

BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 502  
COUNTIES OF DuPAGE, COOK AND WILL,  
STATE OF ILLINOIS

MINUTES OF THE EDUCATION OFFICERS ELECTORAL BOARD HEARING  
OF COMMUNITY COLLEGE DISTRICT #502

WEDNESDAY, JANUARY 19, 2011  
9:00 A.M.

HELD ON CAMPUS IN THE STUDENT RESOURCE CENTER, SRC-2052,  
425 FAWELL BLVD., GLEN ELLYN, IL

1. CALL TO ORDER: BEGIN CANDIDATES ELECTORAL BOARD HEARING – At 9:02 a.m., the Education Officers Electoral Board Hearing of Community College District #502 was called to order by Kathy A. Wessel, Chairman of the Electoral Board.

**NOTE:** LEGAL MAKE-UP OF EDUCATION OFFICERS ELECTORAL BOARD – By law, the Electoral Board consists of the following three Members: the Board Chairman (Kathy A. Wessel), the Board Secretary (Nancy Svoboda), and the Board Member with the longest continuous term of service (David Carlin).

2. ROLL CALL – *Present:* Chairman Wessel, Member Svoboda and Member Carlin; Member Carlin was present by telephone conference call. *Absent:* None. Mr. Kenneth Florey, of the College's law firm Robbins, Schwartz, Nicholas, Lifton & Taylor, served as *Legal Counsel* for the Education Officers Electoral Board. Also present was *Court Reporter* Barbara Johnston.
3. INTRODUCTORY REMARKS – This Education Officers Electoral Board is continued from Wednesday, January 12, 2011, and is called into session pursuant to the Call made by Electoral Board Chairman Wessel after objections were filed regarding the validity of petitions for candidate Gino Impellizzeri for the office of Board of Trustees, full term, in Community College District #502 for the April 5, 2011 Consolidated Election. (*Complete comments attached to permanent 01/19/11 Education Officers Electoral Board packet of materials.*)

**NOTE:** ELECTORAL BOARD HEARING RULES – The same rules apply to this Electoral Board Hearing as were adopted by the Education Officers Electoral Board on Wednesday, January 12, 2011 for that Hearing.

4. **CASE NUMBER 2011-1, KENNY v. IMPELLIZZERI** – Present: Kory A. Atkinson, Attorney for Objector Joseph A. Kenny; and Candidate Gino Impellizzeri. Absent: Objector Joseph A. Kenny.

**OBJECTION:** On behalf of Objector Joseph A. Kenny, Attorney Kory A. Atkinson objected that Candidate Impellizzeri has failed to bind his petition sheets in book form as required by Section 10-4 of the Illinois Election Code (10 ILCS 5/1-1 et seq.), and all such petition sheets and all signatures contained therein are invalid.

**STATEMENTS:** Statements were made by Attorney Atkinson and Candidate Impellizzeri.

**TESTIMONY:**

- Mr. Impellizzeri submitted “*Apparent Conformity Checklist for Filing of Nominating Papers for Local Offices*” as Impellizzeri Exhibit 1. He stated this checklist did not stipulate that Nominating Papers had to be bound. He further stated that his Nominating Papers were paper-clipped together; however, he believed that he removed the paperclip when he handed the Nominating Papers to Ms. Neely.
- Duly appointed Local Election Official Karen V. Neely, Administrative Assistant in the Office of the President of College of DuPage, testified that she was the person with whom Mr. Impellizzeri filed his Nominating Papers and that those papers were not bound in any fashion when he handed them to her.
- College Attorney Florey reported that the election materials and information provided to candidates by College of DuPage clearly states, “This Checklist is intended for informational purposes only; candidates are strongly encouraged to seek the advice of legal counsel before filing their Nomination Papers. You may also refer to the *State of Illinois Candidates Guide 2011.*”
- Attorney Atkinson, on behalf of Objector Kenny, requested the Education Officers Electoral Board declare Mr. Impellizzeri’s Nomination Papers to be invalid, pursuant to the Illinois Election Code.

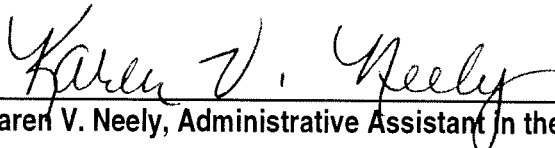
**MOTION:** Wessel moved, Svoboda seconded, THAT THE EDUCATION OFFICERS ELECTORAL BOARD UPHOLD THE OBJECTIONS DECREED BY OBJECTOR KENNY BECAUSE CANDIDATE IMPELLIZZERI FAILED TO BIND HIS PETITION SHEETS IN BOOK FORM AS REQUIRED BY SECTION 10-4 OF THE ILLINOIS ELECTION CODE (10 ILCS 5/1-1 ET SEQ.), AND ALL SUCH PETITION SHEETS AND ALL SIGNATURES CONTAINED THEREIN ARE INVALID. On roll call vote, Wessel yes, Svoboda yes, Carlin yes. Motion carried unanimously.

**DECISION:** The Nomination Papers of Candidate Impellizzeri are declared INVALID, and Mr. Impellizzeri’s name will be removed from the April 5, 2011 ballot.

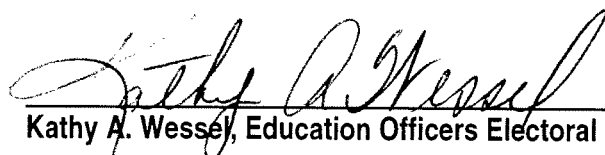
On behalf of the Education Officers Electoral Board, Chairman Wessel stated she understands the frustration experienced by Mr. Impellizzeri; however, the law is very clear on this point and must be upheld.

NOTE: **NO PUBLIC COMMENTS** – Chairman Wessel and Attorney Florey explained that no public comments are allowed at any Education Officers Electoral Board Hearings.

5. **ADJOURNMENT OF ELECTORAL BOARD** – At 10:06 a.m., Svoboda moved, Wessel seconded, **THAT THIS ELECTORAL BOARD HEARING BE ADJOURNED.** On voice vote, motion carried unanimously.

Minutes Taken By:   
Karen V. Neely, Administrative Assistant in the Office of the President

Approved: 02/24/11

Approval By:   
Kathy A. Wessel, Education Officers Electoral Board Chairman