6 MS. KRAFTHEFER: It's his petition  
7 you're saying he withdrew signatures from.  
8 They're trying to say are these signatures valid  
9 or not? And he is being told no, he withdrew  
10 signatures. You can't withdraw signatures from a  
11 petition.

12 MS. ELLIOTT: Not at the presentation  
13 to the clerk --

14 MAYOR PECAK: He withdrew signatures  
15 on Sheets 9, 23, 29, 31, 32, and 36; correct?

16 MEMBER ELLIOTT: My understanding is  
17 he was withdrawing those from contention of an  
18 issue in the proceeding. He wasn't withdrawing  
19 them from his petition when it was filed.

20 Does that distinction make sense or am I  
21 off base?

22 MS. KRAFTHEFER: I think the term

1 withdrawing shouldn't be used here. I think the  
2 issue is really stipulation. And the whole thing  
3 started out in the beginning when you said just  
4 to clarify the stipulation.

5 And we are saying we don't agree with the  
6 stipulation. So I feel that the Board is forcing  
7 the stipulation.

8 MAYOR PECAK: Well, the record was  
9 clear that the Candidate volunteered, the Board  
10 clarified, and it was clarified back, confirmed  
11 back, that those were the listed pages that were  
12 to be removed.

13 MEMBER PORTER: The Board didn't  
14 suggest those numbers to Mr. Boyle. He  
15 volunteered those to us.

16 MS. KRAFTHEFER: We are saying that  
17 at this point we are not withdrawing.

18 MS. MAJAUSKAS: Well, it's a done  
19 deal.

20 MS. KRAFTHEFER: The hearing is not  
21 over, so...

22 MEMBER NUSGART: I think the

1 testimony makes it clear that 38 and 39 should  
2 not be considered by this Board.

3 MAYOR PECAK: Is that a motion?

4 MEMBER NUSGART: I would move to have  
5 38 and 39 of the signatures on those pages be  
6 stricken.

7 MEMBER PORTER: I would second.

8 MAYOR PECAK: We have a motion and a  
9 second. All in favor say aye.

10 (Chorus of ayes.)

11 Any opposed?

12 Hearing none, the motion passes.

13 MS. KRAFTHEFER: So removing the  
14 candidate's wife's signature and three other  
15 signatures; right? So that's removing four.

16 MS. MAJAUSKAS: That would be four on  
17 the list of two pages.

18 MS. KRAFTHEFER: That would bring the  
19 total to what?

20 MEMBER NUSGART: 208.

21 MS. KRAFTHEFER: Which is what the  
22 Objector's petition said is the required number

1 of signatures. So we have been relying on that  
2 number all along, based on the allegation in the  
3 Objector's position.

4 So I make a motion for a directed finding  
5 that he has produced the number of signatures  
6 required in the Objector's petition.

7 MS. MAJAUSKAS: I wish I had the  
8 power to change that number. Yes, it was written  
9 208. If I had the power to change that number, I  
10 would make Mr. Boyle's petition 350. But I don't  
11 have that power. The law is what the law is.

12 As Ms. Elliott said, it was told to the  
13 Candidate, it was broadcasted to everybody. And  
14 the number is not what is important. What I say  
15 is what the law says. And the law says 210.  
16 It's a done deal unfortunately to Mr. Boyle.

17 MS. KRAFTHFER: Talk about lying to  
18 a Candidate who has been proceeding, thinking he  
19 has needed 208 valid signatures. That can't be  
20 amended.

21 MS. MAJAUSAKAS: But that's his  
22 mistake.



1 MS. KRAFTHEFER: It's your mistake.  
2 That's what the Objector's petition said.

3 MS. MAJAUSKAS: I don't make the  
4 rules.

5 MAYOR PECAK: I think we have heard  
6 all that we need. Is there anything else to  
7 proceed on?

8 MEMBER NUSGART: I don't think so. I  
9 think that the statute makes it clear that the  
10 required number was 210.

11 MS. KRAFTHEFER: Can you tell me what  
12 statute says that? Because there aren't any  
13 numbers in the statute, and I don't remember any  
14 evidence related to --

15 MEMBER NUSGART: The statute relates  
16 to percentages. And those were discussed at the  
17 January 2, or the second meeting.

18 MS. ELLIOTT: Second hearing.

19 MAYOR PECAK: All candidates have to  
20 achieve the same threshold. It can't be a  
21 different threshold for different candidates.

22 MS. KRAFTHEFER: And I believe the

1 record before the Board has nothing at all  
2 regarding the number of registered voters in  
3 Village of Lisle to calculate a percentage. And  
4 we've been working under the 208 number.

5 MEMBER PORTER: Mr. Boyle had an  
6 opportunity to file a motion to dismiss on those  
7 grounds. He didn't bring a motion on those  
8 grounds. And we proceeded with the petition as  
9 it was.

10 MS. KRAFTHFER: Right. And the  
11 petition says 208 signatures. Why would he move  
12 to dismiss it? He agreed with that number.

13 MEMBER PORTER: An allegation in a  
14 petition cannot change the law requirements.

15 MS. KRAFTHFER: But there is nothing  
16 in the record indicating what the legal  
17 requirements are. She didn't introduce that the  
18 requirements should be 210. There is nothing in  
19 the record regarding that.

20 The only thing in the record is the  
21 allegation of the Objector's petition. There is  
22 not a certification.

1                   MEMBER PORTER: We have heard all we  
2 need to hear on this.

3                   MAYOR PECAK: I think this matter is  
4 closed.

5                   Do we had need a motion, an agreement, or  
6 are we ready?

7                   MS. ELLIOTT: We need to take a  
8 recess for me to prepare a draft order.

9                   MR. PECAK: We will take a ten-minute  
10 recess.

11                   MS. MAJAUSKAS: Is there still a  
12 ruling that's outstanding?

13                   MS. KRAFTHEFER: They haven't ruled  
14 on the Objector's petition, yes.

15                   MS. MAJAUSKAS: I would ask that it's  
16 getting really late. My husband's car was stolen  
17 this evening. I would really really like to get  
18 home. If we could have -- if you want to take a  
19 ten-minute break, that's fine. I am extremely  
20 worried about something that has nothing to do  
21 with this, and it is extremely late.

22                   MAYOR PECAK: What's the last motion

1 or just the --

2 MEMBER NUSGART: Well, I would move  
3 to find that the Candidate has 208 valid  
4 signatures, which is not the -- which is below  
5 the minimum required number of signatures.

6 MEMBER PORTER: Second.

7 MAYOR PECAK: We have a motion and a  
8 second. All in favor say aye.

9 (Chorus of ayes.)

10 Any opposed?

11 Hearing none, the motion passes.

12 We will draft this, and we will finalize  
13 this hearing.

14 MS. MAJAUSKAS: Are we going to  
15 adjourn or do you want me to wait?

16 MAYOR PECAK: We can recess for ten  
17 minutes until the documentation is done, copied,  
18 and distributed to you.

19 MEMBER NUSGART: We have to sign on  
20 the record. But you don't have to be here for  
21 signature. You can pick up a copy of the  
22 decision.

1                   (Whereupon, a short break was  
2                   taken, after which the following  
3                   proceedings were had:)

4                   MAYOR PECAK: We call the meeting  
5 back to order.

6                   MEMBER NUSGART: We move to approve  
7 the draft decision as drafted.

8                   MEMBER PORTER: Second.

9                   MAYOR PECAK: Make a motion and a  
10 second. All in favor say aye.

11                                   (Chorus of ayes.)

12                   Any opposed?

13                   Hearing none, the motion passes.

14                   Make a motion to adjourn?

15                   MEMBER PORTER: Motion to adjourn.

16                   MEMBER NUSGART: Second.

17                   MAYOR PECAK: We are adjourned.

18                                   (End of Proceedings.)

19

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21

22

1 STATE OF ILLINOIS )  
 ) SS:  
 2 COUNTY OF DUPAGE )

3 I Annette Faklis Moriarty, being first  
 4 duly sworn, on oath says that she is a court  
 5 reporter doing business in the County of DuPage  
 6 and that she reported in shorthand the  
 7 proceedings of said hearing, and that the  
 8 foregoing is a true and correct transcript of  
 9 her shorthand notes so taken as aforesaid, and  
 10 contains the proceedings given at said hearing



11  
 12 Annette Faklis Moriarty

13 Annette Faklis Moriarty, CSR  
 14 LIC. NO. 084-02318

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