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BEFORE THE SOUTH MOLINE

TOWNSHIP OFFICERS ELECTORAL BOARD

KIM LAZENBY,)
)
Petitioner-Objector,)
)
vs.) Docket No.
) 16-TOEB-03
ROBERT "ROB" VYNCKE,)
)
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 2:18 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 10

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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: 2:18 p.m.)

2 MR. NEIBERGALL: All right. So this
3 would be calling docket for 16-TOEB-03, Lazenby
4 v. Vyncke. Is that how you pronounce it, sir?

5 MR. VYNCKE: Yep.

6 MR. NEIBERGALL: At this time we can go
7 on the record. We have a new Board impaneled
8 consisting of Mr. Best, Miss Griffin, and Miss
9 Anderson.

10 MR. BEST: Okay.

11 MR. NEIBERGALL: And we have the objector
12 present and the candidate and his counsel
13 present. We could move into preliminary matters
14 at this time.

15 MR. REMUS: If I could, I would like to
16 present the Board with a Motion to Dismiss.
17 Again, I'm going to be a little bit of a broken
18 record here, but my objections are the same as
19 they were in the previous two cases.

20 Essentially, under Illinois Statute it's
21 required under this Section, numbers 10, ILCS
22 5/10-8. That section provides that the
23 objector's petition shall give the objector's
24 name and residence address and shall state fully

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

6 There's a case that has interpreted this
7 specific provision of the Illinois Code. This
8 case is Pochie versus Cook County Officers
9 Electoral Board. It's P-o-c-h-i-e. It's 289
10 Illinois Appellate 3D585.

11 In that case the Appellate Court stated
12 the residence address requirement of Section 10-8
13 of the Election Code is mandatory and not
14 directory. Turning to the objection petition
15 filed against Mr. Vyncke in this case, I
16 apologize. I'm shoveling a lot of paperwork
17 here.

18 Looking at the face of Miss Lazenby's
19 objection petition, nowhere in this petition is
20 her address stated. I would also note to the
21 Board that she does not note what her specific
22 interest is as an objector.

23 She simply states that she's a registered
24 voter residing in the South Moline Township. And

1 I also believe that her specific prayer for
2 relief or the request that she's actually making
3 the Board, it's not expressly laid out what
4 exactly her argument is.

5 We've already made a number of arguments
6 in the first case number that was heard today,
7 and I guess I would ask that the Board, having
8 heard those arguments previously, just to
9 consider those arguments and that they be
10 incorporated into this case number.

11 MR. NEIBERGALL: Board, at this time
12 would you incorporate those arguments that were
13 previously made in both Board number one and
14 Board number two?

15 MR. BEST: Yes.

16 MS. ANDERSON: Yes.

17 MS. GRIFFIN: Yes.

18 MR. NEIBERGALL: And at this time I would
19 like to ask if the objector has any argument?

20 MS. LAZENBY: The objector has the same
21 arguments as we've had in the previous two cases,
22 and that my name, Township residence, and that my
23 petition does state the interest of the objector
24 as a registered South Moline Township voter, and

1 the relief that is requested is that the
2 petitions be, what's the word I'm looking for?
3 That the candidate fails to meet the filing
4 requirements for the elected office on all points
5 of my objection petition.

6 Aside from that I would say, as we did in
7 case number two, to carry over my comments.

8 MR. NEIBERGALL: Board, would you agree
9 to incorporate arguments made in Board's number
10 one and Board's number two?

11 (Board all responded yes.)

12 MR. NEIBERGALL: And specifically, Miss
13 Griffin, were you present for those arguments?

14 MS. GRIFFIN: Yes.

15 MR. NEIBERGALL: At this time if you want
16 to address the Motion itself. And again, to
17 state that items one through three appear to
18 address the residence address requirement.
19 Item four addresses the interest of the objector,
20 and item five addresses the relief requested.

21 So if you want to have any discussion on
22 that, or if you want to focus on a particular
23 part.

24 MR. BEST: Well, if we start with the

1 address obligation, I mean, that's where we've
2 ended here on the last two.

3 MS. ANDERSON: That is the only grounds I
4 can find as to residence address.

5 MS. GRIFFIN: Agree.

6 MR. NEIBERGALL: And have you, Miss
7 Griffin, had enough time to review the Statutes
8 cited as well as the case law cited by --

9 MS. GRIFFIN: Yes.

10 MR. NEIBERGALL: -- candidate's counsel?

11 MS. GRIFFIN: Yes, I have.

12 MR. NEIBERGALL: Any additional
13 discussion or arguments before voting on granting
14 or denying the Motion?

15 MR. BEST: I don't think there's any
16 need.

17 MS. GRIFFIN: No.

18 MS. ANDERSON: No.

19 MR. NEIBERGALL: Okay. So at this time
20 I'd like to ask the Board individually to state
21 their name and whether or not they would be
22 granting the Motion to Dismiss this particular
23 objection petition versus Mr. Vyncke.

24 I'll start with Miss Anderson?

1 MS. ANDERSON: Grant the Motion to
2 Dismiss.

3 MR. NEIBERGALL: Miss Griffin?

4 MS. GRIFFIN: Grant the Motion to
5 Dismiss.

6 MR. NEIBERGALL: And Mr. Best?

7 MR. BEST: Grant the Motion to Dismiss.

8 MR. NEIBERGALL: That's three to zero
9 moving to dismiss, and that would dismiss the
10 objection petition against Mr. Vyncke at this
11 time, so we're done with this case as well.

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13 (Meeting end time: 2:25 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 1:16 2:11 3:1,1 3:1 4:7,16,17 4:17 5:6,16,23 6:5,24 7:22 10:4,11 ability 10:8 above-entitled 10:7 Act 1:12 action 10:11,14 actually 6:2 additional 8:12 address 4:24 5:12,20 7:16 7:18,18 8:1,4 addresses 7:19 7:20 again 4:17 7:16 against 5:15 9:10 agree 7:8 8:5 all 4:2 7:4,11 already 6:5 also 3:14 5:20 6:1 am 10:9,11 an 5:22 and 1:11,12,13 1:17 2:10 4:8 4:11,12,12,24 4:24 5:3,4,13 5:24 6:7,9,13 6:18,22,22,24 7:10,12,16,20 8:6,21 9:6,9 10:8,11 Anderson 3:17 4:9 6:16 8:3,18 8:24 9:1 ANDREA 3:17 any 6:19 7:21 8:12,15 10:10 10:12 apologize 5:16 appear 7:17</p>	<p>Appeared 3:12 Appellate 5:10 5:11 apply 1:15 are 4:18 argument 6:4,19 arguments 6:5,8 6:9,12,21 7:9 7:13 8:13 as 1:14 4:18 5:22 6:21,24 7:6 8:4 8:8,8 9:11 Aside 7:6 ask 6:7,19 8:20 at 1:18,19 2:11 4:6,14 5:18 6:11,18 7:15 8:19 9:10 attorney 10:12</p> <p style="text-align: center;">B</p> <p>be 2:10 4:3,17 6:9 7:2 8:21 before 1:1,16 8:13 behalf 3:12 believe 6:1 best 3:16 4:8,10 6:15 7:24 8:15 9:6,7 10:8 bit 4:17 Board 1:2,11,13 1:15 2:9 3:15 4:7,16 5:5,9,21 6:3,7,11,13,14 7:8,11 8:20 Board's 7:9,10 both 6:13 Box 3:5 broken 4:17 but 4:18 by 2:9 3:4,9 8:8 10:7,10,12</p> <p style="text-align: center;">C</p> <p>C 3:1 C.S.R 1:16</p>	<p>CALLAS 3:8 called 1:11 calling 4:3 can 4:6 8:4 candidate 4:12 7:3 candidate's 8:10 carry 7:7 case 5:6,8,11,15 6:6,10 7:7 8:8 9:11 cases 4:19 6:21 Centre 3:9 certificate 2:14 5:1 10:1 Certified 10:4 certify 10:6 cited 8:8,8 COCHRAN 3:3 Code 5:7,13 commenced 1:11 comments 7:7 CONNIE 3:18 consider 6:9 consisting 4:8 Cook 5:8 could 4:13,15 counsel 4:12 8:10 10:9,12 County 1:17 5:8 Court 3:21 5:11 10:4 CSR 10:4 CULLEN 3:3</p> <p style="text-align: center;">D</p> <p>D 2:1 December 1:18 denying 8:14 did 7:6 directory 5:14 discussion 7:21 8:13 dismiss 4:16 8:22 9:2,5,7,9</p>	<p>9:9 do 10:5 docket 1:5 4:3 does 5:21 6:23 don't 8:15 done 9:11</p> <p style="text-align: center;">E</p> <p>E 2:1 3:1,1,9 Eighteenth 3:10 elected 7:4 Election 5:13 Electoral 1:2,11 1:13,15 5:5,9 employed 10:10 10:12 employee 10:12 end 9:13 ended 8:2 enough 8:7 entered 2:10 Essentially 4:20 exactly 6:4 Exhibit 2:5,6,7,8 Exhibits 2:3,10 expressly 6:3</p> <p style="text-align: center;">F</p> <p>face 5:18 fails 7:3 FEENEY 3:8 filed 5:15 filing 7:3 financially 10:13 find 8:4 first 6:6 five 7:20 focus 7:22 for 1:17 4:3 5:2 6:1 7:2,4,13 10:9 four 7:19 from 7:6 fully 4:24 further 10:11</p> <p style="text-align: center;">G</p>	<p>GABRIEL 3:4 ghneibergall... 3:7 give 4:23 go 4:6 going 4:17 governing 1:14 Grant 9:1,4,7 granting 8:13,22 Griffin 3:18 4:8 6:17 7:13,14 8:5,7,9,11,17 9:3,4 grounds 8:3 guess 6:7</p> <p style="text-align: center;">H</p> <p>H 3:4 had 6:21 8:7 HANNA 3:3 has 5:6 6:19,20 have 4:7,11 7:21 8:6,11 having 6:7 heard 6:6,8 hearing 10:7 hearings 1:15 Henry 1:17 her 5:20,21 6:1 6:4 here 4:18 5:17 8:2 hereby 10:5 his 4:12 hour 1:18 how 4:4</p> <p style="text-align: center;">I</p> <p>I 2:1 4:15,15 5:15,20 6:1,7,7 6:18 7:6 8:1,3 8:11,15 10:4,9 10:11 I'd 8:20 I'll 8:24 I'm 4:17 5:16 7:2</p>
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<p>if 4:15 6:19 7:15 7:21,22,24 IL 3:6,11 ILCS 4:21 Illinois 1:14,18 1:21 4:20 5:7 5:10 10:5 impaneled 4:7 in 1:17 4:19 5:3 5:11,15,19,24 6:6,13,21 7:6,9 10:5,6,14 incorporate 6:12 7:9 incorporated 6:10 individually 8:20 interest 5:3,22 6:23 7:19 interested 10:14 interpreted 5:6 into 4:13 6:10 is 4:4 5:4,8,13 5:19,22 6:4 7:1 7:1 8:3 Island 3:11 it 4:4 it's 4:20 5:9,9 6:3 item 7:19,20 items 7:17 itself 7:16</p> <hr/> <p style="text-align: center;">J</p> <p>JOHN 3:9 Johnson 1:16 3:21 10:4,18 jremus@mcfe... 3:12 just 6:8</p> <hr/> <p style="text-align: center;">K</p> <p>Kathy 1:16 3:21 10:4,18 KIM 1:3 3:19</p>	<p style="text-align: center;">L</p> <p>L 1:16 laid 6:3 last 8:2 later 2:11 law 3:9 8:8 Lazenby 1:3 3:19 4:3 6:20 Lazenby's 5:18 like 4:15 6:19 8:20 LISA 3:18 LITIGATION 3:20 little 4:17 looking 5:18 7:2 lot 5:16 Louis 3:22 LTD 3:3</p> <hr/> <p style="text-align: center;">M</p> <p>made 6:5,13 7:9 making 6:2 mandatory 5:13 matters 4:13 McCARTHY 3:8 me 10:7 mean 8:1 meet 7:3 Meeting 1:11 4:1 9:13 Meetings 1:12 MEMBERS 3:15 MIDWEST 3:20 Miss 4:8,8 5:18 7:12 8:6,24 9:3 Missouri 3:22 MOHR-WRI... 3:18 Moline 1:1,19 1:20,20 3:15 5:24 6:24 Motion 4:16 7:16 8:14,22</p>	<p>9:1,4,7 move 4:13 moving 9:9 Mr 3:4,16,17 4:2 4:5,6,8,10,11 4:15 5:15 6:11 6:15,18 7:8,12 7:15,24 8:6,10 8:12,15,19,23 9:3,6,6,7,8,10 MS 3:17,18,18 3:19 6:16,17 6:20 7:14 8:3,5 8:9,11,17,18 9:1,4 my 4:18 6:22,22 7:5,7 10:8</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1 3:1 name 4:24 6:22 8:21 nature 5:1 need 8:16 NEIBERGALL 3:4 4:2,6,11 6:11,18 7:8,12 7:15 8:6,10,12 8:19 9:3,6,8 neither 10:9 new 4:7 No 1:5 2:5,6,7,8 8:17,18 nomination 5:2 5:2 nor 10:10,13 North 3:5,21 NORTHRUP 3:3 Nos 2:10 not 5:13,21 6:3 8:21 10:11 Notary 1:16 note 5:20,21 nowhere 5:19 number 6:5,6,10</p>	<p>6:13,14 7:7,9 7:10 numbers 4:21</p> <hr/> <p style="text-align: center;">O</p> <p>objection 5:14 5:19 7:5 8:23 9:10 objections 4:18 5:1 objector 4:11 5:4,22 6:19,20 6:23 7:19 objector's 4:23 4:23 obligation 8:1 of 1:13,15,17,17 1:18,19,20 2:14 3:12 4:8 4:17 5:1,2,3,5 5:7,12,13,16 5:18 6:5,23 7:5 7:19 10:1,5,8 10:10,12,14 office 7:4 Officers 1:2,10 5:8 Offices 1:19 Okay 4:10 8:19 Old 3:5 on 1:18 3:12 4:7 7:4,21,22 8:2 8:13 one 6:13 7:10,17 only 8:3 Open 1:12 or 5:2 6:2 7:22 8:13,14,21 10:11,12,13 otherwise 10:13 out 6:3 outcome 10:14 over 7:7</p> <hr/> <p style="text-align: center;">P</p> <p>P 3:1,1 P-o-c-h-i-e 5:9</p>	<p>P.C 3:8 p.m 1:19 4:1 9:13 P.O 3:5 papers 5:2 paperwork 5:16 part 7:23 particular 7:22 8:22 parties 10:10,13 petition 4:23 5:14,19,19 6:23 7:5 8:23 9:10 Petitioner-Ob... 1:4 petitions 5:2 7:2 Plaza 3:5 Pochie 5:8 points 7:4 prayer 6:1 preliminary 4:13 present 3:14 4:12,13,16 7:13 previous 4:19 6:21 previously 6:8 6:13 proceedings 10:6 pronounce 4:4 provides 4:22 provision 5:7 provisions 1:13 Public 1:17 pursuant 1:12</p> <hr/> <p style="text-align: center;">Q</p> <p>question 5:3</p> <hr/> <p style="text-align: center;">R</p> <p>R 3:1 record 4:7,18 reduced 10:8 registered 5:23</p>
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