

STATE OF ILLINOIS        )  
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SANGAMON COUNTY        )

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**CERTIFICATION OF RECORDS**

I, Frank J. Lesko, City Clerk for the City of Springfield, Illinois, In The County Of Sangamon And State Of Illinois, Do Hereby Certify That The Attached Documents Are A True And Correct Copy Of:

The Special City Council Meeting of Thursday, July 18, 2019

Recorded In The Office Of The City Clerk For The City Of Springfield, Illinois.

Dated this 30th day of August 2019.



A handwritten signature in blue ink, which appears to read "Frank J. Lesko", is written over a horizontal line.

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Office of the City Clerk

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**Minutes of Springfield City  
Council Special Meeting  
Thursday, July 18, 2019  
City Council Chambers**

Mayor Langfelder called the July 18, 2019 special meeting of the Springfield City Council to order at 5:00 PM. He invited everyone to recite the Pledge of Allegiance.

Clerk Lesko took the roll call of members.

PRESENT: Alderman Redpath☒, Alderwoman Simpson☒, Alderwoman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderwoman DiCenso☒, Alderman McMenamin☒, Alderwoman Conley☒, Alderman Donelan☒, Alderman Hanauer☒ and Mayor Langfelder☒

Clerk Lesko announced there was a quorum for a meeting.

Mayor Langfelder said the reason for tonight's Special City Council meeting is for the Ward 2 recount for Alderman.

CC Zerkle mentioned that each of the parties and the Hearing Officer have made both recommendation and responses. This meeting is to continue the debate or the deliberation of the Council.

Alderman Hanauer made a motion to accept the Hearing Officer's recommendation with the exception of the following: Section 2d entitled 11 affidavits of assisted voters in precinct 87. Challenges 87-26 through 87-36 should be counted 100% rather than be apportioned. Section 3a entitled ballots with no initials of Election Judge. Challenges 79-3; 79-4 and 79-6 should be counted and Section 3d two invalid affidavits of assisted voters in precinct 3 and 75. Challenges 3-10 and 75-3 should be counted 100% rather than be apportioned. Alderwoman Conley seconded the motion.

Discussion related to the motion. Alderman Donelan said that this is a little out of the ordinary for the Council to decide an election. He feels that every vote should be a total vote and not a portion of a vote. This is about the voters. He plans to support this motion because it makes every vote count.

Alderman Hanauer said that his motion takes the 3 ballots that the initials are off to the side and then adds Mary Bryant Home and the other 2 assisted voter votes. He did not include any ballots that did not have a Judge's initial. If there were no initials on the ballot, it cannot be traced back to an individual.

Alderman McMenamin said that he did the math and wanted to make sure he was accurate and that this would make it a tie vote. Alderman Hanauer said that he did the same and added that is what he got too.

CC Zerkle asked that there be a brief recess to talk to both sides and the Hearing Officer to make sure there is an agreement that this result is a tie.

Alderswoman Conley wanted to thank the voters of Ward 2 for being patient in the process to decide the outcome of this election. Her vote is to honor the process of electing what is best for the citizens of Ward 2.

Alderman Redpath said that every vote should be counted, and this process has been as transparent as possible. He still has some concerns about the Mary Bryant Home ballots.

Jim Morphew, Attorney for the petitioner Shawn Gregory, said that there is no universal formula to make the determination of provision of the Election Code is mandatory or directory. Mr. Morphew state section 17-14 of the Election Code states, "Any voter declares upon oath properly witnessed and with his or her signature or mark affixed, that he or she requires assistance to vote by reason of blindness, physical disability or inability to read, write or speak the English language shall, upon request, be assisted in marking his or her ballot, by 2 judges of election of different political parties, to be selected by all judges of election of each..." It requires an oath of the judges and is mandatory.

Judge Mehlick said that the initials that were off to the side and not on the line can indicate how an individual voted. It's not hard to put your initials on the line. When the judges take out the ballots at the end of the night and everything is the same it insures that nobody knows one ballot from another.

Alderman McMenammin understands where the Judge is coming from but thinks we should follow the statute. Alderswoman Conley respects the privacy of the ballot.

Allen Yow, Attorney for the respondent Gail Simpson, he said that there are three categories of ballots that deal with the initials issue. First are the ballots that lack any initials. Second are the ballots that have numerals on them instead of initials and the last are the PSH ballots. It has been their position all along to count all the ballots and preserve the ballots and the voter's intent. All the ballots should be counted.

Further discussion and debate between the Mayor and Aldermen.

Alderman Redpath made a motion for a 5 minute recess, and Alderswoman DiCenso seconded the motion. The motion passed on a voice vote of 10-0. The Special City Council stood in recess for 5 minutes at 5:45 P.M.

Mayor Langfelder reconvened the Special City Council meeting at 5:53 P.M.

CC Zerkle said that the motion was made adopting the Hearing Officer's requirements with certain modifications. There has been debate by both parties and the Hearing Officer, and it is proper to resume discussion regarding the motion.

Alderman Hanauer made a motion to Call the Question. Alderman Redpath seconded the motion. Alderman McMenamain requested a roll call vote. The motion passed on a roll call vote of 8-1 to call the question. Voting yes: Alderman Redpath☒, Alderwoman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderwoman DiCenso☒, Alderwoman Conley☒, Alderman Donelan☒, and Alderman Hanauer☒ voting no: Alderman McMenamain☒

Next, a roll call vote was taken on the motion by Alderman Hanauer that would make the outcome of the April 2, 2019 a 464 to 464 tie with Gail Simpson and Shawn Gregory. The motion passed on a vote of 9-0 voting yes: Alderman Redpath☒, Alderwoman Turner☒, Alderman Fulgenzi☒, Alderman Proctor☒, Alderwoman DiCenso☒, Alderman McMenamain☒, Alderwoman Conley☒, Alderman Donelan☒, and Alderman Hanauer☒

CC Zerkle said that the Council has adopted the motion that has made the vote total a tie between the two parties. It is his understanding that both Attorneys agree that it is a tie. Hearing Officer Mehlick said that he too sees this as a tie. The Illinois Statute requires a tie be broken by lot by an agreed method or directed method. This can be by flipping a coin, pulling something from a hat.

Alderman Donelan asked that Sangamon County Clerk Don Gray give his recommendation on how to break the tie. Clerk Gray said that the Sangamon County method is to place two ping pong balls into a sack. A third party person would pull the number from the bag to declare the winner.

Both Attorneys agree to have the ping pong ball method of determining the winner.

County Clerk Gray said that there is a bag that cannot be seen through. Two balls for each candidate. Ball number one will be for Mr. Gregory, and ball number two will be for Miss Simpson.

The Attorneys agreed to have City Treasurer Misty Buscher pull out the ball. She has not been involved in any part of the recount process.

Treasurer Buscher pulled out ball number one representing Shawn Gregory.

Both parties and the city council were in agreement that Shawn Gregory was the winner by the agreed upon process of drawing the number one ping pong ball.

Next, Mayor Langfelder entertained a motion for adjournment. The motion was made by Alderman Redpath and seconded by Alderman Proctor and the motion passed on a voice vote of 9-0. The July 18, 2019 Special City Council Meeting adjourned at 6:14 PM



**Frank J. Lesko**  
City Clerk

**Minutes approved on 8/7/19**