

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Wednesday, November 13, 2024

1:30 PM

Municipal Officers Electoral Board

Council Chambers

City Council

The Municipal Officers Electoral Board shall meet on November 13, 2024, at 1:30 p.m. at the City Council Chambers, Naperville Municipal Center, 400 S. Eagle Street, Naperville, IL 60540.

A. CALL TO ORDER:

Wehrli called the meeting to order at 1:30 PM.

B. ROLL CALL:

Present: 3 - Mayor Scott Wehrli
Councilman Patrick Kelly
Dawn Portner

Also present: Mike DiSanto, City Attorney; Miranda Barfuss, Deputy Clerk;
Sabrina Spano, Deputy City Attorney; Kristen Toberman, Senior Assistant City Attorney

C. INTRODUCTORY REMARKS BY BOARD CHAIRMAN:

Wehrli outlined the format of the meeting and had the Electoral Board and City Attorney introduce themselves.

D. APPROVAL OF MINUTES FROM DECEMBER 16, 2022 ELECTORAL BOARD MEETING:

1. Approve the Municipal Officers Electoral Board meeting minutes for December 16, 2022

Attachments: [Electoral Board Minutes - 121622](#)

Councilman Kelly made a motion to approve the Municipal Officers Electoral Board meeting minutes of December 16, 2022, seconded by Portner. The motion was approved by unanimous voice vote.

E. CONSIDERATION AND ADOPTION OF BOARD RULES OF PROCEDURE:

1. Adopt Electoral Board Rules

Attachments: [Proposed Electoral Board Rules 2024 11 13](#)

Councilman Kelly made a motion to adopt the Naperville Electoral Board Rules as proposed, seconded by Portner. The motion was approved by unanimous voice vote.

Councilman Kelly made a motion to authorize City Attorney, Mike DiSanto, to represent the Electoral Board and direct the proceedings, including making all necessary evidentiary rulings, subject to appeal to the entire Board, seconded by Portner. The motion was approved by unanimous voice vote.

F. CASE NO. 24-01, MCGUIRE et al. v. JAISWAL:

1. Case No. 24-01, McGuire et al. v. Jaiswal: conduct a hearing and issue a decision on objection to Jaiswal's nomination filing for office of City Council

Attachments: [Jaiswal Call 2024_11_05](#)
[Jaiswal Objection 2024_11_04](#)
[Jaiswal Candidate Filing 2024_10_28](#)

Councilman Kelly made a motion to open the hearing on Case No. 24-01, McGuire et al. v. Jaiswal, seconded by Portner. The motion was approved by unanimous voice vote.

DiSanto discussed the Objector's filing and admitted appearances filed on behalf of the Objector by Mark Urda and on behalf of the Candidate Jaiswal by Jeffrey Meyer. Meyer filed a motion to dismiss. Urda objected to the motion being added to the record. DiSanto overruled the objection. Meyer presented his motion to dismiss the portion of the objection as it relates to the election date.

Councilman Kelly made a motion to grant the motion to dismiss the date component of the Objector's petition, seconded by Wehrli. The motion was approved and carried by the following vote:

Aye: 2 - Wehrli, and Kelly

Nay: 1 - Portner

Urda presented his case and request for a record check. Meyer cited his written request to limit the record check to the original 103 signatures that were timely requested.

Councilman Kelly made a motion to sustain Meyer's request and direct a record check be performed on the original signature challenges that were timely filed, seconded by Portner. The motion was approved and carried by the following vote:

Aye: 3 - Wehrli, Kelly, and Portner

Councilman Kelly made a motion to designate Naperville Senior Assistant City Attorney, Kristen Toberman, to conduct the record check in accordance with the Board Rules and present the results at the date the Electoral Board hearing is continued to, seconded by Portner. The motion was approved by unanimous voice vote.

Councilman Kelly made a motion to continue the hearing to Thursday, December 5, 2024 at 9:00 AM in Council Chambers, seconded by Portner. The motion was approved by unanimous voice vote.

DiSanto stated that the written decision granting the motion to dismiss will be prepared and presented at the continued hearing and the hearing is adjourned for the day.

G. CASE NO. 24-02, MCGUIRE et al. v. SHABAZZ:

1. Case No. 24-02, McGuire et al. v. Shabazz: conduct a hearing and issue a decision on objection to Shabazz's nomination filing for office of City Council

Attachments: [Shabazz Call 2024 11 05](#)
[Shabazz Objection 2024 11 04](#)
[Shabazz Candidate Filing 2024 10 23](#)

Councilman Kelly made a motion to open the hearing on Case No. 24-02, McGuire et al. v. Shabazz, seconded by Portner. The motion was approved by unanimous voice vote.

DiSanto discussed the Objector's filing and admitted an appearance filed on behalf of the Objector by Mario Palermo. Palermo presented his case and filed a certified copy of name change documents concerning Mr. Shabazz, an affirmed statement of a petition signatory, and a request for a record check. Shabazz objected to the affirmed statement being added to the record. DiSanto sustained the objection. Shabazz presented his case.

Councilman Kelly made a motion to sustain the objection to Candidate Shabazz's nomination petition filing finding that, based on the totality of the circumstances, Candidate Shabazz failed to substantially comply with the Illinois Election Code mandate concerning properly disclosing his name change, seconded by Portner. The motion was approved and carried by the following vote:

Aye: 2 - Kelly, and Portner

Nay: 1 - Wehrli

DiSanto asked if the Objector will withdraw the request for a record check based on having sustained the improper name change disclosure objection. Palermo asked to reserve the request for a record check.

Councilman Kelly made a motion to reserve ruling on the record check, but terminate the proceedings based on sustaining the objection to the improper name disclosure, seconded by Portner. The motion was approved and carried by the following vote:

Aye: 3 - Wehrli, Kelly, and Portner

Meeting went into Recess at 2:53 PM.

Meeting Reconvened at 3:57 PM.

DiSanto circulated the written decision.

Councilman Kelly made a motion to approve and adopt the written decision sustaining the objection, seconded by Portner. The motion was approved and carried by the following vote:

Aye: 2 - Kelly, and Portner

Nay: 1 - Wehrli

Councilman Kelly made a motion to close the hearing on Case 24-02, McGuire et al. v. Shabazz, seconded by Portner. The motion was approved by unanimous voice vote.

DiSanto tendered the meeting proceedings back to Mayor Wehrli.

H. OTHER BUSINESS:

None

I. PUBLIC COMMENT:

None

J. ADJOURNMENT OR RECESS:

Councilman Kelly made a motion to adjourn the meeting at 3:59 PM, seconded by Portner. The motion was approved by unanimous voice vote.

/S/ Miranda Barfuss
Miranda Barfuss
Deputy City Clerk