

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR  
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL  
ASSEMBLY FROM THE 89<sup>th</sup> REPRESENTATIVE DISTRICT OF THE STATE OF  
ILLINOIS**

**Roger C. Marquardt**            )  
  )  
**Petitioner-Objector,**        )  
  )  
**vs.**                                )  
  )  
**Victoria F. Grizzoffi,**        )  
  )  
**Respondent-Candidate.**      )

PRINCIPAL OFFICE  
STATE BOARD OF ELECTIONS  
10 APR 26 AM 11:06

**VERIFIED OBJECTOR'S PETITION**

Now comes **Roger C. Marquardt** (hereinafter referred to as the "Objector"), and states as follows:

1.     **Roger C. Marquardt** resides at 15 Cinnamon Dr., Galena, IL 61036, Jo Daviess County in the Eighty Ninth Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the Eighty Ninth Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2.     Your Objector makes the following objections to the nomination papers of Victoria Grizzoffi ("the Nomination Papers") as a candidate for nomination of the Democratic Party to the Office of Representative in the General Assembly from the 89<sup>th</sup> Representative

District of the State of Illinois, and files the same herewith, and states that the said nomination papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 89<sup>th</sup> Representative District of the State of Illinois the signatures of not less than 500 duly qualified, registered, and legal voters of the said 89<sup>th</sup> Representative District of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

4. Your Objector states that the Candidate has filed 94 petition signature sheets containing a total of 873 signatures of allegedly duly qualified, legal, and registered voters of the 89<sup>th</sup> Representative District of the State of Illinois.

5. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

**The Nomination Papers Do Not Comply With The Requirements Of Section 8-17 Of The Election Code Because The Resolution Was Not Filed Within 60 Days Of The General Primary Election**

6. The Resolution to Fill a Vacancy in Nomination for the Office of Representative in the General Assembly ("The Resolution") was executed by the "Slating" Committee of the 89<sup>th</sup> Representative District on April 13, 2010, and purports to have appointed and nominated the Candidate to fill the vacancy in nomination and to be the Democratic nominee for the office of Representative in the General Assembly from the 89<sup>th</sup> Representative District on April 12, 2010. The date The Resolution was filed is unknown. Section 8-17 of the Election Code, which governs the filling of vacancies in nomination for members of the General Assembly, mandates

that vacancies that result after no person runs in the General Primary Election must be filled within 60 days of the General Primary, which was April 5, 2010. 10 ILCS 5/8-17. The Resolution was not filed by April 5, 2010, as required by Section 8-17 of the Election Code, and therefore, the Resolution is of no legal effect, and is null and void.

7. Further, to be of legal effect, The Resolution must be executed by “the appropriate legislative or representative committee. . .” However, The Resolution purports to be executed by the “Slating” Committee for the Democratic Party for the 89<sup>th</sup> Representative District. Because there is no such legal entity as the “Slating” Committee, The Resolution is null and void, and of no effect.

**The Nomination Papers Do Not Comply With The Requirements Of Sections 8-17 and 7-61 In That The Nominating Petitions Were Circulated Before The Candidate Was Designated By The Nominating Committee**

8. Your Objector states that numerous of the petition sheets were circulated before the Candidate was designated by any Committee for the 89<sup>th</sup> Representative District, and that those sheets were not therefore circulated and collected in accordance with Illinois law. Section 7-61 mandates that the circulation period for the nominating petitions begins on the day that the appropriate committee designates the candidate. 10 ILCS 7-61. The Resolution was executed on April 13, 2010, and purports to have appointed and nominated the Candidate to fill the vacancy in nomination and to be the Democratic nominee for the office of Representative in the General Assembly from the 89<sup>th</sup> Representative District on April 12, 2010. Further, the circulator’s affidavit on each of the Candidate’s petition pages falsely swears that “none of the signatures on this sheet were signed prior to the date the 89<sup>th</sup> Representative District Committee of the Democratic Party designated the candidate to fill the vacancy in nomination . . .” However, the circulator’s affidavit on pages 1-3, 7-51, 53-67, 77, 80, 81, 85, 86, 89-91 of the Candidate’s

petitions alleges to have been circulated, signed and notarized *before* The Resolution was executed. Moreover, petition pages 4, 6, and 84 have no notary date; while pages 5, 52, and 82 were allegedly signed and notarized on April 30, 2010 – a physical impossibility, and also in violation of the statute. Accordingly, because these petition sheets were not collected in accordance with Illinois law, each and every sheet should be declared null, void and invalid.

**The Candidate's Petitions Themselves Are Not Uniform Or Consistent As Required By The Election Code**

9. The Candidate's petitions, as filed, are not uniform or consistent. They are confusing and thus do not comply with the Illinois Election Code, and as such all sheets should be stricken. The Illinois Election Code requires that for each petition sheet, “the heading of each sheet shall be the same.” *10 ILCS 5/7-10*. More specifically, the sheets contain the following defects:

10. The headings on each and every one of the Candidate's petition sheets are different from one and other. On each and every petition sheet, the Candidate or her circulator has written in in the heading, *after the fact*, the names of the localities for the various signers.

11. The aforesaid failures to comply with the Election Code, in the aforesaid commingling of various forms and formats of the Candidate's purported petitions renders the entire petition set invalid.

12. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 873 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by 734 or to 134, or 366 below the statutory minimum of 500.

WHEREFORE, your Objector prays that the purported nomination papers of Victoria F. Grizzoffi as a candidate of the Democratic Party for nomination to the office of the

Representative in the General Assembly from the 89<sup>th</sup> Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Victoria F. Grizzoffi as a candidate of the Democratic Party for nomination to the office of the Representative in the General Assembly from the 89<sup>th</sup> Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 2, 2010.



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