

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PETITION FOR
STEPHANIE HOLDERFIELD, CANDIDATE FOR ELECTION AS CIRCUIT CLERK
IN THE
COUNTY OF CHAMPAIGN, ILLINOIS

FILED
DEC 16 2011

Mandy Hulter
CHAMPAIGN COUNTY CLERK

STEPHEN R. FRANK)
PETITIONER-OBJECTOR)
)
v.)
)
STEPHANIE HOLDERFIELD)
RESPONDENT-CANDIDATE)

NOTICE OF MOTION

TO: Deborah Frank Feinen
Nally, Bauer, Feinen & Mann, P.C.
309 W. Clark St.
P.O. Box 227
Champaign, IL 61824-0227
(217) 359-1000 ext. 123
(217) 359-2995 (fax)

On December 16, 2011, at 3:45 p.m., I shall appear before the Champaign County Election Board in courtroom K in the Champaign County Courthouse, Urbana, Illinois, and shall then and there present Respondent, Stephanie Holderfield's motion to recuse, a copy of which is attached hereto and hereby served upon you.




GERALD W. SMITH

SMITH LAW FIRM, P.C.
1002 Commercial Drive, Suite #5B
P.O. Box 46
Mahomet, IL 61853
(217) 586-3700
(217) 586-3755 (fax)

CERTIFICATE OF SERVICE

I, GERALD W. SMITH, state that I did on the 16th day of December, 2011, send a true and correct copy of the foregoing Notice of Motion to the Petitioner's attorney via the fax number provided and listed on the Petition.



GERALD W. SMITH

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PETITION FOR
STEPHANIE HOLDERFIELD, CANDIDATE FOR ELECTION AS CIRCUIT CLERK
IN THE
COUNTY OF CHAMPAIGN, ILLINOIS**

STEPHEN R. FRANK)
PETITIONER-OBJECTOR)
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v.)
)
STEPHANIE HOLDERFIELD)
RESPONDENT-CANDIDATE)

FILED
DEC 16 2011
Carol A. Holder
CHAMPAIGN COUNTY CLERK

MOTION TO RECUSE

NOW COMES the RESPONDENT-CANDIDATE, STEPHANIE HOLDERFIELD, hereinafter referred to as “Candidate”, by and through her attorney, Gerald W. Smith of the SMITH LAW FIRM, P.C. and states as follows:

1. Pursuant to the Illinois Election Code, 10 ILCS 5/10-9, the composition of the Champaign County electoral board (hereinafter referred to as the “Board”) shall be the county clerk, or an assistant designated by the county clerk, the State’s attorney, or an assistant designated by the State’s Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, with the county clerk serving as the chairman.

2. The Respondent’s opposition in the 2012 primary election for Champaign County Circuit Clerk is Richard J. (Rick) Winkel, Jr.

3. Mr. Winkel announced his candidacy for the office of Circuit Clerk after Respondent, Stephanie Holderfield announced her candidacy for that office.

4. Incumbent Circuit Clerk, Linda Frank, personally courted Mr. Winkel to seek the office of Circuit Clerk, and has personally endorsed Mr. Winkel for Circuit Clerk.

5. Linda Frank, as the current Circuit Clerk, sits as a member of the Champaign County Board of Elections.

6. Linda Frank's personal endorsement of Mr. Winkel demonstrates a clear bias towards Mr. Winkel and against the Respondent, Stephanie Holderfield.

7. Gordy Hulten has a close friendship with Mr. Winkel and has been personally involved in Mr. Winkel's past electoral campaigns, serving as Mr. Winkel's campaign manager.

8. Gordy Hulten, as the current County Clerk, sits as a member of the Champaign County Board of Elections.

9. Gordy Hulten's close friendship and past extensive involvement with Mr. Winkel's campaigns demonstrates a clear bias towards Mr. Winkel and against the Respondent, Stephanie Holderfield.

WHEREFORE THE RESPONDENT PRAYS THAT:

A. Board member, Linda Frank, be recused from hearing and adjudicating this case due to unreasonable bias against the Respondent and lack of impartiality.

B. Board member, Gordy Hulten, be recused from hearing and adjudicating this case due to unreasonable bias against the Respondent and lack of impartiality.




For the Respondent, Stephanie Holderfield
By her Attorney, Gerald W. Smith

SMITH LAW FIRM, P.C.
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Mahomet, IL 61853
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CERTIFICATE OF SERVICE

I, GERALD W. SMITH, state that I did on the 16th day of December, 2011, send a true and correct copy of the foregoing Motion to Recuse to the Petitioner's attorney via the fax number provided and listed on the Petition.



GERALD W. SMITH

Prepared by:
Gerald W. Smith
SMITH LAW FIRM, P.C.
1002 Commercial Drive, Suite #5B
P.O. Box 46
Mahomet, IL 61853
(217) 586-3700
(217) 586-3755 (fax)