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BEFORE THE SOUTH MOLINE

TOWNSHIP OFFICERS ELECTORAL BOARD

KIM LAZENBY,)
)
Petitioner-Objector,)
)
vs.) Docket No.
) 16-TOEB-04
LUIS A. PUENTES,)
)
Respondent-Candidate,)
)

WHEREUPON, THE TOWNSHIP OFFICERS

ELECTORAL BOARD MEETING called and commenced pursuant to the Open Meetings Act and the provisions of the Electoral Board and the Illinois State Statues governing same as they apply to the taking of Electoral Board hearings, taken before Kathy L. Johnson, C.S.R., a Notary Public in and for the County of Henry, State of Illinois, on December 12th, 2016, at the hour of 2:26 p.m., at the Offices of the Moline Township of South Moline, 2521 53rd Street, Moline, Illinois, 61265.

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I N D E X

EXHIBITS:

Exhibit No. 1

Exhibit No. 2

Exhibit No. 3

Exhibit No. 4

(Retained by Board.)

(Exhibits Nos. 5 and 6 were to be entered
at a later time.)

CERTIFICATE OF REPORTER 11

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A P P E A R A N C E S

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Appeared on behalf of the
Respondent-Candidate;

ALSO PRESENT:

SOUTH MOLINE TOWNSHIP BOARD MEMBERS:

MR. TRACY BEST
MS. ANDREA ANDERSON
MR. ROBERT VYNCKE
MS. LISA GRIFFIN
MS. CONNIE MOHR-WRIGHT

MS. KIM LAZENBY

MIDWEST LITIGATION SERVICES
Kathy Johnson, Court Reporter
711 North 11th Street
St. Louis, Missouri 63101
314-644-2191

1 (Meeting start time: 2:26 p.m.)

2 MR. NEIBERGALL: This is Gabe Neibergall
3 for the record, and I would be calling
4 16-TOEB-04, Lazenby v. Puentes. Is that how you
5 pronounce it, sir?

6 MR. PUENTES: Puentes, yes, sir.

7 MR. NEIBERGALL: Puentes. And at this
8 time we have the new Board impaneled consisting
9 of Miss Anderson, Mr. Vyncke, and Chair Griffin.
10 Is that accurate?

11 MR. VYNCKE: Correct.

12 MR. NEIBERGALL: And at this time I would
13 turn over any preliminary matters to candidate's
14 counsel.

15 MR. REMUS: Thank you. Again, I'd be
16 presenting the Board with a Motion to Dismiss.
17 This Motion is similar in form and content to the
18 previous motions that have been made to this
19 Election Board. The argument is relatively
20 straightforward.

21 Under the Illinois Election Code it is
22 required that the objector's petition shall give
23 the objector's name and residence address and
24 shall state fully the nature of the objections to

1 the certificate of nomination or nomination
2 papers or petitions in question, and shall state
3 the interest of the objector and shall state what
4 relief is requested of the Electoral Board.

5 There is a case, Pochie, P-o-c-h-i-e,
6 which has interpreted this specific provision of
7 the Election Code, and the Court in that case
8 stated that the residence address requirement of
9 Section 10-8 of the Election Code is mandatory
10 and not directory, meaning that it has to be
11 included on the objection petition.

12 Turning to the objection petition filed
13 against Mr. Puentes, I would note to this Board
14 that Miss Lazenby, the objector, did not include
15 her address on the objection petition. It is not
16 anywhere to be found.

17 I would also note that the specific
18 relief that she's requesting is not included.
19 She just simply states that Mr. Puentes filed an
20 incomplete Code of Fair Campaign Practices
21 document.

22 I also think that this objection petition
23 should fail in that it does not specifically
24 state what her interest is as an objector. It

1 simply states that she's a registered voter
2 residing in the South Moline Township. We've
3 made some arguments previously. I would ask that
4 those arguments be incorporated into this case,
5 and that this Board would grant our Motion to
6 Dismiss.

7 MR. NEIBERGALL: I'm asking the Board if
8 this Board would incorporate the arguments made
9 in Board's one, two and three?

10 (Board all responded yes.)

11 MR. NEIBERGALL: And I'd also like to
12 turn it over to the objector to make any
13 argument.

14 MS. LAZENBY: I would ask that my
15 rebuttals from arguments one, two and three be
16 inserted in this case as well.

17 MR. NEIBERGALL: Board agree to that?

18 (Board all responded yes.)

19 MR. NEIBERGALL: At this time any
20 additional argument? No? Okay. We would move
21 to addressing the actual Motion itself.

22 Items one through five, the first three address
23 the address residence requirement.

24 The fourth one addresses the interest of

1 the objector, and the fifth one relief requested.
2 Would the Board like to focus on any particular
3 part of this Motion?

4 MS. GRIFFIN: No.

5 MR. VYNCKE: No.

6 MR. NEIBERGALL: Okay. So is the Board
7 ready to vote on whether or not, I would like the
8 Board to identify which portion of this Motion to
9 Dismiss is the most persuasive and guiding on
10 your vote.

11 MS. GRIFFIN: The address --

12 MR. NEIBERGALL: Okay.

13 MS. GRIFFIN: -- not being on the
14 application.

15 MR. NEIBERGALL: Okay. Mr. Vyncke?

16 MR. VYNCKE: The address sticks out the
17 most, yes.

18 MR. NEIBERGALL: Okay. And Miss
19 Anderson?

20 MS. ANDERSON: It's only the address.

21 MR. NEIBERGALL: Okay. So is the Board
22 prepared at this time to vote on the Motion to
23 Dismiss, whether to grant or deny it?

24 MS. GRIFFIN: Yes.

1 MR. NEIBERGALL: Any additional argument?
2 Okay. At this time I would ask Miss Anderson how
3 you would vote on granting or denying the Motion
4 to Dismiss?

5 MS. ANDERSON: Grant on the Motion to
6 Dismiss for address.

7 MR. NEIBERGALL: Mr. Vyncke?

8 MR. VYNCKE: I vote in favor of the
9 Motion.

10 MR. NEIBERGALL: Okay. And Chair
11 Griffin?

12 MS. GRIFFIN: Grant the Motion.

13 MR. NEIBERGALL: So that's three to zero
14 to grant the Motion to dismiss and dismiss this
15 objection petition. So this case or matter would
16 be over as well at this time. So that takes care
17 of the agenda today in terms of preliminary
18 matters. We've made it to that far in the
19 agenda.

20 The preliminary matters appear to have
21 resolved pursuant to each Board's decision in
22 each case, so we didn't make it to any of the
23 merits of the argument, which I think we
24 addressed earlier and explained. However, Miss

1 Lazenby, do you have any questions about that?

2 MS. LAZENBY: No.

3 MR. NEIBERGALL: Okay. So that would
4 lead us at this point to recess or adjourn it,
5 but I would like to state on the record that the
6 Board appears to have made decisions on all four
7 cases.

8 There are some steps that could be
9 pursued after this decision is rendered, and I'd
10 like to ask if, Miss Lazenby, do you understand
11 the next steps and do you have copies of the
12 Statutes that are relevant to those steps?

13 MS. LAZENBY: I do not.

14 MR. NEIBERGALL: Okay. So, and this is
15 just me as the Township's attorney here talking.
16 I don't advocate any particular pursuit by you,
17 but I would like to state that either we can at
18 this point have another meeting of these Boards,
19 which would require everyone's attendance again,
20 and we could render a written decision pursuant
21 to the Statute.

22 Or the other alternative would be if you
23 had any desire to withdraw the petitions that
24 would not necessitate that step. So I'm only

1 asking procedurally what you'd like to do or what
2 you intend to do. And I'd be happy to provide
3 Statutes that are relevant to procedural action
4 you could take.

5 MS. LAZENBY: I would like to have copies
6 of the Statutes.

7 MR. NEIBERGALL: Sure. Okay. At this
8 time you would not want to withdraw --

9 MS. LAZENBY: Not at this time.

10 MR. NEIBERGALL: Okay. And if you ever
11 did, if you would just please notify all parties
12 so we could, all right. So at this time I would
13 let, I'll provide those Statutes to Miss Lazenby.

14 Does anyone else have any questions or
15 comments? Seeing no hands, no comments, someone
16 can move to adjourn this hearing at this time.

17 MS. GRIFFIN: I'll make a Motion to
18 adjourn.

19 MS. ANDERSON: I'll second.

20 MR. NEIBERGALL: All right. This motion,
21 this meeting and the meeting of these Boards is
22 adjourned.

23

24 (Meeting end time: 2:35 p.m.)

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CERTIFICATE OF REPORTER

I, KATHY JOHNSON, CSR, a Certified Court Reporter in the State of Illinois, do hereby certify that the proceedings in the above-entitled hearing were taken by me to the best of my ability and thereafter reduced to writing; that I am neither counsel for, related to, nor employed by any of the parties to the action, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

KATHY JOHNSON

<p style="text-align: center;">A</p> <p>a 1:6,16 2:11 3:1 3:1,1 4:16 5:5 6:1 9:20 10:17 11:4,11 ability 11:8 about 9:1 above-entitled 11:7 accurate 4:10 Act 1:12 action 10:3 11:11,14 actual 6:21 additional 6:20 8:1 address 4:23 5:8 5:15 6:22,23 7:11,16,20 8:6 addressed 8:24 addresses 6:24 addressing 6:21 adjourn 9:4 10:16,18 adjourned 10:22 advocate 9:16 after 9:9 again 4:15 9:19 against 5:13 agenda 8:17,19 agree 6:17 all 6:10,18 9:6 10:11,12,20 also 3:14 5:17,22 6:11 alternative 9:22 am 11:9,11 an 5:19,24 and 1:11,12,13 1:17 2:10 4:3,7 4:9,12,17,23 4:23 5:2,3,7,10 6:5,9,11,15 7:1 7:9,18 8:10,14 8:24 9:9,11,14 9:20 10:2,10</p>	<p>10:21 11:8,11 Anderson 3:17 4:9 7:19,20 8:2 8:5 10:19 ANDREA 3:17 another 9:18 any 4:13 6:12,19 7:2 8:1,22 9:1 9:16,23 10:14 11:10,12 anyone 10:14 anywhere 5:16 appear 8:20 Appeared 3:12 appears 9:6 application 7:14 apply 1:15 are 9:8,12 10:3 argument 4:19 6:13,20 8:1,23 arguments 6:3,4 6:8,15 as 1:14 5:24 6:16 8:16 9:15 ask 6:3,14 8:2 9:10 asking 6:7 10:1 at 1:18,19 2:11 4:7,12 6:19 7:22 8:2,16 9:4 9:17 10:7,9,12 10:16 attendance 9:19 attorney 9:15 11:12</p> <p style="text-align: center;">B</p> <p>be 2:10 4:3,15 5:10,16 6:4,15 8:16 9:8,22 10:2 been 4:18 before 1:1,16 behalf 3:12 being 7:13 best 3:16 11:8</p>	<p>Board 1:2,11,13 1:15 2:9 3:15 4:8,16,19 5:4 5:13 6:5,7,8,10 6:17,18 7:2,6,8 7:21 9:6 Board's 6:9 8:21 Boards 9:18 10:21 Box 3:5 but 9:5,17 by 2:9 3:4,9 9:16 11:7,10,12</p> <p style="text-align: center;">C</p> <p>C 3:1 C.S.R 1:16 CALLAS 3:8 called 1:11 calling 4:3 Campaign 5:20 can 9:17 10:16 candidate's 4:13 care 8:16 case 5:5,7 6:4,16 8:15,22 cases 9:7 Centre 3:9 certificate 2:14 5:1 11:1 Certified 11:4 certify 11:6 Chair 4:9 8:10 COCHRAN 3:3 Code 4:21 5:7,9 5:20 commenced 1:11 comments 10:15 10:15 CONNIE 3:18 consisting 4:8 content 4:17 copies 9:11 10:5 Correct 4:11 could 9:8,20</p>	<p>10:4,12 counsel 4:14 11:9,12 County 1:17 Court 3:21 5:7 11:4 CSR 11:4 CULLEN 3:3</p> <p style="text-align: center;">D</p> <p>D 2:1 December 1:18 decision 8:21 9:9,20 decisions 9:6 deny 7:23 denying 8:3 desire 9:23 did 5:14 10:11 didn't 8:22 directory 5:10 dismiss 4:16 6:6 7:9,23 8:4,6,14 8:14 do 9:1,10,11,13 10:1,2 11:5 Docket 1:5 document 5:21 does 5:23 10:14 don't 9:16</p> <p style="text-align: center;">E</p> <p>E 2:1 3:1,1,9 each 8:21,22 earlier 8:24 Eighteenth 3:10 either 9:17 Election 4:19,21 5:7,9 Electoral 1:2,11 1:13,15 5:4 else 10:14 employed 11:10 11:12 employee 11:12 end 10:24 entered 2:10</p>	<p>ever 10:10 everyone's 9:19 Exhibit 2:5,6,7,8 Exhibits 2:3,10 explained 8:24</p> <p style="text-align: center;">F</p> <p>fail 5:23 Fair 5:20 far 8:18 favor 8:8 FEENEY 3:8 fifth 7:1 filed 5:12,19 financially 11:13 first 6:22 five 6:22 focus 7:2 for 1:17 4:3 8:6 11:9 form 4:17 found 5:16 four 9:6 fourth 6:24 from 6:15 fully 4:24 further 11:11</p> <p style="text-align: center;">G</p> <p>Gabe 4:2 GABRIEL 3:4 ghneibergall... 3:7 give 4:22 governing 1:14 grant 6:5 7:23 8:5,12,14 granting 8:3 Griffin 3:18 4:9 7:4,11,13,24 8:11,12 10:17 guiding 7:9</p> <p style="text-align: center;">H</p> <p>H 3:4 had 9:23 hands 10:15</p>
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<p style="text-align: center;">P</p> <p>P 3:1,1 P-o-c-h-i-e 5:5 P.C 3:8 p.m 1:19 4:1 10:24 P.O 3:5 papers 5:2 part 7:3 particular 7:2 9:16 parties 10:11 11:10,13 persuasive 7:9 petition 4:22 5:11,12,15,22 8:15 Petitioner-Ob... 1:4 petitions 5:2 9:23 Plaza 3:5 please 10:11 Pochie 5:5 point 9:4,18 portion 7:8 Practices 5:20 preliminary 4:13 8:17,20 prepared 7:22 PRESENT 3:14 presenting 4:16 previous 4:18 previously 6:3 procedural 10:3 procedurally 10:1 proceedings 11:6 pronounce 4:5 provide 10:2,13 provision 5:6 provisions 1:13 Public 1:17 Puentes 1:6 4:4 4:6,6,7 5:13,19</p>	<p>pursuant 1:12 8:21 9:20 pursued 9:9 pursuit 9:16</p> <hr/> <p style="text-align: center;">Q</p> <p>question 5:2 questions 9:1 10:14</p> <hr/> <p style="text-align: center;">R</p> <p>R 3:1 ready 7:7 rebuttals 6:15 recess 9:4 record 4:3 9:5 reduced 11:8 registered 6:1 related 11:9 relative 11:11 relatively 4:19 relevant 9:12 10:3 relief 5:4,18 7:1 REMUS 3:9 4:15 render 9:20 rendered 9:9 Reporter 2:14 3:21 11:1,5 requested 5:4 7:1 requesting 5:18 require 9:19 required 4:22 requirement 5:8 6:23 residence 4:23 5:8 6:23 residing 6:2 resolved 8:21 responded 6:10 6:18 Respondent-C... 1:7 3:13 Retained 2:9 right 10:12,20</p>	<p>ROBERT 3:17 Rock 3:11</p> <hr/> <p style="text-align: center;">S</p> <p>S 3:1 same 1:14 second 10:19 Section 5:9 Seeing 10:15 SERVICES 3:20 shall 4:22,24 5:2 5:3 She 5:19 she's 5:18 6:1 should 5:23 similar 4:17 simply 5:19 6:1 sir 4:5,6 so 7:6,21 8:13,15 8:16,22 9:3,14 9:24 10:12,12 some 6:3 9:8 someone 10:15 SORLING 3:3 South 1:1,20 3:15 6:2 specific 5:6,17 specifically 5:23 Springfield 3:6 St 3:22 start 4:1 state 1:14,17 3:5 4:24 5:2,3,24 9:5,17 11:5 stated 5:8 states 5:19 6:1 Statues 1:14 Statute 9:21 Statutes 9:12 10:3,6,13 step 9:24 steps 9:8,11,12 sticks 7:16 straightforward 4:20</p>	<p>Street 1:20 3:10 3:21 Suite 3:4,10 Sure 10:7</p> <hr/> <p style="text-align: center;">T</p> <p>take 10:4 taken 1:16 11:7 takes 8:16 taking 1:15 talking 9:15 terms 8:17 Thank 4:15 that 4:4,10,18 4:22 5:7,8,10 5:14,17,18,19 5:22,23 6:1,3,5 6:14,17 8:16 8:18 9:1,3,5,8 9:12,17,23,24 10:3 11:6,9,11 that's 8:13 the 1:1,10,12,12 1:13,13,15,17 1:18,19,19 3:9 3:12 4:3,8,16 4:17,19,21,22 4:23,24,24 5:1 5:3,3,4,7,7,8,9 5:11,12,14,15 5:17 6:2,7,8,12 6:21,22,23,24 6:24 7:1,1,2,6 7:7,9,11,13,16 7:16,20,21,22 8:3,5,8,12,14 8:17,18,20,22 8:23 9:5,5,11 9:11,15,21,22 9:23 10:6,21 11:5,6,6,7,10 11:10,13,14,14 There 5:5 9:8 thereafter 11:8 thereto 11:13 these 9:18 10:21</p>	<p>they 1:14 think 5:22 8:23 this 4:2,7,12,17 4:18 5:6,13,22 6:4,5,8,16,19 7:3,8,22 8:2,14 8:15,16 9:4,9 9:14,18 10:7,9 10:12,16,16,20 10:21 those 6:4 9:12 10:13 three 6:9,15,22 8:13 through 6:22 time 2:11 4:1,8 4:12 6:19 7:22 8:2,16 10:8,9 10:12,16,24 to 1:12,15 2:10 4:13,16,17,18 4:24 5:10,12 5:13,16 6:5,11 6:12,12,17,21 7:2,7,8,8,22,22 7:23 8:4,5,13 8:14,14,18,20 8:21,22 9:4,5,6 9:10,12,17,21 9:23 10:1,2,2,3 10:5,8,13,16 10:17 11:7,8 11:10,10 today 8:17 Township 1:2 1:10,19 3:15 6:2 Township's 9:15 TRACY 3:16 turn 4:13 6:12 Turning 5:12 two 6:9,15</p> <hr/> <p style="text-align: center;">U</p> <p>Under 4:21 understand 9:10</p>
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