STATE BOARD OF ELECTIONS

STATE OF ILLINOIS

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BOARD MEMBERS
Ian K. Linnabary, Chair
Casandra B. Watson, Vice Chair
William J. Cadigan
Laura K. Donahue
Tonya L. Genovese
Catherine S. McCrory
William M. McGuffage
Rick S. Terven, Sr.

EXECUTIVE DIRECTOR
Bernadette M. Matthews

AGENDA
STATE BOARD OF ELECTIONS
Sitting as the Duly Authorized
State Officers Electoral Board
Thursday, April 21, 2022
9:30 a.m.

69 W. Washington St.
22nd Floor – Conference Room F
Chicago, Illinois
and
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of the minutes from the March 29 meeting. (attached)

2. Consideration of objections to established party candidate nominating petitions for the June 28, 2022 General Primary Election; (attached)

- **a.** ***Clawson v. Alexander,* 22SOEBGP103;**
- **b.** ***Stubblefield & Swift v. Carter,* 22SOEBGP104;**
- **c.** ***Rearden v. Weaver,* 22SOEBGP106;**
- **d.** ***Mayfield v. Butler,* 22SOEBGP108;**
- **e.** ***Alexander v. Burress,* 22SOEBGP109;**
- **f.** ***Brown v. Elleson,* 22SOEBGP500;**
- **g.** ***Kotelman v. Ladien,* 22SOEBGP503;**
- **h.** ***Austin & Skarr v. McNeely,* 22SOEBGP506;**
- **i.** ***Skarr & Austin v. Williams,* 22SOEBGP507;**
- **j.** ***Lutfi v. Williams,* 22SOEBGP511;**
- **k.** ***Adams v. Young,* 22SOEBGP512;**
- **l.** ***Adams v. Regnier,* 22SOEBGP513; (separate cover)**
- **m.** ***Adams v. Carlson,* 22SOEBGP515;**
- **n.** ***Harley-Harvey v. Spaulding,* 22SOEBGP517;**
- **o.** ***Diaz & McReynolds, et. al, v. Mattson,* 22SOEBGP519; (separate cover)**
- **p.** ***Maragos v. Johnson & Mahlen,* 22SOEBGP520;**
- **q.** ***Richmond v. Deuser,* 22SOEBGP521;**
- **r.** ***Phelps v. Johson & Mahlen, et. al,* 22SOEBGP522;**
- **s.** ***Ballis v. Solomon & Fields,* 22SOEBGP523;**
- **t.** ***Bauman v. Wilke,* 22SOEBGP524;**
- **u.** ***Truss v. Ellington-Snipes,* 22SOEBGP525;**
- **v.** ***Helms v. Boxenbaum,* 22SOEBGP526;**
- **w.** ***King v. Spiller,* 22SOEBGP528;**
- **x.** ***King v. Jackson,* 22SOEBGP530;**

y. ***King v. Matthews,* 22SOEBGP532;**
z. ***King v. Butler,* 22SOEBGP533;**
aa. ***King v. Nix,* 22SOEBGP534;**
bb. ***Dirscherl v. Moore,* 22SOEBGP539;**
cc. ***Chase v. Miles & Shaw,* 22SOEBGP542;**
dd. ***Coakley v. Smith,* 22SOEBGP544;**
ee. ***Spellberg & Masover v. Hutchinson,* 22SOEBGP545;**
ff. ***Palmer & Labarbera v. Schneider,* 22SOEBGP547;**
gg. ***Spellberg & Masover v. Curran, Jr.,* 22SOEBGP548;**
hh. ***Wooden v. Moore,* 22SOEBGP552;**
ii. ***Waites v. Rotering,* 22SOEBGP555;**
jj. ***Austin & Skarr v. McGowan,* 22SOEBGP559;**
kk. ***King v. Rosner,* 22SOEBGP560;**
ll. ***Seager v. Martin,* 22SOEBGP561;**
mm. ***Custardo v. Sullivan & Murphy,* 22SOEBGP563;**
nn. ***Nelson v. McIntyre,* 22SOEBGP564;**
oo. ***High v. Moore,* 22SOEBGP565;**
pp. ***Morgan v. Ward,* 22SOEBGP566.**

3. Objections/Candidates withdrawn;
a. ***Wozny v. Beckman,* 22SOEBGP102 – candidacy withdrawn.**

4. Other business.

5. Comments from the general public.

6. Recess the State Officers Electoral Board until Tuesday, May 17, 2022 at 10:30 a.m. or until call of the Chair, whichever occurs first.

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Tuesday, March 29, 2022

MINUTES

PRESENT:	Ian K. Linnabary, Chair William J. Cadigan, Member Laura K. Donahue, Member Tonya L. Genovese, Member Catherine S. McCrory, Member William M. McGuffage, Member Rick S. Terven, Sr., Member
ABSENT:	Casandra B. Watson, Vice Chair
ALSO PRESENT:	Bernadette M. Matthews, Executive Director Jeremy Kirk, Assistant Executive Director Marni M. Malowitz, General Counsel Amy L. Calvin, Board Liaison

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The meeting convened at 10:55 a.m. via Zoom conference with seven Members present. Chair Linnabary and Members Cadigan and McGuffage were present in the Chicago office, Members Donahue, Genovese and Terven were present in the Springfield office and Member McCrory was present via Zoom. Vice Chair Watson was absent and Member Terven held her proxy.

Ms. Malowitz called the cases and accepted appearances for the following objections to established party candidate nominating petitions for the June 28, 2022 General Primary Election;

a. *Edley v. Taylor,* 22SOEBGP100;
b. *Sampson v. Henderson,* 22SOEBGP101;
c. *Wozny v. Beckman,* 22SOEBGP102;
d. *Clawson v. Alexander,* 22SOEBGP103;
e. *Stubblefield & Swift v. Carter,* 22SOEBGP104;
f. *Madonia v. Eddington,* 22SOEBGP105;
g. *Rearden v. Weaver,* 22SOEBGP106;
h. *Geiler v. McHaney,* 22SOEBGP107;
i. *Mayfield v. Butler,* 22SOEBGP108;
j. *Alexander v. Burress,* 22SOEBGP109;
k. *Brown v. Elleson,* 22SOEBGP500;
l. *Walls v. Harms,* 22SOEBGP501;
m. *Bernas & Falk v. Olson,* 22SOEBGP502;
n. *Kotelman v. Ladien,* 22SOEBGP503;
o. *Larue v. Underwood,* 22SOEBGP504;
p. *Guss v. Starrett,* 22SOEBGP505;
q. *Austin & Skarr v. McNeely,* 22SOEBGP506;
r. *Skarr & Austin v. Williams,* 22SOEBGP507;
s. *Bridges v. Ramos,* 22SOEBGP508;
t. *McCullagh v. Smith,* 22SOEBGP509;
u. *Cahill v. Starrett,* 22SOEBGP510;
v. *Lutfi v. Williams,* 22SOEBGP511;
w. *Adams v. Young,* 22SOEBGP512;
x. *Adams v. Regnier,* 22SOEBGP513;
y. *Adams v. O'Keefe,* 22SOEBGP514;

z. *Adams v. Carlson,* 22SOEBGP515;
aa. *Sorensen & Buyer v. Heldut,* 22SOEBGP516;
bb. *Harley-Harvey v. Spaulding,* 22SOEBGP517;
cc. *Alwan v. Manley,* 22SOEBGP518;
dd. *Diaz & McReynolds, et. al, v. Mattson,* 22SOEBGP519;
ee. *Maragos v. Johnson & Mahlen,* 22SOEBGP520;
ff. *Richmond v. Deuser,* 22SOEBGP521;
gg. *Phelps v. Johson & Mahlen, et. al,* 22SOEBGP522;
hh. *Ballis v. Solomon & Fields,* 22SOEBGP523;
ii. *Bauman v. Wilke,* 22SOEBGP524;
jj. *Truss v. Ellington-Snipes,* 22SOEBGP525;
kk. *Helms v. Boxenbaum,* 22SOEBGP526;
ll. *Sinson v. Blan,* 22SOEBGP527;
mm. *King v. Spiller,* 22SOEBGP528;
nn. *King v. DeJoie,* 22SOEBGP529;
oo. *King v. Jackson,* 22SOEBGP530;
pp. *King v. Goodrum,* 22SOEBGP531;
qq. *King v. Matthews,* 22SOEBGP532;
rr. *King v. Butler,* 22SOEBGP533;
ss. *King v. Nix,* 22SOEBGP534;
tt. *Guss v. Gryder,* 22SOEBGP535;
uu. *Guss v. Lombardi, II,* 22SOEBGP536;
vv. *Williams & Mangrum v. Williams,* 22SOEBGP537;
ww. *Larue v. Koolidge,* 22SOEBGP538;
xx. *Dirscherl v. Moore,* 22SOEBGP539;
yy. *Willard v. Toolis,* 22SOEBGP541;
zz. *Chase v. Miles & Shaw,* 22SOEBGP542;
aaa. *Nelson v. Williams,* 22SOEBGP543;
bbb. *Coakley v. Smith,* 22SOEBGP544;
ccc. *Spellberg & Masover v. Hutchinson,* 22SOEBGP545;
ddd. *Wilson & Popovich v. Weinstein,* 22SOEBGP546;
eee. *Palmer & Labarbera v. Schneider,* 22SOEBGP547;
fff. *Spellberg & Masover v. Curran, Jr.,* 22SOEBGP548;
ggg. *Tirado v. Aguirre,* 22SOEBGP549;
hhh. *Barkoozis v. O'Keefe,* 22SOEBGP550;
iii. *Speed v. Sheehan,* 22SOEBGP551;
jjj. *Wooden v. Moore,* 22SOEBGP552;
kkk. *Waites v. Cruz,* 22SOEBGP553;
lll. *Kelly v. Ahmed,* 22SOEBGP554;
mmm. *Waites v. Rotering,* 22SOEBGP555;
nnn. *McDonough v. Brown,* 22SOEBGP556;
ooo. *Ward v. Slaughter,* 22SOEBGP557;
ppp. *Austin & Skarr v. McGowan,* 22SOEBGP559;
qqq. *King v. Rosner,* 22SOEBGP560;
rrr. *Seager v. Martin,* 22SOEBGP561;
sss. *Lee v. Harris,* 22SOEBGP562;
ttt. *Custardo v. Sullivan & Murphy,* 22SOEBGP563;
uuu. *Nelson v. McIntyre,* 22SOEBGP564;
vvv. *High v. Moore,* 22SOEBGP565;
www. *Morgan v. Ward,* 22SOEBGP566.

Ms. Malowitz presented the Rules of Procedure for the State Officers Electoral Board contained on pages 27-45 of the board packet. She noted that a minor language revision to Rule 1(c) was

suggested by Member Genovese and distributed to the Board prior to the meeting. Member Terven moved to adopt the Rules of Procedure as amended, which was seconded by Member Cadigan and passed by roll call vote of 8-0.

Member Cadigan moved to authorize staff to appoint the hearing officers as outlined in the March 25, 2022 memo from Ms. Malowitz. Member McCrory seconded the motion, which passed by roll call vote of 8-0.

Member Cadigan moved to permit the General Counsel to re-assign hearing officers during the candidacy hearings if needed. Member McCrory seconded the motion, which passed by roll call vote of 8-0.

Member Cadigan moved to delegate the authority granted by the Rules of Procedure to dismiss cases, as executed by amendment, to the hearing officers for want of prosecution at their discretion. Member Terven seconded the motion, which passed by roll call vote of 8-0.

Chair Linnabary noted that Andrew Nelson Day and Dr. Kim Ladien requested to speak during the comments from the general public portion of the meeting. Mr. Day expressed his thoughts regarding the dates of the Chicago municipal elections. Dr. Ladien offered his suggestions regarding the calling of cases and the Zoom connection.

With there being no further business before the State Officers Electoral Board, Member McGuffage moved to recess until Thursday, April 14, 2022 or until call of the Chair, whichever occurs first. Member Cadigan seconded the motion, which passed unanimously. The meeting ended at 1:00 p.m.

Respectfully submitted,

Amy L. Calvin

Amy L. Calvin, Board Liaison

Bernadette M. Matthews

Bernadette M. Matthews, Executive Director

William R. Clawson v. Joe Alexander
22 SOEB GP 103

Candidate: Joe Alexander

Office: Representative, 87th Representative District

Party: Republican

Objector: William R. Clawson

Attorney for Objector: John G. Fogarty, Jr.

Attorney for Candidate: Kent Gray

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Candidate did not file a receipt of filing the Statement of Economic Interest.

Dispositive Motions:

Candidate's Motion to Dismiss filed on 3/31/22
Candidate argues that the mandatory requirement in Section 8-8 of the Election Code is to file the Statement of Economic Interest, and swear under oath that it has been so filed. 10 ILCS 5/8-8. Including the receipt for filing the Statement of Economic Interest is not mandatory. Section 8-8 lays out requirements for the form of petition for nomination, including the statement of candidacy. The Section provides in relevant part:

> This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act,[1] shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State […]
>
> […]
>
> The receipt issued by the Secretary of State indicating that the candidate has filed the statement of economic interests required by the Illinois Governmental Ethics Act must be filed with the petitions for nomination as provided in subsection (8) of Section 7-12 of this Code. 10 ILCS 5/8-8.

First, Candidate argues that because the legislature used the word "must" instead of "shall," which is the language used when establishing mandatory requirements for ballot access, filing the receipt should not be considered mandatory. Candidate further argues that Illinois courts have held that "only when an election law statute uses mandatory language such as "shall" will a candidate potentially face removal from the ballot," but does not cite any case law.

Second, Candidate argues that although he did not timely file the *receipt* of his Statement of Economic Interest filing with his nomination papers, he did follow Illinois law regarding actually filing the Statement of Economic Interest and certifying under oath that he had filed it. He argued that filing the receipt for the Statement of Economic Interest is merely ministerial and does not go to the legitimate government interest of protecting government ethics; therefore, he has substantially complied with the mandatory provisions of Illinois election law. Candidate argued that it is well established that mandatory requirements of the Election Code may be satisfied by substantial compliance, citing *Courtney v. County Officers Electoral Board*, 314 Ill.App.3d 870 (1st Dist. 2000) and *Panarese v. Hasty*, 104 Ill.App.3d 627 (1st Dist. 1982), and that a minor error in a candidate's nominating papers, should not result in removal from the ballot. *Sullivan v. County Officers Electoral Board*, 225 Ill.Apr.3d 691 (2d Dist. 1992).

Finally, Candidate argues that it was very confusing there was a "newly started ability" to file a Statement of Economic Interest with the Secretary Of State's staff at the SBE at the same time as petition filing, and that confusion is essentially why he did not file the receipt at the same time as his nominating petition. Candidate does not explain how he was confused. It is worth noting that having SOS staff present at the SBE Springfield office for petition filing is not new and has been the case since at least 2010.

<u>Objector's Response to Candidate's Motion to Dismiss</u> filed on 4/4/22
Objector argues simply that candidates for the General Assembly are required to file three items with the SBE in order to be placed on the primary ballot, namely a statement of candidacy, nominating petitions with a sufficient number of valid signatures, and a receipt demonstrating filing of the Statement of Economic Interest. Candidate Alexander has only achieved two out of three of the requirements, and Section 7-12(8) of the Election Code establishes that nomination papers filed without such receipt are invalid; therefore, Candidate Alexander's name should not be certified to the ballot.

Objector relies heavily on *Kellogg v. Cook County Officers Electoral Board*, 347 Ill.App.3d 666, 807 N.E.2d 1161 (1st Dist. 2004) in support of his argument that the receipt portion of the nomination papers is mandatory and that absent such receipt, the papers are invalid. In *Kellogg*, the court held that the legislative intent of the filing process was two-pronged. First, filing the Statement with the Secretary of State is so that it can be indexed and found by the public. Second, filing the receipt with nomination papers provides notice to the election authority of the candidate's compliance with filing requirements. *Id*. at 671. Thus, although the candidate in *Kellogg* failed to file a receipt, and instead filed the Statement of Economic Interests with nomination papers directly with the election authority, the court found that the candidate frustrated the purpose of the statute by not following the process outlined therein, and the court declared the nomination papers wholly invalid. *Id.*

Objector also relied on *Miceli v. Lavelle*, 114 Ill.App.3d 311 (1st Dist. 1983) wherein the court highlighted the purpose of the Statement of Economic Interest filing receipt filing requirements, namely that certain information about potential conflicts that a candidate might have is made available to the public through the disclosure. In *Miceli*, where the candidate filed a filing receipt for economic interests for the incorrect office (i.e. not the office he was running for), the court found that he had frustrated the purpose of the statute because the public did not have timely access to the candidates' disclosures.

Candidate's Reply to Motion to Dismiss filed on 4/6/22
Candidate distinguishes the facts in *Kellogg* from those in the instant case, noting that in *Kellogg*, the candidate completely failed to file a Statement of Economic Interest with the Secretary of State, whereas here Candidate Alexander *did* make the required filing, and it is the filing he did make that is mandatory under Section 7-12(8). Candidate cites *Ballentine v. Bardwell*, 88 Ill.Dec 185 (1st Dist 1985) to support the argument that to be a "fatal" error such that a candidate is removed from the ballot, the requirement must be mandatory, and cites *Serwinsky v. Board of Election Commissioners of City of Chicago*, 108 Ill.Dec. 813 (1st Dist. 1987) wherein the court held that "Strict compliance to a directory provision is not necessary." Thus, Candidate argues that the filing of the receipt is directory, he has substantially complied with the statute, and his name should be placed on the ballot.

Record Exam Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The Hearing Officer recommended denying Candidate's Motion to Dismiss, sustaining the objection, and not certifying the name of Candidate Joe Alexander to the ballot as a Republican candidate for the Office of State Representative in the 87th Representative District.

The Hearing Officer concurred with Objector's logic, following *Miceli v. Lavelle*, 114 Ill. App. 3d 311, that the purpose of the policy requiring filing a Statement of Economic Interest is that the information is timely available to the public. *Id* at 316. It follows, then, that if no receipt is filed, the public would have no reason to request said Statement from the Secretary of State, because there would be nothing to indicate that it had been filed, and that the public should not bear the burden of confirming that the Statement has been filed as required.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, as supplemented with an express finding that the Candidate's failure to file a receipt of his Statement of Economic Interest filing violated Section 8-8 of the Election Code, 10 ILCS 5/8-8.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

CLAWSON, WILLIAM R.	)	
	)	
PETITIONER/OBJECTOR	)	
v.	)	**No. 22 SOEB GP 103**
	)	
ALEXANDER, JOE	)	
	)	
RESPONDENT/CANDIDATE	)	

NOTICE OF FILING AND SERVICE

To: Ms. Marni Malowitz
GeneralCounsel@elections.il.gov

John Fogarty – for Objector
fogartyjr@gmail.com

Kent Gray – for Candidate
me@kentGray.com and Kent Gray@Springnet.com

Please take notice that on April 8, 2022, prior to 5:00 PM, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Report and Recommendation of the Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses prior to 5:00 PM on April 8, 2022.

/s/ James Tenuto
James Tenuto
Hearing Officer

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

CLAWSON, WILLIAM R.	)	
	)	
Petitioner/Objector,	)	
	)	
vs.	)	No. 22 SOEB GP 103
	)	
ALEXANDER, JOE	)	
	)	
Respondent/Candidate.	)	
	)	

REPORT AND RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

William R. Clawson, Candidate, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as a Republican Candidate for the Office of State Representative in the 87th Representative District.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers were invalid because the Candidate failed to file the receipt for the Statement of Economic Interest as required by 10 ILCS 5/7-10, 7-12 and 8-8.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by John Fogarty for the Objector while Kent Gray filed an Appearance for the Candidate.

The Case Management Conference (CMC) was held on March 29, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with John Fogarty and Kent Gray.

PRELIMINARY MOTIONS

Candidate's Motion to Dismiss suggests that timely filing the Statement of Economic Interest with the Illinois Secretary of State prior to the close of the deadline to file nomination petitions amounts to substantial compliance of the requirement in Section 10 ILCS 5/7-10; 7-12; and 8-8 despite the failure to file the receipt to the nomination petitions. The Candidate cites case law to suggest mandatory requirements of the Election Code may be satisfied by substantial compliance.

It is further suggested that the ability to simultaneously file with a representative of the Illinois Secretary of State's office at the State Board of Elections has led to confusion among candidates. This is characterized as "cross filing."

Finally, the Candidate contends that certifying under oath that he had filed the Statement of Economic Interest renders the filing of the "Receipt" a ministerial act.

The Objector cites case law that the requirement to file the receipt is mandatory and nomination papers filed without a receipt are invalid. See Kellogg v. Cook County Officers Electoral Board, 347 Ill App. 3d 666, 807 N.E.2d 1161 (1st Dist. 2004). In Kellogg the Candidate filed his Statement of Economic Interest with his nomination papers directly with the election authority. The Kellogg court ruled the nomination papers invalid because the filing of a receipt was a mandatory request. Furthermore, the filing of the Statement of Economic Interest without a receipt did not amount to substantial compliance.

The Candidate's Reply to Motion to Dismiss attacks Objector's reliance on the Kellogg case. It is pointed out in Kellogg the Candidate failed to file a Statement of Economic Interest with the Illinois Secretary of State. In the current Objection, however, the Candidate did properly fie the Statement of Economic Interest with the Illinois Secretary of State. Candidate suggests that while the filing of the Statement is mandatory there is no penalty in the Election Code for failing to file the "receipt". Thus, the filing of the "Receipt" is rendered directory and the Candidate has substantially complied.

I concur wit the logic Objector cites in Miceli v. Lavelle, 114 Ill. App. 3d 311 (1st Dist 1983). Therein, a candidate filed a receipt for his economic interest in connection with an incorrect office. As set forth in Miceli, the policy behind the filing requirement for statements of economic interest is to ensure that certain information is "available to the public prior to the election with respect to actual or potential conflicts of interest that a candidate might have." Id at 316.

A member of the public would have no reason to request the Statement of Economic Interest for the Candidate from the Illinois Secretary of State if there is no receipt to indicate one has been filed. The burden should not be on the public to confirm the Statement has been filed.

SUBPOENAS

Neither party requested subpoenas be issued as set forth in Rule 8 of the Rules of Procedure.

RECORD EXAMINATION

A record examination was not conducted in this Objection.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of State Representative in the 87th Representative District to appear on the General Primary Election ballot as a Republican Candidate to be voted on June 28, 2022.
2. An Objection to the Candidate's nomination papers was timely filed.
3. The Objection alleges the nomination petition was invalid because the receipt for the Statement of Economic Interest was not attached.
4. The Case was called on March 29, 2022. John Fogarty filed an Appearance for the Objector while Kent Gray filed an Appearance for the Candidate.
5. The Case Management Conference (CMC) was held via telephone on March 29, 2022. The Hearing Officer, John Fogarty and Kent Gray participated.

6. The minimum signature requirement to appear on the Genera Primary Election ballot as a Candidate for State Representative in the 87th Representative District is 400.
7. Neither party requested the issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure.
8. The Candidate filed a Motion to Dismiss the Objection, the Objector filed a Reply and the Candidate submitted a Response.
9. For the reason set forth in "Preliminary Motions" section (above), I recommend the SOEB deny Candidate's Motion to Dismiss.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **DENY** Candidate's Motion to Dismiss, **SUSTAIN** the Objection and the name of

Joe Alexander NOT BE CERTIFIED to appear on the ballot as a Republican Candidate for the Office of State Representative in the 87th Representative District to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 8, 2022

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 14, 2022, at 9:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

2-50E86 P 103

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE 87th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

William R. Clawson,	)
	)
Petitioner-Objector,	)
	)
vs.	)
	)
Joe Alexander,	)
	)
Respondent-Candidate.	)

OBJECTOR'S PETITION

Now comes William R. Clawson (hereinafter referred to as the "Objector"), and states as follows:

1. William R. Clawson resides at 113 Carriage Court, East Peoria, Illinois 61611, in the 87th 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 objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a candidate for nomination to the office of Representative in the General Assembly in the 87th 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 objection to the nomination papers ("the Nomination Papers") of Joe Alexander ("the Candidate") as a candidate for nomination of the Republican Party to the office of Representative in the General Assembly in the 87th 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:

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 03-21-22 3:02 PM

3. Pursuant to Articles 7 and 8 of the Election Code, a candidate for Representative in the General Assembly must file a Statement of Economic Interests as required by the Illinois Governmental Ethics Act. 10 ILCS 5/7-10; 7-12; 8-8. The receipt issued by the Secretary of State for that filing "indicating that the candidate has filed the statement of economic interests required by the Illinois Governmental Ethics Act must be filed with the petitions for nomination as provided in subsection (8) of Section 7-12 of this Code." 10 ILCS 5/8-8.

4. Pursuant to Section 7-12(8) of the Election Code, nomination papers filed without such receipt are invalid. 10 ILCS 5/7-12(8).

5. Your Objector states that the Candidate has failed to file with his Nomination Papers a receipt demonstrating that he has filed a Statement of Economic Interests as required by the Illinois Governmental Ethics Act. Attached hereto and made part hereof as Exhibit A are the filing receipts for the Candidate's Nomination Papers.

6. Your Objectors state 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.

7. Your Objectors state that the Candidate's Nomination Papers are invalid because the Candidate has failed to meet all of the requirements of the Election Code, namely, that he has failed to file a receipt demonstrating that he has duly and properly filed a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and as required by Articles 7 and 8 of the Election Code.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Joe Alexander as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 87th 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 Joe Alexander as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 87th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTOR
William R. Clawson
113 Carriage Court
East Peoria, Illinois 61611

County of Tazewell)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Willaim R. Clawson, the Objector, on this the 21st day of March, 2022, at Morton, Illinois.

(SEAL)
NOTARY PUBLIC

My Commission expires: 11-18-2025

OFFICIAL SEAL
JUDITH K. HUNT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-18-2025

EXHIBIT A

STATE OF ILLINOIS
STATE BOARD OF ELECTIONS

This receipt is an unofficial document intended for informational purposes only. If there are any inconsistencies between this receipt and the documents filed, the documents filed will take precedence.

Receipt is hereby acknowledged of the following documents received in the office of the State Board of Elections:

Statement of Candidacy

Loyalty Oath

Nominating Petition

For the following candidate:

Name: JOE ALEXANDER

Address: 311 NORTH JACKSON STREET
CLINTON, IL 61727

Party: REPUBLICAN

Office: REPRESENTATIVE IN THE GENERAL ASSEMBLY
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT

Date/Time Filed: 3/7/2022 at 8:00 AM

I hereby acknowledge receipt of a D-5 Notice of Obligation to Candidates (campaign disclosure).

(Signature of person filing petition)

State Board of Elections Copy

Printed: 3/7/2022 9:14 AM

STATE OF ILLINOIS
STATE BOARD OF ELECTIONS

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Statement of Candidacy

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Nominating Petition

For the following candidate:

Name:	JOE ALEXANDER
Address:	311 NORTH JACKSON STREET CLINTON, IL 61727
Party:	REPUBLICAN
Office:	REPRESENTATIVE IN THE GENERAL ASSEMBLY EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Date/Time Filed:	3/7/2022 at 8:00 AM

Filing Receipt

Printed: 3/17/2022 11:16 AM

Richard L. Stubblefield & Terry Swift v. Gary Carter
22 SOEB GP 104

Candidate: Gary Carter

Office: Representative, 116th Representative District

Party: Republican

Objectors: Richard L. Stubblefield and Terry Swift (although Mr. Stubblefield withdrew due to health issues)

Attorney for Objectors: Sharee Langenstein

Attorney for Candidate: John Fogarty

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: 724

Number of Signatures Objected to: 171

Basis of Objection: Nomination papers are void in their entirety as every petition sheet submitted has been materially altered after being signed by purported registered voters. On every petition sheet, the name of the political party of undersigned voters has been whited out and replaced with a sticker that says "Republican"; the county of residence of the Candidate has been whited out and replaced with a sticker that says "Wayne"; the purported district number has been whited out and replaced with a sticker that says "116".

On enumerated petition sheets, the date of the election has been whited out and replaced with a sticker that says "06/28/22" or is missing the election date.

Nomination papers contain petition pages with the names of persons who are not registered voters at the addresses shown opposite their names; whose addresses are not within the 116th Representative District; whose signatures are not genuine; who have signed the petition more than once; or whose addresses are missing or incomplete.

Dispositive Motions: Candidate's Motion to Dismiss Objectors' Petition filed 03/31/22. Candidate moves to dismiss the entirety of Objectors' petition by alleging Objectors' petition is insufficient as a matter of fact and law. First, Candidate alleges, the objection petition is insufficient because even if every challenged signature were stricken, Candidate would still have a sufficient number of signatures on his petition sheets.

Second, Candidate argues, Objectors' petition contains no factual statements, affidavits, or other evidence to support the purported timing of the alteration of Candidate's petition sheets. Candidate argues Objectors make no allegation Candidate's petition sheets violate the integrity of the election

process, nor reveal how Objectors concluded the alteration of petition sheets is tantamount to the invalidity thereof. Candidate agrees that white-out and labels were present on Candidate's petitions at the time of filing, but assigns no meaning to the presence of such alterations. Without assigning meaning, Candidate argues, Objectors' petition is vague and does not present specific grounds for the Board to sustain it.

Objectors' Response to Candidate's Motion to Dismiss filed 04/04/22. In their Response to Candidate's Motion to Dismiss, Objectors argue their petition more than adequately pleads their case and allegations. Specifically, they refer to paragraphs 7-12, 15, and 16-20 and the allegations contained therein as stating the factual and legal bases of the objections to the appearance of white-out and labels on the petition sheets and the non-uniformity thereof. They state they provide reference to every sheet that has been altered, the specific places where alteration has taken place, and the sheet numbers that contain errant election date information.

Reply of Candidate to Objectors' Response filed 04/06/22. In his Reply, Candidate argues that a reference to every sheet that has been altered, the specific places where alteration has taken place, and sheet numbers that contain errant election date information does not rise to the level of specificity required by §10-8 because it does not demonstrate why the white-out and lables are illegal or otherwise inconsistent with the Election Code. Absent a claim that the election process has been compromised, that fraud has been committed, or that the existence of white-out and labels is, in itself, prohibited by explicit language of the Election Code – Objectors' petition lacks the specificity required by §10-8.

Candidate argues that the Board rule provide for dismissal of objection petitions in a manner similar to the Illinois Code of Civil Procedure §2-615 and, as such, requires a complaint to allege specific reasons why a plaintiff is entitled to relief under the law and has been pled with specificity, citing to *Urbatis v. Commonwealth Edison*, 143 Ill. Dec. 458 (Ill. Sup. Ct. 1991). In so arguing, Candidate states allegations of purported faults in petition sheets without citing to law or circumstances as to why the purported faults make the sheets legally insufficient equates to an insufficient pleading under §10-8 and 735 ILCS 5/2-603.

Next, Candidate argues Objectors' petition is not accompanied by affidavits or other statements that demonstrate a good faith effort was made to ascertain whether signers of the petition did not know the candidate/office they were supporting.

As such, Candidate argues, Objectors' petition contains no factual statements, affidavits, or other evidence to support the purported timing of the alteration of the petition sheets, nor do they indicate why alteration after circulation would make them legally invalid; additionally, there is no assertion that Candidate's petition sheets violate the integrity of the election process or how the alteration of the sheets is tantamount to the invalidity thereof.

Objectors' Motion to Voluntarily Dismiss Objector Richard Stubblefield filed 04/15/22. Objectors moved to dismiss Objector Richard Stubblefield as a result of a personal health issue which prevents Objector Stubblefield's further participation in these proceedings and withdraws paragraph 1 of Objector's petition.

Record Exam Necessary: Yes. Conducted 04/05/22. Of 171 lines objected to, 86 objections were sustained and 85 overruled. As such, Candidate has filed 638 valid signatures, 238 over the statutory minimum of 400 required for the office sought.

Pre-Evidentiary Hearing Proceedings: On 03/31/22, Objectors filed a subpoena request for the personal appearance and deposition of Candidate and 8 petition circulators and one person, in addition to the Candidate, alleged to have knowledge of how Candidate's petition sheets were prepared, circulated and filed. In agreement with the Hearing Officer, the Board issued subpoenas to individuals who are not the named Candidate and compelled the presence of the Candidate via a Rule 237 Request (filed 04/10/22).

On 03/31/22, Candidate filed a subpoena request for the issuance of a subpoena for personal appearance at the evidentiary hearing to the named Objectors to discover the factual basis for the allegations in the Objectors' petition. In agreement with the recommendation of the Hearing Officer, Candidate's subpoena request was denied. Objectors presence was instead compelled through the filing of a Rule 237 Request (filed 04/13/22).

On 04/10/22, the parties filed a Joint Report addressing stipulations, exhibits, evidence and witnesses for the evidentiary hearing.

On 04/13/22, Objectors filed a second subpoena request for the issuance of a subpoena for Joe Dubose's testimony at the evidentiary hearing. In agreement with the recommendation of the Hearing Officer, Objectors' request was granted for good cause shown, and the Board issued the subpoena.

Evidentiary Hearing: An evidentiary hearing was held on 4/14/22. Parties submitted a Stipulation of the Parties, stipulating each circulator gathered signatures from petition signers on clean, unaltered petition sheets and, in lieu of live testimony, deposition transcripts from 4 circulators and the Candidate conducted the week of April 4, 2022. Candidate introduced 265 affidavits, originally submitted in support of his Reply and not as Rule 9 evidence.

Live testimony was provided by the Candidate, and he advised he was made aware of an issue with the date on his petition, but the issue was corrected in his absence. He testified he was aware two sets of petitions were circulated on his behalf, the first of which was not filed due to the date error, and the second of which was filed with the Board. He testified he did not look at or notice the white-out or stickers prior to filing and was made aware of the issue upon filing of the Objectors' petition. He was given, Candidate testified, the nomination papers he filed the morning of filing by an associate of his campaign member.

During the evidentiary hearing, the Hearing Officer and Parties examined the front and back side of each original petition sheet. By holding the sheets to the light, they were able to observe the nature of the white-out and sticker modifications to the petition sheets, which revealed what, if anything, was whited-out under the stickers, and what the sticker modified, if anything, on the original sheet. The parties stipulated to the results of the examination, which are detailed in Exhibit B to the Hearing Officer's recommendation.

Candidate's Closing Brief and Argument filed 04/15/22. In his closing brief and argument, Candidate reiterates the arguments and supporting authority in his Motion to Dismiss.

He further argues the evidence shows candidate has more than the 400 valid signatures required for the office sought. To wit, he argues the petition sheets are substantially compliant with §7-10, arguing substantial compliance may be satisfied when the petition sheets as a whole are not confusing to voters and demonstrate the office sought, citing *Lewis v. Dunn*, 63 Ill.2d 48 (1976). Candidate states Objectors have not proven fraud, that petition sheets regularly contain white outs, scribbles, and other stray marks, and that candidates regularly scrub their petitions in preparation for filing. He argues nothing in the Election Code prohibits these practices and that the Election Code encourages such through the provisions of §7-10(1).

He argues the labels attached to the Candidate's petition sheets did nothing more than clarify voter intent by restating/echoing the information beneath the white-out and labels. He states no voter confusion occurred as evidenced by the 285 affidavits proffered wherein each affiant attests they knew who they were signing for, where he lived, the party he represented, and the office for which he was running. Candidate cites to *Weisner v. Brennan*, 403 Ill. Dec. 317 (2d Dist. 2016), in arguing a candidate is entitled to have his name placed on the ballot if there is no basis for confusion as to the office for which the nominating petitions were filed.

Candidate argues the original petition sheets were valid at the time of signing. He states the petition sheets contained permissible scriver's errors, which, in reliance on *Cunningham v. Schaeflein*, 360 Ill.Dec. 816 (1st. Dist. 2012); *Ryan v. Landek*, 159 Ill. App. 3d 10 (1987), should not invalidate the sheets; are valid because they are uniform under law; or have been validated through filed affidavits showing petition signers were aware of who they were supporting and for what office vis-à-vis their signatures.

Objectors' Summation filed 04/15/22. In their summation, Objectors argue the alterations to Candidate's petitions were a blatant, intentional, and pre-mediated attempt to circumvent the Election Code such that each altered petition sheet should be stricken, which would leave the Candidate with fewer than the statutory minimum of 400 signatures.

First, they argue there is no authority for a candidate or his team, to alter any portion of the heading of a nominating petition after it has been signed by the voter. Objectors argue the alterations were material and unauthorized by the Election Code. In reliance on the axiom of statutory construction is the maxim *expressio unius est exclusio alterius* which means that "the enumeration of an exception in a statute is considered to be an exclusion of all other exceptions." *Schultz v Performance Lighting, Inc.*, 2013 IL 115738, ¶17, Objectors state that §8-8 provides two circumstances where a signature may be stricken and those are the only permissible alterations after voters have signed the petition sheets.

Second, they argue, there is no case that has ever permitted the wholesale alteration of a candidate's petitions as the Candidate's team did here. The facts before the Board here are similar to the facts presented in *Hernandez v. Jones*, 15 SOEB GP 106, Ill. State Bd. of Elections (2016), where the candidate taped a new heading onto all of his nominating petitions after they had been signed by voters, as he had circulated two petition forms, and wanted to be sure that his petitions appeared

uniform. (*Jones* Recommendation at ¶22). This Board, which adopted the Hearing Officer's Recommendation, found that Candidate Jones' actions displayed "a flagrant disregard for the Election Code." Jones Decision, ¶ 4B. Objectors request a negative inference be taken from the Candidate's purposeful lack of knowledge of the matters presented by this case under which he has control.

Third, they argue, the Candidate has not submitted the original sheets which have been signed by the voters. Objectors note Article 8 (as well as Articles 7 and 10) require all petition sheets filed by the candidate "shall be the original sheets which age been signed by the voters and by the circulator, and not photocopies of such." 10 ILCS 5/8-8. Objectors rely on the definition of "original" as appearing in Black's Law Dictionary and the American Heritage Dictionary of the English Language to support their contention that the alterations of the headings of the petition pages deem those pages filed as not the original petition pages.

Fourth, they argue, Candidate's original petitions are neither uniform nor legally sufficient. Objectors contend that without the aid of bright light behind the Candidate's petition sheets, the verbiage contained therein could not be discerned and, in no circumstances should the general public of an election authority be forced to hold a nominating petition up to bright light to discern the contents of the petition when signed by voters.

If Candidate's petitions are not stricken *in toto*, Objectors argue, all such petitions whose form varied so divergently must be stricken. Specifically, they enumerate petition sheets which purport to feature signers of the "Gary Carter" Party and do not reveal the district number in which the signers purport to nominate the Candidate, in violation of §§7-10 and 8-8. Objectors state that petition 63 is a copy of sheet number 54 in violation of §8-8 and, while not specifically pled, this sheet should be invalidated pursuant to the holding in *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶32, holding an electoral board cannot "close its eyes and ears" to evidence that arises in the course of proceedings. Similarly, Objectors argue all petition sheets circulated by Lee Ann Samford and page 50, circulated by Melanie Jordan, be stricken based on testimony from Ms. Jordan that Ms. Samford and five other individuals signed lines 4-9 on petition sheet 50 after it had been notarized.

Fifth, they argue petition sheets which do not specify the election at which the Candidate is purported to be nominated and, as such, must be stricken.

Sixth, they argue the alterations made by the Candidate's team are material, not *de minimis*. Objectors submit that the premeditated act of whiting out and striking over key information on a petition sheet is material, even if the information (in this case, the stickers) contains the same information that resides underneath. Objectors cite to testimony of Valinda Rowe as evidence of the premeditation of the alterations.

Hearing Officer: David Herman.

Hearing Officer Findings and Recommendations: The Hearing Officer recommends denying Candidate's Motion to Dismiss because the Motion adequately details Objectors' assertions that the petitions were altered after being signed by voters and why such alterations would invalidate

the petitions. Further, the Hearing Officer finds the objection petition contains references to each sheet that has been altered, identifies the challenged sheet by number, and identifies where on each sheet the alteration has taken place. As such, he recommends finding the Objectors' petition fully states the nature of their objections.

Based on the results of the records examination and the Parties' stipulation of the alterations to the petition sheets, as detailed in Exhibit B of the Hearing Officer's recommendation, the Hearing Officer recommends:

The 53 petition sheets which contained date alterations (changing 2021 to 2022 via white-out and sticker, containing the wrong year of the election, or leaving the date out entirely) be deemed valid, as Section 7-10 does not contain a provision concerning the date of the election in which the candidate is seeking to be placed on the ballot. The Hearing Officer recommends finding these alterations amount to a technical violation that had no effect on the guarantee of a free and honest election such that they should be removed from Candidate's total number of petition pages, citing See *Siegel v. Lake County Officers Electoral Board*, 385 Ill. App. 3d 452, 461 (2008) (nomination paperwork substantially complied with Election Code despite incorrect date); see also *Wiggins v. Rogers*, 2019 IL App (1st) 190161, ¶ 22 (rejecting the objector's argument that that the candidate's failure to include the correct date of the primary election for which he sought to be nominated constitutes a failure to include necessary information on his nomination papers).

To the 2 petition sheets with an alteration of changing "Gary Carter" to "Republican" on the party designation portion of the nomination sheets, the Hearing Officer recommends finding this modification is not material as the heading of these two sheets had both Gary Carter's name (in the candidate's blank) and the Republican party referenced in other places in the heading of the petition sheet prior to any post whiteout/sticker modification. In recommending finding this an immaterial modification, the Hearing Officer relies on *Ryan v. Landek*, 159 Ill. App. 3d 10 (1987), in recommending not striking the 19 signatures contained herein from Candidate's petition sheets.

To the 22 petition sheets showing (i) the candidate's name was whited-out and the word "Republican" added by sticker over it; (ii) the county name was not replaced but added after the fact; (iii) the "116" for the representative district was not replaced but added after the fact; and (iv) the date of the election was whited-out but replaced with the same date, the Hearing Officer recommends these petition sheets should be invalidated. In so recommending, the Hearing Officer relies on *Zapolsky v. Cook County Officers Electoral Board*, 296 Ill. App. 3d 731, 734 (1998), where the court held: "Nominating petitions should be free from a 'basis for confusion' as to the office for which they are filed. A potential signatory to a nominating petition has the right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy."

In recommending the signatures contained on the 55 petition sheets the Hearing Officer recommends finding valid, and striking the 22 petition sheets the Hearing Officer recommends invalidating, coupled with the results of the record examination, the Hearing Officer recommends finding, ultimately, Candidate filed 437 valid signatures.

To Objectors' arguments that the entirety of Candidate's nomination petitions be stricken because the entire practice of modification as engaged in by the Candidate or his team, the Hearing Officer recommends the manner of the modifications here were distinct from those before the Board in *Hernandez*, as cited by the Objectors. These distinctions are sufficient enough to retain certain signature pages for the reasons addressed above.

To Objectors' argument that the alterations were such that the petition sheets should not be deemed originals, this was not an argument alleged in Objectors' petition, and the Hearing Officer recommends finding this argument unpersuasive.

To Objectors' argument against petition sheet 63, containing 9 valid signatures being invalidated as they maintain that sheet number 63 is a copy of sheet number 54, the Hearing Officer recommends finding that as Objectors' did not plead the invalidity of this petition sheet, they have waived objection thereto. Even assuming it was not waived, and those 9 signatures were excluded, Candidate would still have enough valid signatures to remain on the ballot.

To Objectors' argument that 6 of the 9 signatures on sheet number 50 must be stricken where the circulator testified during her deposition that she gathered only three signatures, the Hearing Officer recommends finding this argument is moot. Even striking those alleged 6 improper signatures for sheet number 50, Candidate would have more than the required 400 signatures to remain on the ballot.

As to Objector's argument that all the petitions circulated by Ms. Samford be invalidated, there is no evidence that there was any wrongdoing by Ms. Samford on any of the petitions she circulated. Rather, Objectors reference is to one petition page circulated by Melanie Jordan (which would result in only 6 signatures being invalidated). As such, the Hearing Officer recommends rejecting this argument and determining the petition sheets circulated by Lee Ann Samford as valid.

Accordingly, the Hearing Officer recommends the Objection Petition be overruled, and the name of Gary Carter, Republican candidate for Representative to the General Assembly for the 116th Representative District of Illinois, be certified to the ballot for the June 28, 2022, General Primary Election.

Exception to Recommendation of the Hearing Officer: filed 04/18/22. Objectors filed an exception to the recommendation of the Hearing Officer's Recommendation arguing:

(1) The recommendation overlooks the fact that the activity of altering the headings of petition sheets after they were signed by voters with white-out and stickers was undertaken in a blatant and pre-mediated attempt to circumvent the requirements of the Election Code (whether mandatory or not) and to conceal the truth about Candidate's petitions from the State Board of Elections as well as the general public.

(2) The recommendation does not address the threshold question – whether there is any authority to alter a nominating petition once it has been presented and signed by a voter. The only permissible alterations are contained within §8-8, and Candidate's actions are far beyond that permissible alterations contemplated within.

(3) It was only by a "somewhat incredible" circumstance that it was possible to discern what was originally on the heading of each of the Candidate's petition sheets and under the white-out and stickers. It cannot be the standard that an election authority must shine a bright light underneath a petition sheet to see what voters have signed for. These petitions were altered so that an election authority could not see what was on them.

(4) A minor, technical error in a nominating petition that does not affect the legislative intent to guarantee an honest, free election, Objectors agree, should not invalidate a nominating petition, *Siegel v. Lake County Officers Electoral Board*, 38 Ill.App.3d 452 (2nd Dist. 2008). Objectors argue that, here, the Candidate's team engaged in the act of knowing, intentional concealment and this act affects an honest and fair election. Regardless of what was covered up, it's the act that affects an honest and fair election. Objectors argue the implications here are obvious and serious, and the precedent that the Recommendation urges is incompatible with honest and fair elections or with the orderly administration of the electoral process.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. The General Counsel further recommends finding the 53 petition sheets with date alterations and the 2 petition pages with name-to-party alterations substantially comply with Section 8-8.

I make this recommendation with hesitancy, however. Although the areas of the petition sheets that were whited out and covered in stickers were not particularly substantive, rendering the case law supportive of overruling the objection, submitting a petition covered in white out and stickers is a reprehensible practice, and I am particularly disappointed in the Candidate's refusal to take responsibility for the state of his petition. To the Board, although I think the majority of authority supports the overruling of the objection in light of the non-substantive headers altered and evidence there was no voter confusion, given the appearance of impropriety and policy implications raised by this case, I do not think it would be in error if the Board found the petition sheets were inconsistent and not in compliance with the Election Code, and struck the altered petition sheets, which would leave the Candidate with insufficient signatures.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATE FOR NOMINATION FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 116TH REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS

Richard L. Stubblefield and Terry Swift, Petitioners-Objectors,	)	
vs.	)	Case No. 22-SOEB-GP-104
Gary Carter, Respondent-Candidate.	)	

RECOMMENDATION

TO: Richard L. Stubblefield and Terry Swift
c/o John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, IL 60613
fogartyjr@gmail.com

Gary Carter
c/o Sharee Langenstein
623 E. Campus Dr.
Carbondale, IL 62901
shareelangenstein@yahoo.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

This matter coming on for recommendation on the Objection in this matter and the Hearing Officer states as follows:

PROCEDURAL HISTORY

Objectors' Petition was filed on March 21, 2022. The Petition objects to the nomination papers of Gary Carter as candidate for the Office of Representative in the General Assembly from the 116th Representative District of the State of Illinois. The Petition alleges the Candidate must have not fewer than 400 duly qualified, registered, and legal votes of the 116th Representative District of the State of Illinois and the nomination papers must truthfully allege the qualifications of Candidate, be gathered, and presented in the manner provided for in the Illinois Election Code and otherwise executed in the form provided by law. The Petition alleges Candidate has filed 77 petition sheets containing 724 signatures. The Petition alleges the nomination papers of Candidate contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a disregard of the Election Code to such a degree that every signature on every sheet is invalid. These allegations are as follows:

1. On each petition sheet, on the top line of the preamble, the name of the purported party of the undersigned signers has been whited out and replaced with a sticker that says "Republican" after the purported registered voters have signed said petition sheet.

2. On each petition sheet, on the fifth line of the preamble, the name of the purported county of residence of Candidate has been whited out and replaced with a sticker that says "Wayne" after the purported registered voters have signed said petition sheet.

3. On each petition sheet, on the fifth line of the preamble, the name of the purported party for which the Candidate seeks to be nominated has been whited out and replaced with a sticker that says "Republican" after the purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

4. On each petition sheet, on the sixth line of the preamble, the purported district number for which Candidate seeks to be nominated has been whited out and replaced with a sticker that says "116" after the purported registered voters have signed said petition sheet.

5. On Petition sheet numbers 1-11; 13-36; 38-53; 55-60; 62; 64-73; and 76-77, on the last line of the preamble, the date of the election at which Candidate purports to be nominated has been whited out and replaced with a sticker that says "06/28/22" after the purported registered voters have signed said petition sheet.

6. On petition sheet numbers 12 and 37, on the last line of the preamble, the date of the election at which Candidate purports to be nominated is listed as "06/28/21," such date being already past and not a date upon which an election could take place at which Candidate could be nominated. Each such petition sheet should be invalidated for this defect, not only because the date of the election is incorrect, but because pursuant to Section 7-10 of the Election Code, "the heading of each [petition] sheet shall be the same".

7. Petition sheet numbers 54, 61, 63, 74 and 75, on the last line of the preamble, there exists no date of the election at which Candidate purports to be nominated. Each such petition sheet should be invalidated for this defect, not only because the date of the election is missing and therefore completely noncompliant with Section 7-10 of the Election Code, but because Section 7-10 also requires that "the heading of each [petition] sheet shall be the same."

8. The purpose of gathering signatures on nominating petitions is to ensure that a candidate has a modicum of support to justify placing that Candidate's name on the primary ballot as a candidate of a particular party and for a particular office and at a particular election. Where the key information on a petition is altered after voters have signed a petition, the very purpose of that nominating petition is completely frustrated. At that point, it is impossible to determine whether a candidate has a modicum of support to have his or her name placed on the ballot of a particular party, for a particular office, or at a particular election.

9. The aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names and their signatures are therefore invalid.

10. The Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine.

11. The Nomination Papers contain the signatures of various individuals who have signed the petition more than once.

12. The Nomination Papers contain the signatures of various individuals who purport to have signed the nominating petition but have failed to provide a complete residence address, such incomplete signature and address information rendering such signature invalid.

On March 31, 2022, Candidate filed a Motion to Dismiss and an Initial Brief, and Objector filed a Response to the Motion to Dismiss on April 4, 2022. Thereafter, Candidate filed a Reply to Objectors' Response to the Motion to Dismiss on April 6, 2022.

Objectors filed a Subpoena Request on March 31, 2022, for the issuance of a Subpoena for Personal Appearance and deposition at the evidentiary hearing for the following individuals who are alleged to have circulated petition sheets for Candidate: Gary Atteberry; Averi Goodman; Melanie Jordan; Erin Koertge; Valinda Rowe; LeeAnn Samford; Steve Thomason; and Callie Vaughan. Objectors' Subpoena Request also requested the issuance of a Subpoena for Personal Appearance and deposition at the evidentiary hearing for the following individuals who are alleged to have knowledge to how Candidate's petition sheets were prepared, circulated, and filed: Gary Carter; and Jose Durbin. It was the recommendation of the Hearing Officer that Objectors' Subpoena Requests as to the individuals (including the named Candidate) be granted, that the Board issue those Subpoenas provided in Objectors' Subpoena Requests, and that the individuals listed in those requests be required to appear for deposition to be held in this matter. It was the recommendation of the Hearing Officer that the Objectors' Subpoena Requests as to the individuals, who are not the named Candidate, be granted, that the Board issue those Subpoenas provided in Objectors' Subpoena Requests, that the non-party individuals listed in those requests be required to appear at the evidentiary hearing to be set in this matter. It was the recommendation of the Hearing Officer that Objectors' Subpoena Requests as to Candidate to appear at the evidentiary hearing be denied as Candidate is a named party to the proceeding whose appearance may be compelled at the evidentiary hearing consistent with a Rule 237 Notice to Appear. The Hearing Officer also recommended that Objectors be responsible for all costs associated with the issuance of the Subpoenas, service of the Subpoenas and the round-trip mileage for each witness from the witness' place of residence to the Board's office for the evidentiary hearing and/or the location of the discovery deposition. The Board agreed with the Hearing Officer's recommendation and issued the Subpoenas, but the requested subpoena for the testimony of the Candidate was denied because a party may instead issue a Rule 237 notice to compel the appearance of the opposing party at an evidentiary hearing. Objectors filed a Rule 237 Request for Candidate on April 10, 2022.

Candidate filed a Subpoena Request on March 31, 2022, for the issuance of a Subpoena for Personal Appearance at the evidentiary hearing for the following individuals to discover the factual basis for the above allegations listed in Objectors' Petition, including the time, place, and manner in which the Objectors personally viewed a petition sheet or sheets substantially different from those filed by the Candidate: Richard Stubblefield; and Terry Swift. Objectors filed a

Response in Opposition to the Candidate's Subpoena Requests on April 1, 2022. It was the recommendation of the Hearing Officer that Candidate's Subpoena Requests be denied as Objectors are named parties to the proceeding whose appearance may be compelled consistent with a Rule 237 Notice to Appear. The Board agreed with the Hearing Officer's recommendation and denied the requested subpoenas for the testimony of the Objectors because a party may instead issue a Rule 237 notice to compel the appearance of the opposing party at an evidentiary hearing. Candidate filed a Rule 237 Request for Objectors on April 13, 2022.

On April 5, 2022, a records examination was conducted by staff of the State Board of Elections. The records review revealed that Candidate had collected a total of 724 signatures. There were 171 line objections reviewed at the records examination. At the conclusion of the records examination, there were 638 signatures considered valid (86 line objections were sustained, while 85 line objections were overruled). The Objection Summary Report reflecting the results of the staff records exam is attached to this Recommendation as Recommendation Exhibit A. After the records review, Candidate did have the required statutory minimum of not fewer than 400 signatures to be placed on the primary election ballot.

The Parties were given until Friday, April 8, 2022, at 5:00 p.m. to submit any Rule 9 evidence. The Parties filed a Joint Report on April 10, 2022, addressing stipulations, exhibits, evidence, and witnesses for the evidentiary hearing to be held in this matter.

On April 13, 202, Objectors filed a Second Subpoena Request for the issuance of a subpoena for Joe Dubose's testimony at the evidentiary hearing who is alleged to have been a political consultant for Candidate. Candidate responded in opposition to the Objectors' Subpoena Request. The Hearing Officer found the testimony of Mr. Debose to be relevant, and Objectors should be given the opportunity to question him as to the nominating petitions circulated and whether the petitions were altered after being signed by the voters as alleged in Objectors' Petition. It was the recommendation of the Hearing Officer that Objectors' Second Subpoena Request be granted for good cause shown over Candidate's objection, that the Board issued that Subpoena provided in Objectors' Second Subpoena Request, and that Mr. Debose be required to appear for to testify at the evidentiary hearing to be held in this matter. The Board agreed with the Hearing Officer's recommendation and issued the Subpoena.

An evidentiary hearing was held in this matter on Thursday April 14, 2022, at the Board office in Springfield, Illinois. Objector Terry Swift was present with his attorney, John Fogarty, Jr. Objector Richard Stubblefield did not attend the hearing despite being served with Candidate's 237 subpoena to appear.[1] Candidate was also present with his attorney, Sharee Langenstein. The Parties also submitted a Stipulation of the Parties (initially marked as Board Exhibit A but which should be Board Exhibit B), which stipulated, *inter alia*, that each circulator gathered signatures from petition signers on clean, unaltered petition sheets. In addition, Objectors introduced, in lieu of live testimony, Objectors' Exhibit A, deposition transcripts from

[1] Counsel for Objectors cited a medical issue regarding Mr. Stubblefield's failure to appear. Candidate's counsel requested a physician note. Objectors' counsel advised he would ask Mr. Stubblefield for one or have him withdraw as an objector if a physician's note was not provided. On April 15, 2022, the Hearing Officer received notification that Mr. Stubblefield was withdrawing. For the sake of clarity, however, this Recommendation will continue to use the term "Objectors".

four circulators and Candidate taken earlier in the week. Candidate had no objection to their admission. Candidate stood on his Motion to Dismiss and offered not addition arguments on it. Candidate also introduced 265 affidavits (Candidate's Group Exhibit C), which were originally submitted in support of Candidate's Reply to Objectors' Response to his Motion to Dismiss (and not as Rule 9 evidence).

Live testimony was taken from Candidate and Objector Swift. During his testimony, Candidate explained that when he returned home from Florida vacation, just prior to the filing deadline, he was made aware of an issue with his petitions having the wrong date but was told they were fixed in his absence. Candidate testified that two sets of petitioners were circulated on his behalf. The originals, which were not filed because they had a date issue on them were introduced as Candidate's Exhibit A and admitted into evidence without objection. It was this second set that was circulated which were filed (Board Exhibit A). Candidate testified he did not read the circulator's affidavit or the hearings when he signed. According to Candidate, the plan was to pick them up from a campaign member, Joe DuBois, in Springfield and take them for filing at the Board. Candidate contacted DuBois at 5:15 a.m. the morning they were filed, and DuBois told Candidate, he was getting in the shower and had another campaign associate, Josie Durbin, deliver them to Candidate in the hotel lobby. When Candidate got in line at the Board, he flipped thru them, looking at the first two pages and bottom to check on the date issue he was told was fixed. Candidate testified he did not notice any white-out or stickers on them at that time. The first time he learned about the white-out issue was when the Objection was filed. Candidate testified he did not know what was under any of the stickers or white-outs. Candidate testified he never asked DeBois or Durbin what happened to the petitions because Candidate did not want to know. When asked why he would not want to know that information, Candidate replied the less he knew about it the better off he thought he would be. Candidate testified he thought Durbin might be in a position to know. Candidate maintained Durbin was not associated with the campaign but was friends with DuBois.

During the evidentiary hearing, the Hearing Officer and the Parties examined the front and back side of each original of Candidate's filed petition sheets from Board Exhibit A, by holding it up to the light to observe the nature of the white-out and sticker modifications to the petition sheets. This review of each individual original petition sheet revealed what markings were on the original sheet, including what, if anything was whited-out under the stickers on the sheet and what the sticker modified, if anything, on the original sheet. The Parties then stipulated to the results of that examination which are attached hereto as Recommendation Exhibit B and addressed in detail in the analysis section, *infra*.

At the conclusion of the hearing, the Parties were given until 6:00 p.m. on April 15, 2022, to submit written closing arguments, which both Parties did.

In Objectors' Summation, Objectors argue, *inter alia*, because Candidate concedes that the nearly all the headings on the nominating petitions he submitted were altered after having been signed by voters they should all be stricken, which would leave him with fewer than 400 valid petition signatures and therefore not eligible to appear on the ballot.

In his closing argument, Candidate renewed his Motion to Dismiss Objectors' Petition, arguing, *inter alia*, it is vague and does not meet the necessary standard as it fails to specify what

illegal activity purportedly took place regarding Candidate's petitions. Candidate also argues the evidence from the evidentiary hearing demonstrates that Candidate has more than the 400 required valid signatures needed to remain on the ballot.

This recommendation followed.

ANALYSIS

I. Recommendation on Candidate's Motion to Dismiss

On March 31, 2022, Candidate filed a Motion to Dismiss the Objection, arguing the Objection is insufficient as a matter of law where, *inter alia*, it lacks factual statements, affidavits, or other evidence to support the timing of the alteration of the petition sheets or indicate why alteration after circulation would make the sheets invalid. Objectors responded on April 4, 2022, contending that they had adequately pleaded their case in their petition.

Here, Candidate's Motion to Dismiss is in the nature of a Section 2-615 motion to dismiss (735 ILCS 5/2-615), as it challenges the legal sufficiency of a pleading based on defects apparent on its face. *Marshall v. Burger King Corp*., 222 Ill. 2d 422, 429 (2006). "In ruling on a section 2-615 motion, only those facts apparent from the face of the pleadings, matters of which the court can take judicial notice, and judicial admissions in the record may be considered. [Citation.] The court must also accept as true all well-pleaded facts in the complaint and all reasonable inferences that may be drawn from those facts. [Citation.]" *K. Miller Construction Co. v. McGinnis*, 238 Ill. 2d 284, 291 (2010). The burden of proof in a proceeding to contest nominating petitions lies with the objector. *Hagen v. Stone*, 277 Ill. App. 3d 388, 390 (1995).

Under Section 10-8 of the Election Code, the nomination papers of a candidate "shall be deemed to be valid unless objection thereto is duly made." 10 ILCS 5/10-8. An objector's petition "shall state fully the nature of the objections *** to the petitions in question." *Id*. While Candidate argues Objectors should have attached affidavits or other evidence to support the purported timing of the alteration of the petition sheets, the Motion to Dismiss is in the nature of a 2-615 motion to dismiss in that it is a motion based on the Objection rather than the underlying facts and as a result, affidavits and other supporting materials may not be considered in ruling on the motion to dismiss. *Premier Electrical Construction Co. v. La Salle National Bank*, 115 Ill. App. 3d 638, 643 (1st Dist. 1983) (affidavits and other supporting materials may not be considered in ruling on section 2-615 motion to dismiss). Here, a review of the Objection demonstrates it adequately details Objectors' assertions that the petitions were altered after being signed by voters. Further, the Objection sufficiently addresses why altering already signed petitions would invalidate them. The Objection also contains references to each sheet that has been altered, identifies the challenged sheet by number, and identifies where on each the sheet the alteration has taken place. Accordingly, the Hearing Officer finds Objectors have fully stated the nature of their objections and recommends Candidate's Motion to Dismiss be denied as a result.

II. Recommendation on the Merits

During the evidentiary, it was discovered that, if held up to bright light, the original version of the Candidate's filed petitions (Board Exhibit A), as they seemed to appear when

signed by the voters, could be discerned, through the white out and through the labels that had been placed on those original petitions. The Hearing Officer and the Parties then proceeded to examine the front and back side of each original petition sheet by holding it up to the light to observe the nature of the white-out and sticker modifications to the petition sheets. This review of each individual original petition sheet revealed what markings were on the original sheet, including what, if anything was whited out under the stickers on the sheet and what the sticker modified, if anything, on the original sheet. The Parties then stipulated to the results of that examination which are attached hereto as Recommendation Exhibit B and detailed below.

There were 53 petition sheets which, per the Parties' stipulation, either changed the election year from 2021 to 2022 via white-out and sticker (only the last digit was changed from a 1 to a 2), contain the wrong year for the election (*i.e.*, 2021, instead of 2022), or leave the election date blank (collectively, the "Date Related Group").

Section 10-7 of the Election Code sets forth the requirements for the contents of nominating petitions. That section states, in relevant part, the following: "Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same." 10 ILCS 5/7-10. Notably, Section 10-7 does not contain a provision concerning the date of the election in which the candidate is seeking to be placed on the ballot. Accordingly, the Hearing Officer finds that the modifications to the petition sheet comprising the "Date Related Group" amount to a technical violation that had no effect on the guarantee of a free and honest election such that they should be removed from Candidate's total number of petitions. See *Siegel v. Lake County Officers Electoral Board*, 385 Ill. App. 3d 452, 461 (2008) (nomination paperwork substantially complied with Election Code despite incorrect date); see also *Wiggins v. Rogers*, 2019 IL App (1st) 190161, ¶ 22 (rejecting the objector's argument that that the candidate's failure to include the correct date of the primary election for which he sought to be nominated constitutes a failure to include necessary information on his nomination papers). Access to a position on the ballot is a substantial right which should not be lightly denied. *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1991). A minor error in a nominating petition should not result in a candidate's removal from the ballot. See *Ryan v. Landek*, 159 Ill. App. 3d 10, 15-16 (1987). Where the basis of an objection to a candidate's nomination papers concerns a technical violation of the Election Code that does not affect the legislative intent to guarantee a free and honest election, courts have found substantial compliance to be sufficient to prevent the removal of a candidate's name from the ballot. *Siegel*, 385 Ill. App. 3d at 461. The Hearing Officer therefore recommends the 53 petition sheets comprising the "Date Related Group" should be counted in Candidate's total number of petitions as the substantive modifications are to the election date only.

The 53 petition sheets comprising the "Date Related Group" contain 495 signatures. The records exam of these signatures shows 77 sustained objections for these sheets, meaning there are 418 valid signatures from the "Date Related Group".

There are also 2 petition sheets (47 and 51) which the Parties stipulated the only substantive change have Gary Carter whited-out and "Republican" added by sticker over it in the first blank on the petition sheet (collectively, the "Republican over Carter Group"). Even though

"Gary Carter" was whited out and "Republican" placed over his name after the voter signed these petition sheets, this modification is not material. The totality of these two petition sheets as to who the candidate was, and who his party was were not materially altered, as the heading of these two sheets had both Gary Carter's name (in the candidate's blank) and the Republican party referenced in other places in the heading of the petition sheet prior to any post white-out/sticker modification. Reading the nomination papers in totality as is required, the Hearing Officer recommends the 2 "Republican Over Carter Group" petition sheets, should be counted in Candidate's total number of petitions as the modifications are *de minimis*. A minor error in a nominating petition should not result in a candidate's removal from the ballot. See *Landek*, 159 Ill. App. 3d at 15-16. Where the basis of an objection to a candidate's nomination papers concerns a technical violation of the Election Code that does not affect the legislative intent to guarantee a free and honest election, courts have found substantial compliance to be sufficient to prevent the removal of a candidate's name from the ballot. *Siegel*, 385 Ill. App. 3d at 461.

The 2 petition sheets comprising the "Republican Over Carter Group" contain 20 signatures. The records exam of these signatures shows 1 sustained objection for these sheets, meaning there are 19 valid signatures from the "Republican Over Carter Group".

Finally, there were 22 petition sheets containing 209 signatures that the Parties stipulated showed the following: (i) the candidate's name was whited-out and the word "Republican" added by sticker over it; (ii) the county name was not replaced but added after the fact; (iii) the "116" for the representative district was not replaced but added after the fact; and (iv) the date of the election was whited-out but replace with the same date (collectively, the "Substantial Modification After Signing Group"). "Nominating petitions should be free from a 'basis for confusion' as to the office for which they are filed. A potential signatory to a nominating petition has the right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy." *Zapolsky v. Cook County Officers Electoral Board*, 296 Ill. App. 3d 731, 734 (1998). The Hearing Officer finds the petition sheets comprising the "Substantial Modification After Signing Group" should be excluded from Candidate's total number of petitions as the modifications materially affected the candidate's name, party affiliation, county, and district.

In sum, the records review revealed that Candidate had collected a total of 724 signatures. Subtracting from that number the 209 signatures from the "Substantial Modification After Signing Group" and the line-item objections that were sustained in the remaining petitions (78) still yields a total of 437 valid signatures for Candidate, broken down as follows: 418 valid signatures from the "Date Related Group", plus 19 valid signatures from the "Republican over Carter Group". Therefore, Candidate has 37 more signatures than the required statutory minimum of 400 signatures to be placed on the primary election ballot.

Objectors argue in their closing summation that "it is inconceivable that **material** terms in the headings of a candidate's petition sheet may be stricken after having been signed by voters" (emphasis added). The Hearing Officer's recommendation that the 22 petition sheets containing 209 signatures comprising the "Substantial Modification After Signing Group" squares with Objectors' contention in this regard. As detailed above, the "Date Related Group" and "Republican Over Carter Group" related to the date of the election, which should not be considered as having a material alteration and those petition sheets should be counted as a result.

Objectors also argue all Candidate's petition sheets should be disregarded based on the Board's decision in *Hernandez v. Jones*, 15 SOEB GP 106, Ill. State Bd. of Elections (2016), which is attached to their Summation. There, the candidate taped over all the information in the header of his petitions, while just changing the office he sought. However, *Hernandez* is not in conflict with the Hearing Officer's recommendation herein that the "Substantial Modification After Signing Group" be stricken because of the material nature of the alterations made to that group similar to changing the office sought as in Hernandez, *i.e.*, the candidate's name was whited-out and the word "Republican" added by sticker over it; (ii) the county name was not replaced but added after the fact; and (iii) the "116" for the representative district was not replaced but added after the fact. *Hernandez* is also distinguishable where the candidate there admitted under oath that he cut out signatures from his Senate Petitions and taped them onto pages of his Congressional petitions. No such similar evidence was presented in this matter.

Objectors also maintain that by filing altered petitions, Candidate has failed to file the original petition sheets signed by the voters and circulators pursuant to Section 8-8 of the Election Code (10 ILCS 8-8). However, section 8-8 specifies all petition sheets filed by a candidate "shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets." Here, Objector did not allege in his Objection that Candidate submitted photocopies or duplicates of the original sheets (see analysis as to petition sheet 63). The Hearing Officer finds Objectors' argument characterizing the altered petition sheets as imitations of the original sheets unpersuasive for Section 8-8 purposes.

Objectors also argue against Petition sheet number 63, containing 9 valid signatures (objection to line 2 was sustained), being counted as they maintain that sheet number 63 is a copy of sheet number 54. As Objectors' correctly note they did not plead the invalidity of this petition sheet. As such, Objectors' argument in this regard is waived. However, even assuming it was not waived, and those 9 signatures excluded, Candidate would still have enough valid signatures to remain on the ballot. Similarly, Objectors argue that the 6 of the 9 signatures on sheet number 50 must be stricken where the circulator testified during her deposition that she gathered only three signatures. Even striking those alleged 6 improper signatures for sheet number 50 and the 9 signatures from sheet number 63 from the 437 total arrived at above, would still leave Candidate with 422 valid signatures, *i.e.*, more that then the required 400 to remain on the ballot. As to Objector's argument that all the petitions circulated by Ms. Samford be invalidated, there is no evidence that there was any wrongdoing by Ms. Samford on any of the petitions she circulated. Rather, Objectors reference is to one petition page circulated by Melanie Jordan (which would result in only 6 signatures being invalidated). Accordingly, the Hearing Officer recommends the Objection Petition be denied.

CONCLUSION

Because Candidate **HAS** met the minimum signature requirement set forth in the Election Code, the Hearing Examiner recommends that Candidate's name **BE PLACED** on the ballot as a candidate for the office of Representative in the General Assembly from the 116th Representative District of the State of Illinois.

DATED: April 16, 2022

/s/ David A. Herman
David A. Herman, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of April, 2022, service of the foregoing document was made by electronic transmission from the office of the undersigned to the following individuals:

Richard L. Stubblefield and Terry Swift
c/o John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, IL 60613
fogartyjr@gmail.com

Gary Carter
c/o Sharee Langenstein
623 E. Campus Dr.
Carbondale, IL 62901
shareelangenstein@yahoo.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

/s/ David A. Herman
David A. Herman, Hearing Officer

David A. Herman, Reg. No. 6211060
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Fax: (217) 525-1710
dherman@giffinwinning.com

22SOEBGP104

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 FOR THE 116th REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS

Richard L. Stubblefield and Terry Swift,	)
	)
Petitioner-Objectors,	)
	)
vs.	)
	)
Gary Carter,	)
	)
Respondent-Candidate.	)

OBJECTORS' PETITION

Now come Richard L. Stubblefield and Terry Swift (hereinafter referred to as the "Objectors"), and state as follows:

1. Richard L. Stubblefield resides at 25 Wildwood Drive, Mt. Vernon, Illinois 62864, in the 116th 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 Nomination and Election to the Office of Representative in the General Assembly from the 116th 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. Terry Swift resides at 1333 State Highway 14, Benton, Illinois, 62812, in the 116th 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

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for Nomination and Election to the Office of Representative in the General Assembly from the 116th 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.

3. Your Objectors make the following objections to the nomination papers of Gary Carter ("the Nomination Papers") as a candidate for the Office of Representative in the General Assembly from the 116th Representative District of the State of Illinois, and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 116th Representative District of the State of Illinois the signatures of not less than 400 duly qualified, registered, and legal voters of the said 116th Representative District of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

5. Your Objectors state that the Candidate has filed 77 petition signature sheets containing 724 signatures of allegedly duly qualified, legal, and registered voters of the 116th Representative District of the State of Illinois.

6. Your Objectors state 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.

7. Your Objectors state that the Nomination Papers herein contested are void in their entirety. Each and every petition sheet submitted by the Candidate herein has been materially altered after being signed by purported registered voters in the 116th Representative District.

8. On each petition sheet, on the top line of the preamble, the name of the purported party of the undersigned signers has been whited out, and replaced with a sticker that says "Republican" after the purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

9. On each petition sheet, on the fifth line of the preamble, the name of the purported county of residence of the Candidate has been whited out, and replaced with a sticker that says "Wayne" after the purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

10. On each petition sheet, on the fifth line of the preamble, the name of the purported party for which the Candidate seeks to be nominated has been whited out, and replaced with a sticker that says "Republican" after the purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

11. On each petition sheet, on the sixth line of the preamble, the purported district number for which the Candidate seeks to be nominated has been whited out, and replaced with a sticker that says "116" after the purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

12. On petition sheet numbers 1-11; 13-36; 38-53; 55-60; 62; 64-73; and 76-77, on the last line of the preamble, the date of the election at which the Candidate purports to be nominated has been whited out, and replaced with a sticker that says "06/28/22" after the

purported registered voters have signed said petition sheet. Each such materially altered petition sheet must be invalidated.

13. On petition sheet numbers 12 and 37, on the last line of the preamble, the date of the election at which the Candidate purports to be nominated is listed as "06/28/21," such date being already past and not a date upon which an election could take place at which the Candidate could be nominated. Each such petition sheet should be invalidated for this defect, not only because the date of the election is incorrect, but because, pursuant to Section 7-10 of the Election Code, "the heading of each [petition] sheet shall be the same."

14. On petition sheet numbers 54, 61, 63, 74 and 75, on the last line of the preamble, there exists no date of the election at which the Candidate purports to be nominated. Each such petition sheet should be invalidated for this defect, not only because the date of the election is missing and therefore completely noncompliant with Section 7-10 of the Election Code, but because Section 7-10 also requires that "the heading of each [petition] sheet shall be the same."

15. Your Objectors state that the purpose of gathering signatures on nominating petitions is to ensure that a candidate has a modicum of support to justify placing that candidate's name on the primary ballot as a candidate of a particular party and for a particular office and at a particular election. Where the key information on a petition is altered after voters have signed a petition, the very purpose of that nominating petition is completely frustrated. At that point, it is impossible to determine whether a candidate has a modicum of support to have his or her name placed on the ballot of a particular party, for a particular office, or at a particular election.

16. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names and their signatures are therefore invalid, as more fully set

forth in the Appendix Recapitulation under Column A designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

17. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the One Hundred Sixteenth Representative District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNER RESIDES OUTSIDE DISTRICT" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

18. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under Column C designated "SIGNATURE NOT GENUINE / NOT SIGNED BY PROPER PERSON" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

19. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, as delineated under Column D of the Appendix Recap sheets, designated "SIGNED PETITION TWICE" at the sheet and line numbers indicated, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

20. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who purport to have signed the nominating petition but have failed to provide

a complete residence address, such incomplete signature and address information rendering such signature invalid, as more fully set forth in the Appendix-Recapitulation, under Column E designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

21. Your Objectors state that the Nomination Papers herein contested consist of various sheets purporting to contain the valid and legal signatures of 724 individuals. The individual objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 400.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Gary Carter as a candidate for the Office of Representative in the General Assembly for the 116th 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 Gary Carter as a candidate for the Office of Representative in the General Assembly for the 116th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTORS

Richard L. Stubblefield
25 Wildwood Drive
Mt. Vernon, Illinois 62864

Terry Swift
1333 State Highway 14
Benton, Illinois 62812

County of JEFFERSON)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Richard L. Stubblefield on this the 20th day of March, 2022, at MT. VERNON, Illinois.

Ramona S. Flanagan (SEAL)
NOTARY PUBLIC

My Commission expires: 01-06-2023

RAMONA S. FLANAGAN
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires Jan 06, 2023

County of FRANKLIN)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Terry Swift on this the 20th day of March, 2022, at BENTON, Illinois.

(SEAL)
NOTARY PUBLIC

My Commission expires: April 28, 2023

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April 28, 2025

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Jeff Rearden v. Travis Weaver
22 SOEB GP 106

Candidate: Travis Weaver

Office: Representative, 93rd Representative District

Party: Republican

Objector: Jeff Rearden

Attorney for Objector: John Fogarty

Attorney for Candidate: Burt Odelson & Ross Secler

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Residency – candidate has not resided in the 93rd Representative District for 2 years preceding the date of the 2022 General Election, nor has he resided for two years preceding the date of the 2022 General Election in a former Representative District that contains any territory that is contained in the newly-drawn 93rd Representative District as required by Article IV, §2(c) of the Illinois Constitution.

Dispositive Motions: None Filed.

Candidate's Answer and Affirmative Defenses to Objector's Petition: Filed 03/31/22. In addition to Answers to paragraphs 1-16 of Objector's objection petition, Candidate asserts affirmative defenses:

(1) Prior to January 2022, Candidate has maintained residence at either 6000 W. War Memorial Drive in Peoria, IL, his family home, or, since January 2022, at 6221 W. Route 150, Edwards, IL He proffers documentary evidence of such, including driver's licenses, a FOID card, his current lease, a W-2, voting history and driving records, and copies of renter's insurance bills.

(2) Candidate asserts the Peoria address was within the former 73rd Representative District, which portions of were redistricted into the new 93rd Representative District. Candidate asserts the Edwards address is within the 93rd Representative District.

(3) Candidate cites *Maksym v. Board of Election Commissioners*, 242 Ill 2d 303, 326 (2011) in stating "once residency is established, the test [for residency] is no longer physical presence, but rather abandonment." Candidate further relies on *Maksym*'s citation to *Stein*

v. County Bd. Of School Trustees, 40 Ill. 2d 477, 480 (1968), stating only when abandonment is proven is residence lost. And, again, to *Maksym*, stating that abandonment is determined by a party's intent, which can be found based on a person's declarations and his acts; and that once a residence has been established, the presumption is that it continues, and the burden of proof is on the party claiming a change in residence. *Id.* citing *Kreitz v. Behrensmeyer*, 125 Ill. 141, 195 (1888)

(4) Candidate maintains that prior to January 2022, he maintained and never abandoned his residence in Peoria, IL, and his current residence (as of January 2022) in Edwards, IL, is a home and is within the 93rd Representative District. As such, Candidate has satisfied the mandatory residency requirements as provided by law.

An evidentiary hearing occurred on 04/18/22.

Record Exam Necessary: No.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding Candidate satisfies the residency requirements for the office of Representative in the General Assembly and does so in applying the residency test enumerated in *Maksym v. Board of Election Commissioners of the City of Chicago*, 242 Ill.2d 303 (2011), noting specifically that questions of residency are best decided by discerning the intent of the Candidate. The Hearing Officer notes the following.

In 2017, Candidate rented an apartment at 208 W. Washington, in Chicago. He co-signed a lease with his roommate through March 2021. Candidate worked for Caterpillar at its Deerfield, Illinois, headquarters. In April 2020, Candidate's job went to remote work status, and Candidate moved from Chicago to his parents' house at 6000 War Memorial Drive, in Peoria. He occupied his childhood bedroom and established an office in another part of the house. Candidate's testimony was supported by affidavits from his father, mother, and sister. Candidate testified that because his name was on the lease, he continued to make rent payments on the Chicago apartment.

Candidate testified he spent approximately 100 nights a year in Chicago in 2017, 300 nights a year in 2018 and 2019, less than 60 in 2020, and less than 20 in 2021.

Candidate testified he had been in a relationship with Jennifer Benjamin beginning in February 2020, which ended because Ms. Benjamin wanted to live in Chicago and Candidate wanted to live in the Peoria area. Ms. Benjamin testified, and her testimony supported Candidate's assertions.

Objector offered demonstrative exhibits, not entered into evidence, of Candidate's Twitter account, last active in June 2020, which indicated a location of Chicago, and an entry from the Northwestern University Alumni Association, which indicated his address was in Chicago. Candidate testified the Twitter account, prior to being shut down, was last used in June 2020 and he did not recall applying for the Alumni Association entry.

In January 2022, it was established at the hearing, Candidate moved across the road from his parents' home into a house on a farm that had recently been purchased for conversion into a wedding venue. Candidate testified his landlord intends to convert a barn into a wedding venue, and the home Candidate currently occupies a bed and breakfast. Candidate produced a month-to-month lease for a one bedroom, one bathroom, and kitchen at the house across the road from his parents' residence.

By stipulation, exhibits showing that, during the period in which Candidate rented apartments in Chicago through the current date, his address appeared as 6000 W. War Memorial Drive in Peoria, IL. The documents proffered were: bank account statements, credit card statements, investment account statements, W-2s, driver's license, FOID card, cell phone bill, auto insurance policy, voter records.

On this information, the Hearing Officer recommends finding the testimony as a whole indicates that from the period of November 2020 through the filing date, the Candidate intended to be a resident of Peoria, IL, at his parents' house, and beginning January 2022, he intended to be a resident of his own residence in Edwards, IL. Both addresses qualify Candidate to run as a candidate in the 93rd Representative District. As such, the Hearing Officer recommends the Objector's objection be overruled and the Candidate's name be certified to the June 28, 2022, General Primary ballot.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

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 IN THE 93RD REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS

JEFF REARDEN,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	**2022 SOEB GP 106**
	)	
TRAVIS WEAVER,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in General Assembly for the 93rd Representative District in the State of Illinois.

2. The Objector's Verified Petition to the Nomination Papers of the Candidate was timely filed on March 21, 2022. In the Petition, the Objector raises objections including that the Candidate did not reside in the district in which he filed nominating papers.

3. On March 29, 2022, a pre-trial conference was held by telephone with John Fogarty, Jr. appearing on behalf of Objector and Ross Secler appearing on behalf of the Candidate.

4. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

5. On April 18, 2022 a trial was conducted via Zoom with John Fogarty appearing on behalf of the Objector and Ross Secler appearing on behalf of the Candidate.

6. The parties agreed that the issue to be decided is what was the Candidate's residence since November 2020.

7. Witnesses were sworn and testified.

8. Written evidence was offered by the Candidate, admitted by stipulation, and considered.

9. The Objector's attorney called the Candidate as an adverse witness and established that the Candidate, after graduating with an MBA from Northwest University, began employment with Caterpillar at its Deerfield, Illinois headquarters. In 2017 he rented an apartment at 208 W. Washington, in Chicago, and lived with a co-worker. Both signed a one-year lease.

Thereafter, in July 2018, they moved to 121 W. Chestnut in Chicago and signed a lease through March 2021 with both the Candidate and his roommate being on the lease.

In April 2020 the Candidate's job with Caterpillar went to remote work status due to the pandemic quarantine. Candidate testified, and his testimony was corroborated by his father and his sister, and an affidavit from his mother that he established a home office for a week at his sister's residence and at the end of the week he moved back into his parent's house, 6000 War Memorial Drive, which was a house on the family farm. The Candidate occupied his childhood bedroom and established an office in another part of his parent's residence.

His lease on 121 W. Chestnut ran through March 2021 and the Candidate testified that because he was on the lease he continued to pay rent through the end of the lease term while living at his parent's house in Peoria, IL.

The Objector's attorney elicited a response as to how many nights per year the Candidate spent in Chicago. The Candidate responded that in 2017 it was approximately 100 nights, in 2018 and 2019 it was approximately 300 nights per year, in 2020 it was less than 60 nights per year, and in 2021 less than 20 nights per year. The Candidate testified that while living in his parent's home he would make occasional trips to Chicago to visit friends on the weekends.

The Candidate testified that he had been in a dating relationship with Jennifer Benjamin starting in approximately February of 2020, shortly before the pandemic quarantine. Ms. Benjamin had lived in Chicago since 2011. At the conclusion of the quarantine, the Candidate testified that he returned periodically on weekends but that he and Ms. Benjamin ended their dating relationship because he wanted to live his life in Peoria and she wanted to live her life in Chicago. During the Candidate's portion of the trial the Candidate's attorney called Ms. Benjamin who corroborated that the reason for the agreement to end their dating relationship was her desire to live in Chicago and the Candidate's clear desire to continue his life in Peoria.

The Objector's attorney questioned the Candidate about two exhibits, one being a Twitter account with a last tweet in June 2020 which showed a location of Chicago. The Candidate testified that after that date he shut down his Twitter account. The Objector's attorney also presented an entry from the Northwestern University Alumni Association in which the Candidate's address is listed as Chicago, IL. The Candidate testified that he did not recall filling out any application and noted that if he had he would have put an address and phone number. The Objector's attorney indicated that the two written exhibits were demonstrative only and they were not offered nor accepted into evidence.

10. It was established that in January of 2022 the Candidate moved across the road from his parent's home into a house on a farm that had recently been purchased for conversion into a wedding venue with the Candidate indicating that his landlord intends to convert a barn to a wedding venue and the home that the Candidate currently occupies into a bed and breakfast. The Candidate produced a month-to-month lease for one bedroom, one bathroom and kitchen at

the house across the road from his parents. It was stipulated that this residence is within the newly constituted 93rd Representative District for the Illinois General Assembly.

11. By stipulation a large quantity of exhibits proffered by the Candidate were admitted into evidence. Each of the following documents shows that during the period in which the Candidate rented apartments in Chicago through the current date all of the following documents showed his parent's address at 6000 War Memorial in Peoria, Illinois:

Bank Account Statements;
Credit Card Statements;
Investment Account Statements;
W-2's from Caterpillar;
Driver's License;
FOID Card;
Cell Phone Bill;
Auto Insurance Policy; and
Voter Records showing Candidate voted in every general election
and some primaries in Peoria.

The Objector's attorney did not cross-examine the Candidate regarding any of the above documents and no rebuttal evidence regarding any of the above documents was offered.

12. The Illinois Supreme Court decided a residency issue in *Maksym v. Board of Election Commissioners of the City of Chicago,* 242 Ill.2d 303 (2011). That case stands for the proposition that questions of residency are best decided by discerning the intent of the Candidate.

13. The testimony taken as a whole clearly indicated that from the period November, 2020 through the filing date the Candidate intended to be a resident of Peoria in his parent's house and starting in January of 2022 in his own residence across the road. There is no dispute that his parent's house and his current address would qualify him to run in the 93rd Representative District.

14. It is the recommendation of the Hearing Officer that the Board find that the Objector failed to meet his burden of proof and Objectors' Petition be overruled and that the name of Travis Weaver DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 18, 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 18th day of April, 2022.

TO:

Objector or Atty Address & Email:

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste. 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (cell)
fogartyjr@gmail.com

Candidate/Atty Address & Email:

Burton S. Odelson & Ross D. Secler
3318 W. 95th Street
Evergreen Park, Illinois 60805
(708) 424-5678
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Illinois State Board of Elections
generalcounsel@elections.il.gov

Roger Holmes
Hearing Officer

ROGER W. HOLMES
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22SOEBGP 106

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE 93rd REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Jeff Rearden,	)
	)
Petitioner-Objector,	)
	)
vs.	)
	)
Travis Weaver,	)
	)
Respondent-Candidate.	)

OBJECTOR'S PETITION

Now comes Jeff Rearden (hereinafter referred to as the "Objector"), and states as follows:

1. Jeff Rearden resides at 1006 Irene Street, Pekin, Illinois 61554, in the 93rd 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 objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a candidate for nomination to the office of Representative in the General Assembly in the 93rd 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 objection to the nomination papers ("the Nomination Papers") of Travis Weaver ("the Candidate") as a candidate for nomination of the Republican Party to the office of Representative in the General Assembly in the 93rd 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:

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 03-21-22 3:42 PM

3. 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.

4. Your Objector states that in order to be eligible for nomination to the office of Representative in the General Assembly in the 93rd Representative District of the State of Illinois, a candidate must be A United State citizen, at least 21 years old, and for the two years preceding his or her election a resident of the district which he or she is to represent. IL CONST. Article IV, § 2(c).

5. The Illinois Constitution provides that "[i]n the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection." IL CONST. Article IV, § 2(c).

6. Your Objector states that the Candidate has, in his Statement of Candidacy, sworn that he resides at 6221 W. Route 150, Edwards, Illinois, 61528, and that he is otherwise eligible to hold the office of Representative in the General Assembly in the 93rd Representative District. The address identified by the Candidate in his Statement of Candidacy and on his nominating petitions is within the 93rd Representative District.

7. The Candidate is ineligible to be nominated to the office of Representative in the General Assembly in the 93rd Representative District. The Candidate has not resided in the 93rd Representative District for two preceding the date of the 2022 General Election, nor has he resided for two years preceding the date of the 2022 General Election in a former Representative

District that contains any territory that is contained in the newly-drawn 93rd Representative District.

8. Your Objector states that while the Candidate has sworn that he resides at 6221 W. Route 150, Edwards, Illinois, 61528, a review of public records indicate that that address is not a residence, but rather, the site of a wedding venue/event center.

9. Peoria County property records indicate that the property where the Candidate swears to reside is owned by Haven on the Farm, Inc., which purchased the property on or about November 24, 2021.

10. According to the Peoria Chamber of Commerce's Member Directory as well as Haven on the Farm's Instagram account, Haven on the Farm is "a wedding venue/event center." There is no indication in any public record that Haven on the Farm is a residential rental property.

11. Your Objector states that the Candidate has sworn that he resides at a business that he neither owns nor is a residence that he may apparently legally rent. Even if the Candidate does somehow reside at the wedding venue/event center, on information and belief, the Candidate could not have resided there prior to November 24, 2021, which is far less time than the required two years prior to the 2022 General Election.

12. Prior to November of 2021, on information and belief, the Candidate has resided in the Chicago area, and not in any Representative District that included any of the area that now comprises the 93rd Representative District.

13. On information and belief, the Candidate has lived and worked in Chicago or the Chicago area since at least March of 2017. The Candidate's Linked In profile indicates that he

has worked at Caterpillar, Inc., for several years and since March 2017 from the company's Chicago area offices.

13. The Caterpillar company's filings with the FEC for its corporate PAC discloses the Candidate's mailing address as its Deerfield office on Lake Cook Road beginning on or about August 2017. Beginning on or about April of 2020, Caterpillar's PAC filings list the Candidate's mailing address as 540 W. Madison Street, Chicago, IL.

14. On information and belief, the Candidate's social media accounts, while having been deleted shortly before he announced his candidacy a few months ago, have for years indicated that his home was "Chicago."

15. On information and belief, the Candidate earned an MBA from Northwestern University in Chicago and Evanston, in 2020. According to the Candidate's profile in the Northwestern University Alumni Association Directory, as late as January 28, 2022, the Candidate's "home city" is listed as Chicago.

16. Your Objector states that the Candidate herein is not eligible for the office of Representative in the General Assembly in the 93rd Representative District, because the Candidate cannot meet the residency requirement for said office.

WHEREFORE, your Objector prays that the purported Nomination Papers of Travis Weaver as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 93rd 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 Travis Weaver as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 93rd

Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTOR
Jeff Rearden
1006 Irene Street
Pekin, Illinois 61554

County of TAZEWELL)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Gerald J Anderson, the Objector, on this the 20th day of March, 2022, at PEKIN, Illinois.

(SEAL)

NOTARY PUBLIC

OFFICIAL SEAL
GERALD J ANDERSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:03/10/24

My Commission expires: 3/10/24

Chad Mayfield v. Tim Butler
22 SOEB GP 108

Candidate: Tim Butler

Office: Representative, 95th Representative District

Party: Republican

Objector: Chad Mayfield

Attorney for Objector: Kent Gray

Attorney for Candidate: John G. Fogarty, Jr.

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Objector argues that Candidate's nomination papers are insufficient as a matter of fact and law and should be invalidated. Objector argues that the Petition is insufficient as a matter of law because Section 8-8 of the Election Code, 10 ILCS 5/8-8, requires each circulator affidavit to certify that those signing were "qualified primary voters," but instead and allegedly in violation of Section 8-8, on 103 of Candidate's petition pages the circulator affidavit refers to petition signers as "registered voters." Objector argues, therefore, that since 103 pages have no valid circulator affidavit, they should be invalidated, which would leave Candidate with fewer signatures than required and invalidate the nomination papers in their entirety.

With respect to the circulator statement at the bottom of each petition page, Section 8-8 requires:

> In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition **qualified primary voters** for which the nomination is sought. 10 ILCS 5/8-8 (emphasis added).

Dispositive Motions:

Candidate's Motion to Strike Objector's Petition, filed 03/31/22. First, Candidate argues that Objector's Petition is legally insufficient because Objector fails to state his residence address, as

required by Section 10-8 of the Election Code, but instead states the address at which he is registered to vote. Section 10-8 provides in pertinent part,

> The objector's petition ***shall*** **give the objector's name and residence address**, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board. 10 ILCS 5/10-8 [emphasis added]

Candidate argues that compliance with the provisions of Section 10-8 of the Election Code are mandatory, and relies on *Pochie v. Cook County Officers Electoral Board*, 289 Ill.App.3d 585 (1st Dist. 1997), holding that where an objector does not provide their residence address, the mandatory requirement in Section 10-8 has been violated.

Second, Candidate argues that Objector's Petition fails as a matter of law because it attacks Candidate's nomination papers for using the phrase "registered voters" in place of "qualified primary voters", but that Section 3-1.2 establishes that the terms are interchangeable.

Third, Candidate argues Section 8-8 of the Election Code does not require a particular format be used for the circulator's affidavit, citing *O'Connor v. Cook County Officers Electoral Board*, 281 Ill.App.3d 1108 (1st Dist. 1996) in support of that proposition. Moreover, Candidate argues he has substantially complied with the Election Code and his nomination papers are legally sufficient.

Fourth, Candidate argues that Objector made no allegation that signatures on Candidate's nominating petitions were not made by "qualified primary voters" as required, and this undermines Objector's allegations of faulty circulator affidavits. As such, the objection is without merit in fact or law and should be stricken.

Finally, Candidate argues that public policy favoring ballot access Objector's Petition cannot suffice to disqualify the Candidate from the ballot.

<u>Objector's Response to Candidate's Motion to Strike Objector's Petition</u>, filed 04/04/22. Objector argues that in Section 8-8, the Illinois General Assembly purposely made provisions for its candidates similar to, but far stricter than the provisions governing everyone else (Articles 7 and 10). Candidate failed to abide by the required statutory certifications and should be removed from the ballot.

In response to Candidate's argument that "qualified voters" and "registered voters" are interchangeable terms, Objector argues that Section 3-1.2, which Candidate cites as primary evidence in support of this argument, cannot be read to include the term "qualified *primary* voter" [emphasis added] as used in Article 8. Objector asserts this is because a *qualified* voter differs significantly from a *registered* voter. That is, Objector argues, one can easily be registered at a location where they no longer reside because of, for example, becoming incarcerated or incompetent or being fraudulently registered. Further, Objector argues that Section 3-1.2 addresses petition signers and not circulators, and the statute cannot be read to incorporate both. Finally, Objector argues that both of the addresses that Objector provided (as an Objector in his Petition,

and under oath as a circulator for Candidate Kent Gray) are in the 95th Representative District; therefore, no violation has occurred.

Candidate's Reply in Support of Motion to Strike Objector's Petition, filed 04/06/22. Candidate reiterates that Objector failed to provide his residence address in the Objector's Petition, which is a fatal flaw and the objection should be dismissed on that basis.

Candidate goes on to argue that Objector has failed to prove his case. He has not provided case law in support of his contention that the requirements for candidates in Article 8 are intended to be any more or less strict than for candidates for other offices. With respect to Objector's reading of Section 3-1.2, Candidate argues the interpretation is simply inaccurate. Objector's Petition must be dismissed because it fails to identify any individual who improperly signed Candidate's petition. Finally, Candidate argues that although Objector contends that Section 3-1.2 does not apply, he has provided no legal basis for the assertion; therefore, it should be rejected.

Record Exam Necessary: No.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: Hearing Officer found that Objector's petition failed to comply with the mandatory requirement of Section 10-8 to state the objector's residence address in the petition, and such an omission is a fatal flaw pursuant to the Election Code and the holding in *Pochie v. Cook County Officers Electoral Board*, 289 Ill.App.3d 585 (1st Dist. 1997).

With respect to use of the term "registered voter" in the circulator affidavit as opposed to "qualified primary voter", the Hearing Officer noted the clear language in Section 3-1.2, which establishes the interchangeability of the two terms at issue.

On these bases, he Hearing Officer recommends that the Board grant Candidate's Motion to Strike Objector's Petition and strike, or alternatively overrule, the objection, and the name of Tim Butler should appear on the ballot as a Republican party candidate for the office of Representative for the 95th Representative District of the State of Illinois to be voted upon at the Primary Election on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

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 95TH REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS

CHAD MAYFIELD,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	**2022 SOEB GP 108**
	)	
TIM BUTLER,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative for the 95th Representative District in the State of Illinois.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on March 21, 2022.

3. An initial case management conference on this matter was held on March 29, 2022. The Objector was present by Attorney Kent Gray, in person and the Candidate was present by Attorney John Fogarty, Jr. by telephone.

4. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

5. The Objector's Petition raises a single issue alleging that 10 ILCS 5/8-8 requires that the Petition Circulator must state that all persons signing were "qualified primary voters." The Objection goes on to state that failure to use the term "qualified primary voters" leaves the Candidate with no validly submitted signatures on his nomination papers.

6. The Candidate then timely filed a Motion to Strike Objector's Petition, the Objector filed a Response thereto and the Candidate filed a Reply in Support of his Motion to Strike Objector's Petition.

7. In the Candidate's Motion to Strike Objector's Petition the Candidate raises two bases in support of the Motion to Strike. First, the Candidate claims that the Objector violates 10 ILCS 5/10-8 which requires, *inter alia,* that the Objector shall state his residence address. In the Objector's Petition Chad Mayfield states that he is "a duly qualified, legal and registered voter at 4528 Venetian, Springfield, Illinois 62703 in the City of Springfield, County of Sangamon and State of Illinois." At no point does Chad Mayfield state in the unverified Objector's Petition that the address given is his residence. The Candidate attaches to his Motion to Strike Exhibit A which contains three pages of Nominating Petitions passed for Candidate Kent Gray by Circulator, Chad Mayfield, who states under oath that he lives at 3106 Concord Drive, Apt. D in Springfield, Sangamon County, Illinois. The Candidate states that the failure of the Objector to state his residence in the Objection is a fatal flaw pursuant to both the Election Code and the case of *Pochie v. Cook County Officer's Electoral Board,* 289 Ill App. 3d, 585 (1st Dist. 1997).

Pochie is cited for the proposition that the requirements of 10-8 of the Election Code, including the requirement that the Objector state his residence address, are mandatory and, therefore, fatal to the Objector's Petition.

8. On April 12, 2022, the parties, by their respective attorneys, presented in person arguments before the Hearing Officer in support of their positions.

9. The Objector's response to the argument that Section 10-8 of the Code requires that the Objector state his residence address is that a person can have a voting address while living at another address and that both addresses, given by the Objector in his Objection and given by the Objector as a Petition Passer for Candidate Kent Gray under oath, are in the 95th Representative District. It is significant to note that Mayfield, the Objector, uses the Venetian registered voter address AFTER he states under oath as a Petition Passer, that he <u>resides</u> on Concord.

10. The Candidate's Motion to Strike the Objector's Petition based on the failure to comply with the mandatory requirement that his residence address appear within the Objection is well taken.

11. The Candidate's Motion to Strike next addresses the position of the Objector in his Objection Petition that the Candidate's failure to use the phrase, "qualified primary voter" in the Petition Circulator's Certification of the Candidate's Nominating Petitions is a fatal flaw to the survival of the Nominating Petitions and results in Petitions with no valid signatures. The Objector takes the position that this phrase appears in Article 8 of the Election Code at 8-8 and that Article 8, which applies only to the General Assembly, contains more rigorous requirements for nomination than any other office in the State of Illinois and the Objector claims that other less restrictive interpretations appearing in other articles of the code are inapplicable. The Objector provides no caselaw in support of that position.

12. In the Candidate's Motion to Strike the Candidate makes reference to Section 3-1.2 of the Election Code for the proposition that the phrases "qualified primary voters" (as urged

by Objector) or "registered voters" (as used by the Candidate's Petition Circulators) are equivalent and that those phrases may be used interchangeably.

Section 3-1.2 states:

> Sec.3-1.2 Eligibility to sign petition. For the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question the terms "voter", "registered voter", "qualified voter", 'legal voter", "elector", "qualified elector", "primary elector" and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the Petition..."

13. It is significant to note that when Section 3.1.2 uses the phrase, "as used in this Code," it includes no limitation to the Code such as that it does not apply to Article 8. This undermines the Objector's position that Article 8 imposes a more strict interpretation than found in Section 3.1.2.

14. The Candidate argues that the Objector's position elevates form over substance in light of the equivalency of terms in Section 3-1.2. The Candidate in his Motion to Strike compares paragraphs of 8-8 of the Election Code (the section upon which the Objector focuses) to show the interchangeability of terms. Paragraph 4 of Section 8-8 uses the term "qualified primary electors," while Paragraph 6 of that same Section uses simply "primary electors," and Paragraph 8 of that Section uses the term, "qualified primary *voters* (emphasis added)."

15. The Candidate's position on the issue of the equivalency in his Motion to Strike Objector's Petition of the terms "qualifed primary voters" and the term "registered voters" is well taken.

16. Based upon both bases of Candidate's Motion to Strike Objector's Petition it is the recommendation of the Hearing Officer that the Objectors' Petition be stricken or in the alternative overruled and that the name of Tim Butler DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 13th 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 15th day of April, 2022.

TO:

Objector or Atty Address & Email:

Kent Gray
Attorney at Law
P.O. Box 13084
Springfield, Illinois 62791
(217) 836-2262
kentgray@kentgray.com
kentgray@springnet1.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Address & Email:

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste. 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (cell)
fogartyjr@gmail.com

Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

SBE 108

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 95TH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS.

IN THE MATTER OF THE OBJECTIONS	)
OF CHAD MAYFIELD TO THE	)
NOMINATION PAPERS OF TIM	)
BUTLER, OF 1638 N. 5TH STREET,	)
SPRINGFIELD, IL 62702, AS A CANDIDATE	)
FOR NOMINATION OF THE REPUBLICAN	)
PARTY TO THE OFFICE OF	)
REPRESENTATIVE IN THE GENERAL	)
ASSEMBLY FROM THE 95TH DISTRICT	)
OF THE STATE OF ILLINOIS TO BE VOTED	)
ON AT THE JUNE 28, 2022 PRIMARY	)
ELECTION.	)

OBJECTOR'S PETITION

INTRODUCTION

Chad Mayfield, hereinafter sometimes referred to as the "Objector," states as follows:

1. Objector Chad Mayfield is a duly qualified, legal and registered voter at 4528 Venetian, Springfield, Illinois, 62703 in the City of Springfield, County of Sangamon and State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly, 95th District for the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objection to the purported nomination papers ("Nomination Papers") of Tim Butler as a candidate for the office of Representative in the General Assembly, 95th District for the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by Illinois law. Filings made contrary to such requirements of law must be voided, being in violation of the election integrity statutes made and provided. One such Illinois law requires that "In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18

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years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought." Illinois Election Code, *see* 10 ILCS 5/8-8.

5. Your Objector states that the candidate has filed 103 pages of Petitions failing to Certify, under sworn oath, as required by the Illinois law, *see* 10 ILCS 5/8-8, that the Petition Circulator states that the persons so signing were "qualified primary voters". The failure or refusal to make such certification is insufficient at law.

6. Your Objector states that the lack of a complete Circulator certification renders those signatures submitted invalid, thus leaving Tim Butler far below the 400 signatures required to be placed on the ballot.

7. Your Objector states that due to the above-listed deficiency in the Nomination Papers, no signatures were validly submitted. The Nomination Papers are invalid in their entirety.

8. Your Objector states that in this time of heightened civic concern that the election integrity laws of our state and nation be faithfully complied with, it would be improper, in addition to being illegal under Illinois law, to allow Tim Butler to gain access to the Illinois ballot after failing or refusing to follow the law.

9. Your Objector notes that this particular section of the Illinois Election Code has been amended through action by the Illinois General Assembly on multiple occasions during Tim Butler's service as a State Representative. This particular requirement of Illinois election law has regularly been reviewed and voted on by Representative Butler during his tenure in office and no good reason exists for his failure or refusal to abide by the law he, in fact, voted on.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) a ruling that the Nomination Papers are insufficient in law and fact, and c) a ruling that the name of Tim Butler shall not appear and not be printed on the ballot for either nomination or election to the office of Representative in the General Assembly, 95th District for the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022 or General Election to be held on November 8, 2022.

Respectfully Submitted,

Chad Mayfield

Petitioner-Objector Chad Mayfield (signature)

Attorney for Petitioner-Objector

Kent Gray, Attorney at Law
PO Box 13084
Springfield, IL 62791

Joe Alexander v. Mary J. Burress
22 SOEB GP 109

Candidate: Mary J. Burress

Office: Representative, 87th Representative District

Party: Republican

Objector: Joe Alexander

Attorney for Objector: Kent Gray

Attorney for Candidate: John Fogarty

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Circulator affidavit allegedly violates Section 8-8 of the Election Code, 10 ILCS 5/8-8, as it does not include the language "qualified primary voters" but instead uses the phrase "registered voters."

Dispositive Motions: Candidate's Motion to Strike and Dismiss Objector's Petition filed 03/31/22. Candidate moves to strike the entirety of Objector's petition on the grounds that Objector's claim that Candidate's nominating petitions are legally and materially deficient due to alleged defects in the circulators' affidavits is a spurious claim unsupported by authority. Specifically, Objector's allegation that the circulators' use of the phrase "registered voters" instead of "qualified primary voters" of the Republican Party does not rise to the level of invalidating Candidate's nomination papers. Candidate makes the following arguments:

First, she argues, under Section 3-1.2 of the Election Code, the phrases "qualified primary voters" and "registered voters" of a party are interchangeable when determining eligibility to sign a nominating petition, and as such, are equivalent. Candidate quotes 10 ILCS 3-1.2:

> Eligibility to sign petition. For the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question the terms "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector" and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. . . .

Candidate argues that Section 8-8 of the Election Code also uses the terms elector, primary electors, qualified primary electors, qualified primary voters, and voters interchangeably and quotes paragraph 4's usage of qualified voters, paragraph 5's use of qualified primary electors, paragraph 6's use of primary electors, paragraph 7's use of qualified primary elector, paragraph 8's usage of qualified primary voters, and paragraph 10's use of voters.

Second, Candidate argues, Section 8-8 of the Election Code does not require a particular format be utilized for a candidate's circulator affidavit. Candidate cites to *O'Connor v. Cook County Officers Electoral Board*, 281 Ill.App.3d 1108, 667 N.E.2d 672 (1st Dist. 1996), in arguing Illinois courts have held the format of a circulator's affidavit is merely suggestive or directory, and not a mandatory requirement. Even if mandatory, Candidate argues, the requirement may be satisfied by substantial compliance, citing *Courtney v. County Officers Electoral Board*, 314 Ill.App.3d 870 (1st Dist. 2000); *Panarese v. Hosty*, 104 Ill.App.3d 627 (1st Dist. 1982). Literal compliance is not required with respect to the technical requirements of election laws, as opposed to those requirements intended to guarantee a fair and honest election. *Madden v. Schumann*, 105 Ill.App.3d 900, 435 N.E.2d 173 (1st 1982). A minor error in a candidate's nominating papers should not result in a candidate's removal from the ballot. *Sullivan v. County Officers Electoral Board*, 225 Ill.App.3d 691 (2d Dist. 1992). Candidate's phrasing, she argues, is substantially compliant with Section 8-8 of the Election Code.

Third, Candidate argues that Objector makes no allegation that any signature on Candidate's nomination petitions was not made by a qualified primary voter, and his objection is an attempt to exalt form over substance and, as such, is faulty.

Fourth, Candidate argues that Illinois' public policy favoring ballot access requires Objector's objection be overruled.

<u>Objector's Response to Candidate's Motion to Strike and Dismiss</u> filed 04/04/22. In his response, Objector argues the determination of mandatory versus directory provisions is a question of legislative intent. Objector cites *People ex rel. Agnew v. Graham*, 267 Ill. 426 (1915), in arguing whether a statute is mandatory or directory does not depend upon its form but depends upon the legislative intention, to be ascertained from a consideration of the entire act, its nature, its object, and the consequences which would result from construing it one way or another. Objector argues the General Assembly intended to provide stricter requirements for candidates to the General Assembly as the requirements for those candidates are found in their own, distinct Article of the Election Code, Article 8. Within Article 8, Objector argues, the word shall appears 8 times, as opposed to only twice within Article 7.

Second, Objector argues that Candidate's citation to Section 3-1.2 in her reliance of the interchangeability of "qualified voter" and "registered voter" conflates the issue before the Board. Objector states Section 3-1.2 does not include and cannot be read to include the term qualified primary voter as it is used in Section 8-8 because "qualified primary voter" is not included therein. Objector argues "qualified" voter is distinct from "registered" voter because one can be registered at a location they no longer live at, have lost their ability to vote through criminal behavior or incompetency, or be registered to vote through artifice. These possibilities, Objector argues,

evidence that one can be a registered voter, but not a qualified voter, and the language of Section 8-8 requires only those in the latter category as valid circulators of a nomination petition for a candidate for the General Assembly. Finally, Objector argues that Section 3-1.2 concerns petition signers, not petition circulators – a mandatory distinction.

Candidate's Reply to Objector's Response to Candidate's Motion to Strike and Dismiss filed 04/06/22. In her Reply, Candidate argues the Objector fails to provide any case that has ever held that the ballot access requirements for candidates for the General Assembly are intended to be any more or less strict than of candidates for other office, only conjecture. She states Objector fails to address the cases cited by Candidate that establish that mandatory requirements of the Election Code may be satisfied by substantial compliance, and, as such, this argument is conceded.

Candidate argues Objector's explanation of his argument that Section 3-1.2 does not apply to Section 8-8 does not cite to authority and ignores that "voter" and "elector" have the exact same meaning per Section 3-1.2, and "qualified primary elector" is explicitly included in Section 3-1.2. This inclusion, Candidate argues, negates Objector's distinction between "qualified" voter and "registered" voter.

Candidate argues that because Section 3-1.2 concerns petition signers, and circulators must make certifications as to petition signers, it is controlling in this matter. Candidate also notes Objector's argument that Section 8-8 does not include Section 3-1.2 is made without support of authority and should be rejected.

Finally, Candidate argues Objector ignores, and therefore concedes, the Candidate's argument that his Objector's petition must be dismissed because it fails to identify any individual who improperly signed Candidate's petition because they were not a qualified primary elector. On this ground, she argues, Objector's petition must be dismissed.

Record Exam Necessary: No.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends Candidate's Motion to Strike and Dismiss be granted based on finding Section 3-1.2 of the Election Code contains the phrase "as used in this Code" without exception to Article 8, and the Candidate's position of the equivalency of the terms "qualified primary voters" and "registered voters" is well taken. As such, the Hearing Officer recommends finding the use of "registered voters" as opposed to "qualified primary voters" in the circulator statement(s) on a nominating petition is not a fatal flaw to the survival of nominating petitions which would result in petitions with invalid signatures.

In recommending such, the Hearing Officer further recommends the name of Mary J. Burress be certified as a Republican candidate for the office of Representative in the 87th Representative District of the State of Illinois on the June 28, 2022 General Primary Ballot.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

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 87TH REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS

JOE ALEXANDER,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	**2022 SOEB GP 109**
	)	
MARY J. BURRESS,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative for the 87th Representative District in the State of Illinois.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on March 21, 2022.

3. An initial case management conference on this matter was held on March 29, 2022. The Objector was present by Attorney Kent Gray, in person and the Candidate was present by Attorney John Fogarty, Jr. by telephone.

4. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

5. The Objector's Petition raises a single issue alleging that 10 ILCS 5/8-8 requires that the Petition Circulator must state that all persons signing were "qualified primary voters." The Objection goes on to state that failure to use the term "qualified primary voters" leaves the Candidate with no validly submitted signatures on her nomination papers.

6. The Candidate then timely filed a Motion to Strike Objector's Petition, the Objector filed a Response thereto and the Candidate filed a Reply in Support of his Motion to Strike Objector's Petition.

7. On April 12, 2022, the parties, by their respective attorneys, presented in person arguments before the Hearing Officer in support of their positions.

8. The Candidate's Motion to Strike addresses the position of the Objector in his Objection Petition that the Candidate's failure to use the phrase, "qualified primary voter" in the Petition Circulator's Certification of the Candidate's Nominating Petitions is a fatal flaw to the survival of the Nominating Petitions and results in Petitions with no valid signatures. The Objector takes the position that this phrase appears in Article 8 of the Election Code at 8-8 and that Article 8, which applies only to the General Assembly, contains more rigorous requirements for nomination than any other office in the State of Illinois and the Objector claims that other less restrictive interpretations appearing in other articles of the code are inapplicable. The Objector provides no caselaw in support of that position.

9. In the Candidate's Motion to Strike the Candidate makes reference to Section 3-1.2 of the Election Code for the proposition that the phrases "qualified primary voters" (as urged by Objector) or "registered voters" (as used by the Candidate's Petition Circulators) are equivalent and that those phrases may be used interchangeably.

Section 3-1.2 states:

> Sec.3-1.2 Eligibility to sign petition. For the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question the terms "voter", "registered voter", "qualified voter", 'legal voter", "elector", "qualified elector", "primary elector" and "qualified primary elector" as used in this Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the Petition..."

10. It is significant to note that when Section 3.1.2 uses the phrase, "as used in this Code," it includes no limitation to the Code such as that it does not apply to Article 8. This undermines the Objector's position that Article 8 imposes a more strict interpretation than found in Section 3.1.2.

11. The Candidate argues that the Objector's position elevates form over substance in light of the equivalency of terms in Section 3-1.2. The Candidate in her Motion to Strike compares paragraphs of 8-8 of the Election Code (the section upon which the Objector focuses) to show the interchangeability of terms. Paragraph 4 of Section 8-8 uses the term "qualified primary electors," while Paragraph 6 of that same Section uses simply "primary electors," and Paragraph 8 of that Section uses the term, "qualified primary *voters* (emphasis added)."

12. The Candidate's position on the issue of the equivalency in her Motion to Strike Objector's Petition of the terms "qualifed primary voters" and the term "registered voters" is well taken.

13. It is the recommendation of the Hearing Officer that the Objector's Petition be stricken or in the alternative overruled and that the name of Mary J. Burress DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 13, 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 13th day of April, 2022.

TO:

Objector or Atty Address & Email:

Kent Gray
Attorney at Law
P.O. Box 13084
Springfield, Illinois 62791
(217) 836-2262
kentgray@kentgray.com
kentgray@springnet1.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Address & Email:

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste. 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (cell)
fogartyjr@gmail.com

Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

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 87TH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS.

IN THE MATTER OF THE OBJECTIONS	)
OF JOE ALEXANDER TO THE	)
NOMINATION PAPERS OF MARY J.	)
BURRESS, OF 713 DEERFIELD DRIVE,	)
PEKIN, IL 61554, AS A CANDIDATE	)
FOR NOMINATION OF THE REPUBLICAN	)
PARTY TO THE OFFICE OF	)
REPRESENTATIVE IN THE GENERAL	)
ASSEMBLY FROM THE 87TH DISTRICT	)
OF THE STATE OF ILLINOIS TO BE VOTED	)
ON AT THE JUNE 28, 2022 PRIMARY	)
ELECTION.	)

OBJECTOR'S PETITION

INTRODUCTION

Joe Alexander, hereinafter sometimes referred to as the "Objector," states as follows:

1. Objector Joe Alexander is a duly qualified, legal and registered voter at 311 North Jackson Street, Clinton, Illinois, 61727 in the City of Clinton, County of DeWitt and State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly, 87th District for the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objection to the purported nomination papers ("Nomination Papers") of Mary J. Burress as a candidate for the office of Representative in the General Assembly, 87th District for the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Your Objector states that the Illinois Election Code provides that "The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section." 10 ILCS 5/8-8.

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STATE BD OF ELECTIONS
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AT 03-21-22 4:57 PM

5. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by Illinois law. Filings made contrary to such requirements of law must be voided, being in violation of the election integrity statutes made and provided. One such Illinois law requires that "In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought." Illinois Election Code, *see* 10 ILCS 5/8-8.

6. Your Objector states that the candidate has filed 92 pages of Petitions failing to Certify, under sworn oath, as required by the Illinois law, *see* 10 ILCS 5/8-8, that the Petition Circulator states that the persons so signing were "qualified primary voters". The failure or refusal to make such certification is insufficient at law.

7. Your Objector states that the lack of a complete certification by the Petition Circulator renders those signatures submitted invalid, thus leaving Mary J. Burress far below the 400 signatures required to be placed on the ballot.

8. Your Objector states that due to the above-listed deficiency in the Nomination Papers, no signatures were validly submitted. The Nomination Papers are invalid in their entirety.

9. Your Objector states that in this time of heightened civic concern that the election integrity laws of our state and nation be faithfully complied with, it would be improper, in addition to being illegal under Illinois law, to allow Mary J. Burress to gain access to the Illinois ballot after failing or refusing to follow the law.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) a ruling that the Nomination Papers are insufficient in law and fact, and c) a ruling that the name of Mary J. Burress shall not appear and not be printed on the ballot for either nomination or election to the office of Representative in the General Assembly, 87th District for the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022 or General Election to be held on November 8, 2022.

Respectfully Submitted,

Petitioner-Objector Joe Alexander (Signature)

Attorney for Petitioner-Objector
Kent Gray, Attorney at Law

PO Box 13084
Springfield, IL 62791

Thomas J. Brown v. John Elleson
22 SOEB GP 500

Candidate: John Elleson

Office: U.S. Representative, 9th Congressional District

Party: Republican

Objector: Thomas J. Brown

Attorney for Objector: Daniel J. Kelley

Attorney for Candidate: N/A – Pro Se

Number of Signatures Required: 400

Number of Signatures Submitted: 528

Number of Signatures Objected to: 355

Basis of Objection: Nomination papers include petition pages with signatures from persons whose signatures are not genuine; who are not registered voters at the addresses shown opposite their respective names; whose addresses are not within the 9th Congressional District; whose addresses are missing or incomplete; who signed the petition more than once; or who printed rather than signed their signature. Alleges a pattern of fraud as a result thereof.

Dispositive Motions: Candidate's Motion to Dismiss Objection Petition filed 03/30/2022. Candidate moves to dismiss the entirety of Objector's objection petition on the grounds Candidate was mailed a copy of the objection petition after the period provided in 10 ILCS 5/10-8. Candidate states Objector filed his petition on March 15, 2022, and the State Board of Elections mailed it to the candidate on March 23, 2022. Candidate also states the Objector's allegations are untruthful and has indiscriminately objected to individual signatures.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 03/30/2022. In his Response, Objector argues that the procedures concerning the method of service and timing of transmittal of the objections to candidates are directory rather than mandatory, citing *Shipley v. Stephenson County Electoral Officers Board*, 130 Ill.App.3d 900, 474 N.E.2d 905 (1985). Objector further argues that none of the arguments in Candidate's Motion to Dismiss set forth sufficient grounds to invalidate Objector's petition, noting specifically that the purpose of requiring nominating petitions is to reduce the electoral process to manageable proportions by confining the ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters, citing to *Salgado v. Marquez*, 356 Ill.App.2d 1072, 828 N.E.2d 805 (2005). Objector argues that the ballot access provisions of Sections 7-10 and 10-8 do not place an unconstitutional burden upon prospective candidates and

sufficiently guard against frivolous challenges before a neutral body, citing *Kristov v. Rednour*, 946 F.Supp 563 (1996), and reiterates the requirements that nomination petitions must contain the signatures of not fewer than 400 duly qualified, registered, and legal voters of Illinois' 9th Congressional District.

Candidate's Reply to Objector's Response to Candidate's Motion to Dismiss filed 03/31/22. In his reply, Candidate reiterates his initial arguments in the Motion to Dismiss, and specifies that all signatures were from registered voters with all stating they were a part of "Congresswoman Jan's District." He further argued that "much of the 9th District" has changed during the latest redistricting, that most voters are just learning what congressional district they are now in, and the State Board of Elections updated the congressional map to the new map a week before the Reply was filed and after the deadline for filing. He requests the Board lower the number of required signatures from 400 to "an amount that is proportionate to the 9th [C]ongressional [D]istrict voters who have been moved to another district" by redistricting.

Record Exam Necessary: Yes. The Record Exam was conducted on 04/05/22. Objector objected to 355 lines. 285 of those objections were sustained, 70 were overruled, and as a result, Candidate had 243 valid signatures, 157 under the statutory minimum of 400.

Candidate's Objection filed 04/08/22. Within the Rule 9 Hearing period, Candidate filed an objection to the record exam results. Within the objection, Candidate reiterated the arguments related to signatures deemed outside the district and requested that out of district signatures not be treated as invalid or, in the alternative, that the 400-signature requirement be numerically and proportionally lowered. In support of his argument, Candidate cited to the delay in positing congressional maps on the SBE's website and on the website of current officeholders in the district.

Objector's Response filed 04/09/22. In response to Candidate's Objection, Objector argues the Electoral Board has no basis to ignore record exam results, and that the objection is not a proper Rule 9 Motion or its equivalent, as it does not challenge specific rulings. To Candidate's request to lower signature requirements, Objector notes the signature requirements were reduced by one-third by the General Assembly. To Candidate's claim the objection petition was indiscriminate in its objected lines, Objector notes 70.2% of the objected lines were sustained and, as such, the objection was not defamatory or baseless.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends denying Candidate's Motion to Strike and Dismiss, as Objector's objection petition was timely filed, evidenced by the timestamp thereon, the Objector is not responsible for mailing the objection petition to the Candidate, and Objector has meritorious grounds to have Candidate's Motion to Strike denied, as no valid grounds to grant the motion exist.

The Hearing Officer notes the relief requested in Candidate's Objection filed 04/08/22 is beyond the purview of the Hearing Officer and adopts the results of the record exam, indicating the candidate has filed 243 valid signatures, 157 fewer than the 400 signatures required for the office sought.

As such, the Hearing Officer recommends the Objector's petition be sustained and the name of John Ellison not appear on the ballot for the June 28, 2022, Primary Election.

Candidate's Response to the Recommendation of the Hearing Officer filed 04/15/22. In response to the recommendation of the Hearing Officer, the Candidate filed a response reiterating his requested relief of either not deeming those signatures found to be outside the 9th Congressional District invalid or reducing the number of required signatures for this office proportionally by the percentage of voters within which were moved to another district.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

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 UNITED STATES CONGRESS FOR THE REPUBLICAN PARTY, 9TH CONGRESSIONAL DISTRICT IN THE STATE OF ILLINOIS FOR THE JUNE 28, 2022 PRIMARY ELECTION

THOMAS J. BROWN,	)	
	)	
Petitioners-Objectors,	)	
	)	
v.	)	**2022 SOEB GP 500**
	)	
JOHN ELLESON,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in Congress for the 9th Congressional District in the State of Illinois.

2. The Objector's Verified Petition to the Nomination Papers of the Candidate was timely filed on March 15, 2022. In the Petition, the Objector raises objections including that the nominating papers contained insufficient true or genuine signatures for the reasons set forth in the Verified Objector's Petition.

3. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 29, 2022.

4. On or about April 5, 2022 a Records Examination was conducted pursuant to Rule 9 of the Duly Adopted Rules of Procedure.

5. The duly completed Objection Summary Report, attached hereto and made a part hereof shows that:

a) 355 of the total 528 signatures were objected to;
b) 285 of the 355 objections were sustained;
c) 400 signatures were required; and

d) 243 valid signatures remained leaving the Candidate 157 signatures short of the required minimum.

6. On April 8, 2022 the Candidate filed a document titled "Candidate's Objection." The Candidate's filing does not object to staff rulings on specific signatures and is not supported by any affidavit as contemplated by Rule 9 of the duly adopted Rules of Procedure. Instead the Candidate makes a broad brush objection based upon his assertion that the State Board of Elections did not, in his opinion, timely inform the public and this Candidate regarding the geographic make-up of the 9th Congressional District. The Candidate lays blame on the Board for his presenting numerous signatures from voters not living in the newly configured 9th Congressional District.

7. The Objector promptly filed a "Response to Candidate's April 8th objection citing action by the General Assembly which had already reduced the required number of signatures from 600 to 400.

8. It is beyond the purview of this hearing officer to further re-write Illinois election law beyond those accommodations for the June 2022 primary already addressed by the General Assembly.

9. Hearing Officer adopts the results of the Board's Objection Summary Report that indicates that the Candidate has filed 243 valid signatures for an office that requires 400 signatures. The Candidate has filed 157 fewer signatures than are required for this office.

10. It is the recommendation of the Hearing Officer that the Objectors' Petition be granted and that the name of John Elleson NOT appear on the ballot for the June 28, 2022 primary election.

Dated: April 11th 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 11th day of April, 2022.

TO:

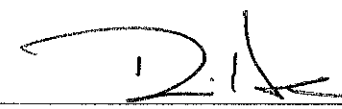
Objector or Atty Address & Email:

Daniel J. Kelley
5738 N. Richmond Street
Chicago, Illinois 60659
(773) 275-4189
(847) 226-3652 (cell)
Dkelley40thward@reagan.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Address & Email:

John Elleson
1307 E. Palatine Road
Arlington Heights, Illinois 60004
(847) 226-7755 (cell)
mail@johnelleson.com
Pro Se



Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

OBJECTION SUMMARY REPORT

22SOEBGP500 / BROWN V. ELLESON

OBJECTOR(S)

THOMAS J. BROWN
1737 HAPP ROAD
NORTHBROOK, IL 60062

CANDIDATE(S)

JOHN ELLESON
1307 E. PALATINE RD.
ARLINGTON HEIGHTS, IL 60004

REPUBLICAN
9TH CONGRESS

OBJECTION TOTALS

Petition pages	53		Examined	355	
Lines with signatures	528		Valid	70	19.7%
Lines with objections	355	67.2%	Invalid	285	80.3%
Unchallenged lines	173	32.8%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures 400 Over/Under required signatures -157

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN THE UNITED STATES CONGRESS FOR THE REPUBLICAN PARTY, 9TH CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS, FOR THE JUNE 28, 2022 PRIMARY ELECTION

STATE BOARD OF ELECTIONS
CHICAGO OFFICE
2022 MAR 15 AM 11:38

THOMAS J. BROWN,	)	
Petitioner-Objector,	)	
v.	)	No.
JOHN ELLESON,	)	
Respondent-Candidate.	)	

VERIFIED OBJECTOR'S PETITION

THOMAS J. BROWN, hereinafter referred to as the "Objector," states as follows:

1. The Objector resides at 1737 Happ Road, Northbrook, Illinois 60062, in the 9th Congressional District of the State of Illinois, and is a duly qualified, registered and legal voter at that address.

2. The Objector's interest in filing this petition is that of a citizen desirous of seeing that the laws governing the filing of nominating petitions for the Republican Party nomination to the office of Representative in the United States Congress for the 9th Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for said office.

3. Pursuant to state law, nomination papers for the office of Representative in the United States Congress for the 9th

Congressional District in the State of Illinois for the Republican Party, to be voted upon at the General Primary Election to be held on June 28, 2022, must contain the signatures of not fewer than **400** duly qualified, registered and legal voters of the State of Illinois, residing in the aforesaid 9th Congressional District, collected in a manner prescribed by law. In addition, the nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in a manner provided for by the Illinois Election Code, and otherwise be executed in a manner provided by law. The nomination papers purport to contain the signatures of 529 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

4. The Objector makes the following objections to the purported nomination papers of JOHN ELLESON, as a candidate for nomination to the office of Representative in the United States Congress for the 9th Congressional District in the State of Illinois for the Republican Party, to be voted upon at the General Primary Election, to be held on June 28, 2022. The Objector states that the nominating papers are insufficient in fact and in law for the following reasons:

5. The nomination papers contain the names of numerous persons who did not sign said nominating papers in their own proper persons, and the signatures are not genuine and are forgeries, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column A, "SIGNER'S SIGNATURE NOT GENUINE," in violation of the Illinois Election Code.

6. The nomination papers contain the names of numerous

persons who are not registered voters at the addresses shown opposite their respective names, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column B, "SIGNER NOT REGISTERED AT ADDRESS SHOWN," in violation of the Illinois Election Code.

7. The nomination papers contain the names and signatures of numerous persons who are not duly qualified, registered and legal voters residing at addresses located within the election district boundaries of the aforesaid 9th Congressional District of the State of Illinois, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column C, "SIGNER RESIDES OUTSIDE DISTRICT," in violation of the Illinois Election Code.

8. The nomination papers contain the names of numerous persons for whom the addresses given are either missing entirely or are incomplete or are nonexistent, or are illegible, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column D, "SIGNER'S ADDRESS MISSING OR INCOMPLETE," in violation of the Illinois Election Code.

9. The nomination papers contain the names of numerous persons who signed the nomination papers more than one time or signed the nominating papers of another candidate for the same office, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column E, "SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED," in violation of the Illinois Election Code.

10. The nomination papers contain the names of numerous

persons with the "signatures" of persons which are not signed, but rather printed, and said signatures are not genuine signatures, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column F, "SIGNER'S SIGNATURE PRINTED AND NOT WRITTEN," in violation of the Illinois Election Code.

11. The nomination papers contain sheets circulated by individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated to protect the integrity of the electoral process.

12. The purported nomination papers herein contested purports to consist of various sheets purportedly containing the signatures of **529** duly qualified, registered and legal voters of the 9th Congressional District of the State of Illinois. The individual objections cited herein with specificity reduces the number of valid signatures by **362**, or to **167**, which is below the statutory minimum of **400**.

PRAYER FOR RELIEF

WHEREFORE, the Objector prays that the purported nomination papers of JOHN ELLESON, as a candidate for nomination to the office of Representative in the United States Congress for the 9th Congressional District in the State of Illinois for the Republican Party, be declared by this Honorable 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 Board enter its decision that the name of JOHN ELLESON, as a candidate for nomination to the office of Representative in

the United States Congress for the 9th Congressional District in the State of Illinois for the Republican Party, BE NOT PRINTED UPON THE OFFICIAL REPUBLICAN BALLOT for the General Primary Election to be held on June 28, 2022.

Daniel J. Kelley

Daniel J. Kelley

DANIEL J. KELLEY
Attorney for Objector
5738 North Richmond Street
Chicago, Illinois 60659-4804
773/275-4189
Attorney No. 28269
Email Address: DKelley40thWard@reagan.com

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned being first duly sworn, deposes and states that the undersigned is the Objector in the above and foregoing Objector's Petition, by the undersigned subscribed; that he has read the same and knows the contents thereof; and that the matters therein are true.

Thomas J. Brown

Thomas J. Brown

Subscribed and Sworn To Before Me

This 13 th day of March, 2022

OFFICIAL SEAL
DANIEL JOHN KELLEY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/02/23

Daniel John Kelley

Notary Public

(Seal)

Ann R. Kotelman v. Kimball Ladien
22 SOEB GP 503

Candidate: Kimball Ladien

Office: Representative, 5th Congressional District

Party: Republican

Objector: Ann R. Kotelman

Attorney for Objector: Daniel J. Kelley

Attorney for Candidate: Pro Se

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Candidate's Statement of Candidacy is not properly notarized, as the Candidate signed and notarized the same instrument using his own notary seal, in violation of 5 ILCS 312/6-104(b).

Petition headings are not uniform as required by Section 7-10 of the Election Code, 10 ILCS 5/7-10, as the election district description is not uniform or consistent through the nomination pages, and some reference the 5th Cook County Board District.

Candidate's nomination papers include the designation "M.D." in violation of Sections 7-10 and 7-17 of the Election Code, 10 ILCS 5/7-10, 7-17.

Dispositive Motions:
Objector's Motion for Summary Judgment filed 4/1/22
Objector argued that Candidate's Statement of Candidacy is fatally defective because the Candidate signed his own form and notarized it using his own notary seal, thereby failing to "sign and swear his statement of candidacy form before an officer authorized to take acknowledgment of deeds in this state." 10 ILCS 5/7-10. Objector argued that such action violates the Notary Public Act, 5 ILCS 312/6-104(b), and requires the Statement to be invalidated, which would in turn prevent Candidate Ladien from being certified to the ballot for the June 28, 2022 General Primary Election.

Objector also argued that the Candidate's nominating petition signature sheets are fatally flawed because the "election district description" is not uniform and consistent through the petition. Specifically, some petition headers refer to "We the undersigned…electors of the republican party,

in the 5th Cook Count Board District," whereas others refer to the Candidate running for the office of "Congressman, 5th Congressional District." Objector pointed to the confusion caused by these variances, particularly because the two jurisdictions they refer to are geographically far apart and have nothing in common. In reliance on the argument that nominating petitions should be "free from 'basis for confusion' as to the office for which they are filed," Objector relied on Zapolsky v. Cook County Officers Electoral Board, 296 Ill.App.3d 731, 734, 695 N.E.2d 1329 (1st Dist. 1998). As additional support, Objector proposed that there was evidence that some voter confusion did occur, as the petition sheets contain numerous signatures from persons outside of the 5th Congressional District.

Finally, Objector argued that the Candidate should not be certified to the ballot because he violated the Election Code by using his professional degree (M.D.) as part of his surname, in violation of 10 ILCS 5/7-10 and 7-17, which explicitly prohibit using a title or degree in connection with a candidate's name. Objector cites Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256, 260 (1st Dist. 1983) in support of the argument that "the only possible remedy" for this type of violation is to remove a candidate from the ballot.

Candidate's Motion to Dismiss Objector's Petition filed 3/31/22
Hearing Officer Tenuto noted in his Report that "the Candidate submitted voluminous material that will be deemed a Motion to Dismiss Objector's Petition." The Motion did not address the legal issues involved in the case, but instead was a recitation of the Candidate's political beliefs.

Record Exam Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The Hearing Officer recommended granting the motion for summary judgment, finding Candidate Ladien's nominating petitions invalid because: (1) by notarizing his own signature, Dr. Ladien violated both Section 7-10 of the Election Code as well as the Notary Act, 5 ILCS 312/6-104(b); (2) the petition headings were fatally defective because they lacked uniformity; and (3) the Candidate's use of the designation "M.D." violated 10 ILCS 5/7-10.2 and 7-17.

Exception to Recommendation: Following the Hearing Officer's recommendation, on 4/17/21, Candidate submitted a document entitled "A Plea for Due Process, Informed Consent, TRUTH and JUSTICE by 4/19/22," attaching numerous files unrelated to the issues in this case. Candidate requested "Win-Win Mediation BEFORE Lose-Lose Litigation (WWMBL3) and/or a formal Due Process Hearing on or before Tuesday (4/19/22)."

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, relying upon the case law cited by Objector.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

KOTELMAN, ANN	)	
	)	
PETITIONER/OBJECTOR	)	
v.	)	**No. 22 SOEB GP 503**
	)	
LADIEN, M.D., KIMBALL	)	
	)	
RESPONDENT/CANDIDATE	)	

NOTICE OF FILING AND SERVICE

To: Daniel J. Kelley
DKelley40thWard@reagan.com

Kimball Ladien
Kladien@yahoo.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

Please take notice that on April 7, 2022, prior to 5:00 PM, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Report and Recommendation of the Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses prior to 5:00 PM on April 7, 2022.

/s/ James Tenuto
James Tenuto
Hearing Officer

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

KOTELMAN, ANN R.	)	
	)	
	)	
Petitioner/Objector,	)	
	)	No. **22 SOEB GP 503**
vs.	)	
	)	
LADIEN, M.D., KIMBALL	)	
Respondent/Candidate.	)	
	)	

REPORT AND RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Kimball Ladien, M.D., Candidate, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as a Republican Candidate for the Office of Representative in Congress in the 5th Congressional District.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers were invalid for the following reasons: (1)Statement of Candidacy defective because the Candidate signed and notarized same, (2) the petition headings are defective as they lack uniformity, and (3) the Candidate used "M.D." in designating his name on the nomination petitions.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by David J. Kelley for the Objector while a Pro Se Appearance was filed for the Candidate.

The Case Management Conference (CMC) was held on March 29, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Daniel J. Kelley (in Person) and Kimball Ladien (telephone).

The CMC Order dated March 29, 2022, informed the Candidate and Objector that the objection raised legal issues and a record examination would not be conducted. The matter would be decided based on pleadings.

Neither party filed an exception to the staff count within the time period allowed in the CMC Order.

PRELIMINARY MOTIONS

Pursuant to Appendix A of the Rules and Procedure the Objector filed Objector's Motion for Summary Judgment. The Candidate submitted voluminous material that will be deemed a Motion to Dismiss Objector's Petition.

Objector also filed numerous e-mails requesting subpoenas, a hearing, etc.

The Objector's Motion for Summary Judgment points out that there are no facts in dispute. The issues are legal:

(1) The Candidate notarized his own signature on the Statement of Candidacy. This renders the Statement of Candidacy invalid and violated Section 5/ILCS 312/6-104(b).

(2) The nomination petitions are not uniform. There are references to both the "5th Cook County Board District" and "Fifth Congressional District".

(3) The Candidate violated Section 10 ILCS 5/7-10.2 and 7-17 by listing his professional degree, to wit, M.D. on his nomination petition.

The Candidates "Motion to Dismiss" amounts to voluminous material that reflects his political philosophy and does not address any of the legal issues.

The Candidate also filed e-mails/motions requesting a hearing and subpoena, etc. numerous times repeating the same message. All requests are utterly without merit and do not address any of the legal issues.

SUBPOENAS

The Candidate requested subpoenas be issued as set forth in Rule 8 of the Rules of Procedure. The request was made after the March 31, 2022, deadline in the Rules of Procedure. Even if the request was timely, it is without merit and irrelevant where the issues are solely legal.

RECORD EXAMINATION

A record examination was not conducted in this Objection as solely legal issues are raised.

MOTIONS

Other than "Preliminary Motions" discussed above, there were no additional motions submitted.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of Representative in Congress for the 5th Congressional District to appear on the General Primary Election ballot as a Republican Candidate to be voted on June 28, 2022.
2. An Objection to the Candidate's nomination papers was timely filed.

3. The Objection alleges that the Candidate's nomination petitions are legally defective for the reasons set forth in Objector's Motion for Summary Judgment.
4. The Case was called on March 29, 2022. Daniel J. Kelley filed an Appearance for the Objector while Kimball Ladien, the Candidate, filed a Pro Se Appearance.
5. The Case Management Conference (CMC) was held via telephone on March 29, 2022. The Hearing Officer, Daniel J. Kelley and Kimball Ladien participated.
6. The staff count was not an issue.
7. Neither party disputed the staff count.
8. The minimum signature requirement to appear on the Genera Primary Election ballot as a Republican Candidate for Representative in Congress in the Fifth Congressional District is 400 valid signatures.
9. The Candidate requested the issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure. The Hearing Officer recommended all subpoena requests be denied. The Chairman and Vice-Chairman concurred.
10. Neither party filed any Motions, other than discussed in "Preliminary Motions", as provided for in the Rules of Procedure.
11. A record examination was not conducted.
12. Hearing Officer recommends the State Officers Electoral Board find the nominating petitions invalid for the following reasons:
    (A) The Statement of Candidacy is defective because the Candidate notarized his own signature. This is a violation of Section 7-10 of the Election Code. Notarizing the Candidate's own signature is also a violation of the Notary Act at 5 ILCS 312/6-104(b);

(B) The petition headings are defective because they lack uniformity, to wit, the office sought is referred to as "5th Cook County Board District" and" 5th Congressional District" throughout the nomination petitions; and

(C) Use of the designation "M.D." violates 10 ILCS 5/7-10.2 and 7-17.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **GRANT** Objector's Motion for Summary Judgment**, SUSTAIN** the Objection and the name of Kimball Ladien **NOT BE CERTIFIED** to appear on the ballot as a Republican Candidate for the Office of Representative in Congress for the 5th Congressional District to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 7, 2022

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 14, 2022, at 10:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN THE UNITED STATES CONGRESS FOR THE REPUBLICAN PARTY, 5TH CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS, FOR THE JUNE 28, 2022 PRIMARY ELECTION

ORIGINAL ON FILE AT STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED AT 11:27 AM ON MAR 21 2022

ANN R. KOTELMAN,	)	
Petitioner-Objector,	)	
v.	)	No.
KIMBALL LADIEN, M.D.,	)	
Respondent-Candidate.	)	

OBJECTOR'S PETITION

ANN R. KOTELMAN, hereinafter referred to as the "Objector," states as follows:

1. The Objector resides at 3538 N. Reta Avenue, Unit #1, Chicago Illinois 60657, in the 5th Congressional District of the State of Illinois, and is a duly qualified, registered and legal voter at that address.

2. The Objector's interest in filing this petition is that of a citizen desirous of seeing that the laws governing the filing of nominating petitions for the Republican Party nomination to the office of Representative in the United States Congress for the 5th Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for said office.

3. Pursuant to state law, nomination papers for the office

of Representative in the United States Congress for the 5th Congressional District in the State of Illinois for the Republican Party, to be voted upon at the General Primary Election to be held on June 28, 2022, must contain the signatures of not fewer than **400** duly qualified, registered and legal voters of the State of Illinois, residing in the aforesaid 5th Congressional District, collected in a manner prescribed by law. In addition, the nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in a manner provided for by the Illinois Election Code, and otherwise be executed in a manner provided by law. The nomination papers purport to contain the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

4. The Objector makes the following objections to the purported nomination papers of "KIMBALL LADIEN, M.D.," as a candidate for nomination to the office of Representative in the United States Congress for the 5th Congressional District in the State of Illinois for the Republican Party, to be voted upon at the General Primary Election, to be held on June 28, 2022. ***The Objector states that the nominating papers are insufficient in fact and in law.***

5. The nominating papers contain numerous instances of violations of the Illinois Election Code by either the circulator or notary public, and that these violations invalidate each and every signature on each of the respective nominating sheets, including but not limited to the following objections:

(1) Candidate/Notary Public Violated 5 ILCS 312/6-104(b).

6. The nomination papers contain sheets circulated by individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated to protect the integrity of the electoral process.

7. The purported nomination papers herein contested purports to consist of various sheets purportedly containing the signatures of **905** duly qualified, registered and legal voters of the 5th Congressional District of the State of Illinois. The individual objections cited herein with specificity reduces the number of valid signatures by **905**, or to **0**, which is below the statutory minimum of **400**.

MANDATORY STATEMENT OF CANDIDACY IS FATALLY DEFECTIVE

Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before **some officer authorized to take acknowledgment of deeds in the State** (Source: 10 ILCS 5/7-10)/

"The apparent purpose of the requirement . . . is to obtain a sworn statement from the candidate establishing his qualifications to enter the primary for the office he seeks." Lewis v. Dunne, 63 Ill.2d 48, 344 N.E.2d 443, 447 (1976). The actual physical signing of the statement under oath is a

mandatory requirement. Serwinski v. Chicago Board of Election Commissioners, 156Ill.App.3d 257, 509 N.E.2d, 509, 511, (1987) and Bowe v. Chicago Electoral Board, 614 F.2d 1147, 1151 (1980).

In the present instance, the candidate, "Kimball Ladien, M.D." failed to sign and swear his statement of candidacy form before an officer authorized to take acknowledgment of deeds in this state. In an incredible fashion, Ladien signed the document and notarized the same instrument using his own notary seal. This action is explicitly prohibited by law.

CANDIDATE VIOLATED THE NOTARY PUBLIC ACT

The language of the applicable statute, 5 ILCS 312/6-104(b) is abundantly clear.

Sec. 6-104. Acts prohibited.

(b) A notary public shall not acknowledge any instrument in which the notary's name appears as a party to the transaction.

This flagrant violation of the Illinois Notary Public Act warrants the invalidation of the mandatory Statement of Candidacy form and the removal of "Kimball M. Ladien" from the June 28, 2022 Republican Primary Election Ballot.

CANDIDATE VIOLATION OF 10 ILCS 5/7-10
PETITION HEADINGS ARE NOT UNIFORM

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same. (Source: 10 ILCS 5/7-10)

The Candidate's nominating petition signature sheets are fatally flawed in that the election district description is not uniform or consistent throughout the documents. The prefatory language refers to the 5th Cook County Board District rather than the 5th Congressional District. Consider the exact language used in each of the petition headings:

REPUBLICAN PRIMARY PETITION

We, the undersigned, members of and affiliated with the REPUBLICAN party and qualified primary electors of the REPUBLICAN party , in the 5th Cook County Board District, Cook County, State of Illinois, do hereby petition that the following named person shall be a candidate of the REPUBLICAN party for the nomination for the office hereinafter specified, to be voted for at the primary election to be held on the TWENTY-EIGHTH (28th) day of June, 2022.

NAME	ADDRESS	OFFICE	DISTRICT	PARTY
KIMBALL LADIEN	1732 W SCHOOL ST CHICAGO,IL 60657	CONGRESSMAN	FIFTH CONGRESSIONAL DISTRICT	REPUBLICAN

It must be emphasized that the 5th Cook County Board District and the 5th Congressional District contain no precincts in common. The 5th Cook County Board District is located in Southern Cook County and includes election precincts in the City of Chicago and the Townships of Bremen, Calumet, Thornton and Worth. The 5th County Board District and the 5th Congressional District are separated by many miles and do not even border each other.

"The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective political parties in their primary election.

Nominating petitions should be free from a "basis for confusion" as to the office for which they are filed." Zapolsky v. Cook County Officers Electoral Board, 296 Ill.App. 3D 731, 734, 695 N.E.2d 1329 (1st Dist. 1998).

It is an undeniable fact that some voter confusion did occur. Even a superficial examination of the nominating petition signature sheets submitted by the Candidate-Respondent indicates that voter confusion did occur as the sheets contain numerous signatures from persons residing outside of the boundaries of the 5th Congressional District.

Given the myriad problems with the legal sufficiency of the Respondent-Candidate's Statement of Candidacy and Petition Signature Sheet headings, a records examination is probably not warranted. There are sufficient legal grounds for the Electoral Board to sustain the objections without conducting an examination of the individual petition sheets and signature lines.

CANDIDATE VIOLATED 10 5/7-10.2 AND 10 ILCS 5/7-17 IN TERMS OF THE USE OF HIS PROFESSIONAL DEGREE

Pursuant to Section 7-10 of the Illinois Election Code:

In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.

No other designation such as a political slogan, as defined by Section 7-17, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

Similarly, pursuant to Section 7-17 of the Election Code:

No other designation such as a political slogan, title, or degree, or nickname

suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

According to the holding in Jones v. Municipal Officers Electoral Board, 112 Ill.App.3d 926, 446 N.E.2d 256, 260 (1st Dist. 1983), "the only possible remedy" for the violation of the statutes restricting the use of titles and degrees in terms of a candidate's name is the removal of a candidate from the ballot. This same precedent was followed in Rita v. Mayden, 364 Ill.App.3d 913, 847 N.E.2d 578 (1st Dist. 2006).

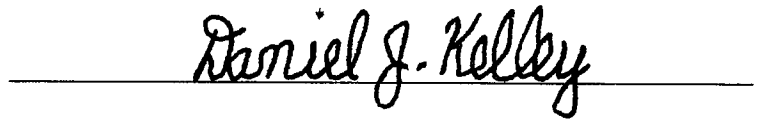
In this instance, the Candidate, "Kimball Ladien, M.D." has clearly violated the applicable laws by listing his professional degree on his certificate of nomination (statement of candidacy) form. As a consequence, his name must be removed from the Republican primary ballot for the upcoming June 28, 2022 primary election.

PRAYER FOR RELIEF

WHEREFORE, the Objector prays that the purported nomination papers of "KIMBALL LADIEN, M.D.," as a candidate for nomination to the office of Representative in the United States Congress for the 5th Congressional District in the State of Illinois for the Republican Party, be declared by this Honorable 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 Board enter its decision that the name of "KIMBALL LADIEN, M.D.," as a candidate for nomination to the office of Representative in the United States Congress for the 5th Congressional District in the State of Illinois for the

Republican Party, BE NOT PRINTED UPON THE OFFICIAL REPUBLICAN BALLOT for the General Primary Election to be held on June 28, 2022.

Ann R. Kotelman



Attorney for Objector

DANIEL J. KELLEY
Attorney for Objector
5738 North Richmond Street
Chicago, Illinois 60659-4804
773/275-4189
Attorney No. 28269
Email Address: DKelley40thWard@reagan.com

10 ILCS 5/7-10

ATTACH TO PETITION

Suggested
Revised March 2020
SBE No. P-1

STATEMENT OF CANDIDACY

NAME: Kimball Ladien, MD	**OFFICE:** Congress
ADDRESS – ZIP CODE: 1732 W School St Chicago IL 60657	**A Full Term is sought, unless an unexpired term is stated here:** _____ year unexpired term
	DISTRICT: IL-5th Congressional District
	PARTY: Republican

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
) SS.
County of Cook)

I, Kimball Ladien MD (Name of Candidate) being first duly sworn (or affirmed), say that I reside at 1732 W School St, in the City, Village, Unincorporated Area of Chicago (if unincorporated, list municipality that provides postal service) Zip Code 60657, in the County of Cook, State of Illinois; that I am a qualified voter therein and am a qualified Primary voter of the Republican Party; that I am a candidate for Nomination/Election to the office of Congress in the 5th District, to be voted upon at the primary election to be held on 6/28/22 (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official Republican (Name of Party) Primary ballot for Nomination/Election for such office.

_____
(Signature of Candidate)

Signed and sworn to (or affirmed) by Kimball Ladien, MD (Name of Candidate) before me, on 3/13/22 (insert month, day, year).

(SEAL)

KIMBALL LADIEN
Official Seal
Notary Public - State of Illinois
My Commission Expires Nov 22, 2023

_____
(Notary Public Signature)

2022 MAR 14 PM 2:07
PRINCIPAL OFFICE
STATE BOARD OF ELECTIONS

"EXHIBIT "A"

REPUBLICAN PRIMARY PETITION

We, the undersigned, members of and affiliated with the REPUBLICAN Party and qualified primary electors of the REPUBLICAN Party, in the 5th Cook County Board District, County of Cook, State of Illinois, do hereby petition that the following named person shall be a candidate of the REPUBLICAN Party for the nomination for the office hereinafter specified, to be voted for at the primary election to be held on the TWENTY-EIGHTH (28th) day of June, 2022.

NAME	ADDRESS	OFFICE	DISTRICT	PARTY
KIMBALL LADIEN	1732 W School St Chicago, IL 60657	CONGRESSMAN	FIFTH CONGRESSIONAL DISTRICT	REPUBLICAN

NAME (Voter's signature)	VOTER'S PRINTED NAME	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1 Shameka	Shameka Lee	5501 W Jackson	IL	COOK
2 Melvin	Melvin Jones Jr	7750 S. Muskegon	IL	COOK
3 Angel	Smith	150 N Michigan	IL	COOK
4 Eric	Williams	1450 N State	IL	COOK
5 Jermaine	Terrell	1312 N Leavitt	Chicago	COOK
6 Tony	Janowski	3134 N Wisconsin	Chicago	COOK
7 Deserai	Jordan	1450 N Sedgwick	Chicago	COOK
8 Emma	Hill	1730 N Clark	Chicago	COOK
9 Claudio	Chavez	2230 Highland	Chicago	COOK
10 WALLACE KATOIC		257 Arcadia St	60660	COOK
11 Ross Burton		1870 Baltimore	60653	COOK
12 Gustavo Munoz	Gustavo Munoz	2453 Sheffield	Chicago	COOK
13 Luis Hernandez	Luis Hernandez	4817 W 32nd Place	Chicago	COOK
14 Felix	Felix	425 W	Chicago	COOK
15 Ann	Mercado	625 W Madison	60016	COOK
16 LISA	Coleman	5533 S Throop	Chicago	COOK
17 Dej	Robinson	10247 S Crandon	Chicago	COOK
18 Kendall	Bernard	1134 W Mitchell	Chicago	COOK
19 DAVID	SMITH	7323 E 78th St	Chicago	COOK
20 James	Jackson	4429 W Cermak	Chicago	COOK

STATE OF ILLINOIS, }ss.
COUNTY OF COOK }

I, Walter Sotomayor (Print Name of Candidate), do hereby certify that I reside at 1203 N State Lake in the City/Village/Unincorporated Area (circle one) of Chicago, ZIP Code 60151 (Address), County of Cook (Municipality, if municipality has postal service)

State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, during the period of January 03, 2022 through March 14, 2022, and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition qualified voters of the REPUBLICAN Party in the political division in which the candidate is seeking nomination/election/retention, and that their respective residences are correctly stated as shown at left.

(Candidate's Signature)

Subscribed and sworn to (or affirmed) by Kimball Lombardi (Print Name of Circulator Here) before me, on 3/11/22 (Insert month, day) 2022.

SIGNATURE OF NOTARY PUBLIC

SHEET NO. 1

KIMBALL LADIEN
Official Seal
Notary Public - State of Illinois
My Commission Expires Nov 22, 2023

PRINCIPAL OFFICE
STATE BOARD OF ELECTIONS
2022 MAR 11 PM 2:07

" EXHIBIT "B"

Jane Austin and Anita Skarr v. Linda McNeely
22 SOEB GP 506

Candidate: Linda McNeely

Office: Representative, 17th Congressional District

Party: Democratic

Objector: Jane Austin & Anita Skarr

Attorney for Objector: Ed Mullen

Attorney for Candidate: N/A - Pro Se

Number of Signatures Required: 400

Number of Signatures Submitted: 459

Number of Signatures Objected to: 117

Basis of Objection: Nomination papers contain petition pages with names of persons who are not registered voters or who are not registered at the addresses shown opposite their respective names on the petition sheet; whose signatures are not genuine; whose addresses are not within the 17th Congressional District; or whose addresses are missing or incomplete; or who signed the petition more than once.

Circulator's affidavit and notarization requirements were not met, as circulator did not sign the circulator's affidavit; the circulator did not personally circulate the petition sheet, the circulator does not reside at the address indicated; circulator did not appear before a notary; circulator is not a U.S. citizen, the circulator was not 18 years old or would not be 18 by the General Election Day, or the circulator's affidavit was not notarized.

Dispositive Motions: No.

Record Exam Necessary: Yes. The Record Exam was conducted on 04/11/22. Objector objected to 117 lines; 89 of those objections were sustained, 28 were overruled, and as a result, Candidate had 370 valid signatures which is 30 under the statutory minimum of 400.

During the Rule 9 period, Objector's attorney filed a Rule 9 motion appealing from the decision of two lines overruled during the records examination.

Hours after the deadline for filing a Rule 9 Motion, "Michael Mcneeley" sent the Hearing Officer emails at 9:52pm, 9:55pm, 10:23pm, and 10:28pm containing a conglomeration of documents with no explanation or request contained therein.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam as conducted on 04/04/22, during which 117 lines were examined, 89 of the objections were sustained and 28 overruled, resulting in the candidate having 370 valid signatures, 30 below the statutory minimum of 400.

The Hearing Officer recommends finding that Objector's request for a Rule 9 Hearing be rendered moot, as the requested rehabilitation would not impact the general outcome of the records examination, as Candidate has 30 signatures below the statutory minimum and, if held and evidence proffered be deemed valid, it would result in Candidate having 32 signatures below the statutory minimum.

The Hearing Officer recommends the four emails sent by "Michael mcneely" the night of 04/14/22 be stricken by the Board and be deemed to have no effect as they were sent after the expiration of the Rule 9 Motion Period and contained nothing in the nature of a Rule 9 Motion.

As such, the Hearing Officer recommends the Objectors' petition be sustained and name of Linda McNeely not be certified to the ballot for the June 28, 2022, General Primary.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. The General Counsel further recommends finding the Objectors' circulator affidavit and notarization objections are rendered moot based on the results of the record examination and the recommended findings of the Hearing Officer.

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 CONGRESS, 17th DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION IN THE STATE OF ILLINOIS

JANE AUSTIN and ANITA SKARR,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	**2022 SOEB GP 506**
	)	
LINDA McNEELY,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in Congress for the 17th Congressional District in the State of Illinois.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed. In the Petition, the Objector raises objections including that the nominating papers contained insufficient true or genuine signatures for the reasons set forth in the Verified Objector's Petition.

3. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

4. On or about April 11, 2022 a Records Examination was conducted pursuant to Rule 9 of the Duly Adopted Rules of Procedure.

5. The duly completed Objection Summary Report, attached hereto and made a part hereof shows that:

a) 117 of the total 459 signatures were objected to;
b) 89 of the 117 objections were sustained;
c) 400 signatures were required; and
d) 370 valid signatures remained leaving the Candidate 30 signatures short of the required minimum.

6. Prior to 5:00 p.m. on the third business day following the Record Examination, Objector's attorney filed a Rule 9 Motion listing that he was appearing on behalf of "Abigail Nichols" which is a name foreign to this case. The Rule 9 Motion appeals from the decision of the Records Examiner with respect to sheet 1, lines7 and 8 and sheet 25, line 2. Inasmuch as the official count of the Record Examiner (attached hereto and made a part hereof) found that the Candidate was 30 signatures short of ballot access, the Objector's additional two objections, if sustained, would render the Candidate 32 signatures short. It is the recommendation of this Hearing Examiner that the Board find that Objector's Rule 9 Motion is moot as it does not change the recommendation that Candidate NOT appear on the ballot.

7. Thereafter, hours after the deadline for filing a Rule 9 Motion, "Michael Mcneeley" presumably on behalf of the Candidate sent this Hearing Officer e-mails at 9:52 p.m., 9:55 p.m., 10:23 p.m., 10:28 p.m., and 10:33 p.m. long after the filing deadline for a Rule 9 Motion. Even if these e-mails were timely sent, they contain nothing in the nature of a Rule 9 Motion and are a conglomeration of random documents with no explanation. Finally, despite having previously been e-mailed the Duly Adopted Rules of Procedure on March 30, 2022 (which rules are also available on the State Board of Elections website) the Candidate failed to send copies of the irrelevant untimely e-mails to general counsel and the Objectors. For all of the foregoing reasons, but most significantly the failure to timely file, it is the Recommendation that all of the materials attached to the aforedescribed e-mails be stricken by the Board and deemed to be of no effect.

8. The Hearing Officer adopts the results of the Board's Objection Summary Report that indicates that the Candidate has filed 370 valid signatures for an office that requires 400 signatures. The Candidate has filed 30 fewer signatures than are required for this office.

9. It is the recommendation of the Hearing Officer that the Objectors' Petition be granted and that the name of Linda McNeely NOT appear on the ballot for the June 28, 2022 primary election.

Dated: April 15, 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 15th day of April, 2022.

TO:

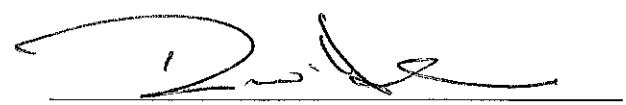
Objector or Atty Address & Email:

Ed Mullen
601 S. California
Chicago, Illinois 60612
(312) 508-9433 (cell)
ed_mullen@mac.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Address & Email:

Linda McNeely
502 S. Johnston Avenue
Rockford, IL 61102
(815) 708-2480 (cell)
mcneelyexplore2022@gmail.com
mcneelyexplore2022congress@gmail.com
mi_ma.1955@yahoo.com
Pro Se



Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

OBJECTION SUMMARY REPORT

22SOEBGP506 / AUSTIN, SKARR V. MCNEELY

OBJECTOR(S)

JANE AUSTIN
4815 BIRCH AVE
ROCKFORD, IL 61114

ANITA SKARR
606 RIVER PARK DRIVE
LOVES PARK, IL 61111

CANDIDATE(S)

LINDA McNEELY
502 S. JOHNSTON AVE.
ROCKFORD, IL 61102

DEMOCRATIC
17TH CONGRESS

OBJECTION TOTALS

Petition pages	58		Examined	117	
Lines with signatures	459		Valid	28	23.9%
Lines with objections	117	25.5%	Invalid	89	76.1%
Unchallenged lines	342	74.5%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	-30

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN CONGRESS, 17TH DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION.

JANE AUSTIN and
ANITA SKARR,

ORIGINAL

Petitioners-Objectors,

v. Case No.

LINDA MCNEELY,

Respondent-Candidate.

OBJECTORS' PETITION

Petitioners-Objectors Jane Austin and Anita Skarr ("Objector") hereby file this Objectors' Petition pursuant to Article 10 of the Election Code and 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the nomination papers of Respondent-Candidate Linda McNeely ("Candidate") for the position of Representative in Congress, 17th District, and the validity of voter signatures contained therein, which are not in compliance with Illinois law, as follows:

1. Objector Jane Austin resides at 4815 Birch Ave, Rockford, Illinois 61114, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

2. Objector Anita Skarr resides at 606 River Park Drive, Loves Park, Illinois, 61111, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

3. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of election petitions

ORIGINAL

are properly complied with, and that only duly qualified candidates for the office of Representative in Congress, 17th District shall appear on the ballot for the Primary Election on June 28, 2022.

4. Candidate filed a Statement of Candidacy and petition signatures seeking to be placed on the ballot for election to the position of Representative in Congress, 17th District ("Nomination Papers") as a Democrat.

5. Pursuant to Illinois law, the Nomination Papers of Candidate shall contain at least 400 signatures of qualified electors of the 17th Congressional District, collected in the manner prescribed by law between January 13, 2022 and March 14, 2022.

6. Objectors state that the Nomination Papers filed by Candidate are insufficient in fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein. A mark in a column on the Appendix-Recapitulation represents an objection to the line number listed in the left column for the corresponding sheet of Candidate's Nomination Papers.

7. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered and duly qualified voters at the addresses shown opposite their respective names on the petition sheets, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "A. Signer is not registered at address", in violation of Illinois law.

8. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Petitions in their own proper person, and that such signatures are not genuine signatures and/or were written by someone else who is

not the person with that name, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "B. Signer's signature not genuine", in violation of Illinois law.

9. The Nomination Papers contain petition sheets with the names of persons who reside outside of the 17th Congressional District, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "C. Signer resides outside District", in violation of Illinois law.

10. The Nomination Papers contain petition sheets with the names of persons who have not provided their address or whose address is otherwise incomplete or illegible, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "D. Signer's address is missing or incomplete", in violation of Illinois law.

11. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time, and each duplicate signature is invalid, as set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column "E. Signer signed petition more than once at line/sheet indicated", in violation of Illinois law.

12. The Nomination Papers contain petition sheets with the signatures, names and addresses of persons who are not duly qualified electors of the 17th Congressional District, or are otherwise invalid, incomplete, or not otherwise capable, authorized or qualified to sign the Nomination Papers, or the line is incomplete, illegible stricken, or otherwise deficient or defective as set forth more fully in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "F. Other", in violation of Illinois law. These

objections include, but are not limited to: improper address; names stricken or crossed out from the sheets; use of only a partial name; improper use of a name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signature being in violation of Illinois law.

13. The Nomination Papers contain petition sheets which did not otherwise comply with the circulator's affidavit and notarization requirements of the Illinois Election Code, as indicated on each Appendix-Recapitulation sheet which contains a mark adjacent to the objections at the lower portion of the sheet as follows: Circulator did not sign Circulator's Affidavit; Circulator did not Personally Circulate Sheet; Circulator does not reside at the address shown; Circulator did not appear before a notary; Circulator is not a U.S. citizen, Circulator's Affidavit is not properly notarized; Circulators' Address is incomplete; Circulator is not 18 years of age (or 17 and qualified), or Other. For such objection, the entire sheet is invalid and all signatures contained thereon should be stricken and not counted as they were not properly circulated and are in violation of the Illinois election code, as set forth in the Appendix-Recapitulation sheets attached and incorporated herein.

14. The Nomination Papers are factually and legally insufficient because they contain fewer than 400 validly collected signatures of duly qualified and registered legal voters of the 17th Congressional District, signed by voters in their proper person with proper addresses, as demonstrated by the objections in the Appendix-Recapitulation sheets attached and incorporated herein.

15. The attached Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objectors' Petition as though fully set forth herein. Each

corresponding mark in a column is an objection for the reason stated in the column heading to each line number on the page listed.

16. Objectors request that official, original voter registration records be reviewed and request a finding that the Nomination Papers are factually and legally insufficient with fewer signatures than required, such that the Electoral Board shall issue a decision that the name of Candidate not appear or be printed on the ballot for the June 28, 2022 Primary Election.

WHEREFORE, Objectors request the following: (a) a hearing on the objections set forth herein; (b) a records examination be ordered of Candidate's Nomination Papers and the official voter registration records of voters; (c) a determination that the Nomination Papers of Candidate are legally and factually insufficient; (d) a decision that the name of Candidate, "Linda McNeely", shall not be printed on the official ballot as a candidate for the position of Congress, 17th District for the June 28, 2022 Primary Election.

Submitted by:

Jane Austin
4815 Birch Ave
Rockford, Illinois 61114

Anita Skarr
606 River Park Drive
Loves Park, Illinois 61111

Jane Austin and Anita Skarr v. Marsha Williams
22 SOEB GP 507

Candidate: Marsha Williams

Office: Representative, 17th Congressional District

Party: Democratic

Objector: Jane Austin & Anita Skarr

Attorney for Objector: Ed Mullen

Attorney for Candidate: N/A – Pro Se

Number of Signatures Required: 400

Number of Signatures Submitted: 668

Number of Signatures Objected to: 369

Basis of Objection: Nomination papers include petition sheets with the names of persons who are not registered voters or who are not registered at the addresses opposite their respective names; whose signatures are not genuine; whose addresses are outside the 17th Congressional District; whose addresses are missing or incomplete; or who signed the petition more than once.

Dispositive Motions: None Filed.

Record Exam Necessary: Yes. Record Exam was conducted on 04/05/22. 369 lines were objected to, 249 objections were sustained, 120 were overruled. At the conclusion of the exam, Candidate had 419 valid signatures, 19 more than the statutory minimum of 400. Neither party filed a Rule 9 Motion.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam, finding that of the 369 signatures objected to, 249 were sustained and 120 were overruled, and finding Candidate has 19 signatures more than the statutory minimum of 400 required for the office of Representative to Congress for the 17th Congressional District. As such, the Hearing Officer recommends the objection be overruled and the Candidate be certified on the ballot for the June 28, 2022, primary election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

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 CONGRESS, 17TH DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION IN THE STATE OF ILLINOIS

JANE AUSTIN and ANITA SKARR,	)	
	)	
Petitioners-Objectors,	)	
	)	
v.	)	**2022 SOEB GP 507**
	)	
MARSHA WILLIAMS,	)	
	)	
Respondent-Candidate.	)	

AMENDED HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Amended Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in Congress for the 17th Congressional District in the State of Illinois.

2. The Objector's Verified Petition to the Nomination Papers of the Candidate was timely filed. In the Petition, the Objector raises objections including that the nominating papers contained insufficient true or genuine signatures for the reasons set forth in the Verified Objector's Petition.

3. An initial hearing and case management conference on this matter was held on March 30, 2022. The Objectors were present through counsel Ed Mullen by telephone and the Candidate appeared pro se by telephone.

4. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

5. On or about April 4, 2022 a Records Examination was conducted pursuant to Rule 9 of the Duly Adopted Rules of Procedure.

6. The duly completed Objection Summary Report, attached hereto and made a part hereof shows that:

a) 369 of the total 668 signatures were objected to;

b) 249 of the 369 objections were sustained;
c) 400 signatures were required; and
d) 419 valid signatures remained leaving the Candidate with a sufficient number of signatures.

7. Neither party contested the Record Examination results.

8. The Hearing Officer adopts the results of the Board's Objection Summary Report that indicates that the Candidate has filed 419 valid signatures for an office that requires 400 signatures.

9. It is the recommendation of the Hearing Officer that the Objectors' Petition be overruled and that the name of Marsha Williams DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 11th 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 11th day of April, 2022.

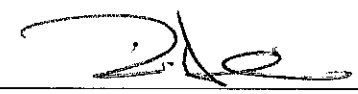
TO:

Ed Mullen
601 S. California
Chicago, Illinois 60612
(312) 508-9433 (cell)
ed_mullen@mac.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Address & Email:

Marsha Williams
23031 S. Thomas Dillon Drive
Channahon, Illinois 60410
(815) 302-9958 (cell)
Marshawilliams81@gmail.com
Pro Se



Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

OBJECTION SUMMARY REPORT

22SOEBGP507 / AUSTIN, SKARR V. WILLIAMS

OBJECTOR(S)

ANITA SKARR
606 RIVER PARK DRIVE
LOVES PARK, IL 61111

JANE AUSTIN
4815 BIRCH AVE
ROCKFORD, IL 61114

CANDIDATE(S)

MARSHA WILLIAMS
23031 S. THOMAS DILLON DRIVE
CHANNAHON, IL 60410

DEMOCRATIC
17TH CONGRESS

OBJECTION TOTALS

Petition pages	71		Examined	369	
Lines with signatures	668		Valid	120	32.5%
Lines with objections	369	55.2%	Invalid	249	67.5%
Unchallenged lines	299	44.8%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	+19

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN CONGRESS, 17TH DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION.

JANE AUSTIN and
ANITA SKARR,

Petitioners-Objectors,

v. Case No.

MARSHA WILLIAMS,

Respondent-Candidate.

OBJECTOR'S PETITION

Petitioners-Objectors Jane Austin and Anita Skarr ("Objector") hereby file this Objectors' Petition pursuant to Article 10 of the Election Code and 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the nomination papers of Respondent-Candidate Marsha Williams ("Candidate") for the position of Representative in Congress, 17th District, and the validity of voter signatures contained therein, which are not in compliance with Illinois law, as follows:

1. Objector Jane Austin resides at 4815 Birch Ave, Rockford, Illinois 61114, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

2. Objector Anita Skarr resides at 606 River Park Drive, Loves Park, Illinois, 61111, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

3. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of election petitions

ORIGINAL

are properly complied with, and that only duly qualified candidates for the office of Representative in Congress, 17th District shall appear on the ballot for the Primary Election on June 28, 2022.

4. Candidate filed a Statement of Candidacy and petition signatures seeking to be placed on the ballot for election to the position of Representative in Congress, 17th District ("Nomination Papers") as a Democrat.

5. Pursuant to Illinois law, the Nomination Papers of Candidate shall contain at least 400 signatures of qualified electors of the 17th Congressional District, collected in the manner prescribed by law between January 13, 2022 and March 14, 2022.

6. Objectors state that the Nomination Papers filed by Candidate are insufficient in fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein. A mark in a column on the Appendix-Recapitulation represents an objection to the line number listed in the left column for the corresponding sheet of Candidate's Nomination Papers.

7. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered and duly qualified voters at the addresses shown opposite their respective names on the petition sheets, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "A. Signer is not registered at address", in violation of Illinois law.

8. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Petitions in their own proper person, and that such signatures are not genuine signatures and/or were written by someone else who is

not the person with that name, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "B. Signer's signature not genuine", in violation of Illinois law.

9. The Nomination Papers contain petition sheets with the names of persons who reside outside of the 17th Congressional District, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "C. Signer resides outside District", in violation of Illinois law.

10. The Nomination Papers contain petition sheets with the names of persons who have not provided their address or whose address is otherwise incomplete or illegible, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "D. Signer's address is missing or incomplete", in violation of Illinois law.

11. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time, and each duplicate signature is invalid, as set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column "E. Signer signed petition more than once at line/sheet indicated", in violation of Illinois law.

12. The Nomination Papers contain petition sheets with the signatures, names and addresses of persons who are not duly qualified electors of the 17th Congressional District, or are otherwise invalid, incomplete, or not otherwise capable, authorized or qualified to sign the Nomination Papers, or the line is incomplete, illegible stricken, or otherwise deficient or defective as set forth more fully in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "F. Other", in violation of Illinois law. These

objections include, but are not limited to: improper address; names stricken or crossed out from the sheets; use of only a partial name; improper use of a name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signature being in violation of Illinois law.

13. The Nomination Papers are factually and legally insufficient because they contain fewer than 400 validly collected signatures of duly qualified and registered legal voters of the 17th Congressional District, signed by voters in their proper person with proper addresses, as demonstrated by the objections in the Appendix-Recapitulation sheets attached and incorporated herein.

14. The attached Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objectors' Petition as though fully set forth herein. Each corresponding mark in a column is an objection for the reason stated in the column heading to each line number on the page listed.

15. Objectors request that official, original voter registration records be reviewed and request a finding that the Nomination Papers are factually and legally insufficient with fewer signatures than required, such that the Electoral Board shall issue a decision that the name of Candidate not appear or be printed on the ballot for the June 28, 2022 Primary Election.

WHEREFORE, Objectors request the following: (a) a hearing on the objections set forth herein; (b) a records examination be ordered of Candidate's Nomination Papers and the official voter registration records of voters; (c) a determination that the Nomination Papers of Candidate are legally and factually insufficient; (d) a decision that the name of Candidate, "Marsha Williams", shall not be printed on the official ballot as a candidate for the position of Congress, 17th District for the June 28, 2022 Primary Election.

Submitted by:

Jane Austin
4815 Birch Ave
Rockford, Illinois 61114

Anita Skarr
606 River Park Drive
Loves Park, Illinois 61111

Ghaniyya Lutfi v. Charise A. Williams
22 SOEB GP 511

Candidate: Charise A. Williams

Office: Representative, 1st Congressional District

Party: Democratic

Objector: Ghaniyya Lutfi

Attorney for Objector: Elizabeth Homsy

Attorney for Candidate: Burt Odelson & Ross Secler

Number of Signatures Required: 400

Number of Signatures Submitted: 907

Number of Signatures Objected to: 578

Basis of Objection: Nomination papers include petition sheets with persons who are not registered or not registered at the addresses opposite their names; whose signatures are not genuine; whose addresses are outside the 1st Congressional District; whose addresses are missing or incomplete; or who have signed the petition more than once.

Circulator affidavits on petition sheets 26 and 69 are not properly notarized.

Dispositive Motions: Candidate's Motion to Dismiss filed 03/31/22. Candidate moves to strike paragraph 9 of Objector's petition on the grounds it fails to adequately state a legally sufficient objection to Candidate's nomination papers under the Illinois Election Code. Paragraph 9 of the Objector's petition alleges Candidate's petition sheet numbers 26 and 69 should be invalidated because they are not signed by the Notary. Candidate argues this allegation is unsubstantiated and baseless as petition sheet 69 is, in fact, stamped with the notary seal and signed by notary Omari Prince. Candidate further argues the notarization on page 26 meets the overall notarization requirements of the Illinois Notarial Act and Election Code. Candidate relies on *Rafael "Ray" Frias v. Anthony Sutor Jr.*, 06-EB-SS-02 (Chicago Electoral Bd. 2006), where the Board held there was precedent by their Electoral Board not to invalidate petitions where either a notary missed either sealing the document or missed signing the document because these are considered technical violations of the Illinois Notary Act.

Record Exam Necessary: Yes. Record exam was conducted on April 8, 2022. 578 lines were objected to, 301 objections were sustained, and 277 objections were overruled. At the conclusion of the exam, candidate had 606 valid signatures, 206 over the statutory minimum of 400. Neither party filed a Rule 9 Motion.

Hearing Officer: Barbara Goodman.

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding Objector's petition be overruled in conformity with the results of the record exam conducted on April 8, 2022, which examined 578 objected lines with 301 objections sustained and 277 overruled, and found Candidate to have 606 valid signatures, 206 more than the statutory minimum.

The Hearing Officer recommends finding Objector presented no evidence or argument in relation to the notarization arguments referenced in Paragraph 9 of the Objector's petition, and there remains no reason to address the merits of candidate's Motion to Strike Paragraph 9 of Objector's Petition.

As such, the Hearing Officer recommends the Objection petition of Ghaniyya Lufti to the nominating papers of Charise A. Williams be overruled, the nominating papers of Charise A. Williams be deemed valid, and the name of Charise A. Williams be certified to the ballot for the June 28, 2022, General Primary Election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation regarding the records exam results. As to the alleged notarization deficiencies, the General Counsel recommends determining that Objector did not meet her burden of proving that any notarization was deficient, the Board should deny Candidate's Motion to Strike as moot in light of this.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

GHANIYYA LUTFI	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 511**
CHARISE A. WILLIAMS	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared through counsel Elizabeth Homsy and the Candidate appeared first through Sean McGrath of the law firm of Odelson, Sterk, Murphey, Frazier & McGrath, Ltd. and subsequently through Jayman Avery of said firm. The parties were given the opportunity to file motions and the Candidate filed *Candidates' Motion to Strike Paragraph 9 of the Objector's Petition.* The matter was sent for a records examination.

THE RECORDS EXAMINATION

The final results of the records examination were as follows:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 400.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 907.

C. The number of signatures deemed invalid because of objections sustained in the records examination total 301.

D. The remaining number of signatures deemed valid as a result of the records examination total 606.

The results of the records examination indicated that the candidate had **206** signatures **more** than the statutory minimum.

Objector presented no evidence or argument in relation to Paragraph 9 of the Objector's petition and there was no reason to address the merits of the Candidate's Motion to Strike Paragraph 9 of the Objector's Petition. Additionally, no motions were filed pursuant to Rule 9 of the Board's Rules of Procedure.

RECOMMENDATION

It is my recommendation that the objections of Ghaniyya Lufti to the nominating papers of Charise A. Williams be **overruled** in conformity with the results of the records examination and that the nominating papers of Charise A. Williams, Candidate of the Democratic Party for the Office of Representative in Congress for the 1st Congressional District of the State of Illinois be deemed **valid.** It is my further recommendation that the name of Charise A. Williams for said office **appear** on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

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STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

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 CONGRESS FOR THE 1ST CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

STATE BOARD OF ELECTIONS
CHICAGO OFFICE
2022 MAR 21 AM 11:51

IN THE MATTER OF THE OBJECTIONS)
OF GHANIYYA LUTFI TO THE NOMINATION)
PAPERS OF CHARISE A. WILLIAMS OF 1726)
EAST 87TH PLACE, CHICAGO, ILLINOIS 60617)
AS A CANDIDATE FOR NOMINATION OF)
THE DEMOCRATIC PARTY TO THE OFFICE)
OF REPRESENTATIVE IN CONGRESS OF THE)
1ST CONGRESSIONAL DISTRICT OF THE)
STATE OF ILLINOIS TO BE VOTED ON AT)
THE JUNE 28, 2022 PRIMARY ELECTION.)

VERIFIED OBJECTOR'S PETITION

NOW COMES Ghaniyya Lutfi hereinafter referred to as the "Objector," and respectfully represents that Objector resides at 1244 West 95th Place, Chicago, Illinois 60643, in the 1st Congressional District of the State of Illinois; that Objector is a duly qualified, registered, and legal voter at such address; that Objector's interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filling of nomination papers for nomination of the Democratic Party to the office of Representative Congress from the 1st Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for the said office; and therefore Objector makes the following objections to the nomination papers of Charise A. Williams as a candidate for nomination of the Democratic Party to the office of Representative in Congress from the 1st Congressional 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:

1. Objector states that in the 1st Congressional District of the State of Illinois the signatures of not less than 400 duly qualified, registered, and legal voters of the 1st Congressional 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.

2. Objector states that the Candidate has filed 95 petition signature sheets containing a total of 915 (nine hundred and fifteen) signatures of allegedly duly qualified, legal, and registered voters of the 1st Congressional District of the State of Illinois.

3. Objector states that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 1st Congressional District of the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN (A)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

4. Objector further states that the said nomination papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER'S SIGNATURE NOT GENUINE OR NOT PROPER (B)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

5. Objector further states that the said nomination papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 1st Congressional District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER RESIDES OUTSIDE DISTRICT (C)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

6. Objector further states that said nominating papers contains the signatures of various individuals who either failed to include their addresses, which must be located within the boundaries of the 1st Congressional District of the State of Illinois, or who included improper, partial, incomplete, or no address to accompany their signature, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE (D)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

7. Objector further states that said nominating petition contains the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED (E)," with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s) as

"Sheet _____, Line _____," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Objector states that various purported signatures are legally defective and deficient for a variety of reasons, as more fully set forth in the Appendix-Recapitulation, under the column designated "OTHER (STATE REASON) (F)" (together with an appropriate further reason) attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. These objections include, but are not limited to names stricken or crossed out from the sheets; use of only a partial name; and improper use of name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signatures being in violation of the statutes in such cases made and provided.

9. Objector states that petition signature sheet numbers 26 and 69 , which purportedly contain ten (10) valid signatures is defective and void in its entirety and all signatures thereon are invalid because the sheet has not been properly signed by the Notary Public, the absence of such signature being a fatal defect, as more fully set forth in the Appendix-Recapitulation under the column designated "OTHER — DEFECTIVE NOTARIZATION (F)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 915 (nine hundred fifteen) individuals. The individual objections cited herein with specificity reduce the number of valid signatures by 586 (five hundred eighty-six) or to 329 (three hundred and twenty-nine) or 71 (seventy-one) signatures below the statutory minimum of 400 (four hundred). In addition, the allegations contained and incorporated in the entirety of this Objector's Petition render the entire nominating petition null and void.

WHEREFORE, Objector prays that the purported nomination papers of Charise A. Williams as a candidate of the Democratic Party for nomination to the office of the Representative in the General Assembly from the 1st Congressional 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 Charise A. Williams as a candidate of the Democratic Party for nomination to the office of the Representative in the General Assembly from the1st Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28, 2022.

Ghaniyya Lutfi
1244 W. 95th Place
Chicago, IL 60643

Elizabeth A. Homsy
2506 N. Clark Street, Suite 286
Chicago, IL 60614
Tele: (773) 988-3486
Email: eahomsy@gmail.com
Attorney No. 49943

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that she has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true and correct.

Ghaniyya Lutfi
1244 W. 95th Place
Chicago, IL 60643

3/21/2022
DATE

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by [objector's name], the Objector, on this the 21st of March, 2022 at Chicago, Illinois.

[notary seal] "OFFICIAL SEAL" ESPERANZA BARBA Notary Public, State of Illinois My Commission Expires February 08, 2025 Commission No. 614021

NOTARY PUBLIC

My Commission expires: 02/08/2025.

Valerie Adams v. Geno Young
22 SOEB GP 512

Candidate: Geno Young

Office: Representative, 1st Congressional District

Party: Republican

Objector: Valerie Adams

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: Max Solomon

Number of Signatures Required: 400

Number of Signatures Submitted: 746

Number of Signatures Objected to: 431

Basis of Objection: Nomination papers include petition pages with the names of persons whose signatures are not genuine; who are not registered voters or who are not registered voters at the addresses opposite their respective names; whose addresses are not within the 1st Congressional District; or whose addresses are missing or incomplete.

Enumerated pages contain evidence of roundtabling.

Named circulator did not appear before a notary and circulated sheets demonstrate a pattern of fraud regarding the mandatory swearing of the oath before an officer pursuant to Section 7-10 of the Election Code, 10 ILCS 5/7-10.

Dispositive Motions: Candidate's Motion to Strike and Dismiss filed 03/30/21. Candidate moves to strike and dismiss the entirety of Objector's petition on the grounds that objector did not sign the objection petition. Candidate argues the objection petition identifies the Objector as Valarie Adams and at the conclusion of her prayer for relief, the Objector's name is printed as "Valarie Adams Objector" and signed "VA." Candidate argues the signature on the voter registration record for the objector, as kept and maintained by the Chicago Board of Elections, at the address indicated within the petition does not match the signature on the petition. Candidate alleges this is a violation of Section 10-8 of the Election Code, 10 ILCS 5/10-8, and Illinois Supreme Court Rule 137.

Objector's Answer to Candidate's Motion to Strike and Dismiss filed 03/31/22. In response to Candidate's Motion to Strike and Dismiss, Objector argues there is no legal requirement that an objection petition be signed by the Objector and requests the Candidate's Motion to Strike and Dismiss be denied.

Record Exam Necessary: Yes. Record Exam was conduced on 04/01/22. 430 lines were objected to, 218 objections were sustained, and 210 were overruled. At the conclusion of the exam, Candidate had 525 valid signatures, 125 over the statutory minimum. Neither party filed a Rule 9 Motion.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer recommends denying Candidate's Motion to Dismiss, as Section 10-8 does not require an objector to sign an objection petition, and Illinois Supreme Court Rule 137 relates to court proceedings in the State of Illinois, not this proceeding. The Hearing Officer further recommends finding, after the conduct of the record exam, Candidate had 525 valid signatures, 125 greater than the required number of 400 signatures. As such, he recommends overruling Objector's petition, and the name of Geno Young should be certified to the ballot as a candidate for Representative in Congress for the 1st Congressional District of the State of Illinois.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

The General Counsel further recommends the following. With regard to the notary and circulator objections, no evidence was proffered by Objector that the notarization and circulator affidavits contained within Candidate's nomination sheets are invalid, nor does the objection petition allege specific actions or pages in violation of the Illinois Notarial Act or Election Codes. I recommend these objections be overruled.

With regard to Objector's allegation of a pattern of fraud, Appendix B-1 of the Rules of Procedure adopted by the SOEB on March 29 (page B-1) provides that a general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. I recommend finding Objector failed to state specific examples of fraudulent conduct and, as such, this objection be overruled.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF US CONGRESS, 1ST CONGRESSIONAL DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 REPUBLICAN PRIMARY ELECTION

VALERIE ADAMS,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 512**
	)	
GENO YOUNG,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The parties were in attendance by their respective attorneys. The Objector was present pro se, via zoom; and the Candidate was present by his attorney, MAX SOLOMON, both of whom filed their Appearances. The conference was commenced and concluded *sine die.*

PLEADINGS

The following pleadings were timely filed and considered:

- OBJECTOR'S PETITION
- CANDIDATE'S MOTION TO STRIKE AND DISMISS
- (OBJECTOR'S) MOTION TO STRIKE AND DISMISS BY CANDIDATE GENO YOUNG
- OBJECTOR'S ANSWER TO RESPONDENT-CANDIDATE'S MOTION TO STRIKE AND DISMISS

ANALYSIS

All Motions were timely filed, pursuant to the deadlines as set forth in *Appendix A* of the Rules of Procedure. (The two (2) pleadings filed by the Objector shall be considered together as OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO DISMISS.)

The Candidate's Motion is confined to a single issue; i.e., that the Objector's failure to sign her Petition violates the Illinois Election Code, 10 ILCS 5/10-8 and Illinois Supreme Court Rule 137, which infers that someone other than VALERIE ADAMS affixed her initials VA under the printed name of VALERIE ADAMS.

The requirements of Section 10-8 as they relate to the requirements for an objector's petition are quite modest, but none of which require the Objector's signature.

The implication that someone other than VALERIE ADAMS filed the Objector's Petition is unfounded. The Petition is captioned VALERIE ADAMS, and her address is set forth; all other statutory requirements are satisfied.

Illinois Supreme Court Rule 137, captioned *Signing of Pleadings, Motions and Other Documents – Sanctions*, relate only to Court proceedings in the State of Illinois; and are not to be applied before the State Officers Electoral Board.

Furthermore, the Candidate's statement that *an objection once filed cannot be amended* is totally misplaced. As the Objector argues, she did not attempt to amend her Petition.

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 1, 2022 in Springfield. The OBJECTION SUMMARY REPORT of that Examination is attached hereto (Exhibit A). Staff ruled on objections to 430 signatures, of which 218 were sustained, leaving 525 valid signatures, (i.e., 315 unchallenged lines and 210 valid), which results in 125 signatures greater than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 6, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board deny the Candidate's MOTION TO STRIKE AND DISMISS; and overrule the objection to the Candidate's nominating papers and determine that the Candidate's name be certified for the ballot as candidate for the Office of US Congress, 1st Congressional District, Republican Primary Election.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP512 / ADAMS V. YOUNG

OBJECTOR(S)

VALERIE ADAMS
4738 S. LANGLEY
CHICAGO, IL 60615

CANDIDATE(S)

GENO YOUNG
8858 S. KENWOOD, AVE.
CHICAGO, IL 60619

REPUBLICAN
1ST CONGRESS

OBJECTION TOTALS

Petition pages	78		Examined	428	
Lines with signatures	745		Valid	210	49.1%
Lines with objections	430	57.7%	Invalid	218	50.9%
Unchallenged lines	315	42.3%	Pending	2	0.5%

Pages with objections	6	8%
Pending	6	100%
Overruled	0	0%
Sustained	0	0%
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	+125

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF US CONGRESS, 1ST CONGRESSIONAL DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 REPUBLICAN PRIMARY ELECTION

VALERIE ADAMS Petitioner - Objector

V.

GENO YOUNG Respondent – Candidate

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 1158 AM 21 MAR 2022

OBJECTOR'S PETITION

The objector states that she resides at 4738 S. LANGLEY, CHICAGO, IL, 60615; that she is a duly qualified and registered legal voter of the 1ST Congressional District, State of Illinois, the district in which the candidate is to be voted upon, and that her interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the office of US Congress, 1st Congressional District, State of Illinois, are properly complied with, and that only qualified candidates appear on the ballot for said office as candidates for the primary election.

Therefore, she makes the following objections to the Nomination Papers of GENO YOUNG , as a candidate for the election to the office of US Congress, 1st Congressional District, State of Illinois, to be voted upon at the JUNE 28, 2022 Primary Election.

Pursuant to state law, nomination papers for the election for the office of US Congress, 1st District, State of Illinois, is to be voted for at the JUNE 28, 2022 Primary Election, must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of said District, collected in a manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain signatures in excess of 400 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
The code referenced throughout this objection is 10 ILCS 5/7:
The Making of Nominations by Political Parties and all cited annotations, etc. therein.

NOMINATION PETITION DATA:

Summary of Signature Verification showing data collected:

2. The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, which appear to be affixed as part of a round-table and seriatim fashion. **Signature Not Genuine is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
23	5	76	4	76	8
76	10	77	10	78	6
78	7	78	9	78	10
30	3	30	6	30	2

#1

30	3	34	9	5	5
5	6	5	10	6	3
6	6	6	8	7	2
7	4	7	6	7	7
7	8	8	1	8	2
8	5	8	6	8	8
8	9	9	2	9	4
9	9	9	10	10	2
10	8	11	1	11	4
11	8	12	2	12	5
12	9	12	10	19	8
19	9	20	8	25	4
58	4	58	6	58	7
58	8	59	1	59	2
59	4	59	5	59	6
59	7	59	9	59	10
60	1	60	2	60	4
60	5	60	7	60	8
60	9	60	10	65	1
70	4	70	8	71	1
71	2	71	4	71	5
72	1	72	5	72	6
72	7	72	9	72	10
73	1	73	5	73	6
73	7	73	8	73	10
75	1	75	2	75	4
75	5	75	6	75	9
75	10	29	1	20	10
21	9	22	2	22	5
22	8	22	9	36	7
36	8	36	9	37	9
37	10	38	1	38	2
38	10	40	3	40	5
23	9	31	1	31	2
31	3 (also 63/1)	31	4	31	6
31	8	39	2	39	4
39	5	39	6	39	8

12

41	1	41	3	41	5
41	7	41	8	41	10
44	9	45	3	61	1
61	2	61	3	61	4
61	5	61	8	62	3
62	4	62	5	62	7
62	9	62	10	63	1 (also 31/3)
63	7	63	9	64	6
64	7	74	1	74	3
74	6	69	2	69	6
69	7	69	8	68	2
68	3	68	7	68	9
67	1	67	4	67	6
67	7	66	1	2	7
2	9	3	3	3	5
17	1	17	6	17	8
15	4	16	1	23	4
23	7	24	1	24	3
27	4	27	6	32	3
32	9	37	1	42	1
42	4	42	6	42	7
42	8	42	9	42	10
43	4	43	8	43	9
46	10	47	5	47	6
47	7	47	10	48	4
48	5	49	3	49	6
49	7	50	2	50	9
52	1	52	3	53	3
53	4	53	5	53	6
76	3	66	3	66	6
66	10	65	3	24	6
24	8	54	4	54	5
54	8	55	4	56	4
56	9	57	8	57	9
62	1	62	2	23	2 (also 35/3)
23	3 (also page 35/7)	35	3 (also 23/2)	35	7 (also page 23/3

B

3. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Not Registered Voters in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE
1	5	1	6
1	7	1	8
2	1	2	5
2	6	3	7
3	8	4	2
4	6	4	8
4	9	4	10
13	10	14	4
14	5	14	7
14	10	18	6
18	7	18	10
23	9	24	5
24	9	26	1
26	2	26	5
26	10	27	3
35	1	43	6
48	8	50	7
52	2	65	6
70	7	70	10
72	10	75	3
30	5	30	9
33	3	34	4
34	5	34	7
5	5	6	1
6	4	6	5
7	9	11	2
11	3	19	1
20	7	21	6
22	1	22	4
22	6	36	4
37	9	40	8
31	10	44	6

*4

61	9	62	6
62	8	64	8
64	9	74	5
74	8	69	4
68	4	68	10
67	3	66	4
58	3	59	2
59	5		

4. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Is Not at address shown in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE
LINE1	5	1	6
1	7	1	8
2	1	2	5
2	6	3	7
3	8	4	2
4	6	4	8
4	9	4	10
5	4	5	8
13	10	14	4
14	5	14	7
14	8	17	2
17	3	17	4
17	9	15	9
23	2	18	6
18	7	18	9
23	9	24	4
24	5	26	1
26	2	26	5
26	10	27	3
32	5	32	6
32	7	35	1
37	5	37	6

43	3	43	4
43	6	46	3
46	9	47	1
47	8	49	9
48	2	48	3
48	6	48	8
49	1	49	2
49	4	49	5
50	1	50	3
50	7	52	6
53	2	53	6
53	10	76	8
76	6	77	6
77	7	77	8
78	3	7	8
7	9	7	10
8	7	9	1
9	3	9	5
10	1	10	5
10	9	11	2
11	3	11	5
11	7	12	3
12	7	12	10
16	4	16	6
16	7	66	9
24	8	54	3
54	6	54	9
54	10	55	2
55	3	55	6
55	10	56	9
57	2	57	3
57	5	57	7
37	9	38	8
38	10	40	2
40	5	40	7

40	8	23	10
31	5	31	10
39	1	39	2
39	3	39	4
39	6	39	7
39	10	41	1
41	5	41	9
44	2	44	3
44	4	44	6
44	7	45	2
61	9	62	6
62	8	64	1
64	3	64	8
64	9	74	5
74	8	68	4
68	10	67	3
67	5	67	6
67	8	67	10
66	2	66	4
66	6	66	7
65	6	70	1
70	2	70	3
70	7	70	10
71	4	75	3
29	8	29	9
30	5	30	9
28	1	28	2
33	3	34	1
34	3	34	4
34	7	5	5
5	10	6	1
6	4	6	5
16	5	16	8
19	1	19	7
19	10	20	1

AF

20	2	20	3
20	5	20	6
20	7	21	3
21	5	21	6
21	10	22	1
22	4	22	6
36	3	36	4
36	7	37	7
41	5	25	6
58	1	58	3
59	2	59	5
59	8	60	1
60	6		

5. The Nomination Papers contain petition sheets with the names of persons who for whom addresses are stated which are not in and/or outside the boundaries of the US 1st Congressional District, State of Illinois and such signatures are not valid, **Signer Resides Outside District is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
2	8	8	3	8	10
11	1	11	9	12	3
13	8	14	3	14	10
17	1	16	1	16	2
25	1	25	2	25	3
25	7	25	8	25	9
26	4	26	8	26	9
32	7	35	5	35	6
35	9	38	3	38	4
38	5	38	7	38	8
40	1	40	2	40	4
49	10	78	1	78	2
78	9	36	5	38	2
23	9	31	8	31	9
41	2	41	7	41	10
44	1	45	3	45	4
45	5	45	6	45	7

#8

45	8	45	9	45	10
45	1	61	8	63	2
64	4	64	7	74	3
74	4	74	8	69	6
68	5	65	2	24	9
54	1	54	7	54	10
56	2	56	3	57	1
51	2	51	4	51	6
51	7	51	9	51	10
53	7	53	10	60	3
58	2	65	9	71	4
75	7	75	8	29	10
30	7	33	1	33	5
34	2	34	7	5	4
5	5	6	2	6	3
6	7	7	1	7	5
7	8	7	9	8	3
8	5	8	7	8	10
10	2	10	4	11	1
11	8	11	9	11	10
12	4	12	7	16	3
16	2	16	4	16	5
16	7	19	3	19	5
19	7	19	9	20	8
20	10	21	10	36	3
36	6	36	7	38	1

6. The Nomination Papers contain the names of persons for whom the signer's address is missing or incomplete; **Signer's Address Missing or Incomplete is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
10	7	14	8	32	1
32	4	32	5	32	6
37	2	37	4	6	9
64	3	67	3	66	8
70	1	70	2	72	3

#9

29	2	30	4	30	8
33	9	33	10	34	6
5	10	10	6	10	7
21	1	11	6	22	2
37	10	67	2	54	7
56	5	58	3		

7. The Nomination Papers contain petition sheets that were done in a round-table or seriatim fashion against the **Illinois Election Code** and each such page should be invalidated.

PAGE
3
17
71
75
61
29

8. The Nomination Papers contain numerous sheets where the circulator **GENO YOUNG** did not appear before a notary, but in fact, demonstrates a pattern of fraud and disregard of the Election Code. **Those sheets are** This suggests more than a mere oversight, but that the circulator did not swear the oath in the presence of the notary as required by the Illinois Election Code. As such, both pages should be invalided in order to protect the integrity of the electoral process. **A total of pages that clearly demonstrates a pattern of fraud regarding the mandatory swearing of the oath before an officer. Illinois Election Code 10 ILCS 5/7 -10.**

17. In addition to the above signature anomalies, Candidate **GENO YOUNG** has a Certificate of Deletions with a total of nine (9) deleted signatures further reducing his signatures below the required amount necessary to be placed on the primary ballot.

18. Considering all of the herein named infractions and deficiencies regarding the manner in which the nominating petitions have been collected in violation of the Illinois Election Code and with the other points outlined within, **the Nomination Papers of GENO YOUNG contains a total of 320 signatures**, far less than the required **400 validly collected signatures of qualified and duly registered legal voters of the US 1st Congressional District, State of Illinois, signed by such voters in their own proper person with proper addresses;** far below the number required under Illinois law.

WHEREFORE, your objector prays that the nomination papers of GENO YOUNG as a candidate for the election to the office of US CONGRESS, DISTRICT 01, State of Illinois, at the June 28, 2022 Primary Election be declared to be insufficient and not in compliance with the laws of the State of Illinois, and that this name be stricken and that this Board enter its decision declaring that the name of GENO YOUNG as a candidate for election to the office of US Congressman, DISTRICT 01, State of Illinois, BE NOT PRINTED upon the official ballot for the REPUBLICAN Primary Election to be conducted June 28, 2022.

Valerie Adams Objector

Signed

Valerie Adams v. Eric Carlson
22 SOEB GP 515

Candidate: Eric Carlson

Office: Representative, 1st Congressional District

Party: Republican

Objector: Valerie Adams

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: N/A – Pro Se

Number of Signatures Required: 400

Number of Signatures Submitted: 641

Number of Signatures Objected to: 386

Basis of Objection: Candidate's Statement of Candidacy lists his name without his middle initial, but the middle initial "J" appears in the signature, and public records indicate the Candidate is known as Eric C. Carlson.

Nomination papers include petition pages with persons whose signatures are not genuine; who are not registered voters or are not registered at the addresses opposite their respective names; whose addresses are not within the 1st Congressional District; or whose addresses are missing or incomplete.

Enumerated pages evidence roundtabling.

Circulator's name is not spelled correctly by the notary which allegedly demonstrates a pattern of fraud in the circulation of those petition sheets.

Dispositive Motions: Candidate's Motion to Dismiss filed 03/30/22. Candidate moves to dismiss the entirety of Objector's petition as frivolous. With regard to the objection related to his name, Candidate states he has never used an alias or the middle initial C, and notes that, in 2014, there was a misspelling of his name in a local newspaper. Candidate argues there was no way for him to know of the misspelling, and it occurred outside of the 3-year period contemplated by the Election Code (without citation to a particular section). Additionally, Section 8-8.1 of the Election Code provides that a candidate's initials "may be used" in addition to their surname.

Objector's Response to Candidate's Motion to Dismiss filed 03/31/22. Objector states her objection is not frivolous and is based on an examination of the Candidate's petitions.

Record Exam Necessary: Yes. Conducted on 4/6/22. Of 386 objected lines, 56 were sustained and 330 were overruled. At the conclusion of the exam, Candidate had 585 valid signatures, 185 greater than the statutory minimum of 400. No Rule 9 Motions were filed.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer recommends relying on the staff findings of the records examination, during which 386 lines were examined, 330 were overruled, and 56 were sustained. As a result, finding Candidate filed 585 valid signatures, 185 more than the statutory minimum. On this evidence, the Hearing Officer recommends overruling Objector's petition and that the name of Eric Carlson be certified as a Republican candidate for the office of Representative to Congress for the 1st Congressional District of Illinois at the June 28, 2022, General Primary.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, and further recommends the following:

With regard to Candidate's Motion to Dismiss, the General Counsel recommends granting the motion in part insofar as it relates to the use of Candidate's name on the Statement of Candidacy, as Section 7-10.2 of the Election Code provides "in the designation of the name of a candidate on a petition for nomination or certificate of nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname." Here, candidate elected not to use a middle initial on his Statement of Candidacy, and it is not required under Section 7-10.2. It is not necessary to reach the issue of the Motion to Dismiss's argument of the objection's frivolity.

Objector also mentions public records referring to Candidate as "Eric C. Carlson." Generally, "the burden of proof in a proceeding to contest nominating petitions lies with the objector." *Sims v. Mun. Officers Electoral Bd. For Village of Riverdale*, 2021 IL App (1st) 210168, ¶15, citing *Hagen v. Stone*, 277 Ill.App.2d 388, 390 (1995). Objector has offered no proof of the public records which refer to Candidate as "Eric C. Carlson" and no evidence to contradict that the public record in question, per Candidate's Motion to Dismiss, was not a misspelling in a newspaper in 2014.

The General Counsel recommends, with regard to Objector's allegations of roundtabling, overruling the objection. Of the 22 pages alleged to have been roundtabled, Objector objected to 135 lines thereon on the basis the signatures were not genuine. Of these 135 objections, only two were sustained. As such, Objector has not met her burden of proof in establishing the enumerated petition sheets were the result of roundtabling.

The General Counsel recommends, with regard to the allegation of a pattern of fraud, the objection be overruled. Objector has specified two pages of 65 Candidate filed as sufficient to rise to a level of pattern of fraud. The General Counsel recommends overruling this objection because even if two petition sheets were stricken, Candidate would have more than enough signatures for ballot access.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF US CONGRESS, 1ST CONGRESSIONAL DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 REPUBLICAN PRIMARY ELECTION

VALERIE ADAMS,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 515**
	)	
ERIC CARLSON,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL
FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present pro se, via zoom. The Candidate was present in his own person. Appearances were filed by both parties. The conference was concluded *sine die*.

PLEADINGS

The following pleading was filed and considered:

- Objector's Petition.

ANALYSIS

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 6, 2022 in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 386 signatures, of which 56 were sustained,

leaving 585 valid signatures, (i.e., 255 unchallenged lines and 330 valid), which results in 185 signatures greater than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 11, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nomination papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of US Congress, 1st Congressional District.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP515 / ADAMS V. CARLSON

OBJECTOR(S)

VALERIE ADAMS
4738 S. LANGLEY
CHICAGO, IL 60615

CANDIDATE(S)

ERIC CARLSON
4 WILD PLUM CT.
LEMONT, IL 60439

REPUBLICAN
1ST CONGRESS

OBJECTION TOTALS

Petition pages	65		Examined	386	
Lines with signatures	641		Valid	330	85.5%
Lines with objections	386	60.2%	Invalid	56	14.5%
Unchallenged lines	255	39.8%	Pending	0	0%

Pages with objections	22	34%
Pending	22	100%
Overruled	0	0%
Sustained	0	0%
Signatures subtracted	0	

Required signatures 400 Over/Under required signatures +185

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF US CONGRESS, 1ST CONGRESSIONAL DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 REPUBLICAN PRIMARY ELECTION

VALERIE ADAMS Petitioner - Objector

V.

ERIC CARLSON Respondent – Candidate

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 11:55 AM 21 MAR 2022

OBJECTOR'S PETITION

The objector states that she resides at 4738 S. LANGLEY, CHICAGO, IL, 60615; that she is a duly qualified and registered legal voter of the 1ST Congressional District, State of Illinois, the district in which the candidate is to be voted upon, and that her interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the office of US Congress, 1st Congressional District, State of Illinois, are properly complied with, and that only qualified candidates appear on the ballot for said office as candidates for the primary election.

Therefore, she makes the following objections to the Nomination Papers of ERIC CARLSON , as a candidate for the election to the office of US Congress, 1st Congressional District, State of Illinois, to be voted upon at the JUNE 28, 2022 Primary Election.

Pursuant to state law, nomination papers for the election for the office of US Congress, 1st District, State of Illinois, is to be voted for at the JUNE 28, 2022 Primary Election, must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of said District, collected in a manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain signatures in excess of 400 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
The code referenced throughout this objection is 10 ILCS 5/7:
The Making of Nominations by Political Parties and all cited annotations, etc. therein.

Candidate's Statement of Candidacy list his name without the middle initial. However, pursuant to the ILLINOIS ELECTION CODE 8-8.1. In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.
On the signature line of the Statement of Candidacy, **ERIC CARLSON** include a middle initial of **"J"**. According to public records, candidate **ERIC CARLSON** is also known as **ERIC "C." CARLSON** at the same address that is listed on the Statement of Candidacy of 4 Wild Plum Court, Lemont, IL, 60439. The Statement of Candidacy requires that all names used, etc. during the last three (3) years be listed as part of the Statement of Candidacy as per 10ILCS 5/7-10.2, 8-8.1 or 10.5-1. **ERIC CARLSON** has not included the name **ERIC C. CARLSON** on his Statement of Candidacy in violation of the **IILINOIS ELECTION CODE.**

NOMINATION PETITION DATA:

Summary of Signature Verification showing data collected:

#1

2. The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, which appear to be affixed as part of a round-table and seriatim fashion. **Signature Not Genuine is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
7	4	27	10	38	3
7	5	28	2	38	5
7	6	28	3	38	6
7	8	28	6	38	7
7	10	28	7	38	8
6	2	28	9	38	10
6	3	29	3	39	2
6	4	29	5	39	4
6	5	29	6	39	5
6	9	29	7	39	6
27	1	29	8	39	7
27	3	29	9	39	9
27	4	29	10	39	10
27	5	32	1	46	5
27	6	32	4	52	1
27	7	32	5	52	4
27	8	38	2	52	5
52	6	57	2	59	10
53	2	57	5	60	3
53	4	57	7	60	4
53	5	57	8	60	8
53	6	57	10	61	1
53	7	56	9	61	3
51	8	59	5	61	8
58	2	59	7	61	10
58	7	59	9	62	2
62	9				
63	2	63	3	64	3
64	6	64	7	64	8
65	1	65	5	65	6
5	6	5	9	25	2
25	7	24	4	24	5
24	6	1	3	1	10

FF2

2	1	3	1	3	2
3	4	4	1	4	3
4	5	5	1	9	4
9	6	25	9	25	10
26	1	30	7	31	1
31	3	31	4	33	2
33	2	33	3	33	4
33	6	33	10	34	4
34	7	35	2	35	7
35	10	36	3	36	5
36	10	37	1	37	2
37	3	37	5	37	6
37	10	44	6	44	8
44	9	44	10	45	2
45	6	45	10	46	2
46	3	46	4	24	7
24	9	24	10	23	1
23	3	23	6	23	8
23	9	22	3	22	5
22	8	22	10	21	5
21	7	21	8	20	2
19	1	19	3	19	4
19	8	19	9	19	10
18	1	18	2	18	4
18	5	18	7	17	5
17	6	17	7	17	8
17	9	16	2	16	3
16	5	16	7	16	6
16	9	16	10	15	2
15	3	15	7	15	10
14	1	14	3	14	6
14	8	14	9	14	10
13	3	13	4	13	5
13	6	13	7	13	8
13	10	12	1	12	2
12	3	12	5	12	7
12	8	12	9	11	1

11	2	11	3	11	4
11	5	11	6	11	9
11	10	10	2	10	3
10	6	10	8	10	9
10	10	9	7	9	8
9	10	8	1	8	2
8	3	8	4	8	5
8	7	30	1	30	2
59	2	31	6	31	7
31	8	31	9	7	1
7	2	40	3	40	4
40	5	40	6	40	7
40	8	53	8	53	9
51	1	51	2	51	3
51	4	51	5	51	6
51	7	56	4	56	5
56	8	41	1	41	7
41	8	42	2	42	3
42	5	42	6	42	7
42	8	42	10	43	1
43	2	43	3	43	4
43	7	43	8	43	9
48	1	48	2	48	7
48	8	48	10	49	1
49	3	49	4	49	6
48	5	49	10	20	1
50	2	50	3	50	5
50	6	50	7	50	8
50	9	50	10	54	1
54	4	54	5	54	7
54	8	54	9	54	10
55	2	55	3	55	4
55	5	55	6	55	7
55	8	55	9	55	10
44	1	44	2	44	3
47	5	47	6	47	7
47	8	47	9	47	10

#4

3. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Not Registered Voters in violation of the Illinois Election Code.**

PAGE	**LINE**	**PAGE**	**LINE**
1	7	2	6
3	5	3	6
3	7	3	8
3	9	4	2
26	4	26	7
26	9	26	10
30	3	30	4
30	6	30	9
32	8	33	8
37	4	45	7
46	1	60	7
62	5	62	8
63	4	63	6
64	2	65	10
5	10	25	4
22	4	21	6
21	9	21	10
27	9	40	3
41	2	41	3
41	4	41	5
49	5		

4. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Is Not at address shown in violation of the Illinois Election Code.**

PAGE	**LINE**	**PAGE**	**LINE**
2	7	2	8
30	4	30	6
30	9	33	8
37	4	45	7
60	7	60	9

#5

61	4	62	5
62	8	63	4
63	6	64	2
64	6	64	7
65	10	5	10
25	4	23	10
22	4	21	6
21	9	21	10
20	3	20	6
19	6	17	2
17	4	17	6
16	8	15	4
15	9	14	2
13	2	7	9
27	2	27	9
28	8	32	6
32	7	40	3
56	6	41	2
41	6	41	10
42	2	48	3
48	5	48	6
48	8	49	7
49	5	49	8
54	2	54	3
54	6		

5. The Nomination Papers contain petition sheets with the names of persons who for whom addresses are stated which are not in and/or outside the boundaries of the US 1st Congressional District, State of Illinois and such signatures are not valid, **Signer Resides Outside District is in violation of the Illinois Election Code.**

PAGE	LINE
12	7
63	4
38	4

#6

6. The Nomination Papers contain the names of persons for whom the signer's address is missing or incomplete; **Signer's Address Missing or Incomplete is in violation of the Illinois Election Code.**

PAGE	LINE
62	4
15	5
41	10

7. The Nomination Papers contain petition sheets that were done in a round-table or seriatim fashion against the **Illinois Election Code** and each such page should be invalidated.

PAGE
8
10
11
12
13
14
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64
65

8. The Nomination Papers contain numerous sheets where the circulator **REGINA ROBINSON** did not appear before a notary, but in fact, demonstrates a pattern of fraud and disregard of the Election Code. **Those sheets are 64 , 65.** The notary clearly spells her name as ***RAGINA ROBINSON*** instead of **REGINA ROBINSON**. A person appearing before a notary to swear an oath would ensure that his/her name is properly spelled. This suggests more than a mere oversight, but that the circulator did not swear the oath in the presence of the notary as required by the Illinois Election Code. As such, both pages should be invalided in order to protect the

#7

integrity of the electoral process. **A total of 2 pages that clearly demonstrates a pattern of fraud regarding the mandatory swearing of the oath before an officer. Illinois Election Code 10 ILCS 5/7 -10.**

17. In addition to the above signature anomalies, Candidate **ERIC CARLSON** has a Certificate of Deletions with a total of nine (9) deleted signatures further reducing his signatures below the required amount necessary to be placed on the primary ballot.

18. Considering all of the herein named infractions and deficiencies regarding the manner in which the nominating petitions have been collected in violation of the Illinois Election Code and with the other points outlined within, **the Nomination Papers of ERIC CARLSON contains a total of 215 signatures**, far less than the required **400 validly collected signatures of qualified and duly registered legal voters of the US 1st Congressional District, State of Illinois, signed by such voters in their own proper person with proper addresses;** far below the number required under Illinois law.

WHEREFORE, your objector prays that the nomination papers of ERIC CARLSON as a candidate for the election to the office of US CONGRESS, DISTRICT 01, State of Illinois, at the June 28, 2022 Primary Election be declared to be insufficient and not in compliance with the laws of the State of Illinois, and that this name be stricken and that this Board enter its decision declaring that the name of ERIC CARLSON as a candidate for election to the office of US Congressman, DISTRICT 01, State of Illinois, BE NOT PRINTED upon the official ballot for the REPUBLICAN Primary Election to be conducted June 28, 2022.

Valerie Adams Objector

Signed VA

#8

Marietta Harley-Harvey v. Stephany Rose Spaulding
22 SOEB GP 517

Candidate: Stephany Rose Spaulding

Office: Representative, 1st Congressional District

Party: Democratic

Objector: Marietta Harley-Harvey

Attorney for Objector: Michael Kreloff

Attorney for Candidate: Dean Barakat

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Candidate's Statement of Candidacy is substantially insufficient in form and substance and does not adhere to the requirements of Section 7-10 of the Election Code, 10 ILCS 5/7-10.

Specifically, Objector notes that the Statement of Candidacy is not on the correct form, and further that Section 7-10 requires a candidate's Statement of Candidacy to state that the Candidate is a qualified voter of the affiliated political party, qualified for the office specified and that the Candidate requests their name to be placed on the ballot. Objector argues Candidate Spaulding has not met those requirements by failing to state that she is qualified to hold the office sought.

Section 7-10 requires the Statement of Candidacy and sets forth the form with which it must substantially comply, including the candidate swearing to the following:

> […] that [candidate] reside[s] at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that [candidate is] a qualified voter therein and a qualified primary voter of the .... party; that [candidate is] a candidate for nomination (for election in the case of committeeperson and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); **that [candidate is] legally qualified (including being the holder of any license that may be an eligibility requirement for the office [candidate] seek[s] the nomination for) to hold such office** and that [candidate has] filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act […]
> 10 ILCS 5/7-10 (emphasis added).

Dispositive Motions:

Candidate's Rule 7 Motion to Strike Objector's Petition filed 4/2/22. Candidate argues that the Objector's objections address technical issues that are not substantive in nature, and therefore, the Petition should be analyzed using the standards for substantial compliance. Candidate relies heavily on *Zurek v. Cook County Officers Electoral Board*, 2014 IL App. (1st) 140446, where the candidate filed a Statement of Candidacy on the wrong form. There, the Court affirmed the Board of Review's finding that the candidate's form substantially complied with the statute, and the deficiencies were not grounds to invalidate the nominating petition.

Additionally, Candidate argues that Objector has never alleged her to be unqualified for office; rather, Objector alleged Candidate failed to include the fact of her qualification in her sworn statement. Candidate argues that such omission is technical and should not invalidate her nominating petition.

Objector's Memorandum of Law in Response to Candidate's Motion to Strike filed 4/6/22. Objector argues case law supports that swearing to eligibility is mandatory, citing *Goodman v. Ward*, 241 Ill.2d 398, 408 (2011) and *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill.2d 200 (2008). *Zurek* is distinguishable because the statement of candidacy in that case made a representation that the candidate was qualified, albeit with different phrasing. Objector further argues the Statement of Candidacy is not even "substantially" in the required form.

Candidate's Reply to Objector's Response to Candidate's Motion to Strike filed 4/8/22. Candidate argues that substantial compliance is the correct standard and that there is no dispute as to her qualifications, just to the Statement of Candidacy's form.

Record Exam Necessary: No

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer found that the purpose of the Statement of Candidacy form was to ensure that candidates swear to meeting seven certain requirements to qualify for holding office, as articulated in Section 7-10 of the Election Code. Although a Candidate is not required to use the specific form recommended for the Statement of Candidacy, the Candidate must still swear to meeting those same requirements. One of those requirements is swearing to possessing the legal qualifications to hold the office, which Candidate Spaulding failed to include.

The Hearing Officer rejected Candidate's substantial compliance argument, distinguishing Candidate Spaulding's Statement of Candidacy from that of the candidate in *Zurek*. There, the candidate *did* state on his Statement of Candidacy that he was legally qualified to hold such office, whereas the Candidate here did not. *See generally Zurek*, 2014 IL App. (1st) 140446.

The Objector has asserted that the statutory requisites of Section 7-10 are mandatory, and the Hearing Officer noted that Candidate failed to argue otherwise. As such, the Hearing Officer found that Candidate's failure to comply with a mandatory requirement of Section 7-10 voids her Statement of Candidacy and invalidates her nomination papers.

The Hearing Officer recommends the Board deny Candidate's Rule 7 Motion to Strike Objector's Petition, sustain the objection, and the name of Stephany Rose Spaulding not be certified to the ballot as a candidate for the office of Representative in the 1st Congressional District of the State of Illinois to be voted upon at the Primary Election on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING OF AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS, 1ST CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

MARIETTA HARLEY-HARVEY,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 517**
	)	
STEPHANIE ROSE SPAULDING,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by her attorney, MICHAEL KRELOFF; the Candidate was present via telephone; both of whom filed their Appearances. The conference was commenced and concluded *sine die.*

The Candidate was subsequently represented by attorney DEAN BARAKAT, who filed his Appearance. MR. BARAKAT requested additional time during which to plead, which request was agreed to by MR. KRELOFF, as well as the Hearing Officer.

PLEADINGS

The following pleadings were timely filed and considered:

- OBJECTOR'S PETITION.
- CANDIDATE'S RULE 7 MOTION TO STRIKE OBJECTOR'S PETITION.
- OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO STRIKE.

- CANDIDATE'S REPLY TO OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO STRIKE.

ANALYSIS

It is undisputed that Section 7-10 governs the requirements for a petition for nomination. The first sentence states, inter alia, as follows:

> *The name of no candidate…, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:*

The statute goes on to require, *as a part thereof, a statement of candidacy for each of the candidates filing, …* It then itemizes several specific requisites, seven (7) of which are preceded by *"shall"*. A recommended form is then set forth which itemizes each requirement.

The statute does not require that each candidate utilize this exact form, but does require that the statement *be in substantially* that form. The Candidate in this instance chose not to utilize the recommended form, which was her prerogative. However, the obvious purpose of the legislature in proposing this form was to ensure that candidates swear to certain specific requirements in order to qualify for the office sought. Those requirements may not be taken lightly; particularly the representation that one is *legally qualified … to hold such office…*

The Candidate states that *the entire petition may be taken into account for substantial compliance;* (p. 3 of Motion to Strike, citing Zurek v. Cook County Officers Electoral Board); to which the Objector agrees, in principle, by stating that *courts ..often will look to the entirety of the nomination papers to find the required information* (p. 2 of Response). The Zurek court found that the Candidate's Statement of Candidacy did state that he was *legally qualified to hold such office.* Reference to this Candidate's *entire petition/nominating papers* reveal no such statement.

The Candidate argues that the totality of the Nominating Petition constitutes substantial compliance, which, in effect, satisfies the requirements of Section 7-10. (Zurek).

The Objector counters with the holding in Serwinski v. Bd. Of Election Comm'rs, p. 259 Ill. citation:

> *It is well established that the failure to follow a statutory provision which is mandatory renders the proceeding to which it relates illegal and void, while strict*

compliance to a directory provision is not necessary to the validity of the proceeding. (Emphasis added.)

The Court further states that *no concrete rule exists to distinguish between mandatory and directory provisions.* (p. 259).

In the instant case, the Objector argues that the statutory requisites are *mandatory*. The Candidate acknowledges this position at page 2 of her Reply; however, the Candidate fails to dispute this allegation in this instance.

Consequently, failure of the Candidate to comply with the mandatory requirements of Section 7-10 voids the Statement of Candidacy.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board deny the Candidate's Rule 7 Motion to Strike Objector's Petition, and sustain the objection to the Candidate's nominating papers, and determine that the Candidate's name not be certified for the ballot as candidate for the Office of Representative in Congress, 1st Congressional District of the State of Illinois.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING OF AND PASSING UPON OBJECTIONS
TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF
REPRESENTATIVE IN CONGRESS, 1st CONGRESSIONAL DISTRICT
OF THE STATE OF ILLINOIS.

ORIGINAL ON FILE AT
STATE BD OF ELECTION
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AT 1202 PM 21 MAR

IN THE MATTER OF THE OBJECTIONS OF	)
MARIETTA HARLEY-HARVEY	)
TO THE NOMINATION PAPERS OF	)
STEPHANIE ROSE SPAULDING	)
FOR NOMINATION TO THE OFFICE OF	)
REPRESENTATIVE IN CONGRESS FOR THE 1st	)
CONGRESSIONAL DISTRICT OF THE STATE OF	)
ILLINOIS TO BE VOTED UPON AT THE JUNE 28,	)
2022 PRIMARY ELECTION.	)

OBJECTORS' PETITION

NOW COMES Marietta Harley-Harvey ("Objector"), and respectfully represents that Objector resides at 300 E. 26th Street, Apt. 801, Chicago, IL, in the 1st Congressional District of the State of Illinois; that Objector is a duly qualified, registered, and legal voter at such address; that Objector's 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 nomination of the Democratic Party to the office of Representative in Congress in the 1st Congressional 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; and therefore Objector makes the following objections to the nomination papers of Stephanie Rose Spaulding ("Candidate") as a candidate for nomination of the Democratic Party to the office of Representative in Congress in the 1st Congressional District of the State of Illinois and states that said nomination papers are insufficient in law and fact for the following reasons:.

Deficient Form of Statement of Candidacy

1. Illinois law requires that nomination papers for nomination of the Democratic Party to the office of Representative in Congress in the 1st Congressional District of the State of Illinois for the June 28, 2022 Primary Election "must include" *inter alia*, a valid sworn Statement of Candidacy in compliance with 10 ILCS 5/7-10. The Statement of Candidacy "shall set out" the candidate's address and office sought, which this Candidate's Statement contains.

2. However, statute demands that the sworn Statement of Candidacy also "shall" state that she is a "qualified primary voter of the Democratic Party"[1], that she "is qualified for the office specified", and that she "shall request" that Candidate's name be placed upon the official ballot. Candidate's Statement fails to meet these additional requirements.

3. The General Assembly made the task of filing a valid sworn Statement of Candidacy quite simple, by setting forth, in statute, a valid sample Statement, then requiring that a Candidate's Statement "shall be in substantially the following form"[2]:

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

```
State of Illinois)
                 ) ss.
County of .......)
    I, ...., being first duly sworn, say that I reside at ....
Street in the city (or village) of ...., in the county of
...., State of Illinois; that I am a qualified voter therein
and am a qualified primary voter of the .... party; that I am
a candidate for nomination (for election in the case of
committeeperson and delegates and alternate delegates) to the
office of .... to be voted upon at the primary election to be
held on (insert date); that I am legally qualified (including
being the holder of any license that may be an eligibility
requirement for the office I seek the nomination for) to hold
such office and that I have filed (or I will file before the
close of the petition filing period) a statement of economic
```

[1] Although candidates for Congress need not be registered to vote, the law still requires that they be eligible to affiliate with the Democratic Party, e.g., not have affiliated with another political party in the current election cycle.

[2] See Illinois State Board of Elections Form SBE No. P-1, attached as Ex. 1.

interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeepersons and delegates and alternate delegates) such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .....

(Official Character)

(Seal, if officer has one.)

4. In violation of Section 7-10 of the Illinois Election Code, Candidate failed to file a Statement of Candidacy "substantially" in the statutorily mandated form. See Candidate's purported Statement of Candidacy, attached as Ex. 2.

Deficient Substance Within Statement of Candidacy

5. Not only has Candidate filed a document fatally defective insofar as its form, her Statement of Candidacy is also fatally defective insofar as its substance.

6. Candidates running for elective office must swear they are eligible to be elected to the office sought, eligibility varying depending upon the office sought. (...that I am legally qualified to hold such office..." 10 ILCS 5/7-10).

7. Article I, Section 2, Clause 2 of the United States Constitution sets forth Congressional eligibility requirements as follows:

> No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. (emphasis added).

8. Nowhere in all of Candidate's nomination papers does she ever swear that she is "legally qualified" to hold the office of Representative in Congress. She neither swears to generic eligibility nor to possessing the requisite factual eligibility elements set forth in the United States Constitution.

9. The very purpose of the Statement of Candidacy "is to obtain a sworn statement from the candidate establishing [her] qualifications to enter the primary election for the office [she] seeks." *Lewis v. Dunne*, 63 Ill.2d 48, 53, 344 N.E.2d 443, 447 (1976).

10. This concrete purpose was recently reaffirmed in *Cohen v. Vaughn,* 2021 IL App (2d) 210084-U, par. 19, where the court stated: "The purpose of the Statement of Candidacy...is for [Candidate] to swear under oath that ...[s]he is qualified for that particular office." Candidate never took that required oath.

11. Illinois law demands that a candidate must personally swear to a certain seven facts in the Statement of Candidacy in order for it to be legally valid. Delort, ed., Election Law (IICLE, 2020), Ballot Access (Jaconetty) sec. 1.48). One of these essential facts (listed as "e") is that the candidate must personally swear "...that he or she is 'legally qualified...to hold such office."

12. Failure to comply with the mandatory provisions of Section 7-10 and file a valid Statement of Candidacy voids the Statement – and voids the candidacy. See *Serwinski v. Bd. Of Elec. Comm'rs of the City of Chicago*, 156 Ill. App. 3d 257, 509 N.E.2d 509, 511 (1st Dist. 1987).

12. For these reasons, Candidate's Statement of Candidacy is fatally defective and void, all in violation of Section 7-10 of Election Code.

WHEREFORE, Objector prays that the Nomination Papers of Stephanie Rose Spaulding ("Candidate") as a candidate for nomination of the Democratic Party to the office of Representative in Congress for the 1st Congressional District of the State of Illinois be declared by this 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 the Electoral Board enter its decision that the name of Stephanie Rose Spaulding as a candidate of the Democratic Party for nomination of the Democratic Party to the office of Representative in Congress for the 1st Congressional District of

the State of Illinois be not printed on the official ballot for the Democratic Party at the Primary Election to be held on June 28, 2022.

Marietta Harley-Harvey
OBJECTOR

VERIFICATION

I, Marietta Harley-Harvey, being first duly sworn on oath, state that I have read the foregoing Verified Objectors' Petition and that the statements therein are true and correct to the best of my knowledge and belief.

Marietta Harley Harvey
OBJECTOR

Signed and sworn to before me, by Marietta Harley-Harvey
this ____ day of March, 2022.

Michael Kreloff
NOTARY PUBLIC

Michael Kreloff
Attorney at Law
3710 Commercial Ave., Ste 5
Northbrook, IL 60062
847-525-1139
capitolaction@yahoo.com
ATTORNEY FOR OBJECTOR

OFFICIAL SEAL
MICHAEL KRELOFF
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/15/24

10 ILCS 5/7-10

_____ATTACH TO PETITION_____

Suggested
Revised March 2020
SBE No. P-1

STATEMENT OF CANDIDACY

NAME:	OFFICE:
ADDRESS – ZIP CODE:	A Full Term is sought, unless an unexpired term is stated here:_____year unexpired term
	DISTRICT:
	PARTY:

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
) SS.
County of_____)

I,_____(Name of Candidate) being first duly sworn (or affirmed), say that I reside at_____, in the City, Village, Unincorporated Area of _____ (if unincorporated, list municipality that provides postal service) Zip Code_____, in the County of _____, State of Illinois; that I am a qualified voter therein and am a qualified Primary voter of the _____ Party; that I am a candidate for Nomination/Election to the office of _____ in the_____ District, to be voted upon at the primary election to be held on _____ (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official_____(Name of Party) Primary ballot for Nomination/Election for such office.

_____
(Signature of Candidate)

Signed and sworn to (or affirmed) by _____ before me, on _____.
(Name of Candidate) (insert month, day, year)

(SEAL)

_____
(Notary Public's Signature)

Obj. Ex. 1

I, Stephany Rose Spaulding, who resides at 10929 S. State Street in the county of Cook, city of Chicago, and state of Illinois do hereby submit my statement of Candidacy to the Illinois Board of Elections for the Democratic nomination to the office of U.S. House of Representatives for Illinois' First Congressional District to take place in the Democratic Primary on June 28, 2022.

State of Illinois)

County of Cook)

Signed and sworn to by:

Stephany Rose Spaulding
Candidate's Printed Name

Stephy Rose Spaulding
Candidate's Signature

Before me, on March 9, 2022
(month, day, year)

Roslyn R. Johnson
Notary Public's Signature

ROSLYN R. JOHNSON
Official Seal
Notary Public - State of Illinois
My Commission Expires Sep 12, 2023

Obj. Ex. 2-1

FEC FORM 2

STATEMENT OF CANDIDACY

FILING FEC-1554640

1. Stephany Rose Spaulding
PO Box 289378
Chicago, IL 60628

2. Identification Number: H2IL01273

3. Party: Democratic Party

4. Office Sought: House of Representatives

5-6. State & District of Candidate: Illinois - 1

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2022 election(s).

Spaulding for Congress
PO Box 289378
Chicago, IL 60628

DESIGNATION OF OTHER AUTHORIZED COMMITTEES

8. I hereby designate the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

DECLARATION OF INTENT TO EXPEND PERSONAL FUNDS (House or Senate Only)

9. I intend to expend personal funds exceeding the threshold amount (see 11 C.F.R. 400.9) by

9A. 0.00 for the primary election, and
9B. 0.00 for the general election

2022 MAR 10 AM 11:27
STATE BOARD OF ELECTIONS
PRINCIPAL OFFICE

Signed as: Stephany Rose Spaulding
Signed by the candidate on: 01/06/2022

Obj. Ex. 2-2 1/2

Filed: 01/06/2022

(End FEC FORM 2)

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Obj. Ex. 2-3

Dean Maragos v. Emily Johnson and Brett Mahlen
22 SOEB GP 520

Candidates: Emily Johnson and Brett Mahlen

Office: Governor and Lt. Governor

Party: Republican

Objector: Dean Maragos

Attorney for Objector: Kevin M. Morphew

Attorney for Candidate: N/A – Pro Se (Brett Mahlen); Emily Johnson did not file an appearance, respond to service, or participate in the proceedings.

Number of Signatures Required: 3,250

Number of Signatures Submitted: 4,228

Number of Signatures Objected to: Approximately 235 petition sheets, each containing approximately 10 signatures

Basis of Objection: Candidate Brett Mahlen is allegedly not an Illinois resident and does not meet the residency requirements for the office of Lt. Governor.

Petition pages are not uniform, as Candidate Brett Mahlen's name and address are crossed out on the petition header on "most" petition pages. Those pages from which Candidate Mahlen's name are not stricken do not contain sufficient signatures.

Petition pages are not consecutively numbered, as page 390 is missing.

Dispositive Motions: Objector's Motion for Summary Judgment filed 03/31/22. Objector moves for summary judgment or, in the alternative, judgment on the pleadings in reliance on 735 ILCS 5/2-1005(c), 2-615(E), and *Gillen v. State Farm Mutual Automobile Insurance Co.*, 830 N.E.2d 575 (Ill. App. 2005), and notes facts in support of summary judgment not contradicted by the party opposing the motion must be taken as true for purposes of the motion. Objector makes the following arguments.

First, state law imposes mandatory residency requirements on candidates. Objector states Article V, §3 of the Illinois Constitution requires candidates for Illinois Governor and Lt. Governor be Illinois residents. In defining resident, Objector cites *Dillavou v. Cty. Officers Electoral Bd. of Sangamon Cty.*, 632 N.E.2d 1127, 1132 (Ill. App. 1994), stating a person must have a physical presence in the district with the intent that such presence be permanent

Objector argues Lt. Governor candidate Brett Mahlen does not intend to make his residence in Illinois permanent, as evidenced by a sworn statement from MaryAnn Mahlen that the Mahlens, including Candidate Mahlen, have "overstayed [their] welcome in Illinois" and plan to move to Texas by summertime, that Candidate Mahlen "will most likely not even be living in Illinois for the elections," and is preaching at a church in San Antonio, TX.

Objector requests the Board reject Candidate Mahlen's nomination papers for failure to meet the Constitutional requirements to be a candidate for Lieutenant Governor, and, further, because Section 7-10 requires the Governor and Lieutenant Governor file joint nomination petitions, also reject Candidate Emily Johnson's nomination papers (citing 10 ILCS 5/7-10 ("In the case of offices for Governor and Lieutenant Governor, a joint petition including one candidate for each of those offices must be filed.”))

Second, Objector argues Candidates' nomination papers fail to meet petition uniformity requirements of Section 7-10 ("…the heading of each petition sheet shall be the same…"). Objector states most of the pages in the nomination papers have Candidate Mahlen's name and address crossed out, and, thus, the heading of each sheet is not the same. Objector contends the argument that Candidate Mahlen's information was crossed out after the petition pages were signed is not sufficient to satisfy the mandatory requirements of the Election Code, as Section 7-10 requires uniformity at the time of filing.

Third, Objector argues, the petition pages with Candidate Mahlen's name and address crossed out should be deemed invalid, citing *Hendon v. Davis*, 02-EB-SS-10 (Chi. Electoral Bd. 2002). Doing so, Objector argues, will render 235 petition sheets of signatures invalid and bring the total valid signatures for Candidates to, at most, 1,276 – below the statutory minimum of 3,250.

Objector argues the information set forth in his Motion for Summary Judgment is contained in the four corners of Candidates' nomination papers and removes any genuine issue of material fact. He further states that the allegations set forth indicates a pattern of fraud and false swearing.

Record Exam Necessary: No.

Pre-Evidentiary Hearing: On 4/1/22, Objector filed Objector's Notice to Produce certain records in relation to the residency issue raised in Objector's petition. A production of documents was filed by Candidate Mahlen approximately 40 minutes beyond the deadline set by the Hearing Officer. Objector opposed this production as being untimely. The Hearing Officer allowed the production, as Objector was not able to establish he was prejudiced by the acceptance of the documents at the time they were received.

Evidentiary Hearing: On 4/14/22, an evidentiary hearing occurred. Objector proffered a sworn statement of Michelle Turney, a Candidate whose name appeared on the same slate as Candidate Mahlen. The sworn statement, coupled with public statements made by the Candidate, Objector argued, established Candidate Mahlen did not intend to remain an Illinois resident. Objector further stated the documents Candidate Mahlen produced did not evidence his intent to remain (e.g. lease, deed, mortgage documents).

Candidate Mahlen testified he resides in Illinois and has resided in Illinois for 5.5 years. He testified that in his capacity as a clergy person, he lives next door to a church and does not have a mortgage or a lease. He provided a voter ID card, driver's license, car title, and Visa bill, among others, containing the address where he currently resides – a home next to a church in Orland Park, Illinois. He testified that although his responsibilities as a clergy person may take him away temporarily, he intends to remain in Illinois.

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding Candidate Mahlen meets the residency requirements, as his testimony and evidence proffered establish a physical presence and intent to remain in Illinois.

The Hearing Officer recommends finding the nomination petition headings were altered by Michelle Turney, and striking the names of candidates on some petition sheets, including Candidate Mahlen, caused the sheets to have inconsistent headings, which violates Section 7-10 of the Election Code, requiring uniformity thereof. The Hearing Officer recommends finding the striking of Candidate Mahlen's name and address on some petition sheets, despite Candidate Mahlen filing a Statement of Candidacy, and read in conjunction with the sworn statement of Michelle Turney, makes it impossible to know who is intended to be placed on the ballot. These errors are such that, even under a substantial compliance review, the nomination papers are fatally flawed and not compliant with Section 7-10. Accordingly, the Hearing Officer recommends, paragraph B of Objector's petition should be sustained.

The Hearing Officer further recommends the approximately 235 petition sheets on which Candidate Mahlen's name and address have been crossed out be rejected. Absent these pages, the Hearing Officer recommends finding the Candidates have submitted fewer than the statutory minimum number of signatures. Accordingly, the Hearing Officer recommends, paragraph C of Objector's petition should be sustained.

As such, the Hearing Officer recommends the objections of Dean Maragos to the nominating papers of Emily Johnson and Brett Mahlen be sustained, except as to Candidate Mahlen's residency, and the names of Emily Johnson and Brett Mahlen not be certified to the ballot for the June 28, 2022, General Primary Election as Republican Party candidates for the offices of Governor and Lieutenant Governor.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. The General Counsel further recommends denying Candidate's Motion for Summary Judgment, as it has been rendered moot by the Hearing Officer's determination on the merits. The General Counsel also recommends supplementing the Hearing Officer's recommendation with factual findings that of the 4,228 signatures filed by Candidates, striking petition sheets on which Candidate Mahlen's name and address are crossed out results in the exclusion of approximately 235 pages of signatures, each containing approximately 10 signatures. Although no exact number of valid signatures was counted as a result of striking these sheets, they constitute more than half of the signature sheets submitted, leaving Candidates with fewer than the required 3,250 signatures.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

DEAN MARAGOS	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 520**
	)	
EMILY JOHNSON as candidate for Governor**,**	)	
BRETT MAHLEN as candidate for Lieutenant Governor	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared through counsel Kevin Morpheww. No appearance was filed by or on behalf of Candidate Mahlen until March 31, 2022 at which time Brett Mahlen filed his appearance. No appearance was filed at any time by or on behalf of Emily Johnson. The allegations in the Objector's Petition did not require a records examination and the matter was continued until April 14, 2022 for an evidentiary hearing. On April 1, 2022, the Objector filed Objector's Notice to Produce certain records in relation to a residency issue raised in the Objector's Petition. A production of documents was filed by the Candidate approximately 40 minutes beyond the deadline set by this Hearing Officer. Objector opposed the production as being untimely. Inasmuch as the Objector was not able to establish that he was prejudiced by the acceptance of the documents at said time, the Candidate's production of documents was received.

The first issue presented in the Objector's Petition was that Candidate Mahlen was not an Illinois resident for Candidacy purposes. In support of this allegation, Objector offered the sworn statement of running mate Michelle Turney which provides as follows:

The State of Illinois	)
	) S.S.
County of Cook	)

I, Michelle Turney, of Chicago, Illinois, DO SOLEMNLY DECLARE THAT:

1. On February 21, 2022, I read the below statement written by Maryann Mahlen on February 21, 2022, at 12:11PM, regarding Maryann's intent to withdraw from running for United States Senator 2022 Primary Election:

   "This is Maryann. I will be in Texas on February 24! As Brett is candidating for a Pastor position there. The Illinois mandates have made it impossible for Brett to enter Stateville Prison for 2 years to be a Pastor to our church members there, so we have already overstayed our welcome here, and will most likely not even be living in IL for the elections. I am so sorry to disappoint everyone, I can no longer run for US Senate, the stress in my home is way too high for me to continue to candidate. I have been able to collect 40 signatures, which I will provide Tuesday night."

2. There is nothing in the Illinois Election Statute that states candidates cannot be removed from slated petitions.

3. Brett Mahlen is the spouse of Maryann Mahlen. Brett Mahlen is a slated Illinois candidate running for Lieutenant Governor.

4. February 21, 2022, I struck Maryann Mahlen and Brett Mahlen from circulated petitions based on the above statement of Maryann Mahlen.

5. February 22, 2022, I spoke to Maryann Mahlen via phone call at 1:38PM for one hour and twenty-three minutes.

6. During the February 22, 2022, phone call Maryann Mahlen stated that I had no right to strike Brett Mahlen from the circulated, slated petitions.

7. All petitions were circulated and signed with names of all candidates listed on top of the petitions, undisturbed and unaltered.

8. Only Maryann Mahlen should be stricken from our slated petitions.

All statements made are of my own knowledge and are true and that all statements made on information and belief are believed to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 01 day of March, 2022.

STATE OF ILLINOIS

COUNTY OF COOK

SUBSCRIBED AND SWORN TO BEFORE ME, on the 1 day of March, 2022

Signature Patricia A. LaBrede
(Seal)
NOTARY PUBLIC
My Commission expires:
Sept. 24, 2025

Michelle Turney
(Signature)

Michelle Turney

As alleged by the Objector in paragraph A of the Objector's Petition, it appeared from the foregoing statement that Candidate Mahlen had already moved to Texas or that he did not intend to remain an Illinois resident. The Objector further alleged that other public statements made by the Candidate established that he did not intend to remain an Illinois resident. According to the Objector, even if the Candidate currently resides in the state, his lack of intent to remain fails to satisfy the two prong residency test in which a person must have physical presence with the

intent such presence be permanent. At the hearing, the Objector also pointed out the candidate's production of documents did not contain evidence of his intent to remain. For example, there were no leases, deeds, mortgage documents, etc.

In response, the Candidate offered testimony in which he clarified that he currently resides in Illinois and has lived here for 5 ½ years. In his capacity as a clergy person, Candidate Mahlen lives next door to a church and has no mortgage or lease. Additionally, while not all of the documents were entered into the record or referenced at the hearing, the documents provided in response to the request for the production of documents included a voter I.D. card, a driver's license, a car title, a Visa bill and other documents containing the address at which the Candidate currently resides (next to the church) in Orland Park. Candidate Mahlen further testified that while his responsibilities as a clergy person may take him away temporarily, he intends to remain in Illinois. The evidence of Candidate's physical presence coupled with his sworn testimony that he intends to remain in Illinois were sufficient to establish that Candidate Mahlen is an Illinois resident for candidacy purposes. Accordingly, the Objector's allegation at paragraph A of the Objector's Petition that the Candidate was not a resident should be **overruled.**

Paragraph B of the Objector's Petition further alleged that the nominating papers should be rejected in their entirety because they fail to meet the statutory requirement that the heading of each sheet shall be the same. Specifically, the names of Candidates Brett Mahlen and Maryann Mahlen were stricken out on *some* but not all of the petition sheets.

While the striking of the names of Brett Mahlen and Maryann Mahlen may have been without the Candidates' consent, the sworn statement by Ms. Turney clearly established that the nominating papers were altered after they were signed but before they were filed. The striking of the names of the candidates on *some* of the petition sheets caused the sheets to have inconsistent

headings and as Objector correctly asserts, the inconsistent headings violate Section 7-10 of the Election Code which requires the heading of each sheet of the nominating papers to be the same. 10 ILCS 5/7-10.

It is important to note that this is not a case where some of the petition sheets contain minor deviations in the wording in the headings or in the designation of the offices so as to support a finding that there was substantial compliance with Section 7-10. Rather, this is a case where the inconsistent headings on the instant nominating papers make it impossible to know who is intended to be placed on the ballot. Here, all **six** of the candidates on the slate, including Candidate Brett Mahlen and Candidate Emily Johnson filed Statements of Candidacy requesting placement on the ballot. The names of **two** of the candidates (Brett Mahlen and Maryann Mahlen) are stricken on *some* of the petition sheets. The sworn statement of Michelle Turney which was filed with the nominating papers indicated that Brett Mahlen's name should **not** be considered stricken (even though his name is stricken on multiple pages) but that Maryann Mahlen's name should **be** considered stricken. The inconsistent headings on the petition sheets themselves coupled with the inconsistencies between the Statements of Candidacy and the petition sheets are not free from a basis of confusion and constitute a violation of Section 7-10 of the Illinois Election Code rendering the nominating papers fatally defective. Accordingly, Paragraph B of the Objector's Petition should be **sustained.**

The Objector further alleged at paragraph C of the Objector's Petition that even if the Board does not invalidate the nominating papers in their entirety, the sheets on which Candidate Mahlens's name has been crossed out must be rejected and the remaining sheets contain less than the number of signatures required for placement on the ballot. While one need not reach this conclusion after finding that the nominating papers are invalid in their entirety, Candidate's

allegation should be **sustained** for this reason as well. The remaining sheets on which there is a Candidate for Governor **and** a Candidate for Lieutenant Governor as required are less than the statutory minimum of 3,250 and paragraph C of the Objector's Petition should be **sustained.**

RECOMMENDATION

In light of the foregoing, it is my recommendation that the objections of **DEAN MARAGOS** to the nominating papers of **EMILY JOHNSON** as candidate for Governor and **BRETT MAHLEN** as candidate for Lieutenant Governor be **sustained** and that the nominating papers of said candidates of the Republican Party for the aforementioned offices be deemed **invalid.** It is my further recommendation that the names of said candidates for the aforementioned offices **not** appear on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF DEMOCRATIC CANDIDATES FOR NOMINATION TO THE OFFICE OF GOVERNOR OF THE STATE OF ILLINOIS TO BE VOTED UPON AT THE JUNE 28, 2022, PRIMARY ELECTION

Dean Maragos,

Petitioner-Objector

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 1259 PM ON 21 MAR 2022

v.

Emily Johnson
Brett Mahlen

Respondent-Candidates

OBJECTOR'S PETITION

My name is Dean Maragos ("I" or "Objector"). I hereby object to the petition for nomination filed with the State Board of Elections (the "Board") by Emily Johnson and Brett Mahlen, who seek to be candidates for Illinois Governor and Lieutenant Governor at the June 28, 2022, Primary Election as part of a slate of Republican Party candidates.

INTRODUCTION

1. My name is Dean Maragos. I am a duly qualified, legal, and registered voter at 230 Church Road, Winnetka, 60093, in the State of Illinois.

2. The Constitution of the State of Illinois requires that candidates for the offices of Governor and Lieutenant Governor must each be U.S. Citizens; at least 25 years old; and a resident of the state of Illinois for at least three years. Ill. Const. art. V, § 3. Illinois Election Code requires that eligible persons who wish to be on the primary election ballot as established political party candidates for Governor and Lieutenant Governor must file, among other requirements, nomination petitions signed by at least 3,250 registered voters on uniform petition pages. 10 ILCS 5/2A-1.1b(b), 5/7-10. In Illinois, candidates for Governor and Lieutenant Governor run as a ticket; for either candidate to be placed on the ballot, the candidates must submit a joint petition listing both candidates' names, and the petitions must be signed by 3,250 registered voters. 10 ILCS 5/7-10.

3. Emily Johnson and Brett Mahlen filed nomination petitions with the Board on March 9, 2022, as prospective nominees for Illinois Governor and Lieutenant Governor as part of a slate of Republican Party candidates. The Johnson and Mahlen joint ticket nomination paperwork fails to meet the constitutional and statutory requirements to allow them to be candidates for Governor and Lieutenant Governor.

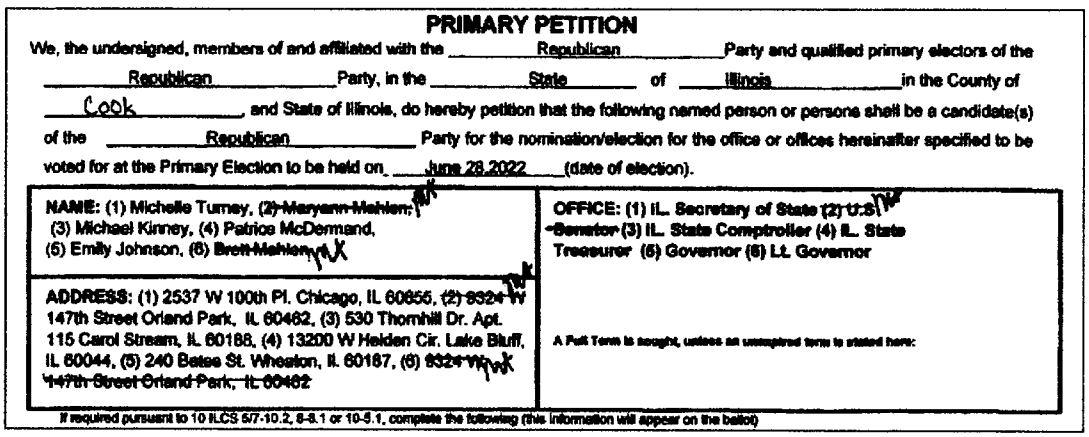
4. My interest in making the objections that are set out in this Objector's Petition is that of a citizen and registered voter of the State of Illinois desirous of seeing that the laws of the State of Illinois governing the filing of nomination papers for the office of Governor of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office as candidates for the June 28, 2022, primary election.

OBJECTIONS

Therefore, I make the following objections to the nomination papers of Emily Johnson and Brett Mahlen as purported Republican Party candidates for the offices of Governor and Lieutenant Governor of Illinois, to be voted upon at the June 28, 2022, Primary Election (the "Nomination Papers"). I state that the Nomination Papers are insufficient in fact and law for the following reasons:

A. THE JOHNSON AND MAHLEN NOMINATION PAPERS SHOULD BE REJECTED IN THEIR ENTIRETY BECAUSE BRETT MAHLEN IS NOT AN ILLINOIS "RESIDENT" FOR CANDIDACY PURPOSES

1. Emily Johnson and Brett Mahlen filed their joint petition to be Republican Party candidates for Governor and Lieutenant Governor as part of a slate of six candidates. However, Mr. Mahlen's name is struck out of the petition header on most petition pages.



PRIMARY PETITION

We, the undersigned, members of and affiliated with the Republican Party and qualified primary electors of the Republican Party, in the State of Illinois in the County of Cook, and State of Illinois, do hereby petition that the following named person or persons shall be a candidate(s) of the Republican Party for the nomination/election for the office or offices hereinafter specified to be voted for at the Primary Election to be held on June 28,2022 (date of election).

NAME:	OFFICE:
(1) Michelle Turney, ~~(2) Maryann Mahlen,~~ (3) Michael Kinney, (4) Patrice McDermand, (5) Emily Johnson, (6) ~~Brett Mahlen~~	(1) IL. Secretary of State ~~(2) U.S. Senator~~ (3) IL. State Comptroller (4) IL. State Treasurer (5) Governor (6) Lt. Governor
ADDRESS: (1) 2537 W 100th Pl. Chicago, IL 60655, ~~(2) 8324 W 147th Street Orland Park, IL 60462~~, (3) 530 Thornhill Dr. Apt. 115 Carol Stream, IL 60188, (4) 13200 W Heiden Cir. Lake Bluff, IL 60044, (5) 240 Batse St. Wheaton, IL 60187, (6) ~~8324 W. 147th Street Orland Park, IL 60462~~	A Full Term is sought, unless an unexpired term is stated here:

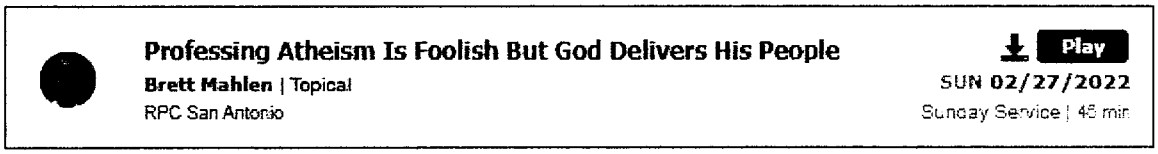
If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

2. A sworn statement from Michelle Turney, the slate's candidate for Illinois Secretary of State—the office responsible for administering fair elections in Illinois—helps explain the removal of Mr. Mahlen's name. Ms. Turney's statement recounts an email message she received from Mr. Mahlen's spouse, Maryann Mahlen, explaining Mr. Mahlen is a candidate for a pastor position in the state of Texas. Ms. Mahlen goes on to describe difficulties with Mr. Mahlen's employment situation in Illinois and says that "we have already overstayed our welcome here." Ms. Mahlen confirms the couple's intention to leave Illinois for Texas in the very near future, stating that they "will most likely not even be living in IL for the elections."

> "This is Maryann. I will be in Texas on February 24! As Brett is candidating for a Pastor position there. The Illinois mandates have made it impossible for Brett to enter Stateville Prison for 2 years to be a Pastor to our church members there, so we have already overstayed our welcome here, and will most likely not even be living in IL for the elections. I am so sorry to

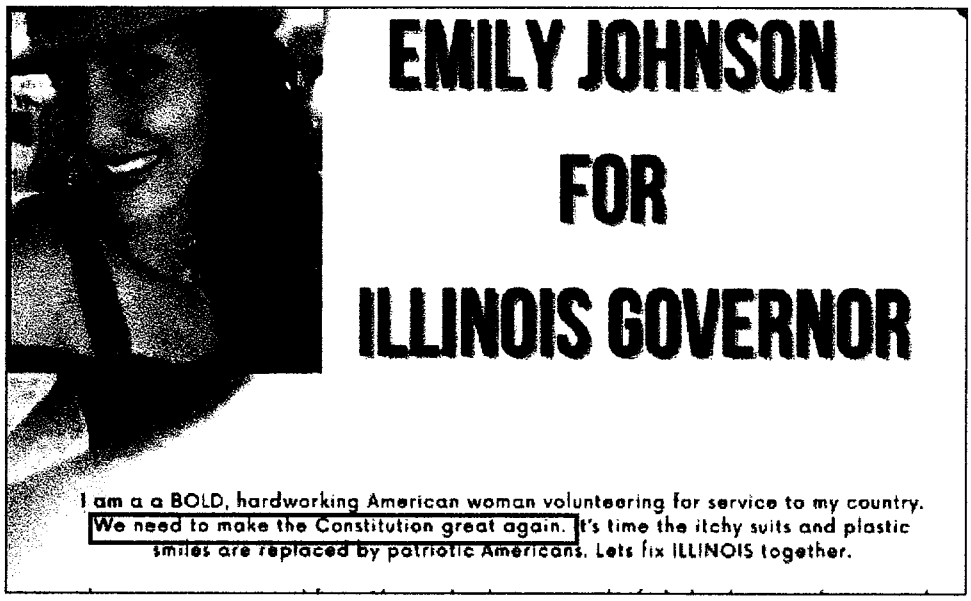
3. Additional publicly available evidence indicates Mr. Mahlen may have already moved to Texas or intends to move to Texas imminently.

4. For example, the website sermonaudio.com includes an audio recording of a sermon that Mr. Mahlen delivered on February 27, 2022, at the Reformed Presbyterian Church of San Antonio in San Antonio, Texas. *See* https://www.sermonaudio.com/sermoninfo.asp?SID=3222226324751.



5. In addition, the website for the slate of this Republican candidates (https://wearethepeopleillinois.com/) includes Mr. Mahlen's name in a graphic listing the "Citizens of Illinois Candidates" but noticeably does not include a biography or any other information about Mr. Mahlen. (The website does, however, include biographies of all five other candidates on the slate.)

6. As multiple candidates on the We Are The People Illinois slate emphasize in their candidate biographies (https://wearethepeopleillinois.com/supported-candidates), fidelity to the Constitution is an essential component of serving in public office.



> Maryann Mahlen believes in protecting children, protecting life, protecting liberty, protecting property, protecting bodily autonomy, following the Constitution, and the sanctity of marriage.

7. The Constitution of the State of Illinois requires that candidates for Illinois Governor and Lieutenant Governor be Illinois Residents. Ill. Const. art. V, § 3. To be a "resident" of Illinois for candidacy purpose, a person must have physical presence in the district ***with the intent that such presence be permanent***. *Dillavou v. Cty. Officers Electoral Bd. of Sangamon Cty.*, 632 N.E.2d

1127, 1132 (Ill. App. 1994). Our state's Supreme Court has interpreted these Constitutional and statutory requirements to mean that "residence" and "permanent abode" are synonymous. *Maksym v. Bd. of Election Comm'rs of City of Chicago*, 950 N.E.2d 1051, 1061 (Ill. 2011). The Illinois Supreme Court also explains that whether a person has abandoned their Illinois residence "is principally a question of intent." *Id.* at 1060. And, according to the court, "intent is gathered primarily from the acts of a person." *Id.* (internal citations omitted).

8. The Mahlens' acts demonstrate that Mr. Mahlen does not intend to make his residence in Illinois permanent. The Board is already in possession of a sworn statement recounting Ms. Mahlen's email that the Mahlens have overstated their welcome in Illinois and plan to move to Texas by summertime. Mr. Mahlen is already preaching at a church in San Antonio. His own slate barely mentions him as a "supported candidate" on its website.

9. The Board should reject Mr. Mahlen's nomination papers for failure to meet the Constitutional requirements to be a candidate for Lieutenant Governor. Because Illinois law requires that the Governor and Lieutenant Governor file joint nomination papers, the Board by law must also reject Emily Johnson's nomination papers as a candidate for Governor.

B. <u>THE JOHNSON AND MAHLEN NOMINATION PAPERS SHOULD BE REJECTED IN THEIR ENTIRETY BECAUSE THEY FAIL TO MEET THE STATUTORY REQUIREMENT THAT "THE HEADING OF EACH [PETITION] SHEET SHALL BE THE SAME"</u>

10. Illinois law prohibits the Board from placing a candidate's name on the ballot unless the candidate files nomination paperwork that adheres to statutory requirements. 10 ILCS 5/7-10. When it comes to a candidate's nominating petition (or, in the case of candidates for Governor and Lieutenant Governor, their joint nominating petition as a single ticket), the law requires that "the heading of each [petition] sheet shall be the same." *Id.* This requirement is mandatory; while the general form of each petition page needs to "substantially" comply with the statutory form, there is no such leeway for the content of the petition heading. The law states that all petition headings "shall" be the same. *Id.*

11. The Johnson and Mahlen nomination papers fail to meet this basic threshold requirement. Some of the nomination papers include Mr. Mahlen's name and address in the petition heading as a candidate for Lieutenant Governor. However, most of the pages in the Nomination Papers have Mr. Mahlen's name and address crossed out. Thus, heading of each sheet is not the same.

12. Ms. Turney claims that the headings were all the same when the petition pages were circulated for signatures from qualifying electors. Even if the Board were able to confirm that Ms. Turney's statement is true, it is not enough to satisfy the mandatory requirements of Illinois Election Code. The statute does not say that petition headings meet the requirement of all being "the same" if they were the same when circulated for signatures. Rather, the law says a candidate cannot be placed on the ballot "unless a petition for nomination ***has been filed*** in his behalf" with the Board, and that the headings on all of those petition pages filed with the Board "shall be the same." *Id.* (emphasis added).

13. Moreover, Ms. Turney states that she struck out Mr. Mahlen's name on the Nomination Papers on February 21, but each petition sheet that Ms. Turney circulated was not sworn to in the presence of a notary ***until March 1***. Thus, depending on the veracity of Ms. Turney's statement, there may have been a seven-day period between the date Ms. Turney struck her petitions and

the date she swore to the petitions in front of a notary that it is possible she was circulating inconsistent petitions for voters' signatures.

14. The Nomination Papers further fail to meet the mandatory requirements of the Election Code because there is no numbered petition page 390. The Nomination Papers skip from page 389 to page 391. *See Reynolds v. Champaign County Officers Electoral Bd.*, 884 N.E.2d 1175 (Ill. App. 2008) (Election Code requirement to sequentially number petition pages "prevents tampering, thereby preserving not only the integrity of the petitions submitted but the election process in general.").

15. The Board should reject the Johnson and Mahlen Nomination Papers for failure to adhere to the requirements of the Election Code for the form and content of petition submissions.

C. THE JOHNSON AND MAHLEN NOMINATION PAPERS SHOULD BE REJECTED BECAUSE THE PETITION PAGES WITH MR. MAHLEN'S NAME REMAINING DO NOT CONTAIN SUFFICIENT SIGNATURES FROM QUALIFIED ELECTORS

16. Even if the Board does not reject the Johnson and Mahlen Nomination Papers in their entirety, I object to the signatures on the following specific numbered pages that have Mr. Mahlen's name and address crossed out as a candidate for Lieutenant Governor: pages 108-109; 111-232; 234-248; 250-252; 288; and 290-385.

17. The remaining petition pages that contain both Emily Johnson and Brett Mahlen's names as candidates for Governor and Lieutenant Governor contain, at most, 1,276 signatures from qualified electors. This is far short of the 3,250 signatures required. The Board should reject the Johnson and Mahlen nomination papers on this basis alone.

WHEREFORE, the Objector requests that the that the Board (1) hold a hearing on these objections; (2) examine the Nominating Petitions for compliance with the strict requirements of 10 ILCS 5/7-10; (3) rule that the Nomination Papers are insufficient as a matter of law and fact and, accordingly, that this objection be accepted; and (4) rule that the names Emily Johnson and Brett Mahlen not be printed on the Republican Party ballot at the Primary Election to be held on June 28, 2022.

_____

Dean Maragos, Objector
230 Church Road, Winnetka, 60093

James M. Richmond v. August (O'Neill) Deuser
22 SOEB GP 521

Candidate: August (O'Neill) Deuser

Office: Representative, 37th Representative District

Party: Republican

Objector: James M. Richmond

Attorney for Objector: Max Solomon

Attorney for Candidate: John G. Fogarty, Jr.

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: 495

Number of Signatures Objected to: 122

Basis of Objection: Objector argues that Candidate violated the candidate name requirements of Section 7-10.2 of the Election Code, 10 ILCS 5/7-10.2, because his petition sheets were circulated under the name of "August (O'Neill) Deuser," though his actual name is August J. Deuser, which appears on his Statement of Candidacy. August (O'Neill) Deuser is not used as Candidate's voter registration name, is not his commonly used nickname, and if his name was changed in the last three years, mandatory disclosures were not given. Objector contends this is an improper use of an Irish name to appeal to voters.

Objector argues that none of Candidate's petition sheets' circulator affidavits contain a declaration that the petition sheets were circulated during the statutorily required timeframe, in violation of Section 8-8 of the Election Code, 10 ILCS 5/8-8.

Nomination papers contain the names of persons whose signatures are not genuine; who have signed the petition more than once; or whose addresses are missing or incomplete.

Dispositive Motions: None.

Record Exam Necessary: A records exam was conducted on April 12, 2022. Of the 495 signatures that Candidate submitted, SBE staff examined 122 signatures. Of those, 101 objections were sustained and 21 were overruled. At the conclusion of the records exam, Candidate had 394 valid signatures, 6 less than the statutory minimum of 400.

Candidate timely filed a Rule 9 Motion; however, no hearing was conducted because of lack of availability of Candidate's counsel during the scheduled hearing time.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer found that Candidate's actions of identifying himself as "August (O'Neill) Deuser" when his actual name is August J. Deuser, will likely cause confusion amongst voters, justifying his removal from the ballot under Section 7-10.2 of the Election Code. 10 ILCS 5/7-10.2.

With respect to the validity of Candidate's circulator statements, the Hearing Officer finds that Section 8-8(4) of the Election Code, 10 ILCS 5/8-8(4), clearly requires the petition circulator to certify "that the signatures on the sheet were signed during the period of January 13, 2022 through March 14, 2022 or certify that the signatures on the sheet were signed during the period of January 13, 2022 through the date on which this Statement was sworn or affirmed to." Candidate failed to include this certification language on his petition sheets, and therefore, they do not contain the required oath and are invalid. 10 ILCS 5/8-8.

On the issue of invalid petition signatures, the Hearing Officer opines that even in the event a Rule 9 hearing had been conducted following the records examination in this case, and all seven signatures submitted by the Candidate were overruled, resulting in a favorable count of 401 signatures, such a finding would be insufficient to overcome the deficiencies in the Candidate's name and circulator statements.

The Hearing Officer recommends that the Board SUSTAIN the objection to the Candidate's nomination papers and that the name of August (O'Neill) Deuser not be placed on the ballot as the Republican party candidate for the office of Representative for the 37th Representative District of the State of Illinois.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, with a clarification that the signature count resulting from the records examination should not be relied upon in sustaining the objection, as a Rule 9 hearing was requested but not held to Candidate's potential detriment. I remain unclear on how an attorney's scheduling conflict resulted in no hearing taking place.

I note that the Hearing Officer's conclusion that a violation of Section 7-10.2's naming requirements invalidates the nomination papers is supported by *Shannon-DiCianni v. Du Page County Officers Electoral Board*, 2020 IL App (2d) 200027, which affirmed a candidate's removal from the ballot under this provision.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE 37TH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

JAMES M. RICHMOND,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 521**
	)	
AUGUST (O'NEILL) DEUSER,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by counsel, JOHN G. FOGARTY, JR. and LAURA JACKSACK; and the Candidate was present by counsel, MAX SOLOMON. Appearances were filed by both parties. The conference was commenced and concluded *sine die.*

PLEADINGS

The following pleadings were timely filed and considered:

- OBJECTOR'S PETITION.
- (CANDIDATE'S) RULE 9 MOTION.

ANALYSIS

Addressing paragraphs 6 through 11 of the Objector's Petition, reference is made to Section 7-10.2 of the Election Code, which, inter alia, permits a candidate certain leeway in

stating his/her name on a Petition For Nomination. The underlying intent is to allow a candidate to be recognized by one (1) or more names if, in fact, such names/initials assist voters in identifying the individual. Conversely, a candidate may not be permitted to abuse this situation by referencing a name(s) which may generate confusion as to his/her identity.

As argued by the Objector, the Candidate has consistently referred to himself as *August J. Deuser* on his Statement of Candidacy and Statement of Economic Interests; but has clearly and consistently identified himself as *August (O'Neill) Deuser* on his Petitions. The Objector speculates that the Candidate has done so *to improperly utilize an appealing Irish ballot name…;* presumably to garner additional votes that he may not have received by referencing only his given name, *August J. Deuser*.

Whether or not the Objector's position is correct is subject to debate; what is clear, however, is that the Candidate's actions are well beyond the purview of Section 7-10.2; i.e., confusion amongst voters was, and is, a very likely result. If so, then this was a situation the Candidate voluntarily created, and which cannot be excused.

Addressing paragraph 12 of the Objector's Petition, reference is made to Section 8-8 of the Election Code which sets forth, inter alia, a revised certification regarding the circulation period *for the 2022 general primary election only.* (subsection (4) of Sec. 8-8). As alleged, the Candidate's nominating petitions do not contain the required oath.

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 12, 2022 in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 495 signatures, of which 101 were sustained, leaving 394 valid signatures (i.e., 373 unchallenged lines and 21 valid), which results in 6 signatures fewer than the required number of 400 signatures.

The deadline for Rule 9 evidence submissions was 5:00 p.m. on April 15, 2022. The Candidate filed a timely Rule 9 Motion (at 4:57 p.m. on April 15, 2022.) A hearing was scheduled for 10:30 a.m. the following day; i.e., April 16, 2022, which counsel for the Candidate was unable to attend; as a result, no hearing, of any nature, was conducted.

It is the opinion of the Hearing Officer that even in the event a Rule 9 hearing was conducted and all seven (7) signatures submitted by the Candidate were overruled, resulting in a

favorable count of 401 signatures; (i.e., one more than the required amount of 400), that such a finding would be insufficient to overcome the deficiencies previously noted.

More specifically, the Candidate is faced with three (3) specific objections to his Nomination Papers; the name issue, (paragraphs 6 through 11 of the Objection Petition), as well as the certification issue, (paragraph 12); and, lastly, paragraphs 13 and 18, relating to satisfaction of signature requirements.

The Candidate is required to satisfy all three (3) of these requirements. The proposed rehabilitation of signatures may satisfy the last requirement, but to no avail.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board sustain the objection to the Candidate's nominating papers, and determine that the Candidate's name not be certified for the ballot as candidate for the Office of Representative in the General Assembly in the 37th District of the State of Illinois.

Dated: April 18, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP521 / RICHMOND V. DEUSER

OBJECTOR(S)

JAMES M. RICHMOND
19712 THERESE LANE
MOKENA, IL 60448

CANDIDATE(S)

AUGUST (O'NEILL) DEUSER
18822 WREN CIRCLE
MOKENA, IL 60448

REPUBLICAN
37TH REPRESENTATIVE

OBJECTION TOTALS

Petition pages	55		Examined	122	
Lines with signatures	495		Valid	21	17.2%
Lines with objections	122	24.6%	Invalid	101	82.8%
Unchallenged lines	373	75.4%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures 400 Over/Under required signatures -6

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE 37th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

James M. Richmond,	)	
	)	ORIGINAL ON FILE AT
Petitioner-Objector,	)	STATE BD OF ELECTIONS
	)	ORIGINAL TIME STAMPED
vs.	)	AT 1:19 PM 21 MAR 2022
	)	
August (O'Neill) Deuser,	)	
	)	
Respondent-Candidate.	)	

OBJECTOR'S PETITION

Now comes James M. Richmond (hereinafter referred to as the "Objector"), and states as follows:

1. James M. Richmond resides at 19712 Therese Lane, Mokena, Illinois 60448, in the 37th 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 objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a candidate for nomination to the office of Representative in the General Assembly in the 37th 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 objection to the nomination papers ("the Nomination Papers") of the candidate purporting to run for office as "August (O'Neill) Deuser" ("the Candidate") as a candidate for nomination of the Republican Party to the office of Representative in the General Assembly in the 37th 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 37th Representative District of the State of Illinois the signatures of not less than 400 duly qualified, registered, and legal voters of the said 37th Representative District of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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 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.

5. Your Objectors state that the Candidate has filed 55 petition signature sheets containing 495 signatures of allegedly duly qualified, legal, and registered voters of the 37th Representative District of the State of Illinois.

6. The Candidate's Nomination Papers must be stricken in their entirety because the Candidate has gathered signatures under the name of "August (O'Neill) Deuser" whereas his actual name is "August J. Deuser." The Candidate is apparently engaged in an effort to improperly utilize an appealing Irish ballot name in addition to his own name in violation of Section 7-10.2 of the Election Code.

7. Section 7-10.2 of the Election Code states that "[i]n the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a

combination thereof, may be used in addition to the candidate's surname." 10 ILCS 5/7-10.2. The use of a name that does not comport with Section 7-10.2 is not permitted.

8. There is no registered voter in the 37th Representative District named "August (O'Neill) Deuser." The Candidate does not identify himself on his Statement of Candidacy as "August (O'Neill) Deuser," but rather his given name of "August J. Deuser." Similarly, the Candidate's filing receipt for his Statement of Economic Interests identifies his as "August J. Deuser." On each and every petition circulated by the Candidate, he identifies himself in the circulator's affidavit as "August J. Deuser" and is signed by the Candidate as "August J. Deuser."

9. There exists no public record associated with the Candidate that identifies him as "August (O'Neill) Deuser."

10. In the event the Candidate has changed his name to "August (O'Neill) Deuser" within the last three years, he would have been required to disclose this fact on his nominating petitions and to include an appropriate affidavit upon filing those petitions. 10 ILCS 5/7-10.2. No such indication on the Candidate's petitions has been made.

11. Because "August (O'Neill) Deuser" is not the Candidate's given name, nor the Candidate's assumed name, nor the Candidate's name as a registered voter, and not a nickname the Candidate is commonly known as, the Candidate's use of the name "August (O'Neill) Deuser" on his nominating petitions is a fraud on the voters in the 37th Representative District and each such petition sheet must be stricken.

12. Your Objector further states that the circulator's affidavit on each and every one of the Candidate's nominating petitions is fatally flawed. Not one of the said petitions sheets contains a declaration that the signatures on the sheet were collected within the statutorily

permitted timeframe in the 2022 election cycle. Pursuant to Section 8-8 of the Election Code, during the 2022 election cycle, each petition circulator must certify that "the signatures on the sheet were signed during the period of January 13, 2022 through March 14, 2022 or certify that the signatures on the sheet were signed during the period of January 13, 2022 through the date on which this statement was sworn or affirmed to." 10 ILCS 5/8-8. None of the circulators of the Candidate nominating petitions have sworn such an oath. All such petition sheets, as a result, must be declared void.

13. Your Objector further states that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under Column A designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

14. Your Objector further states that the said Nomination Papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the Thirty Seventh Representative District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNER RESIDES OUTSIDE DISTRICT" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

15. Your Objector further states that the said Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation

under Column C designated "SIGNATURE NOT GENUINE / NOT SIGNED BY PROPER PERSON" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

16. Your Objector further states that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, as delineated under Column D of the Appendix Recap sheets, designated "SIGNED PETITION TWICE" at the sheet and line numbers indicated, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

17. Your Objector further states that said Nomination Papers contain the signatures of various individuals who purport to have signed the nominating petition but have failed to provide a complete residence address, such incomplete signature and address information rendering such signature invalid, as more fully set forth in the Appendix-Recapitulation, under Column E designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

18. Your Objector states that the Nomination Papers herein contested consist of various sheets purporting to contain the valid and legal signatures of 495 individuals. The individual objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 400.

WHEREFORE, your Objectors pray that the purported Nomination Papers of August (O'Neill) Deuser as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 37th 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 August (O'Neill) Deuser as a candidate of the Republican Party for nomination to the Office of Representative in the General Assembly for the 37th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTOR
James M. Richmond
19712 Therese Lane
Mokena, Illinois 60448

County of Will)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by James M. Richmond, the Objector, on this the 20th day of March, 2022, at Mokena, Illinois.

(SEAL)
NOTARY PUBLIC

My Commission expires: April 20, 2025

CONSTANCE M SYLVESTER
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
April 20, 2025

Garrick H. Phelps v.
Emily Johnson, Brett Mahlen, Michelle Turney, Patrice McDermand, Maryann Mahlen
22 SOEB GP 522

Candidates: Emily Johnson, Brett Mahlen, Michelle Turney, Patrice McDermand, and Maryann Mahlen

Offices: (Slate) Governor, Lieutenant Governor, Comptroller, Secretary of State, Treasurer, U.S. Senator

Party: Republican

Objector: Garrick H. Phelps

Attorney for Objector: Adam P. Merrill

Attorney for Candidates: N/A – Pro Se (Candidates Michelle Turney, Brett Mahlen, and Maryann Mahlen filed Appearances, the others did not respond to service or participate in the proceedings)

Number of Signatures Required: 3,250-6,000

Number of Signatures Submitted: 4,228

Number of Signatures Objected to: 1,868

Basis of Objection: Nomination papers contain petition sheets with persons who are not registered voters or who are not registered at the addresses shown opposite their names; whose signatures are not genuine; whose addresses are not within the district; whose addresses are missing or incomplete; or who signed the petition more than once.

Nomination papers contain petition sheets which are not notarized.

Pattern of fraud and false swearing with reference to petition sheets circulated by three named circulators.

Nomination papers were filed without Candidate Brett Mahlen, candidate for Lt. Governor, filing the receipt of filing a Statement of Economic Interest with the Secretary of State as required by Sections 7-10 and 7-12(8) of the Election Code, 10 ILCS 5/7-10, 7-12(8). As such, Candidate Brett Mahlen may not be certified to the ballot and, pursuant to Section 7-10, Candidate Emily Johnson's name may not be certified to the ballot.

Nomination Papers have been materially altered after being signed, specifically some, but not all, petition sheets contain headings in which the names of Maryann Mahlen and Brett Mahlen are stricken. Additionally, petition sheets are not uniform as required by Section 7-10.

Dispositive Motions: None filed.

Record Exam Necessary: Yes. Conducted 03/31/22. Of 1,868 lines objected to, 1,133 objections were sustained and 735 were overruled. As a result, Candidates have filed 3,095 valid signatures, 155 below the statutory minimum of 3,250. Candidate Mahlen untimely requested an extension of the Rule 9 period, the request was denied due to its untimeliness.

Evidentiary Hearing: An evidentiary hearing was held on 04/14/22.

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendations: The Hearing Officer recommends overruling paragraphs 12 and 13(a)-(c) of Objector's objection petition alleging a pattern of fraud on petition sheets circulated by Michelle Turney, Patrice McDermand, and James Turney as no evidence was offered in support of the Objector's allegation.

The Hearing Officer recommends overruling paragraphs 15 and 16 of Objector's petition, as a review of the nominating papers establishes Candidate Brett Mahlen's receipt of filing a Statement of Economic Interest was timely filed.

The Hearing Officer recommends sustaining paragraphs 18 and 19 of Objector's petition, which allege the names of Candidates Brett Mahlen and Maryann Mahlen were stricken on petition sheets after circulation but before filing. In making this recommendation, the Hearing Officer relies on the sworn statement signed by Candidate Michelle Turney which establishes the nominating papers were altered after they were signed, but before filing. Further, the Hearing Officer recommends that striking the names of Candidates Brett Mahlen and Maryann Mahlen renders the petition sheet headings inconsistent, in violation of Section 7-10 of the Election Code, 10 ILCS 5/7-10. This modification, in conjunction with all six candidates on the slate filing Statements of Candidacy and Candidate Turney's sworn statement, leads to voter confusion and constitutes a violation of Section 7-10, rendering the nominating papers fatally defective.

In light of the foregoing, the Hearing Officer recommends the objection be sustained in part and overruled in part and that the nominating papers of Emily Johnson, candidate for Governor, Brett Mahlen, candidate for Lieutenant Governor, Michael Kinney, candidate for Comptroller, Michelle Turney, candidate for Secretary of State, Patrice McDermand, Candidate for Treasurer, and Maryann Mahlen, candidate for U.S. Senator be deemed invalid and the names of said candidates not be certified to the ballot.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. The General Counsel further recommends specifically finding the Candidates' nomination petitions, following the results of the record examination, contained 3,095 valid signatures, 155 below the statutory minimum required for the offices sought pursuant to Section 2A-1.1b(b) of the Election Code.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

GERRICK H. PHELPS	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 522**
	)	
EMILY JOHNSON as candidate for Governor**,** **BRETT MAHLEN** as candidate for Lieutenant Governor**, MICHAEL KINNEY** as candidate for Comptroller**, MICHELLE TURNEY** as candidate for Secretary of State**, PATRICE McDERMAND** as Candidate for Treasurer and **MARYANN MAHLEN** as Candidate for United States Senator	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared through counsel Adam P. Merrill. Despite Ms. Mahlen having attended the first meeting with the Board on March 29, 2022, no appearances were filed until March 31, 2022 at which time Brett Mahlen and Maryann Mahlen filed appearances. An appearance was also filed by Michelle Turney on or after April 5, 2022 but she did not attend or participate at the hearings. No other candidates filed appearances in the matter.

In addition to other issues raised in the Objector's Petition, the Objector's Petition contained objections at paragraphs 6-11 to signatures on specific sheets and lines which necessitated a records examination and a records examination was conducted. Additionally, a request for Subpeonas and Rule 237 notices was timely filed by the Objector in which the

appearance of candidate/circulators Michelle Turney and Patricie McDermand as well as another circulator James Turney were requested. Said request was granted. On April 5, 2022, Candidate Mahlen filed a request for a subpoena of Objector Gerrick H. Phelps. The Objector opposed the request. There being no justifiable basis for the lack of timeliness of the Candidate's request, the request was denied.

THE RECORDS EXAMINATION

The final results of the records examination were as follows:

A. The minimum number of valid signatures required by law for placement on the ballot for the offices in question is 3,250.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidates total 4,228.

C. The number of signatures deemed invalid because of objections sustained in the records examination total 1,133.

D. The remaining number of signatures deemed valid as a result of the records examination total 3095.

The results of the records examination indicated that the candidate had **155** signatures **less** than the statutory minimum.

Although no motions pursuant to Rule 9 of the Board's Rules of Procedure were filed, Candidate Mahlen requested additional time for a further hearing so that she could do her own inquiry to check the validity of the signatures. The request was denied.

A further hearing was held on April 14, 2022 for the presentation of evidence and arguments on the remaining issues.

No evidence was presented in relation to Paragraphs 12, 13a-c of the Objector's Petition in which a pattern of fraud was alleged as to candidate/circulators Michelle Turney and Patrice McDermand and as to circulator James Turney. Accordingly, paragraphs 12 and 13a-c should be **overruled.**

Paragraphs 15 and 16 of the Objector's Petition alleged that Candidate Brett Mahlen failed to file a receipt evidencing his timely filing of a Statement of Economic Interests by the filing deadline. As to this issue, a further review of the nominating papers established that the receipt was, in fact, filed separately but nonetheless filed by the deadline. Therefore, paragraphs 15 and 16 should be **overruled.**

Paragraphs 18 and 19 of the Objector's Petition alleged that the names of Brett Mahlen, Candidate for Lieutenant Governor and Maryann Mahlen, Candidate for United States Senator were stricken on the petition sheets after the sheets were signed and circulated but before they were filed. Indeed, the nominating papers were filed with a sworn statement by Candidate Michelle Turney entitled *Statutory Declaration* the contents of which is as follows:

The State of Illinois	)
	) S.S.
County of Cook	)

I, Michelle Turney, of Chicago, Illinois, DO SOLEMNLY DECLARE THAT:

1. On February 21, 2022, I read the below statement written by Maryann Mahlen on February 21, 2022, at 12:11PM, regarding Maryann's intent to withdraw from running for United States Senator 2022 Primary Election:

   "This is Maryann. I will be in Texas on February 24! As Brett is candidating for a Pastor position there. The Illinois mandates have made it impossible for Brett to enter Stateville Prison for 2 years to be a Pastor to our church members there, so we have already overstayed our welcome here, and will most likely not even be living in IL for the elections. I am so sorry to disappoint everyone, I can no longer run for US Senate, the stress in my home is way too high for me to continue to candidate. I have been able to collect 40 signatures, which I will provide Tuesday night."

2. There is nothing in the Illinois Election Statute that states candidates cannot be removed from slated petitions.

3. Brett Mahlen is the spouse of Maryann Mahlen. Brett Mahlen is a slated Illinois candidate running for Lieutenant Governor.

4. February 21, 2022, I struck Maryann Mahlen and Brett Mahlen from circulated petitions based on the above statement of Maryann Mahlen.

5. February 22, 2022, I spoke to Maryann Mahlen via phone call at 1:38PM for one hour and twenty-three minutes.

6. During the February 22, 2022, phone call Maryann Mahlen stated that I had no right to strike Brett Mahlen from the circulated, slated petitions.

7. All petitions were circulated and signed with names of all candidates listed on top of the petitions, undisturbed and unaltered.

8. Only Maryann Mahlen should be stricken from our slated petitions.

All statements made are of my own knowledge and are true and that all statements made on information and belief are believed to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 01 day of March, 2022.

STATE OF ILLINOIS

COUNTY OF COOK

SUBSCRIBED AND SWORN TO BEFORE ME,
on the 1 day of March,
2022

Signature Patricia A. LaBrede
(Seal)
NOTARY PUBLIC
My Commission expires:
Sept. 24, 2025

Michelle Turney
(Signature)

Michelle Turney

While the striking of the names of Brett Mahlen and Maryann Mahlen may have been without the Candidates' consent, the sworn statement signed by Candidate Turney clearly established that the nominating papers were altered after they were signed but before they were filed. The striking of the names of the candidates on *some* of the petition sheets caused the sheets to have inconsistent headings and as Objector correctly asserts, the inconsistent headings

violate Section 7-10 of the Election Code which requires the heading of each sheet of the nominating papers to be the same. 10 ILCS 5/7-10.

It is important to note that this is not a case where some of the petition sheets contain minor deviations in the wording in the headings or in the designation of the offices so as to support a finding that there was substantial compliance with Section 7-10. Rather, this is a case where the inconsistent headings on the instant nominating papers make it impossible to know who is intended to be placed on the ballot. Here, all **six** of the candidates filed Statements of Candidacy requesting placement on the ballot. The names of **two** of the candidates are stricken on *some* of the petition sheets. The sworn statement of Michelle Turney which was filed with the nominating papers indicated that Brett Mahlen's name should **not** be considered stricken (even though his name is stricken on multiple pages) but that Maryann Mahlen's name should **be** considered stricken. The inconsistent headings on the petition sheets themselves coupled with the inconsistencies between the Statements of Candidacy and the petition sheets are not free from a basis of confusion and constitute a violation of Section 7-10 of the Illinois Election Code rendering the nominating papers fatally defective. Paragraphs 18 and 19 of the Objector's Petition should be **sustained.**

RECOMMENDATION

As indicated above, the nominating papers contain less than the required number of valid signatures for placement on the ballot. Additionally, the nominating papers as presented violate Section 7-10 of the Illinois Election Code. In light of the foregoing, it is my recommendation that the objections of **GERRICK H. PHELPS** to the nominating papers of **EMILY JOHNSON** as candidate for Governor**, BRETT MAHLEN** as candidate for Lieutenant Governor**, MICHAEL KINNEY** as candidate for Comptroller**, MICHELLE TURNEY** as candidate for

Secretary of State**, PATRICE McDERMAND** as Candidate for Treasurer and **MARYANN MAHLEN** as Candidate for United States Senator be **sustained** and that the nominating papers of said candidates of the Republican Party for the aforementioned offices be deemed **invalid.**

It is my further recommendation that the names of said candidates for the aforementioned offices **not** appear on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman, Hearing Officer
4/16/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

Garrick H. Phelps	)
Petitioner-Objector,	)
	)
vs.	)
	)
Emily Johnson as a Candidate	)
for Governor; Brett Mahlen as a	)
Candidate for Lieutenant Governor;	)
Michael Kinney as a Candidate for	)
Comptroller; Michelle Turney as a	)
Candidate for Secretary of State;	)
Patrice McDermand as a Candidate for	)
Treasurer; and Maryann Mahlen as a	)
Candidate for United States Senator;	)
	)
Respondent-Candidates.	)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 1:23 PM 21 MAR 2022

OBJECTOR'S PETITION

NOW COMES Garrick H. Phelps (hereinafter referred to as the "Objector"), and states as follows:

1. Garrick H. Phelps resides at 802 Covey Lane, Coal City 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 of persons desiring to run for the offices of Governor, Lieutenant Governor, Comptroller, Secretary of State, Treasurer and United States Senator in the State of Illinois are properly complied with and that only qualified candidates appear upon the General Primary Election ballot and only qualified candidates for such offices have their names appear upon the General Primary Election ballot as candidates for office.

2. Your Objector makes the following objections to the Nomination Papers of the following candidates who filed petitions as a slate for the following offices: Emily Johnson for Governor; Brett Mahlen for Lieutenant Governor; Michael Kinney for Comptroller; Michelle Turney for Secretary of State; Patrice McDermand for Treasurer; and Maryann Mahlen for United States Senator ("the Nomination Papers"), 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 State of Illinois the signatures of not less than 3,250 duly qualified, registered, and legal voters of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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 candidates identified herein have circulated petitions as a slate and have filed 438 petition signature sheets containing a total of 4,239 signatures of allegedly duly qualified, legal, and registered voters 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.

6. Your Objector further states that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "a. SIGNER NOT REGISTERED AT ADDRESS SHOWN," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

7. Your Objector further states that the said nomination papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "b. SIGNATURE NOT GENUINE SIGNATURE OF REGISTERED VOTER," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objector further states that the said nomination papers contain the names of persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "c. SIGNER RESIDES OUTSIDE DISTRICT," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objector states that various purported signatures are legally defective and deficient because the address indicated is either missing (in whole or in part), partially written or incomplete, or crossed off, eradicated, stricken or removed (in whole or in part) as more fully set forth in the Appendix-Recapitulation, under the column designated "d. SIGNER'S ADDRESS IS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Your Objector further states that said nomination papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "e. SIGNER SIGNED PETITION MORE THAN ONCE AT

SHEET/LINE INDICATED," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objector states that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made at least with respect to page no:.

12. Your Objectors states that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

13. Your Objector states that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with an "utter and contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the nominating petitions hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety. This allegation is made with specific reference to all of the petition sheets circulated by at least the following individuals for at least the following reasons:

a. Patrice McDermand, purportedly residing at 13200 W Heiden Cir., Lake Bluff, Illinois. Patrice McDermand is not the true circulator of all of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Moreover, numerous signatures on Patrice McDermands's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Patrice McDermand purports to have circulated petition nos: 9-27; 29-60; 63, 73, 414-18.

b. James Turney, purportedly residing at 2537 W 100th Place, Chicago, Illinois. James Turney is not the true circulator of all of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, numerous signatures on James Turney's petitions appear to be

not genuine, and such signatures appear to have been forged and written in the same hand. James Turney purports to have circulated petition nos: 179-186; 234, 285.

c. Michelle Turney, purportedly residing at 2537 W 100th Place, Chicago, Illinois. Michelle Turney is not the true circulator of the petition sheets that she purports to have circulated, has not witnessed the signatures that appear on her petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, numerous signatures on Michelle Turney's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Michelle Turney purports to have circulated petition nos: 108, 109, 112-178; 187-228; 231-233; 235-264; 266-284; 286-325; 327-330; 332-370; 372-374; 376-389; 391-413; 419-424; 426-439.

14. Your Objector states that the individual signature objections cited herein with specificity reduce the number of valid signatures presented by the Candidates herein below the statutory minimum of 3,250, thereby invalidating the candidacies of all of the candidates designated in the Nomination Papers.

15. Pursuant to Article 7 of the Election Code, a candidate for a state office, including Governor, Lieutenant Governor, Secretary of State, Comptroller and Treasurer must file a Statement of Economic Interests as required by the Illinois Governmental Ethics Act. 10 ILCS 5/7-10; 7-12(8). The receipt issued by the Secretary of State for that filing required by the Illinois Governmental Ethics Act must be filed with a candidate's petitions for nomination "not later than the last day on which nomination papers may be filed." 10 ILCS 5/7-12(8). Nomination papers filed without such receipt are invalid.

16. Your Objector states that Brett Mahlen, the Candidate herein for the office of Lieutenant Governor, has failed to file with his Nomination Papers a receipt demonstrating that he has filed a Statement of Economic Interests as required by the Illinois Governmental Ethics Act. As such, Brett Mahlen has not met the requisites for the nomination for the office of Lieutenant Governor, and he may not be certified to the General Primary Election ballot.

17. Your Objector states that pursuant to P.A. 96-1018, a candidate for Governor may only gain access to the ballot with a candidate for Lieutenant Governor, and must circulate nominating petitions that include both candidates. 10 ILCS 5/7-10. Without an eligible Lieutenant Governor candidate, a candidate for Governor may not see his or her name placed on the primary election ballot. As Brett Mahlen has not met the requisites for the nomination for the office of Lieutenant Governor, and he may not be certified to the General Primary Election ballot, neither may Emily Johnson be certified as a candidate for Governor.

18. Your Objector states that numerous, if not all, of the Nomination Papers herein contested are void in their entirety. Numerous of the petition sheets submitted by

the Candidates herein have been materially altered after being signed by purported registered voters.

19. Numerous petition sheets contain headings in which the names of Maryann Mahlen, as a candidate for United States Senator, and Brett Mahlen, as a candidate to Lieutenant Governor, are stricken. These stricken candidate names are apparent on petition sheets nos.: 108-109; 111-232; 234-248; 250-252; 258-385; 412-439. Each such materially altered petition sheet must be invalidated.

20. Section 7-10 of the Election Code requires that "the heading of each [petition] sheet shall be the same." The Candidates here have submitted petition sheets wherein the heading is not the same, and have been materially altered after being signed by purported voters. All such non-compliant sheet must be invalidated.

WHEREFORE, your Objector prays that the Nomination Papers of Emily Johnson for Governor; Brett Mahlen for Lieutenant Governor; Michael Kinney for Comptroller; Michelle Turney for Secretary of State; Patrice McDermand for Treasurer; and Maryann Mahlen for United States Senator be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that none of the aforesaid Candidates' names appear on the General Primary Election ballot of the Republican Party, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the names of Emily Johnson for Governor; Brett Mahlen for Lieutenant Governor; Michael Kinney for Comptroller; Michelle Turney for Secretary of State; Patrice McDermand for Treasurer; and Maryann Mahlen for United States Senator in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTOR
Garrick H. Phelps
802 Covey Lane
Coal City, Illinois 60416

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

OBJECTOR
Garrick H. Phelps
802 Covey Lane
Coal City, Illinois 60416

County of Grundy)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Garrick H. Phelps, the Objector, on this the 20 day of March 2022, at Morris, Illinois.

(SEAL)

NOTARY PUBLIC

My Commission expires: 4-16-25

OFFICIAL SEAL
TODD A. KOEHN
Notary Public, State of Illinois
My Commission Expires 4-16-25

George E. Ballis v. Max Solomon and Latasha H. Fields
22 SOEB GP 523

Candidates: Max Solomon and Latasha H. Fields

Office: Governor, Lieutenant Governor

Party: Republican

Objector: George E. Ballis

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: Adam Merrill

Number of Signatures Required: 3,250 – 6,000

Number of Signatures Submitted: 4,446

Number of Signatures Objected to: 1,964

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the State of Illinois; whose addresses are missing or incomplete; and who have signed the petition sheets more than once.

Pattern of fraud evidenced by petition pages' purported circulator(s) which were not signed in the presence of the purported circulator; and round tabling.

Dispositive Motions: Candidates' Motion to Strike and Dismiss filed 03/31/22.
Candidates orally withdrew their Motion to Strike and Dismiss on April 14, 2022, so it is not summarized.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 04/04/22. In his Response, Objector argues his petition should be resolved on the merits as the objections involve clear and unambiguous provisions of the Election Code. Objector argues how, when, and where the Objector, his counsel, or investigators/agents reviewed Candidate's petition has no bearing on whether such signatures comply with the Election Code. Objector notes it is well settled that an Objector's motive in filing an objection is not relevant to proceedings under Section 10-8 of the Election Code. *Havens v. Miller*, 102 Ill.App.3d 558 (1st Dist. 1981).

Objector argues his pattern of fraud allegation provides specific evidence by identifying dozens of petition sheets that contain signatures that appear to be forged and written by the same hand, which more than complies with the SOEB Rules of Procedure.

Record Exam Necessary: Yes. Record exam was conducted on 04/05/22. Of 1,964 objected lines, 1,227 objections were sustained and 737 were overruled. As a result, Candidates had 3,219 valid signatures, 31 fewer than the statutory minimum of 3,250.

Candidate timely motioned for a Rule 9 Hearing. The Hearing occurred on April 14, 2022. Parties stipulated to the validity of 18 signatures, thereby rehabilitating 18 signatures struck during the record exam. Based on affidavits, copies of nomination petition sheets, and/or certificates of registration, 17 additional signatures were rehabilitated and found to be valid. Based on the oral testimony of circulator James Lawson, three signatures were rehabilitated and found to be valid. 11 signatures were ruled to be invalid. At the conclusion of the Rule 9 Hearing, Candidates were found to have 3,257 valid signatures, 7 above the statutory minimum of 3,250.

During the Rule 9 Hearing, the testimony of Meliss Klabe was heard. Ms. Klabe testified she circulated many of the petition sheets and, to the best of her knowledge, the sheets were completed either by her or the signer and were not altered after they were returned.

Hearing Officer: James Tenuto

Hearing Officer Findings and Recommendations: Based on the results of the record examination and Rule 9 hearing, the Hearing Officer recommends finding the Candidates have 3,257 valid signatures, 7 more than the statutory minimum of 3,250 required for the office sought.

Based on the testimony of circulator Meliss Klabe, the Hearing Officer recommends overruling Objector's pattern of fraud allegation.

As Candidate's Motion to Strike and Dismiss was withdrawn, the Hearing Officer makes no recommendations thereon.

As such, the Hearing Officer recommends the Objector's petition be overruled and the names of Max Solomon and Latisha H. Fields be certified to appear on the ballot as Republican candidates for the offices of Governor and Lieutenant Governor for the State of Illinois in the June 28, 2022, General Primary Election.

Recommendation of the General Counsel: The General Counsel concurs concur in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

BALLIS, GEORGE E.	)	
	)	
PETITIONER/OBJECTOR	)	
	)	
v.	)	**No. 22 SOEB GP 523**
	)	
SOLOMON, MAX and FIELDS, LATISHA H.	)	
	)	
RESPONDENT/CANDIDATE	)	

NOTICE OF FILING AND SERVICE

To: Max Solomon maxlawilin@gmail.com
Adam Merrill AMerrill@Watershed-Law.com
General Counsel GeneralCounsel@elections.il.gov

Please take notice that on April 16, 2022, prior to 5:00 PM, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Recommendation of the Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses prior to 5:00 PM on April 16, 2022.

/s/ James Tenuto
James Tenuto

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

BALLIS, GEORGE E.	)	
	)	
Petitioner/Objector,	)	
	)	No. 22 SOEB GP 523
vs.	)	
	)	
SOLOMON, MAX and FIELDS, LATASHA H.	)	
	)	
Respondent/Candidate.	)	

RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Max Solomon and Latisha H. Fields, Candidates, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as Republican Candidates for the Office of Governor and Lt. Governor.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers contain signatures which, following a record examination, would result in the nomination papers containing valid signatures below the minimum of 3,250 required by Illinois Statute. Pattern of fraud was also alleged.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by Adam Merrill for the Objector while Max Solomon, attorney, filed for the Candidates.

The Case Management Conference (CMC) was held on March 29, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Adam Merrill and Max Solomon.

The CMC Order dated March 29, 2022, informed the Candidate and Objector of the procedures and that a record exam would be scheduled. The staff count reflected the submission of 4,446 lines with signatures and 1,964 objections. The minimum number of signatures required to appear on the ballot as Republican Candidates for the Office of Governor and Lt. Governor is 3,250.

Neither party filed an exception to the staff count.

PRELIMINARY MOTIONS

The Candidate timely filed a Motion to Strike and Dismiss alleging the Objector did not personally examine the records which serve as the basis for the Objector. There is no record of the Objector requesting the nomination papers. This lack of personal knowledge and due diligence amounts to "bad fault". Furthermore, the pattern of fraud contention is based on false claims.

The Objector's Response relies on Havens v. Miller, 102 Ill. App. 3d 558 (1st Dist. 1981) where it was held the Objector's motive in filing an Objection is not relevant. Nader v. Illinois State Board of Elections, 354

Ill. App. 3d 355 (1st Dist. 2004) also held the electoral board lacked the authority to inquire into how an Objector's petition was compiled.

The Motion to Strike and Dismiss was subsequently withdrawn.

SUBPOENAS

The Candidate requested a subpoena be issued for the Objector. The analysis set forth in PRELIMINARY MOTIONS (above) applied to the request. Accordingly, the subpoena requested by the Candidates was denied. The subpoenas requested by the Objector were granted.

RECORD EXAMINATION

Prior to the commencement of the record examination in the Springfield office of the State Board of Elections on April 5, 2022, both parties submitted a standing objection to any adverse rulings.

Signatures were challenged. Objections to 1,227 of the 1,964 challenged signatures were sustained. Based on the results of the record examination, the Candidates were found to have submitted 3,219 valid signatures, which is 31 below the minimum of 3,250.

A summary of the record examination is attached to this Recommendation as Exhibit A.

MOTIONS

The Candidate, following the record examination, timely submitted a Rule 9 Motion. Therein, it is alleged, following the record examination, that the Candidates were found to have submitted 31 signatures below the minimum of 3,250.

Accordingly, the Rule 9 Motion filed by the Candidate sought to rehabilitate 49 signatures via Affidavits and/or oral testimony.

The Hearing Officer reviewed the submissions and issued a preliminary ruling in an Order dated April 10, 2022, finding 38 of the 49 submissions were rehabilitated. (4 were undecided subject to oral testimony). A subsequent Order dated April 12, 2022, by the Hearing Officer withdrew the April 10, 2022, Order. This was done to allow both parties the opportunity to be present and make their respective arguments prior to the Hearing Officer making a decision.

Based on the Candidate's witness list and the Hearing Officer's April 10, 2022, Order regarding the 49 signatures, the Objector requested the issuance of subpoenas duces tecum to several election authorities. Based on the April 12, 2022, Order by the Hearing Officer which withdrew the April 10, 2022, Order, there were no rulings in place as to the 49 signatures. Accordingly, the Objector's request was denied as being untimely since it was made after the expiration of the 3-business day period.

Rule 9

The Rule 9 Hearing was held on April 14, 2022, in the Chicago office of the SBE. The Candidates, who were under by 31 valid signatures, sought to rehabilitate 49 signatures.

The parties stipulated the following signatures were valid: 25-4, 47-8, 121-5 ,179-2, 179-6, 224-4, 237-2, 246-1, 253-6 ,263-3, 275-9, 321-3, 322-5, 340-2, 340-9, 377-6, 380-3, and 430-1. (total = 18)

Other than 4 signatures where oral testimony was to be offered, the challenged signatures consisted of three categories of findings at the record exam: genuine, not registered at the address, or both.

Based on affidavits, copies of nomination petition sheets and/or certificates of registration, the following were found to be valid and the finding reversed: 47-1, 72-10, 90-2, 124-10, 126-1, 153-6, 179-9, 215-5, 269-3, 310-9, 322-7, 343-1, 343-7, 344-7, 347-4, 355-10 and 399-1 (total= 17)

Based on the oral testimony of the circulator, James Lawson, the following were found to be valid: Sheet 152, lines 2, 3 and 5. (total = 3)

The following were ruled not to be valid: 41-3, 75-3, 151-9, 193-2, 197-8, 205-2, 341-9, 352-2, 455-3, 465-5, and 473-10. (total = 11)

Thus, the Candidate's total increased by 38 from 3,219 to 3,257. (At the hearing it was incorrectly tallied to be 3,255).

The Objector called Meliss Klabe who circulated many sheets for the Candidate. She was not a paid circulator and testified as to the procedures used to gather signatures and turn in the sheets. To the best of her knowledge, the sheets were completed either by her or the signer and were not altered after they were returned.

Based on the above, the Hearing Officer ruled the Candidate exceeded the 3,250 minimum and there was no evidence of a pattern of fraud.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of Governor and Lt. Governor to appear on the General Primary Election ballot as Republican Candidates to be voted on June 28, 2022.
2. An Objection to the nomination papers was timely filed.
3. The Objection alleges, based on the results of a record examination, the Candidates submitted insufficient valid signatures which would place then below the required minimum of 3,250.

4. The Case was called on March 29, 2022. Adam Merrill filed an Appearance for the Objector while Max Solomon filed an Appearance for the Candidates.
5. The Case Management Conference (CMC) was held via telephone on March 31, 2022. The Hearing Officer, Adam Merrill and Max Solomon participated.
6. The staff count was transmitted to the parties.
7. Neither party disputed the staff count of 4,446.
8. The minimum signature requirement to appear on the General Primary Election ballot as a Candidates for Governor and Lt. Governor is 3,250.
9. Objector's subpoena request for two (2) circulators was not opposed. Candidate's request to subpoena the Objector was opposed and denied.
10. Candidates filed a Motion to Strike contending the Objector lacked personal knowledge of the allegations. For the reason set forth in the Preliminary Motions, I recommend it be denied.
11. The record examination was conducted on April 5, 2022. The results of the record examination were transmitted to the parties on April 5, 2022.
12. The results of the record examination found the Candidate filed 3,219 signatures, 31 below the minimum of 3,250.
13. The Candidates filed a Rule 9 submission as provided for in the Rules of Procedure.
14. The Candidates sought to rehabilitate 49 signatures. Hearing Officer's Order of April 10, 2022, finding 38 signatures was subsequently withdrawn on April 12, 2022. Candidate also named 12 witnesses and the nature of their testimony.
15. At the Rule 9 hearing, 38 signatures were rehabbed and the valid number of signatures increased from 3,219 to 3,257.
16. Candidates' Motion to Strike and Dismiss was withdrawn.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **OVERRULE the** Objection and the names of Max Solomon and Latisha H. Fields **BE CERTIFIED** to appear on the ballot as Republican Candidates for the Office of Governor and Lt. Governor to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 16, 2022

OBJECTION SUMMARY REPORT

22SOEBGP523 / BALLIS V. SOLOMON, FIELDS

OBJECTOR(S)

GEORGE E. BALLIS
4701 N. OPAL AVENUE
NORRIDGE, IL 60706-4405

CANDIDATE(S)

MAX SOLOMON 7 E CARRIAGEWAY DRIVE HAZEL CREST, IL 60429	REPUBLICAN GOVERNOR AND LIEUTENANT GOVERNOR
LATASHA H. FIELDS 9017 S. ABERDEEN STREET CHICAGO, IL 60620	REPUBLICAN GOVERNOR AND LIEUTENANT GOVERNOR

OBJECTION TOTALS

Petition pages	483		Examined	1,964	
Lines with signatures	4,446		Valid	737	37.5%
Lines with objections	1,964	44.2%	Invalid	1,227	62.5%
Unchallenged lines	2,482	55.8%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	3,250	Over/Under required signatures	-31

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 21, 2022, at 9:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

BEFORE THE DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF GOVERNOR AND THE OFFICE OF LIEUTENANT GOVERNOR IN THE STATE OF ILLINOIS

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 125PM 21 MAR 2022

IN THE MATTER OF THE OBJECTIONS OF:

Objector's name:	George E. Ballis	)
Objector' address:	4701 N. Opal Avenue	)
	Norridge, Illinois 60706-4405	)
		)
TO THE NOMINATION PAPERS OF **MAX SOLOMON** OF		) No.
7 E CARRIAGEWAY DRIVE, HAZEL CREST, ILLINOIS 60429		)
AS A CANDIDATE FOR NOMINATION OF THE **REPUBLICAN**		)
PARTY FOR THE OFFICE OF **GOVERNOR OF THE STATE**		)
OF ILLINOIS AND **LATASHA H. FIELDS** OF 9017 S.		)
ABERDEEN STREET, CHICAGO, ILLINOIS 60620 AS A		)
CANDIDATE FOR NOMINATION OF THE **REPUBLICAN PARTY**		)
FOR THE OFFICE OF **LIEUTENANT GOVERNOR OF THE**		)
STATE OF ILLINOIS TO BE VOTED ON AT THE JUNE 28, 2022		)
PRIMARY ELECTION		)

OBJECTOR'S PETITION

NOW COMES the following "Objector,"

Objector's name: George E. Ballis
Objector's address: 4701 N. Opal Avenue
Norridge, Illinois 60706-4405

who states that he resides at the address set forth above in the County of Cook and State of Illinois, and states 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 that the laws governing the filing of nomination papers of persons seeking the nomination of the Republican Party for the offices of Governor and Lieutenant Governor of the State of Illinois are properly complied with and that only qualified candidates appear upon the General Primary Election ballot and only qualified candidates for such offices have their names appear upon the General Primary Election ballot as candidates for said offices; and therefore your Objector makes the following objections to the nomination papers of Max Solomon as a candidate for nomination of the Republican Party to the Office of Governor of the State of Illinois and Latasha H. Fields as a candidate for the nomination of the Republican Party to the Office of Lieutenant Governor 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:

1. Your Objector states that in the State of Illinois the signatures of not less than 3,250 duly qualified, registered, and legal voters of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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.

2. Your Objector states that the Candidates identified herein have filed 488 petition signature sheets containing a total of 4445 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

3. 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.

4. Your Objector further states that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "a. SIGNER NOT REGISTERED AT ADDRESS SHOWN," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

5. Your Objector further states that the said nomination papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "b. SIGNATURE NOT GENUINE SIGNATURE OF REGISTERED VOTER," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

6. Your Objector further states that the said nomination papers contain the names of persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "c. SIGNER RESIDES OUTSIDE DISTRICT," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

7. Your Objector states that various purported signatures are legally defective and deficient because the address indicated is either missing (in whole or in part), partially written or incomplete, or crossed off, eradicated, stricken or removed (in whole or in part) as more fully set forth in the Appendix-Recapitulation, under the column designated "d. SIGNER'S ADDRESS IS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objector further states that said nomination papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "e. SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objector states that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "PETITION SHEET NOT NOTARIZED" attached hereto and made a part hereof, and

as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made at least with respect to page nos:.

10. Your Objector states that said Nomination Papers contain petition sheets purportedly circulated by individuals whose sheets petition sheets demonstrate a pattern of fraud and disregard for the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions such as Canter v. Cook County Officers Electoral Board, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988). This allegation is made against petition sheets circulated by Leslee Dirnberger and Meliss Klabel, each of whom have sworn circulators affidavits but who have not been present for the signing of the signatures on their petition sheets, in violation of Section 7-10 of the Election Code. In addition, certain of the signatures appearing on the sheets circulated by Leslee Dirnberger and Meliss Klabel appear to have been forged and written in the same hand. The challenged petition sheets circulated by Leslee Dirnberger and Meliss Klabel are attached here as Exhibit A.

11. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 4445 individuals. The individual signature objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 3,250.

WHEREFORE, your Objector prays that the nomination papers of Max Solomon as a candidate for the Republican Party's nomination to the Office of Governor of the State of Illinois and Latasha H. Fields as a candidate for the Republican Party's nomination to the Office of Lieutenant Governor 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; that neither the name of Max Solomon nor the name of Latasha H. Fields appear on the General Primary Election ballot for the Republican Party, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the names of Max Solomon as a candidate for the Republican Party's nomination to the Office of Governor of the State of Illinois and Latasha H. Fields as a candidate for the Republican Party's nomination to the Office of Lieutenant Governor of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

OBJECTOR
George E. Ballis
4701 N. Opal Avenue
Norridge, Illinois 60706-4405

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this OBJECTORS PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

OBJECTOR
George E. Ballis
4701 N. Opal Avenue
Norridge, Illinois 60706-4405

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by George E. Ballis, the Objector, on this the 20th day of March 2022, at Glenview, Illinois.

(SEAL)

NOTARY PUBLIC

My Commission expires: December 9, 2025

SHAWN TOLU
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
December 09, 2025

BEFORE THE DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF GOVERNOR AND THE OFFICE OF LIEUTENANT GOVERNOR IN THE STATE OF ILLINOIS

IN THE MATTER OF THE OBJECTIONS OF:

Objector's name:	George E. Ballis	)
Objector' address:	4701 N. Opal Avenue	)
	Norridge, Illinois 60706-4405	)
		)
TO THE NOMINATION PAPERS OF **MAX SOLOMON** OF		) No.
7 E CARRIAGEWAY DRIVE, HAZEL CREST, ILLINOIS 60429		)
AS A CANDIDATE FOR NOMINATION OF THE **REPUBLICAN**		)
PARTY FOR THE OFFICE OF **GOVERNOR OF THE STATE**		)
OF ILLINOIS AND **LATASHA H. FIELDS** OF 9017 S.		)
ABERDEEN STREET, CHICAGO, ILLINOIS 60620 AS A		)
CANDIDATE FOR NOMINATION OF THE **REPUBLICAN PARTY**		)
FOR THE OFFICE OF **LIEUTENANT GOVERNOR OF THE**		)
STATE OF ILLINOIS TO BE VOTED ON AT THE JUNE 28, 2022		)
PRIMARY ELECTION		)

EXHIBIT A

leslee dirnberger Printed: 3/20/2022 8:21:02 PM

Petition Name	Sheet Number	Notarized Date	Notary Name
Max Solomon For Governor	2	3/5/2022	m smolenski
Max Solomon For Governor	4	3/5/2022	m smolenski
Max Solomon For Governor	6	3/5/2022	m smolenski
Max Solomon For Governor	17	3/5/2022	m smolenski
Max Solomon For Governor	19	3/5/2022	M. Smolenski
Max Solomon For Governor	21	3/5/2022	m smolenski
Max Solomon For Governor	34	3/5/2022	m smolenski
Max Solomon For Governor	46	3/5/2022	m smolenski
Max Solomon For Governor	66	3/5/2022	m smolenski
Max Solomon For Governor	67	3/5/2022	m smolenski
Max Solomon For Governor	78	3/5/2022	m smolenski
Max Solomon For Governor	79	3/5/2022	m smolenski
Max Solomon For Governor	86	3/5/2022	m smolenski
Max Solomon For Governor	87	3/5/2022	M. Smolenski
Max Solomon For Governor	98	3/5/2022	m smolenski
Max Solomon For Governor	135	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	136	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	137	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	138	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	166	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	167	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	168	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	169	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	193	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	318	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	319	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	336	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	337	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	338	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	339	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	340	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	344	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	345	3/14/2022	Mcstephen O A Solomon

Leslee Dirnberger Petition Sheets

Max Solomon For Governor **Printed:** 3/20/2022 8:21:02 PM

Petition Name	Sheet Number	Notarized Date	Notary Name
Max Solomon For Governor	347	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	348	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	349	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	350	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	353	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	358	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	359	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	360	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	364	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	368	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	369	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	370	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	371	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	376	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	377	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	378	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	379	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	383	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	384	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	385	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	386	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	387	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	392	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	393	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	395	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	404	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	405	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	406	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	407	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	408	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	410	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	411	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	412	3/14/2022	Mcstephen O A Solomon

Leslee Dirnberger Petition Sheets

Max Solomon For Governor **Printed:** 3/20/2022 8:21:02 PM

Petition Name	Sheet Number	Notarized Date	Notary Name
Max Solomon For Governor	413	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	414	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	416	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	417	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	418	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	419	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	422	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	423	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	424	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	479	3/14/2022	Mcstephen O A Solomon

Leslee Dirnberger Petition Sheets

Meliss M Klabel Printed: 3/20/2022 8:35:42 PM

Petition Name	Sheet Number	Notarized Date	Notary Name
Max Solomon For Governor	8	3/5/2022	M. Smolenski
Max Solomon For Governor	15	3/5/2022	m smolenski
Max Solomon For Governor	108	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	109	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	111	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	162	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	163	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	164	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	165	3/11/2022	Mcstephen O A Solomon
Max Solomon For Governor	372	3/12/2022	Mcstephen O A Solomon
Max Solomon For Governor	341	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	342	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	343	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	351	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	352	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	355	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	356	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	357	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	361	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	362	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	363	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	365	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	366	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	367	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	373	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	374	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	375	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	380	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	381	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	382	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	388	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	389	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	390	3/14/2022	Mcstephen O A Solomon

Meliss Klabel Petition Sheets

Max Solomon For Governor **Printed:** 3/20/2022 8:35:43 PM

Petition Name	Sheet Number	Notarized Date	Notary Name
Max Solomon For Governor	391	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	394	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	397	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	398	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	399	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	400	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	401	3/14/2022	mcstephen o a solomon
Max Solomon For Governor	402	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	403	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	409	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	415	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	420	3/14/2022	Mcstephen O A Solomon
Max Solomon For Governor	425	3/14/2022	Mcstephen O A Solomon

Meliss Klabel Petition Sheets

BEFORE THE DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF GOVERNOR AND THE OFFICE OF LIEUTENANT GOVERNOR IN THE STATE OF ILLINOIS

IN THE MATTER OF THE OBJECTIONS OF:

Objector's name:	George E. Ballis	)
Objector' address:	4701 N. Opal Avenue	)
	Norridge, Illinois 60706-4405	)
		)
TO THE NOMINATION PAPERS OF **MAX SOLOMON** OF		) No.
7 E CARRIAGEWAY DRIVE, HAZEL CREST, ILLINOIS 60429		)
AS A CANDIDATE FOR NOMINATION OF THE **REPUBLICAN**		)
PARTY FOR THE OFFICE OF **GOVERNOR OF THE STATE**		)
OF ILLINOIS AND **LATASHA H. FIELDS** OF 9017 S.		)
ABERDEEN STREET, CHICAGO, ILLINOIS 60620 AS A		)
CANDIDATE FOR NOMINATION OF THE **REPUBLICAN PARTY**		)
FOR THE OFFICE OF **LIEUTENANT GOVERNOR OF THE**		)
STATE OF ILLINOIS TO BE VOTED ON AT THE JUNE 28, 2022		)
PRIMARY ELECTION		)

APPENDIX

RECAPITULATION

Michele Bauman v. Terry Wilke
22 SOEB GP 524

Candidate: Terry Wilke

Office: Representative – 62nd Representative District

Party: Democratic

Objector: Michele Bauman

Attorney for Objector: Michael Kasper, Kevin Morphew and James Hartmann

Attorney for Candidate: Andrew Finko

Number of Signatures Required: 400 - 1000

Number of Signatures Submitted: 556

Number of Signatures Objected to: 196

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the 62nd Representative District; whose addresses are missing or incomplete; and who have signed the petition sheets more than once.

Dispositive Motions: No.

Record Exam Necessary: Yes, a records exam was conducted on April 5, 2022. Candidate had collected a total of 556 signatures and Objector challenged 196 of those lines, which were examined by SBE staff. Of the 196 objections, 162 were sustained and 34 were overruled. At the conclusion of the exam, Candidate had 394 valid signatures, 6 less than the statutory minimum of 400.

Candidate timely filed a Rule 9 Motion. The Hearing occurred on April 16, 2022. Candidate argues that many of the rulings at the records exam were erroneous, and submitted evidence including voter registration records subpoenaed from the Lake County Clerk and limited testimony. Based on the evidence submitted, Candidate was able to rehabilitate 8 signatures; however, 4 signatures were ruled to be invalid. At the conclusion of the Rule 9 Hearing, Candidate was found to have 402 valid signatures, 2 above the statutory minimum of 400.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: Based on the results of the records exam and subsequent Rule 9 Hearing, the Hearing Officer finds that Candidate has 402 valid petition signatures which is 2 more than the statutory minimum of 400. As such, the Hearing Officer recommends the Board overrule the objection and that the name of Terry Wilke be placed on the ballot as a Democratic candidate for the office of Representative in the 62nd Representative District of the State of Illinois, to be voted upon at the Primary Election on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 62nd REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Michele Bauman,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 524**
	)	
Terry Wilke,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL
FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by counsel, KEVIN M. MORPHEW. The Candidate was present by counsel, ANDREW FINKO. Appearances were filed by both parties. The conference was concluded *sine die*.

PLEADINGS

The following pleadings were filed and considered:

- OBJECTOR'S PETITION.
- CANDIDATE'S RULE 9 MOTION, Supporting Documents, and RULE 9 SUBPOENA REQUEST.

ANALYSIS

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 1, 2022 in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 556 signatures, of which 162 were sustained, leaving 394 valid signatures, (i.e., 360 unchallenged lines and 34 valid), which results in 6 signatures fewer than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 6, 2022.

Counsel for the Candidate filed a timely Rule 9 Motion; i.e., on April 6, 2022, at 4:28 p.m.

The subpoena request was granted.

A Rule 9 hearing was scheduled for 11:00 a.m. on April 16, 2022. The hearing was commenced and concluded as scheduled. Evidence was submitted, the majority of which was admitted; certain limited testimony was presented. Specifically, the Candidate submitted evidence in an attempt to rehabilitate 12 Petition signatures; the result of which, 8 signatures (objections) were overruled, and the remaining 4 were sustained. Consequently, the number of valid Petition signatures increased from the 394 staff findings, to an adjusted 402 signatures, which exceeds the 400 required signatures.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nomination papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of Representative in the general assembly for the 62nd Representative District of the State of Illinois.

Dated: April 18, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP524 / BAUMAN V. WILKE

OBJECTOR(S)

MICHELE BAUMAN
412 GATEWOOD LANE
GRAYSLAKE, IL 60030

CANDIDATE(S)

TERRY WILKE
76 W. LINDSAY
ROUND LAKE BEACH, IL 60073

DEMOCRATIC
62ND REPRESENTATIVE

OBJECTION TOTALS

Petition pages	64		Examined	196	
Lines with signatures	556		Valid	34	17.3%
Lines with objections	196	35.3%	Invalid	162	82.7%
Unchallenged lines	360	64.7%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures 400 Over/Under required signatures -6

EXHIBIT A

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
62nd REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Michele Bauman,	)
	)
Petitioner-Objector,	)
	)
v.	)
	)
Terry Wilke,	)
	)
Respondent-Candidate.	)

OBJECTOR'S PETITION

INTRODUCTION

Michele Bauman, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 412 Gatewood Lane, Grayslake, Illinois, Zip Code 60030, in the 62nd Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 62nd Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Terry Wilke as a candidate for the office of Representative in the General Assembly for the 62nd Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of the 62nd Representative District of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 400 such voters, and further purport to have been gathered,

presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 62nd Representative District of the State of Illinois, and such persons are not registered voters in the 62nd Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 400 validly collected signatures of qualified and duly registered legal voters of the 62nd Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 62nd Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Terry Wilke shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 62nd Representative District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.

OBJECTOR Michele Bauman

Address:
412 Gatewood Lane
Grayslake, IL 60030

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Michele Bauman, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me
by Michele Bauman
this 21 day of March, 2022.

Notary Public

Official Seal
Laura M Duszynski
Notary Public State of Illinois
My Commission Expires 12/29/2025

Mary Truss v. Robert Ellington-Snipes
22 SOEB GP 525

Candidate: Robert Ellington-Snipes

Office: Representative – 79th Representative District

Party: Democratic

Objector: Mary Truss

Attorneys for Objector: Michael Kasper, Kevin Morphew, James Hartmann

Attorney for Candidate: Pro se

Number of Signatures Required: 400 - 1000

Number of Signatures Submitted: 507

Number of Signatures Objected to: 141

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the 79th Representative District; whose addresses are missing or incomplete; and who have signed the petition sheets more than once.

Dispositive Motions:
Candidate's Motion to Strike and Dismiss Objector's Petition, filed March 31, 2022. First, Candidate argues that Objector's petition should have been dismissed because Objector though her attorneys did not appear on March 29, 2022 at the Board's Initial Meeting, and did not make themselves available for meeting with the Hearing Officer until approximately 2:37pm on March 29, 2022, when SBE staff was finally able to reach Mike Kasper, one of Objector's three attorneys on record. Candidate argues that other cases were dismissed for Objector's failure to appear, whereas this case was not. Candidate argues that preferential treatment was improperly provided to Objector's attorney.

Second, Candidate argues that Objector's Petition was not verified as required by 735 ILCS 5/1-109 because Objector failed to attach an oath or attach the language required by 5/1-109.

Third, Candidate takes exception to the phrasing used in the introduction of Objector's Petition which refers to "Mary Truss, hereinafter sometimes referred to as Objector." Objector argues that use of the word "sometimes" cast doubt on when Mary Truss *is* the Objector and when she is not. On this basis, Candidate argues Objector has not definitively stated whether or not she is the

Objector and therefore the facts as alleged in Objector's Petition are hearsay and should be stricken.

Finally, Candidate argues that Objector's Petition paragraphs 3-10 fail to clearly identify any violations of the Election Code, requesting that the Objector's Petition be stricken in its entirety.

Record Exam Necessary: Yes. A records examination was held on April 6, 2022. Candidate had submitted a total of 505 signatures and 139 lines were objected to by Objector. Objections to 107 were overruled and 32 were sustained. Based on the results of the record examination, the Candidate was found to have submitted 398 valid signatures, which is 2 below the statutory minimum of 400.

Candidate timely motioned for a Rule 9 Hearing. The Candidate timely submitted three affidavits to reverse the rulings of three challenged signatures, and the Objector made no Rule 9 submissions or timely challenge the sufficiency of Objector's Rule 9 Affidavits. Based on the Affidavits, three signatures were rehabilitated and found to be valid. At the conclusion of the Rule 9 period, Candidate was found to have 401 valid signatures, 1 signature above the statutory minimum of 400.

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: With respect to Candidate's Motion to Dismiss Objector's Petition, the Hearing Officer found that there was no delay apart from those typically expected following the calling of cases at the SBE, and there was no evidence of how Objector's attorney was extended "preferential treatment" or how it prejudiced Candidate.

The Hearing Officer found that an objection is not required to be verified pursuant to 735 ILCS 5/1-109, that the Objector met the requirements established in Section 10-8 of the Election Code, and that there is no requirement that Objector provide proof of being a registered voter with an objection petition. Finally, the Hearing Officer found no requirement that each paragraph of the Objection specify the alleged violation of the Election Code. As such, the Hearing Officer found the Objection to be properly pled.

The Hearing Officer recommends that the Board deny candidate's Motion to Strike and Dismiss Objector's Petition, overrule the objection, and determine that the name of Candidate Ellington-Snipes be certified to appear on the ballot as a Democratic Candidate for the Office of State Representative in the 79th Representative District to be voted upon on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

TRUSS, MARY	)	
	)	
PETITIONER/OBJECTOR	)	
	)	
v.	)	**No. 22 SOEB GP 525**
	)	
ELLINGTON-SNIPES, ROBERT	)	
	)	
RESPONDENT/CANDIDATE	)	
	)	

NOTICE OF FILING AND SERVICE

To: Michael Kasper MJKasper60@mac.com
Robert Ellington-Snipes Rabaaaia@comcast.net
General Counsel GeneralCounsel@elections.il.gov

Please take notice that on April 12, 2022, prior to 5:00 PM, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Report and Recommendation of the Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses prior to 5:00 PM on April 12, 2022.

/s/ James Tenuto
James Tenuto

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

TRUSS, MARY	)	
	)	
Petitioner/Objector,	)	
	)	No. 22 SOEB GP 525
v.	)	
	)	
ELLINGTON-SNIPES, ROBERT	)	
	)	
Respondent/Candidate.	)	
	)	

REPORT AND RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Robert Ellington-Snipes, Candidate, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as a Democratic Candidate for the Office of State Representative in the 79th Representative District.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers contain signatures which, following a record examination, would result in the nomination papers containing valid signatures below the minimum of 400 required by Illinois Statute. The basis of the Objection required a record examination to address the signatures in question.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by Michael Kasper for the Objector while Robert Ellington-Snipes filed a Pro Se Appearance.

The Case Management Conference (CMC) was held on March 29, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Robert Ellington-Snipes (in person) and Michael Kasper (by telephone).

The CMC Order dated March 29, 2022, informed the Candidate and Objector of the deadlines and procedures. The parties were informed a record examination could begin as early as Thursday, March 31, 2022. Parties were advised to frequently check the SBE website.

SUBPOENAS

Neither party requested subpoenas be issued as set forth in Rule 8 of the Rules of Procedures.

RECORD EXAMINATION

Prior to the commencement of the record examination in the Chicago office of the State Board of Elections on April 6, 2022, both parties submitted a standing objection to any adverse rulings.

Signatures were challenged. Objections to 107 of the 139 challenged signatures were sustained. Based on the results of the record examination, the Candidate was found to have submitted 398 valid signatures, which is 2 below the minimum of 400.

A summary of the record examination is attached to this Recommendation as Exhibit A.

PRELIMINARY MOTIONS

The Candidate timely filed a Motion to Strike and Dismiss Objector's Petition. The following is a summary of the Candidate's allegations:

(1) The Candidate argues the case should be dismissed because after the case was called the attorneys for the Objector failed to timely appear for a Case Management conference. Contact was not made until around 2:37 pm when Mr. Kasper participated by the telephone while the Candidate appeared in person after waiting an extended period. The Candidates characterizes the actions towards M. Kasper as "preferential treatment". Failing to dismiss the Objection implies "a great deal of bias and prejudice to accommodate the attorney".

(2) The Petition was not verified as required by 735 ILCS 5/1-109.

(3) There is no evidence attached to the Objection that proves the Objector is a "duly qualified, legal and registered voter" such as a voter registration card.

(4) Candidate questions the fact that "Petitioner only swears she read the Objector's Petition not wrote or authorized it."

(5) The Objector fails to specify which section under the Illinois Election Code are violated in Pars. 3-10 of the Objection.

(6) The Candidate asserts the Objector may not amend or clarify the Objection.

The Objector did not file a response to Objector's Motion to Strike and Dismiss Objector's Petition. The Candidate alleges this failure to respond renders the Objection invalid and the Motion to Strike and Dismiss should be granted.

DISCUSSION

The only Motion to be considered is Candidate's Motion to Strike and Dismiss Objector's Petition. Each of the allegations will be discussed in the following paragraphs.

(1) Regarding the Objector's alleged "failure" to timely attend the CMC, it is common practice for delay to follow the calling of cases. Parties are expected to attend CMC meetings after the cases are called – not immediately after the case is called. Many election attorneys have filed appearances on more than one case. "Preferential treatment" was not extended to any attorney and the Candidate fails to demonstrate how this prejudiced him.

(2) There is no requirement that the Objection be verified per 735 ILCS 5/1-109. The only requirements in 10-8 of the Election Code is the Objection state: name and address of the Objector, nature of the Objection, interest of the Objector and relief sought.

(3) The Objector not being a registered voter is the basis for a motion to dismiss. However, there is no requirement in the Election Code that the Objector attach proof to the Objection of her registration status. Thus, this issue is not properly raised by the Objector.

(4) The Candidate seeks clarification to the use of the word "sometimes" in the Objection. He points out that "Petitioner only swears she has "read" the "Objector's Petition"". There is

no requirement that the Objector "swear under penalty of perjury." I recommend the SOEB find the Objection to be properly pled.

(5) There is no requirement to specify in each paragraph of the Objection the sections of the Election Code alleged to be violated. The only requirement is to put the Candidate on notice of signatures challenged and the basis for each challenge. This is specified in detail in the Appendix attached to the Objection.

(6) I concur with the Objector that an Objection cannot be amended. Candidate assumes the Objection is defective and the Objector will seek to amend. That is not the case here.

The Candidate is sincere in his effort to qualify for the ballot as demonstrated by the number of valid signatures he assembled. The requirements of the Election Code are very technical, the deadlines strict, the objection process can be confusing and objections are completed within an accelerated time frame. I applaud his efforts. However, a Candidate who proceeds without an experienced election attorney puts himself at a distinct disadvantage as demonstrated in this Objection.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of State Representative in the 79th Representative District to appear on the General Primary Election ballot as a Democratic Candidate to be voted on June 28, 2022.
2. An Objection to the Candidate's nomination papers was timely filed.
3. The Objection alleges, based on the results of a record examination, that the Candidate submitted less than 400 valid signatures.
4. The Case was called on March 29, 2022. Michael Kasper filed an Appearance for the Objector while Robert Ellington-Snipes, Candidate filed a Pro Se Appearance.

5. The Case Management Conference (CMC) was held via telephone on March 29, 2022. The Hearing Officer, the Candidate and Mr. Kasper participated.
6. The staff count was transmitted to the parties.
7. Neither party disputed the staff count of 505.
8. The minimum signature requirement to appear on the General Primary Election ballot as a Candidate for State Representative in the 79th Representative District is 400.
9. Neither party requested the issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure.
10. Neither party filed any Motions other than Candidate's Motion to Strike and Dismiss Objector's Petition.
11. The record examination was conducted on April 6, 2022. The results of the record examination were also transmitted to the parties on April 6, 2022.
12. The results of the record examination found the Candidate filed 398 valid signatures, 2 under the minimum of 400.
13. The Candidate timely submitted three Affidavits to reverse the ruling of three challenged signatures.
14. The Objector made no Rule 9 submissions.
15. The Objector did not challenge the sufficiency of the Rule 9 Affidavits by the deadline of 10:00 a.m. on April 12, 2022, set by the Hearing Officer.
16. For the reason set forth above in DISCUSSION Section, the Hearing Officer recommends the Candidate's Motion to Strike and Dismiss Objector's Petition be **DENIED**.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **DENY** Candidate's Motion to Strike and Dismiss Objector's Petition, **OVERRULE** the Objection and the name of Robert Ellington-Snipes **BE CERTIFIED** to appear on the ballot as a Democratic Candidate for the Office of State Representative in the 79th Representative District to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 12, 2022

OBJECTION SUMMARY REPORT

22SOEBGP525 / TRUSS V. ELLINGTON-SNIPES

OBJECTOR(S)

MARY TRUSS
622 OLD FORGE LANE
UNIVERSITY PARK, IL 60484

CANDIDATE(S)

ROBERT S. ELLINGTON-SNIPES
1371 EAST MAPLE STREET
KANKAKEE, IL 60901-4374

DEMOCRATIC
79TH REPRESENTATIVE

OBJECTION TOTALS

Petition pages	54		Examined	139	
Lines with signatures	505		Valid	32	23%
Lines with objections	139	27.5%	Invalid	107	77%
Unchallenged lines	366	72.5%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	-2

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 21, 2022, at 9:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
79th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Mary Truss,	)
	)
Petitioner-Objector,	)
	)
v.	)
	)
Robert Ellington-Snipes,	)
	)
Respondent-Candidate.	)

OBJECTOR'S PETITION

INTRODUCTION

Mary Truss, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 622 Old Forge Lane, University Park, Illinois, Zip Code 60484, in the 79th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 79th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Robert Ellington-Snipes as a candidate for the office of Representative in the General Assembly for the 79th Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of the 79th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 400 such voters, and further purport to have been gathered,

presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 79th Representative District of the State of Illinois, and such persons are not registered voters in the 79th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 400 validly collected signatures of qualified and duly registered legal voters of the 79th Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 79th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Robert Ellington-Snipes shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 79th Representative District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.

OBJECTOR Mary Truss

Address:
622 Old Forge Lane
University Park, IL 60484

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Mary Truss, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Mary Truss

Subscribed and sworn to before me
by Mary Truss
this 21 day of March, 2022.

Laura M. Duszynski
Notary Public

Official Seal
Laura M Duszynski
Notary Public State of Illinois
My Commission Expires 12/29/2025

Peter Helms v. Arad Boxenbaum
22 SOEB GP 526

Candidate: Arad Boxenbaum

Office: Representative – 83rd Representative District

Party: Democratic

Objector: Peter Helms

Attorneys for Objector: Michael Kasper, Kevin Morphew and James Hartmann

Attorney for Candidate: Pro se

Number of Signatures Required: 400 - 1000

Number of Signatures Submitted: 434

Number of Signatures Objected to: 54

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the 83rd Representative District; whose addresses are missing or incomplete; and who have signed the petition sheets more than once.

Dispositive Motions:

Candidate's Motion to Dismiss filed 3/31/22
Candidate asserts that of the 54 lines objected to, a significant number of them were blank spaces that were not included in the overall line count, as well as signatures of longtime Geneva residents and multiple elected officials (himself included) suggests that the Objector's method of identifying problematic petition signatures is suspect. As such, Candidate requests the Board dismiss the objection.

Record Exam Necessary: Yes. The records exam was conducted on 04/06/22. Fifty-four lines were objected to, 31 objections were sustained, and 23 were overruled. At the conclusion of the exam, Candidate had 403 valid signatures, 3 more than the statutory minimum of 400. Neither party filed a Rule 9 Motion.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam, finding that of the 54 signatures objected to, 31 were sustained and

23 were overruled, and finding Candidate has 3 signatures more than the statutory minimum of 400 required for the office Representative of in the General Assembly for the 83rd Representative District of the State of Illinois. As such, the Hearing Officer recommends the objection be overruled and the Candidate be certified on the ballot for the June 28, 2022, primary election.

The Hearing Officer does not recommend ruling on the Candidate's Motion to Dismiss because it does not raise any legal arguments justifying dismissal.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that the General Counsel recommends denying the Motion to Dismiss because it does not raise any legal arguments justifying dismissal.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 83rd REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Peter Helms,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 526**
	)	
Arad Boxenbaum,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL
FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by counsel, KEVIN M. MORPHEW. The Candidate was present in his own person. Appearances were filed by both parties. The conference was concluded *sine die*.

PLEADINGS

The following pleading were filed and considered:

- OBJECTOR'S PETITION
- CANDIDATE'S MOTION TO DISMISS

No responsive pleading was filed in response to the MOTION TO DISMISS. Nevertheless, I do not recommend a ruling on this Motion as it fails to raise any substantive legal arguments to justify dismissal. It sets forth some specific denials of allegations, all of which were subsequently addressed in the Records Exam.

ANALYSIS

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 5, 2022, in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 434 signatures, of which 31 were sustained, leaving 403 valid signatures, (i.e., 380 unchallenged lines and 23 valid), which results in 3 signatures greater than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 11, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nomination papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of Representative in the General Assembly for the 83rd District of the State of Illinois.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP526 / HELMS V. BOXENBAUM

OBJECTOR(S)

PETER HELMS
1885 RICHARD STREET
AURORA, IL 60506

CANDIDATE(S)

ARAD BOXENBAUM
0S410 ELLITHORP LN
GENEVA, IL 60134

DEMOCRATIC
83RD REPRESENTATIVE

OBJECTION TOTALS

Petition pages	54		Examined	54	
Lines with signatures	434		Valid	23	42.6%
Lines with objections	54	12.4%	Invalid	31	57.4%
Unchallenged lines	380	87.6%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures 400 Over/Under required signatures +3

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
83rd REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Peter Helms,	)	
	)	
Petitioner-Objector,	)	ORIGINAL ON FILE AT
	)	STATE BD OF ELECTIONS
v.	)	ORIGINAL TIME STAMPED
	)	AT 141 PM 21 MAR 2022
Arad Boxenbaum,	)	
	)	
Respondent-Candidate.	)	

OBJECTOR'S PETITION

INTRODUCTION

Peter Helms, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 1885 Richard Street, Aurora, Illinois, Zip Code 60506, in the 83rd Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 83rd Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Arad Boxenbaum as a candidate for the office of Representative in the General Assembly for the 83rd Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of the 83rd Representative District of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 400 such voters, and further purport to have been gathered,

presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 83rd Representative District of the State of Illinois, and such persons are not registered voters in the 83rd Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

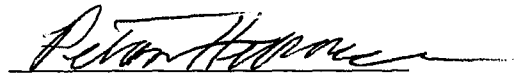
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 400 validly collected signatures of qualified and duly registered legal voters of the 83rd Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 83rd Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Arad Boxenbaum shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 83rd Representative District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.



OBJECTOR Peter Helms

Address:
1885 Richard Street
Aurora, IL 60506

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Peter Helms, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me
by Peter Helms
this 21 day of March, 2022.

Notary Public

Official Seal
Laura M Duszynski
Notary Public State of Illinois
My Commission Expires 12/29/2025

Kelly King v. Howard L. Spiller
22 SOEB GP 528

Candidate: Howard L. Spiller

Office: Representative – 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: N/A – Candidate did not file an appearance or respond to service

Number of Signatures Required: 400

Number of Signatures Submitted: 407

Number of Signatures Objected to: 28

Basis of Objection: Nomination papers contain petition sheets signatures of persons whose addresses are not within the 1st Congressional District; and who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets. Nomination papers contain circulators statements with an incomplete address.

Dispositive Motions: None Filed.

Record Exam Necessary: Yes. Conducted 4/11/22. Of 28 lines examined, 27 objections were sustained and one was overruled. As a result, Candidate has 480 valid signatures, 20 under the statutory minimum of 400.

Hearing Officer: Barb Goodman. On March 30, 2022, Objector requested assignment of this case to a different hearing officer. Absent good cause shown, the request was denied by the General Counsel. The request was then renewed before Ms. Goodman on March 30 and 31. On March 31, Objector alleged that Ms. Goodman stated she intended to have an *ex parte* communication with a candidate in a different objection proceeding: 2022 SOEB GP 530. This allegation was not substantiated by the candidate in that case. The motion for reassignment was denied by Ms. Goodman.

Hearing Officer Findings and Recommendations: The Hearing Officer recommends, in conformity with the results of the records examination finding that the nomination papers of Howard Spiller be found to have 380 valid signatures, 20 signatures fewer than the statutory minimum of 400. As such, the Hearing Officer recommends that the objection be sustained and that the name of Howard Spiller, Democratic Candidate for Representative in Congress for the 1st

Congressional District of the State of Illinois, not be certified to the June 28, 2022, General Primary ballot.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation and further recommends determining Objector's objection to the circulator statements with allegedly incomplete addresses was rendered moot as a result of the records examination and recommendations herein.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

KELLY KING	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 528**
HOWARD L. SPILLER	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared pro se and the Candidate did not appear. The parties were given the opportunity to file motions. Other than motions for a change of hearing officer filed by the Objector, no motions were filed.

The Objector's first motion was filed on March 30, 2022 with the General Counsel in which the Objector alleged as follows:

To Whom it may concern,

This is Kelly King. I am an Objector in four cases before Hearing Officer Barbara Goodman. I do not want my cases heard before her as is my right to change Hearing Officers BEFORE anything begins.

I heard Hearing Officer Philip Krasny had the case of King v Jackson BUT right in the Electoral Board Meeting the change was made from Philip Krasny to Barbara Goodman to oversee this case. It was this sudden change that gave a shock that i felt in my 'gut' that this person is NOT who i want to hear my objection in ANY of my objection cases assigned to her. Something does not feel right about her to me thusly i told her at the very outset when i met her that I told her directly upon meeting her that I informed Barbara Goodman that I did NOT want her to hear any of my cases and i am within my right to ensure fairness any bias in my cases.

Therefore, I am exercising my right to change hearing officers at the absolute outset of this process and request a change of hearing officer for my objection cases assigned to Barbara Goodman to another hearing officer to hear my objection cases,

I spoke to Joanna Sharp on March 29th, 2022 expressing my right to change hearing officer Barbara Goodman NOT to hear my cases and that a change for another hearing officer be assigned all of my cases slated to Barbara Goodman to be heard by another hearing officer. I do NOT want Barbara Goodman hearing ANY of my objection cases, PERIOD!!

Yours truly,
Kelly King

In an email to the Objector dated March 30, 2022, General Counsel Marni M. Malowitz denied the motion. A further exchange of emails between the Objector and General Counsel Malowitz. took place in which General Counsel Malowitz re-affirmed the denial of the motion.

On March 31, 2022, Objector filed with this Hearing Officer another request for a change of Hearing Officer in which she then alleged for the first time as follows:

Ms. Barbara Goodman,

On March 29th, 2022, at the Initial Meeting when I met you in your office where you were speaking to Jonathan Jackson Representative Clem Balanoff. I, you & Mr. Balanoff were sitting at a desk together. Mr. Balanoff told you that "I am only for today representing him (Jackson)". "Are you going to call him today?" You, (Barbara Goodman) said, "Yes, don't worry about it".

I was not a party to the call to Mr. Jackson.

This is exparte' communications between a Hearing Officer and a Candidate, without the other side, speaking of myself, being a party or present when you call Jonathan Jackson.

This is a clear conflict of interest.

I, therefore motion for a change of hearing officer over my cases that is currently before you.

Kelly King

In the case of Kelly v Jackson, 22 SOEB GP 530, before this board, the Objector offered her testimony in which she reiterated the allegations made in her motion. Candidate Jackson testified and clearly established that no ex parte communication took place between this Hearing

Officer and said candidate. The testimony given in Kelly v Jackson is incorporated herein by reference and by the agreement of the Objector. Objector's second motion for a change of hearing officer was denied.

The matter was sent for a records examination.

THE RECORDS EXAMINATION

The final results of the records examination were as follows:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 400.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 407.

C. The number of signatures deemed invalid because of objections sustained in the records examination total 27.

D. The remaining number of signatures deemed valid as a result of the records examination total 380.

The results of the records examination indicated that the candidate had **20** signatures **less** than the statutory minimum. At no time during the proceedings was an appearance filed by or on behalf of the Candidate and no motions were filed pursuant to Rule 9 of the Board's Rules of Procedure.

RECOMMENDATION

It is my recommendation that the objections of Kelly King to the nominating papers of Howard Spiller be **sustained** in conformity with the results of the records examination and that the nominating papers of Howard Spiller, Candidate of the Democratic Party for the Office of Representative in Congress for the 1st Congressional District of the State of Illinois be deemed **invalid.** It is my further recommendation that the name of Howard Spiller for said office **not** appear on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
HOWARD L. SPILLER, AS A CANDIDATE FOR)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of Howard L. Spiller ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of Howard L. Spiller **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates Appendix-Recapitulation Sheets attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. 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.

5. Objector states that the Candidate has filed petition signatures sheets containing fewer than 400 signatures of allegedly duly qualified, legal, and registered voters of the 1st Congressional District of Illinois.
6. Objector further states that Candidate's Nomination Papers contain petition sheets with the signatures and names of persons who reside outside the boundaries of the 1st Congressional District of Illinois, and not duly registered and qualified voters within the 1st Congressional District of Illinois, as set forth on the corresponding Appendix-Recapitulation sheets attached and incorporated herein, under the heading, Column C **"Signer Resides Outside District,"** in violation of the Illinois Election Code.
7. Objector further states that Candidate's Nomination Papers contain petition sheets with various purported circulator signatures which are legally defective and deficient for a variety of reasons, as set forth on the corresponding Appendix-Recapitulation sheets attached and incorporated herein, at the lower portion, with a mark next to a description being an objection as to the circulator and /or notary of the designated sheet

number shown at the top of each Appendix-Recapitulation sheet, as if fully set forth herein, including but not limited to:

Circulator's address is incomplete

[Other]

8. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures below statutory minimum. In addition, the allegations contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination be undertaken of the official voter records be undertaken to determine the sufficiency of Candidate's purported signatures upon his nomination petition; (c) that a determination be made that the Nomination Papers are legally and factually insufficient; (d) that this Electoral Board make a finding that the name of Howard L. Spiller not be printed upon the official Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this Electoral Board issue its decision declaring that the name of Howard L. Spiller

as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / KELLY King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true and correct.

Kelly King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

Kelly King v. Jonathan L. Jackson
22 SOEB GP 530

Candidate: Jonathan L. Jackson

Office: Representative – 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: None – *Pro se*

Attorney for Candidate: Frederic H. Everly

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Objector alleges that Candidate's nomination papers are insufficient because on the Statement of Candidacy, Candidate did not indicate whether his address was located in a city, village, or unincorporated area. Objector further argues that Candidate failed to make the same designation in the petition sheet headers.

Dispositive Motions:
Candidate's Motion to Strike and Dismiss, filed 03/31/22. Candidate argues that paragraphs 5, 6, and 7 of Objector's Petition should be stricken because they were not brought in good faith and fail to adequately state a legally sufficient objection under law. Candidate further argues that the applicable standard of analysis should be substantial compliance, and a review of his nomination papers indicates that he has substantially complied with the address requirements of the Election Code, as he included his full address on his Statement of Candidacy. Candidate cites to *Madison v. Sims*, 6 Ill. App. 3d 795 (1st Dist. 1972), in which the court found that petitions at issue had "substantially complied" with the Election Code even when the petition signer's city of residence was not directly across from their name and address, and distinguishes it from Candidate Jackson's nomination papers which included his full address.

With respect to Objector's Petition, Candidate cites to the requirements of Section 10-8 of the Election Code, 10 ILCS 5/10-8, which require an objection to contain certain elements in order to state a valid cause of action, and without it, an objection is invalid. Candidate relies on *Pochie v Cook County Officers Electoral Board*, 289 Ill.App.3d 585 (1st Dist. 1997) and *Craig v. Electoral Board of Oconee Township*, 207 Ill.App.3d 1042 (1st Dist. 1991) in support of the argument that an objection petition that fails to meet the requirements of Section 10-8 may be dismissed.

Objector's Response to Candidate's Motion to Strike and Dismiss, filed 04/04/22. Objector reasserted the bases of her objection, arguing that the requirement to identify the *type* of place (i.e. City, Village, Unincorporated Area) is information the voter is entitled to know, it is the candidate's responsibility to provide the information, and it should not be assumed that the voter knows the *type* of the place disclosed. As an example, Objector states that although Candidate lists his address as "Chicago," it is improper to assume that a voter knows the type of place Chicago is, i.e. a city, and that these errors should be cause to remove Candidate Butler's name from the ballot.

Record Exam Necessary: No

Hearing Officer: Barbara Goodman. On March 30, 2022, Objector requested assignment of this case to a different hearing officer. Absent good cause shown, the request was denied by the General Counsel. The request was then renewed before Ms. Goodman on March 30 and 31. On March 31, Objector alleged that Ms. Goodman stated she intended to have an *ex parte* communication with Candidate Jackson. This allegation was not substantiated by Candidate Jackson. The motion for reassignment was denied by Ms. Goodman.

Hearing Officer Findings and Recommendations:

Initially, it is important to note the context within which the Hearing Officer's recommendation was delivered. At the initial case management conference, an individual named Clem Balanoff filed a written appearance on behalf of the Candidate and appeared at each of the subsequently called hearings. *Hearing Officer's Report and Recommended Decision* at p. 3, April 16, 2022. At the last hearing in the matter, Attorney Frederic Everly filed an appearance on Candidate's behalf. It was determined after the conclusion of the case that Mr. Balanoff is a non-attorney. He states he was the contact person who filed Candidate Jackson's petitions with the SBE in Springfield. The Hearing Officer determined that Mr. Balanoff's so-called appearance was prohibited by Rule 3 of the Board's Adopted Rules of Procedure. Specifically, Rule 3(a) provides, in relevant part:

> The candidate or objector may appear on their own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, any counsel to the Board, or the Board's appointed Hearing Officer) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party…

As a result of learning that Mr. Balanoff was not an attorney and receiving confirmation from Mr. Balanoff that he was not an attorney, the Hearing Officer determined to strike any legal arguments made by Mr. Balanoff at any of the proceedings, in addition to striking Candidate's Motion to Strike and Dismiss, which was transmitted by Mr. Balanoff and did not contain a certificate of service.

Although Objector King adamantly argued that the circumstances of Mr. Balanoff's participation further evidenced the fraud that has persisted through the proceedings, and urged that such activity disqualifies Candidate, the Hearing Officer determined that despite the unprecedented irregularities in Candidate's invalid representation, the validity of Candidate's nomination papers was still at issue and a decision thereon was required. As such, the Hearing Officer evaluated the Objector's Petition on its merits.

With respect to the substance of Objector's Petition, the Hearing Officer found that Objector has failed to provide any statute or case law to support her arguments or to justify invalidating Candidate's nominating papers. The Hearing Officer reasoned that even if it could be determined from the objection that Candidate did deviate from the requirements of the Election Code, substantial compliance is the recognized standard, citing e.g. *Madden v Schumann*, 105 Ill.App.3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173, (1st Dist. 1982), *Samuelson v Cook County Officers Electoral Board*, 2012 Ill. App (1st Dist.) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658. The Hearing Officer noted that no argument or evidence was made that any voter confusion occurred as a result of the alleged deficiencies.

The Hearing Officer found that Candidate has met the requirements for the information that must be contained in Statement of Candidacy and within petition headers, pursuant to Section 7-10 of the Election Code, as a review of the Candidate's papers indicate that his name and address are clearly set out on his Statement of Candidacy and petition sheet headers, as are those of the circulators, at the bottom of the pages.

On these bases, the Hearing Officer recommends the Board overrule the objection and find that the name of Chris Butler should be certified to the ballot as a Democratic party candidate for the office of Representative in the 1st Congressional District of the State of Illinois to be voted upon at the Primary Election on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. Although I do not believe the Hearing Officer's recommendation intended to adopt the substantial compliance standard, for clarity of the record, I note that consideration of the substantial compliance standard and case law here are unnecessary, as the plain language of Section 7-10 does not require a candidate to designate whether they reside in a city, village, or unincorporated area.

The General Counsel remains concerned about Mr. Balanoff's purported representation of the Candidate in this proceeding as a non-attorney. In addition to Rule 3(a) of the Board's Rules of Procedure's prohibition on appearances by non-attorneys in a representative capacity, Illinois law provides, in relevant part:

> No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State.
> No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney, nor may an unlicensed person advertise or hold himself or herself out to provide legal services…

> Any person practicing, charging or receiving fees for legal services or advertising or holding himself or herself out to provide legal services within this State, either directly or indirectly, without being licensed to practice as herein required, is guilty of contempt of court and shall be punished accordingly, upon complaint being filed in any Circuit Court of this State. The remedies available include, but are not limited to: (i) appropriate equitable relief; (ii) a civil penalty not to exceed $5,000, which shall be paid to the Illinois Equal Justice Foundation; and (iii) actual damages. Such proceedings shall be conducted in the Courts of the respective counties where the alleged contempt has been committed in the same manner as in cases of indirect contempt and with the right of review by the parties thereto.

705 ILCS 205/1. I recommend the Board discuss whether a referral to the Attorney General and/or State's Attorney is warranted in the matter of the potential unauthorized practice of law by Mr. Balanoff.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

KELLY KING	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 530**
JONATHAN L. JACKSON	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared pro se and the Candidate appeared through Clem Balanoff. The parties were given the opportunity to file motions. The Objector filed motions for a change of hearing officer. Candidate filed Candidate's Motion to Strike and Dismiss. At the final hearing in the matter, an appearance was filed on behalf of the Candidate by counsel Frederic H. Everly.

The Objector's first motion was filed on March 30, 2022 with the General Counsel in which the Objector alleged as follows:

To Whom it may concern,

This is Kelly King. I am an Objector in four cases before Hearing Officer Barbara Goodman. I do not want my cases heard before her as is my right to change Hearing Officers BEFORE anything begins.

I heard Hearing Officer Philip Krasny had the case of King v Jackson BUT right in the Electoral Board Meeting the change was made from Philip Krasny to Barbara Goodman to oversee this case. It was this sudden change that gave a shock that i felt in my 'gut' that this person is NOT who i want to hear my objection in ANY of my objection cases assigned to her. Something does not feel right about her to me thusly i told her at the very outset when i met her that I told her directly upon meeting her that I informed Barbara Goodman that I did NOT want her to hear any of my cases and i am within my right to ensure fairness any bias in my cases.

Therefore, I am exercising my right to change hearing officers at the absolute outset of this process and request a change of hearing officer for my objection cases assigned to Barbara Goodman to another hearing officer to hear my objection cases,

I spoke to Joanna Sharp on March 29th, 2022 expressing my right to change hearing officer Barbara Goodman NOT to hear my cases and that a change for another hearing officer be assigned all of my cases slated to Barbara Goodman to be heard by another hearing officer. I do NOT want Barbara Goodman hearing ANY of my objection cases, PERIOD!!

Yours truly,
Kelly King

In an email to the Objector dated March 30, 2022, General Counsel Marni M. Malowitz denied the motion. A further exchange of emails between the Objector and General Counsel Malowitz. took place in which General Counsel Malowitz re-affirmed the denial of the motion.

On March 31, 2022, Objector filed with this Hearing Officer another request for a change of Hearing Officer in which she then alleged for the first time as follows:

Ms. Barbara Goodman,

On March 29th, 2022, at the Initial Meeting when I met you in your office where you were speaking to Jonathan Jackson Representative Clem Balanoff. I, you & Mr. Balanoff were sitting at a desk together. Mr. Balanoff told you that "I am only for today representing him (Jackson)". "Are you going to call him today?" You, (Barbara Goodman) said, "Yes, don't worry about it".

I was not a party to the call to Mr. Jackson.

This is exparte' communications between a Hearing Officer and a Candidate, without the other side, speaking of myself, being a party or present when you call Jonathan Jackson.

This is a clear conflict of interest.

I, therefore motion for a change of hearing officer over my cases that is currently before you.

Kelly King

At the final hearing in the matter, the Objector offered her testimony in which she reiterated the allegations made in her motion. Candidate Jackson testified and clearly established that no ex parte communication took place with this Hearing Officer. Clem Balanoff also testified that he was unaware of any ex parte communication between the Candidate and this Hearing Officer. Objector's second motion for a change of hearing officer was denied.

THE APPEARANCE OF CLEM BALANOFF

At the case management conference, Clem Balanoff filed a written appearance on behalf of the Candidate and appeared at each of the subsequently called hearings. It was determined after the conclusion of the case that Mr. Balanoff is a non-attorney. In response to an email from this Hearing Officer on April 12, 2022 inquiring about Mr. Balanoff's status as an attorney, Mr. Balanoff sent an email on April 13, 2022 in which he advised as follows:

> "**I am not an attorney, nor have I represented myself as such in any capacity. Attorney Frederic Everly represents the candidate, Jonathan Jackson. As a point of reference, I am the contact person when the candidate, Jonathan Jackson, filed his petitions with the State Board of Elections in Springfield. Please let me know if you need anything more."**

Rule 3a of the Board's Rules of Procedure provides as follows:

> **3. APPEARANCE**
>
> **a. <u>Who may appear</u>. The candidate or objector may appear on their own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, any counsel to the Board, or the Board's appointed Hearing Officer) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party. Out-of-state attorneys may appear subject to Part 125.60(b) of the Rules and Regulations of the State Board of Elections. 26 Ill. Adm. Code 125.60(b).**

It is unclear why Mr. Balanoff, as a non-attorney, entered an appearance in this matter and participated in the proceedings in any way in contravention of Rule 3 of the Board's Rules of Procedure. It is also unclear why an attorney for Mr. Jackson did not enter an appearance until the final hearing date. To the extent that any of Mr. Balanoff's comments at any of the proceedings constituted legal arguments made on behalf of the Candidate, they are hereby stricken. Additionally, the Candidate's Motion to Strike and Dismiss that was transmitted by Mr. Balanoff but signed by the Candidate is also hereby stricken as it was not accompanied by a Certificate of Service to confirm with whom the Motion was filed.

Objector urged in an email on April 13, 2022 as follows:

> **"In light of the omissions by Mr. Balanoff representing the candidate Jonathan Jackson, as his lawyer on March 29th, 2022 at the initial board meeting and before you in LL08 stating he was representing Mr. Jackson for the day and again on March 31st, 2022 at the first conference meeting before you, in your presense representing Mr. Jackson, both times at the behest of Mr. Jackson as his attorney, it is therefore the candidate that ordered Mr. Balanoff to represent him as his attorney is fraud from the very beginning, before the Board and before you as the hearing officer, it is completely illegal that this therefore shows the candidate has disqualified himself and his nomination papers must be dismissed.**
>
> **Kelly King**
> **Objector 22 GP530"**

While the filing of an Appearance by Mr. Balanoff, in addition to his attendance at the subsequently called hearings, leaves unanswered questions, the Electoral Board is nonetheless tasked with the obligation to determine if the nominating papers, as presented, are valid and whether the Objector's Petition raises a cognizable basis to invalidate the nominating papers.

THE OBJECTOR'S PETITION

In her Objector's Petition, Objector alleges that Candidate failed to "select/and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area on the Statement of Candidacy." (Objector's Petition at paragraph 5). Objector also alleges the same purported failure on the petition headings (Objector's Petition at paragraph 6).

DISCUSSION

The Objector has failed to provide any statutory or case law support to justify the drastic relief of invalidating the Candidate's nominating papers. The requirements for the information that must be contained in the nominating papers are set forth in Section 7-10 of the Election Code. Said Section provides in pertinent part as follows:

> Each sheet of the petition other than the statement of candidacy and candidate's statement shall… contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates … and **place of residence**…
>
> At the bottom of each sheet of such petition shall be added a circulator statement signed by a person …stating the **street address or rural route number**, as the case may be as well as **the county, city, village and state**. (Emphasis added) (10 ILCS 5/7-10)

A review of the Candidate's nominating papers establishes that Candidate's name and address are clearly set out on the Statement of Candidacy and clearly set out on the heading of the petition sheets. Accordingly, the nominating papers are, in fact, in conformity with the requirements of Section 7-10 of the Illinois Election Code.

However, even if one could conclude that there is any deviation from the requirements of Election Code, there is a myriad of case law that establishes that not every deviation is considered a fatal defect. Indeed, where the purported defect concerns a technical deviation,

courts have routinely recognized that substantial rather than strict compliance is the proper standard. See, e.g. *Madden v Schumann*, 105 Ill. App. 3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173, (1st District 1982), *Samuelson v Cook County officers Electoral* Board, 2012 Ill. App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658. Further, Courts often look to whether a purported deviation creates voter confusion or otherwise undermines the integrity of the electoral process. *Samuelson v Cook County officers Electoral* Board, 2012 Ill. App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658. Here, no such arguments have been made by the Objector and no such conclusions could be drawn.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the Objections of Kelly King be **overruled** and that the nominating papers of Jonathan L. Jackson, Candidate of the Democratic Party for the Office of Representative in Congress for the 1st Congressional District of the State of Illinois be deemed **valid.** It is my further recommendation that the name of Jonathan L. Jackson for said office **appear** on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
JONATHAN L. JACKSON, AS A CANDIDATE FOR.)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of Jonathan L. Jackson ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of Jonathan L. Jackson **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2pm on 3/24/22

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates Appendix-Recapitulation Sheets attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered a

presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

5. Objector states Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1, used by the Candidate,

6. Objector further states that Candidate also did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)"in the Representative in Congress Primary Petition Heading on the Suggested December 2021 SBE No. P-11-2022, used by the Candidate, is hereby objected to by the Objector under the Illinois Election Code. Without these designated selections, Candidate's Statement of Candidacy and all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient.

---

7. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures to zero. In addition, the allegations contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination

be undertaken to determine the sufficiency of Candidate's nomination petition; (c) that a determination be made that the Nomination Papers are legally and factually insufficient; (d) that this Electoral Board make a finding that the name of Jonathan L. Jackson not be printed upon the official Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this Electoral Board issue its decision declaring that the name of Jonathan L. Jackson as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / KELLY King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief

and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true and correct.

Kerry King

4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

Candidate	Office
Jonathan L. Jackson	CONGRESS 1ST Congressional District

An "x" below indicates that the *"Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1, used by the Candidate, (marked by the "x" below for objecting to) & also in the REPRESENTATIVE IN CONGRESS PRIMARY PETITION Heading on the Suggested December 2021 SBE No. P-11-2022, used by the Candidate, is hereby objected to by an "x" for the *"same reason indicated above" next to each page number below to the Candidate's Nomination Petition sheet page number in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

***Objection to STATEMENT OF CANDIDACY _x_**

Objection to Petition Sheet No.:*Candidate did not select City, Village, Unincorp

1.	x	21.	x	41.	x	61.	x	81.	x	101.	x	121.	x	141.	x	161.	x	181.	x
2.	x	22.	x	42.	x	62.	x	82.	x	102.	x	122.	x	142.	x	161.	x	182.	x
3.	x	23.	x	43.	x	63.	x	83.	x	103.	x	123.	x	143.	x	163.	x	183.	x
4.	x	24.	x	44.	x	64.	x	84.	x	104.	x	124.	x	144.	x	164.	x	184.	x
5.	x	25.	x	45.	x	65.	x	85.	x	105.	x	125.	x	145.	x	165.	x	185.	x
6.	x	26.	x	46.	x	66.	x	86.	x	106.	x	126.	x	146.	x	166.	x	186.	x
7.	x	27.	x	47.	x	67.	x	87.	x	107.	x	127.	x	147.	x	167.	x	187.	x
8.	x	28.	x	48.	x	68.	x	88.	x	108.	x	128.	x	148.	x	168.	x	188.	x
9.	x	29.	x	49.	x	69.	x	89.	x	109.	x	129.	x	149.	x	169.	x	189.	x
10.	x	30.	x	50.	x	70.	x	90.	x	110.	x	130.	x	150.	x	170.	x	190.	x
11.	x	31.	x	51.	x	71.	x	91.	x	111.	x	131.	x	151.	x	171.	x	191.	x
12.	x	32.	x	52.	x	72.	x	92.	x	112.	x	132.	x	152.	x	172.	x	192.	x
13.	x	33.	x	53.	x	73.	x	93.	x	113.	x	133.	x	153.	x	173.	x	193.	x
14.	x	34.	x	54.	x	74.	x	94.	x	114.	x	134.	x	154.	x	174.	x	194.	x
15.	x	35.	x	55.	x	75,	x	95.	x	115.	x	135.	x	155.	x	175.	x	195.	x
16.	x	36.	x	56.	x	76.	x	96.	x	116.	x	136.	x	156.	x	176.	x	196.	x
17.	x	37.	x	57.	x	77.	x	97.	x	117.	x	137.	x	157.	x	177.	x	197.	x
18.	x	38.	x	58.	x	78.	x	98.	x	118.	x	138.	x	158.	x	178.	x	198.	x
19.	x	39.	x	59.	x	79.	x	99.	x	119.	x	139.	x	159.	x	179.	x	199.	x
20.	x	40.	x	60.	x	80.	x	100.	x	120.	x	140.	x	160.	x	180.	x	200.	x

Candidate	Office
Jonathan L. Jackson	CONGRESS 1ST Congressional District

An "x" below indicates that the *"Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1 used by the Candidate, (marked by the "x" below for objecting to) & also in the REPRESENTATIVE IN CONGRESS PRIMARY PETITION Heading on the Suggested December 2021 SBE No. P-11-2022, used by the Candidate, is hereby objected to by an "x" for the *"same reason indicated above" next to each page number below to the Candidate's Nomination Petition sheet page number in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

***Objection to STATEMENT OF CANDIDACY _x_**
Objection to Petition Sheet No.:*Candidate did not select City, Village, Unincorp

201._x_	221._x_	241._x_	261._x_	281._x_	301._x_
202._x_	222._x_	242._x_	262._x_	282._x_	302._x_
203._x_	223._x_	243._x_	263._x_	283._x_	
204._x_	224._x_	244._x_	264._x_	284._x_	
205._x_	225._x_	245._x_	265._x_	285._x_	
206._x_	226._x_	246._x_	266._x_	286._x_	
207._x_	227._x_	247._x_	267._x_	287._x_	
208._x_	228._x_	248._x_	268._x_	288._x_	
209._x_	229._x_	249._x_	269._x_	289._x_	
210._x_	230._x_	250._x_	270._x_	290._x_	
211._x_	231._x_	251._x_	271._x_	291._x_	
212._x_	232._x_	252._x_	272._x_	292._x_	
213._x_	233._x_	253._x_	273._x_	293._x_	
214._x_	234._x_	254._x_	274._x_	294._x_	
215._x_	235._x_	255._x_	275._x_	295._x_	
216._x_	236._x_	256._x_	276._x_	296._x_	
217._x_	237._x_	257._x_	277._x_	297._x_	
218._x_	238._x_	258._x_	278._x_	298._x_	
219._x_	239._x_	259._x_	279._x_	299._x_	
220._x_	240._x_	260._x_	280._x_	300._x_	

Kelly King v. Ameena Matthews
22 SOEB GP 532

Candidate: Ameena Matthews

Office: Representative – 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: Liz Homsy

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Nomination papers contain circulator deficiencies because none of the circulator statements identify the address as a city, village or unincorporated area. Objector alleges that all nominating petitions contained invalid signatures, without specific page references.

Dispositive Motions: Candidate's Motion to Strike filed 03/31/22. Candidate moves to strike paragraphs 5 and 6 of Objector's objection petition as the objections are frivolous and have no support in law. Candidate cites to provisions of the Illinois Code of Civil Procedure, 735 ILCS 5/216, 2-619, and 5/2-619.1, in arguing paragraphs 5 and 6 constitute an unlawful "shot gun objection" without basis in law or fact.

Candidate argues the alleged deficiency within her petition sheets (that circulators did not indicate the addresses thereon as being a city, village, or unincorporated area) are purely technical defects and removing a candidate for this reason is frowned upon by courts and electoral boards, citing *Wohadlo v. Ross*, No. 11-EB-ALD-094 (Chicago Electoral Board 2011) (lack of county designation); *Sanders v. Bradley*, No. 03-EB-ALD-156 (Chicago Electoral Board 2003). Candidate further argues the exact form of the circulator affidavit is not mandatory, only its content is, citing *Schwartz v. Kinney*, 2016 IL App (3d) 160021, ¶¶15-18. Additionally, candidate contends indicating the city, village, or unincorporated area is not required by Section 7-10 of the Election Code, 10 ILCS 5/7-10.

Objector's Response to Candidate's Motion to Strike filed 04/04/22. Candidate argues circulators are mandated to identify the city, village, or unincorporated area because the Illinois State Board of Elections, which created and designed the form according to the Illinois Election Code, placed

the information within the form. Absent a designation, Objector argues, the implication is that the named place is a city, village, and unincorporated area.

Candidate's Reply to Objector's Response to Candidate's Motion to Strike filed 04/06/22. In her Reply, Candidate reiterates that the Election Code does not require a city, village, unincorporated area designation, citing to Section 7-10 of the Election Code, as well as her arguments that the discrepancy is a small one insufficient to rise to the level of invalidating the entirety of Candidate's petition, citing *Schwartz v. Kinney*, 2016 IL App (3d) 160021, ¶¶15-18. Candidate also alleges Objector's objection is an impermissible shot gun objection, relying on *Xian v. Munoz*, 16-EB-WC-19 (Chicago Electoral Board 2016), subject to dismissal as a result.

Record Exam Necessary: No

Hearing Officer: Phil Krasny.

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding Candidate's nomination papers were in substantial compliance with the provisions of Section 7-10 of the Election Code, 10 ILCS 5/7-10. In so recommending, the Hearing Officer cites to the language of Section 7-10 which, in pertinent part, provides:

> At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state.

The Hearing Officer also cites to *Madden v. Schumann*, 105 Ill. App. 3d 900, 61 Ill. Dec. 684 (Ill. App. Ct. 1st Dist. 1982) and S*amuelson v. Cook County Officers Electoral Board*, 2012 IL App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658 ("Our courts have repeatedly recognized that substantial, rather than strict, compliance is the proper standard by which to evaluate deviations from certain mandatory provisions of the Election Code."), in recommending applying the substantial compliance standard to Candidate's circulator affidavits when determining the discrepancy at bar is sufficient to strike her nomination petitions.

Under this authority, the Hearing Officer recommends finding the intent of the statute, to prevent confusion amongst the potential electorate, was not undermined as there is no confusion about the identity of the circulator and where they reside. The Hearing Officer further recommends, assuming *arguendo*, the nominating petitions should have highlighted the city, village, or unincorporated area of the circulator, the lack of that information should be considered a minor technical deviation which does not jeopardize the integrity of the election process, citing *Zurek v. Cook County Officers Electoral Board*, 379 Ill. Dec. 823, 7 N.E.3d 249.

The Hearing Officer additionally recommends finding Objector's blanket claim that all nominating petitions filed by the Candidate contain invalid signatures is a meritless claim and fails to satisfy Section 10-8 of the Election Code, which provides in pertinent part "the objector's petition shall

state fully the nature of the objections to the… nomination papers or petitions in question." 10 ILCS 5/10-8.

As such, the Hearing Officer recommends granting the Candidate's Motion to Strike, dismissing Objector's petition, and certifying the name of Ameena Matthews to the June 28, 2022, General Primary ballot as a Democratic Party candidate for the office of Representative to Congress for the 1st Congressional District of Illinois.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that consideration of the substantial compliance standard and case law here are unnecessary, as the plain language of Section 7-10 does not require a candidate to designate whether they reside in a city, village, or unincorporated area.

BEFORE THE ILLINOIS ELECTORAL BOARD

KELLY KING	)	
Petitioner-Objector	)	
vs.	)	22 SOEB 532
AMEENA MATTHEWS	)	
Respondent- Candidate	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, Ameena Matthews, seeks to be placed on the June 28, 2022 Democratic primary ballot for the office of U.S. Representative for the 1st Congressional District and has filed nominating petitions in support of her placement on the ballot for that office.

That Objector, Kelly King, has filed certain objections to those nominating petitions.

That on March 29, 2022, the Illinois Electoral Board ("IEB") appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the IEB.

A case management conference was held on March 30, 2022, which was attended by the Candidate, who was represented by Elizabeth Homsy, and the Objector, who appeared pro se.

The Candidate filed a Motion to Strike. The Objector, thereafter, filed a Response and the Candidate filed a Reply.

MOTION TO STRIKE

The Objector's petition focuses on alleged deficiencies in the Candidate's nominating petitions. Specifically, the Objector claims that all of the Circulators' affidavits, which included the circulator's name and address, but did not identify whether the address was "a City, Village or Unincorporated Area" rendered all the petitions void. Objector further alleges, but does not specify, that all the nominating petitions contained invalid signatures.

The Candidate's motion to dismiss claims that the claims in Objector's petition are "Frivolous, Lack a Basis in Fact and should be Summarily Struck"

ANALYSIS

10 ILCS 5/7-10, entitled "Form of Petition for Nomination", pertains to the information which needs to be included on a Candidate's nominating petitions.

As to Circulators, 10 ILCS 5/7-10 provides that

> At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state

While provisions of the Election Code are considered mandatory and may not be disregarded, a "substantial compliance standard" applies to a majority of the provisions of the Election Code, especially when the alleged invalidating charge concerns a technical violation. (See *Madden v. Schumann,* 105 Ill. App. 3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173, 1982 Ill. App. LEXIS 1746 (Ill. App. Ct. 1st Dist. 1982), *Cunningham v. Schaeflein,* 2012 IL App (1st) 120529, ¶ 23, 969 N.E.2d 861, 360 Ill. Dec. 816 ("[s]ubstantial compliance can satisfy a mandatory provision of the Election Code"); and Samuelson v. Cook County Officers Electoral Board, 2012 IL App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658 ("Our courts have repeatedly recognized that substantial, rather than strict, compliance is the proper standard by which to evaluate deviations from certain mandatory provisions of the Election Code.").

Accordingly, in ascertaining whether the candidate substantially complied with the Election Code, one must ascertain the statute's purpose and determine whether any alleged violation was substantive and undermined the intent of the statute. If so, the candidate should be removed from the ballot. If, on the other hand, the violation was minor or technical, then the candidate should remain on the ballot.

In the instant case, the statute' intent is to prevent confusion amongst the potential electorate by providing an orderly procedure whereby qualified persons seeking public office may enter primary elections. (A candidate is entitled to have his name placed on the ballot if there is 'no basis for confusion' as to the office for which the nominating papers were filed." *Lewis v. Dunne*, 63 Ill. 2d 48, 53, 344 N.E.2d 443 (1976)); for as was stated in *Zapolsky v. Cook County Officers Electoral Bd.,* 296 Ill. App. 3d 731, 231 Ill. Dec. 210, 695 N.E.2d 1329

In determining the intent and purpose of statutes involving circular related items, the court in *Williams v. Butler*, 35 Ill. App. 3d 532, 537, 341 N.E.2d 394 (1976), noted that circulator related items "ensures the integrity of the circulation process, and in turn, the political process." (see also *Solomon v. Scholefield*, 2015 IL App (1st) 150685, 30 N.E.3d 480, 2015 Ill. App. LEXIS 215, 391 Ill. Dec. 210)

With the aforementioned purposes in mine, one must consider whether the alleged errors, viewed as a whole, undermined the statues' purpose or were technical or minor errors.

In the instant case, an examination of the Circulator's affidavit reveals that it included the circulator's name and address, as well as the other information required under the statute. Read as a whole, there is no confusion about the identity of circulator and where he/she resides. The need to underscore whether the address is in a City/Village or unincorporated Area is excessive and pointless. In other words, the Candidate's documents complied with the intent of the statute.

Assuming, arguendo, that the nominating petitions should have highlighted whether the address provided was a City/Village or Unincorporated Area, it is clear that the "failure" to underline the City/Village or unincorporated area constituted a minor technical deviation and did not jeopardize the integrity of the election

process. *Zurek v. Cook County Officers Electoral Bd*, 379 Ill. Dec. 823, 7 N.E.3d 249.

Likewise, Objector's blanket claim that all the nominating petitions filed by the candidate contained invalid signatures is meritless and fails to satisfy 10 ILCS 5/10-8, which provides in pertinent part

> The objector's petition shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question,

Considering the time constraints imposed upon the Electoral Board to address the multitude of objections to candidates' nominating petitions, implicit within the Electoral Board Rules is a requirement that objectors make good faith objections, based on knowledge, information and/or belief formed after reasonable inquiry. In other words, an objector should not make "shot gun" objections and require the candidate or Board to decipher what is meant by those objections. (See, Electoral Rule of Procedure 9d, entitled, "Objections made without reasonable inquiry"

> The Board or a Hearing Officer may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were not made in good faith. In the alternative, the Board or Hearing Officer may order, on its own motion or upon motion of the candidate, that the objectors how cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection.

(See, for example, Chicago Electoral Board Rules of Procedure requiring that Objectors have a duty to provide credible evidence to justify the sweeping allegations that virtually every signature on the candidate's nominating petition was invalid on multiple bases. *Collins v. Davis*, 16-EB-CON-01 (Chicago Electoral Board 2016); *Edwards-Eichelberger v. Davis*, 16-EBCON-02 (Chicago Electoral Board 2016).

In the instant case, the Objector has failed to specifically allege the nature of her Objections to the nominating petitions. Her objection, therefore, should be dismissed.

In essence, the nominating petitions filed by the Candidate complied with the Election Code, and the Objector failed to present any evidence of wrongdoing. *Samuelson v. Cook County Officers Electoral Bd*., 2012 IL App (1st) 120581, 360 Ill. Dec. 658, 969 N.E.2d 468, 2012 Ill. App. Accordingly, it is your Hearing Officer's recommendation that the Objector's objection be dismissed and that the Candidate appear on the Democratic Primary Ballot

4/7/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
AMEENA MATTHEWS, AS A CANDIDATE FOR)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of Ameena Matthews ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of Ameena Matthews **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2:01 on 3/21/22

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates Appendix-Recapitulation Sheet attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. 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.

5. Objector states that the Circulator, for each and every Nomination Petition Sheet for the Candidate, also did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)"is hereby objected to by the Objector under the Illinois Election Code. Without these designated selections, all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient.

6. Objector further states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures to zero. In addition, the allegations contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination be undertaken to determine the sufficiency of Candidate's nomination petition; (c) that a determination be made that the Nomination Papers are legally and factually insufficient; (d) that this Electoral Board make a finding that the name of Ameena Matthews not be printed upon the official

Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this Electoral Board issue its decision declaring that the name of Ameena Matthews as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / KELLY King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true and correct.

Kelly King / KELLY King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

Candidate	Office
Ameena Matthews	**CONGRESS** 1ST Congressional District

An "x" below indicates that the **"Circulator did not select / and designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)" next to each page number below to the Candidate's Nomination Petition sheet page number in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

****Objection to Petition Sheet Numbers: **Circulator did not select / and or designate using a mark, underline or encircle City, Village, Unincorporated Area (section).**

1.	x	21.	x	41.	x	61.	x	81.	x	101.	x	121.	x	141.	x	161.	x
2.	x	22.	x	42.	x	62.	x	82.	x	102.	x	122.	x	142.	x	162.	x
3.	x	23.	x	43.	x	63.	x	83.	x	103.	x	123.	x	143.	x	163.	x
4.	x	24.	x	44.	x	64.	x	84.	x	104.	x	124.	x	144.	x	164.	x
5.	x	25.	x	45.	x	65.	x	85.	x	105.	x	125.	x	145.	x		
6.	x	26.	x	46.	x	66.	x	86.	x	106.	x	126.	x	146.	x		
7.	x	27.	x	47.	x	67.	x	87.	x	107.	x	127.	x	147.	x		
8.	x	28.	x	48.	x	68.	x	88.	x	108.	x	128.	x	148.	x		
9.	x	29.	x	49.	x	69.	x	89.	x	109.	x	129.	x	149.	x		
10.	x	30.	x	50.	x	70.	x	90.	x	110.	x	130.	x	150.	x		
11.	x	31.	x	51.	x	71.	x	91.	x	111.	x	131.	x	151.	x		
12.	x	32.	x	52.	x	72.	x	92.	x	112.	x	132.	x	152.	x		
13.	x	33.	x	53.	x	73.	x	93.	x	113.	x	133.	x	153.	x		
14.	x	34.	x	54.	x	74.	x	94.	x	114.	x	134.	x	154.	x		
15.	x	35.	x	55.	x	75,	x	95.	x	115.	x	135.	x	155.	x		
16.	x	36.	x	56.	x	76.	x	96.	x	116.	x	136.	x	156.	x		
17.	x	37.	x	57.	x	77.	x	97.	x	117.	x	137.	x	157.	x		
18.	x	38.	x	58.	x	78.	x	98.	x	118.	x	138.	x	158.	x		
19.	x	39.	x	59.	x	79.	x	99.	x	119.	x	139.	x	159.	x		
20.	x	40.	x	60.	x	80.	x	100.	x	120.	x	140.	x	160.	x		

Kelly King v. Chris Butler
22 SOEB GP 533

Candidate: Chris Butler

Office: Representative – 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: N/A – Pro se

Attorney for Candidate: Frank Avila

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: None

Basis of Objection: Objector alleges that Candidate's nomination papers are insufficient because on the Statement of Candidacy, Candidate did not indicate whether his residence is located in a city, village, or unincorporated area on the form. Objector further argues that Candidate failed to make the same designation in the petition sheet headers, and the circulators failed to so designate on all of the petition sheets except for sheets 77 and 78.

Dispositive Motions:

Candidate's Motion to Strike and Dismiss filed 03/31/22. Candidate argues that Objector has not asserted any specific violation of the Election Code, and has offered no supporting case law that the issues identified in Objector's petition (related to designating "City, Village, Unincorporated Area" on petition sheet headers and in Statement of Candidacy) are fatal to his nomination papers. Candidate argues that Objector bears the burden of proof, and Candidate has not been put on notice as to what section of the Election Code he has purportedly violated. To that end, Candidate argues that ballot access is a fundamental constitutional right, citing *Socialist Workers Party*, 440 U.S. at 184, quoting *Williams v. Rhodes*, 393 U.S. 23, 30 (1968) and *Norman v. Reed* 502 U.S. 279, 293-294 (1992) in support of that proposition. Finally, Candidate argues that if the issues cited were deemed technical errors, the proper method of analysis would be substantial compliance, and Candidate's nomination papers easily meet that threshold because although certain words were not circled, Candidate and the circulators did write where they live, alleviating any reason for confusion.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 04/04/22. Objector reasserted the bases of her objection, arguing that the requirement to identify the *type* of place (i.e.

City, Village, Unincorporated Area) is information to which the voter is entitled, it is the candidate's responsibility to provide the information, and it should not be assumed that the voter knows the *type* of the place disclosed. As an example, Objector states that although Candidate lists his address as "Chicago," it is improper to assume that a voter knows the type of place Chicago is, i.e. a city, and that these errors constitute cause to remove Candidate Butler's name from the ballot.

Record Exam Necessary: No

Hearing Officer: Barb Goodman. On March 30, 2022, Objector requested assignment of this case to a different hearing officer. Absent good cause shown, the request was denied by the General Counsel. The request was then renewed before Ms. Goodman on March 30 and 31. On March 31, Objector alleged that Ms. Goodman stated she intended to have an *ex parte* communication with a candidate in a different objection proceeding: 2022 SOEB GP 530. This allegation was not substantiated by the candidate in that case. The motion for reassignment was denied by Ms. Goodman.

Hearing Officer Findings and Recommendations: The Hearing Officer found that Objector has failed to provide any statute or case law to support her arguments or to justify invalidating Candidate's nominating papers. The Hearing Officer found that even if it could be determined from the objection that Candidate deviated from the requirements of the Election Code, substantial compliance is the recognized standard, citing e.g. *Madden v Schumann*, 105 Ill.App.3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173, (1st Dist. 1982), *Samuelson v Cook County Officers Electoral Board*, 2012 Ill. App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658. The Hearing Officer noted that no argument or evidence was presented that voter confusion occurred as a result of the alleged deficiencies.

The Hearing Officer found that Candidate has met the requirements for the information that must be contained in his Statement of Candidacy and within the circulator statement, under Section 7-10, as a review of the Candidate's papers indicate that his name and address are clearly set out on his Statement of Candidacy and petition sheet headers, as are those of the circulators, at the bottom of the pages.

On these bases, the Hearing Officer recommends the Board grant Candidate's Motion to Strike Objector's Petition, dismiss the objection, and order that the name of Chris Butler be certified to the ballot as a Democratic party candidate for the office of Representative in the 1st Congressional District of the State of Illinois to be voted upon at the Primary Election on June 28, 2022.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that consideration of the substantial compliance standard and case law here are unnecessary, as the plain language of Section 7-10 does not require a candidate to designate whether they reside in a city, village, or unincorporated area.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

KELLY KING	)	
	)	
Objector	)	
-v-	)	
	)	**22 SOEB GP 533**
CHRIS BUTLER	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared pro se and the Candidate appeared through counsel Frank Avila. The parties were given the opportunity to file motions. The Objector filed motions for a change of hearing officer. The Candidate filed Candidate's Motion to Strike and Dismiss and the Objector filed a response thereto.

The Objector's first motion was filed on March 30, 2022 with the General Counsel in which the Objector alleged as follows:

To Whom it may concern,

This is Kelly King. I am an Objector in four cases before Hearing Officer Barbara Goodman. I do not want my cases heard before her as is my right to change Hearing Officers BEFORE anything begins.

I heard Hearing Officer Philip Krasny had the case of King v Jackson BUT right in the Electoral Board Meeting the change was made from Philip Krasny to Barbara Goodman to oversee this case. It was this sudden change that gave a shock that i felt in my 'gut' that this person is NOT who i want to hear my objection in ANY of my objection cases assigned to her. Something does not feel right about her to me thusly i told her at the very outset when i met her that I told her directly upon meeting her that I informed Barbara Goodman that I did NOT want her to hear any of my cases and i am within my right to ensure fairness any bias in my cases.

Therefore, I am exercising my right to change hearing officers at the absolute outset of this process and request a change of hearing officer for my objection cases assigned to Barbara Goodman to another hearing officer to hear my objection cases,

I spoke to Joanna Sharp on March 29th, 2022 expressing my right to change hearing officer Barbara Goodman NOT to hear my cases and that a change for another hearing officer be assigned all of my cases slated to Barbara Goodman to be heard by another hearing officer. I do NOT want Barbara Goodman hearing ANY of my objection cases, PERIOD!!

Yours truly,
Kelly King

In an email to the Objector dated March 30, 2022, General Counsel Marni M. Malowitz denied the motion. A further exchange of emails between the Objector and General Counsel Malowitz. took place in which General Counsel Malowitz re-affirmed the denial of the motion.

On March 31, 2022, Objector filed with this Hearing Officer another request for a change of Hearing Officer in which she then alleged for the first time as follows:

Ms. Barbara Goodman,

On March 29th, 2022, at the Initial Meeting when I met you in your office where you were speaking to Jonathan Jackson Representative Clem Balanoff. I, you & Mr. Balanoff were sitting at a desk together. Mr. Balanoff told you that "I am only for today representing him (Jackson)". "Are you going to call him today?" You, (Barbara Goodman) said, "Yes, don't worry about it".

I was not a party to the call to Mr. Jackson.

This is exparte' communications between a Hearing Officer and a Candidate, without the other side, speaking of myself, being a party or present when you call Jonathan Jackson.

This is a clear conflict of interest.

I, therefore motion for a change of hearing officer over my cases that is currently before you.

Kelly King

On March 31, 2022, Candidate sent an email in which he opposed the Candidate's motion as being "**untimely, improperly filed and factually and legally insufficient**".

In the case of Kelly v Jackson, 22 SOEB GP 530, before this board, the Objector offered her testimony in which she reiterated the allegations made in her motion. Candidate Jackson testified and clearly established that no ex parte communication took place between this Hearing Officer and said candidate. The testimony given in Kelly v Jackson is incorporated herein by reference and by the agreement of the Objector and Candidate. Objector's second motion for a change of hearing officer was denied.

THE OBJECTOR'S PETITION

In her Objector's Petition, Objector alleges that Candidate failed to "select/and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area on the Statement of Candidacy. (Objector's Petition at paragraph 5). Objector also alleges the same purported failure on the petition headings (Objector's Petition at paragraph 6). Objector further alleges that the circulators of all but two sheets failed to "select/and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area". (Objector's Petition at paragraph 7).

THE CANDIDATE'S MOTION TO STRIKE AND DISMISS

In his Motion to Strike and Dismiss, Candidate argues that the Objector's Petition fails to set forth any case law or statutory citation to support the conclusion that the Candidate's nominating papers are fatally defective (Candidate's Motion at paragraph 1.) Candidate further argues that the petitions are in compliance with the Election Code and, assuming arguendo, there are deviations, the purported deviations are minor and that the nominating papers are in substantial compliance with the requirements of the Election Code. (Candidate's Motion at paragraph 5).

DISCUSSION

As the Candidate has pointed out in his Motion to Strike and Dismiss, the Objector has failed to provide any statutory or case law support to justify the drastic relief of invalidating the Candidate's nominating papers. The requirements for the information that must be contained in the nominating papers are set forth in Section 7-10 of the Election Code. Said Section provides in pertinent part as follows:

> Each sheet of the petition other than the statement of candidacy and candidate's statement shall… contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates … and **place of residence**.
>
> At the bottom of each sheet of such petition shall be added a circulator statement signed by a person …stating the **street address or rural route number**, as the case may be as well as **the county, city, village and state**. (Emphasis Added) (10 ILCS 5/7-10)

A review of the Candidate's nominating papers establishes that Candidate's name and address are clearly set out on the Statement of Candidacy, clearly set out on the heading of the petitions and that the addresses of the circulators are likewise set out on the petition sheets. Accordingly, the nominating papers are, in fact, in conformity with the requirements of Section 7-10 of the Illinois Election Code

However, even if one could conclude that there is any deviation from the requirements of Election Code, there is a myriad of case law that establishes that not every deviation is considered a fatal defect. Indeed, where the purported defect concerns a technical deviation, courts have routinely recognized that substantial rather than strict compliance is the proper standard. See, e.g. *Madden v Schumann*, 105 Ill. App. 3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173, (1st District 1982), *Samuelson v Cook County officers Electoral* Board, 2012 Ill. App (1st)

120581, 969 N.E.2d 468, 360 Ill. Dec. 658. Further, Courts often look to whether a purported deviation creates voter confusion or otherwise undermines the integrity of the electoral process. *Samuelson v Cook County officers Electoral* Board, 2012 Ill. App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658. Here, no such arguments have been made by the Objector and no such conclusions could be drawn.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the Objections of Kelly King be dismissed and that the nominating papers of Chris Butler, Candidate of the Democratic Party for the Office of Representative in Congress for the 1st Congressional District of the State of Illinois be deemed **valid.** It is my further recommendation that the name of Chris Butler for said office **appear** on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
CHRIS BUTLER, AS A CANDIDATE FOR.)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of Chris Butler ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of Chris Butler **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2:01 on 3/21/22

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates Appendix-Recapitulation Sheets attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. 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.

5. Objector states Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1, used by the Candidate,

6. Objector further states that Candidate also did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)"in the REPRESENTATIVE IN CONGRESS PRIMARY PETITION Heading, is hereby objected to by the Objector under the Illinois Election Code. Without these designated selections, Candidate's Statement of Candidacy and all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient.

7. Objector further states that the Circulators of the Nomination Petition Sheets for the Candidate (outside of two sheets, nos. 77 & 78), also did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)"is hereby objected to by the Objector under the Illinois Election Code. Without these designated selections, all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient.

8. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures to zero. In addition, the allegations

contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination be undertaken to determine the sufficiency of Candidate's nomination petition; (c) that a determination be made that the Nomination Papers are legally and factually insufficient; (d) that this Electoral Board make a finding that the name of Chris Butler not be printed upon the official Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this Electoral Board issue its decision declaring that the name of Chris Butler as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / Kelly King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true and correct.

Kelly King / Kelly King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

Candidate	Office
Chris Butler	**CONGRESS** 1ST Congressional District

An "x" below indicates that the *"Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1, used by the Candidate, (marked by the "x" below for objecting to) & also in the REPRESENTATIVE IN CONGRESS PRIMARY PETITION Heading on the Suggested December 2021 SBE No. P-11-2022, used by the Candidate, is hereby objected to by an "x" for the *"same reason indicated above" next to each page number below to the Candidate's Nomination Petition sheet page number in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

***Objection to STATEMENT OF CANDIDACY _x_**
Objection to Petition Sheet No.:*Candidate did not select City, Village, Unincorp

1. _x_	21. _x_	41. _x_	61. _x_	81. _x_	101. _x_	121. _x_	141. _x_
2. _x_	22. _x_	42. _x_	62. _x_	82. _x_	102. _x_	122. _x_	142. _x_
3. _x_	23. _x_	43. _x_	63. _x_	83. _x_	103. _x_	123. _x_	143. _x_
4. _x_	24. _x_	44. _x_	64. _x_	84. _x_	104. _x_	124. _x_	144. _x_
5. _x_	25. _x_	45. _x_	65. _x_	85. _x_	105. _x_	125. _x_	145. _x_
6. _x_	26. _x_	46. _x_	66. _x_	86. _x_	106. _x_	126. _x_	146. _x_
7. _x_	27. _x_	47. _x_	67. _x_	87. _x_	107. _x_	127. _x_	147. _x_
8. _x_	28. _x_	48. _x_	68. _x_	88. _x_	108. _x_	128. _x_	148. _x_
9. _x_	29. _x_	49. _x_	69. _x_	89. _x_	109. _x_	129. _x_	149. _x_
10. _x_	30. _x_	50. _x_	70. _x_	90. _x_	110. _x_	130. _x_	150. _x_
11. _x_	31. _x_	51. _x_	71. _x_	91. _x_	111. _x_	131. _x_	151. _x_
12. _x_	32. _x_	52. _x_	72. _x_	92. _x_	112. _x_	132. _x_	152. _x_
13. _x_	33. _x_	53. _x_	73. _x_	93. _x_	113. _x_	133. _x_	
14. _x_	34. _x_	54. _x_	74. _x_	94. _x_	114. _x_	134. _x_	
15. _x_	35. _x_	55. _x_	75, _x_	95. _x_	115. _x_	135. _x_	
16. _x_	36. _x_	56. _x_	76. _x_	96. _x_	116. _x_	136. _x_	
17. _x_	37. _x_	57. _x_	77. _x_	97. _x_	117. _x_	137. _x_	
18. _x_	38. _x_	58. _x_	78. _x_	98. _x_	118. _x_	138. _x_	
19. _x_	39. _x_	59. _x_	79. _x_	99. _x_	119. _x_	139. _x_	
20. _x_	40. _x_	60. _x_	80. _x_	100.x_	120. _x_	140. _x_	

Candidate	Office
Chris Butler	CONGRESS 1ST Congressional District

An "x" below indicates that the *"Candidate did not select / and or designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)", in the REPRESENTATIVE IN CONGRESS PRIMARY PETITION Heading on the Suggested December 2021 SBE No. P-11-2022, used by the Candidate, also **"Circulator did not select / and designate using or making a mark, underline or encircle any of the City, Village, Unincorporated Area (section)" next to each page number below to the Candidate's Nomination Petition sheet page number in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

****Objection to Petition Sheet Numbers: **Circulator did not select / and or designate using a mark, underline or encircle City, Village, Unincorporated Area (section).**

1. x	21. x	41. x	61. x	81. x	101. x	121. x	141. x
2. x	22. x	42. x	62. x	82. x	102. x	122. x	142. x
3. x	23. x	43. x	63. x	83. x	103. x	123. x	143. x
4. x	24. x	44. x	64. x	84. x	104. x	124. x	144. x
5. x	25. x	45. x	65. x	85. x	105. x	125. x	145. x
6. x	26. x	46. x	66. x	86. x	106. x	126. x	146. x
7. x	27. x	47. x	67. x	87. x	107. x	127. x	147. x
8. x	28. x	48. x	68. x	88. x	108. x	128. x	148. x
9. x	29. x	49. x	69. x	89. x	109. x	129. x	149. x
10. x	30. x	50. x	70. x	90. x	110. x	130. x	150. x
11. x	31. x	51. x	71. x	91. x	111. x	131. x	151. x
12. x	32. x	52. x	72. x	92. x	112. x	132. x	152. x
13. x	33. x	53. x	73. x	93. x	113. x	133. x	
14. x	34. x	54. x	74. x	94. x	114. x	134. x	
15. x	35. x	55. x	75, x	95. x	115. x	135. x	
16. x	36. x	56. x	76. x	96. x	116. x	136. x	
17. x	37. x	57. x	77.	97. x	117. x	137. x	
18. x	38. x	58. x	78.	98. x	118. x	138. x	
19. x	39. x	59. x	79. x	99. x	119. x	139. x	
20. x	40. x	60. x	80. x	100.x	120. x	140. x	

Kelly King v. Darius "Dee" Nix
22 SOEB GP 534

Candidate: Darius "Dee" Nix

Office: Representative – 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: N/A – Candidate did not file an appearance or respond to service

Number of Signatures Required: 400

Number of Signatures Submitted: 418

Number of Signatures Objected to: 161

Basis of Objection: Nomination papers contain petition sheets with signers whose addresses are not within the 1st Congressional District and/or with addresses that are missing or incomplete.

Dispositive Motions: None filed.

Record Exam Necessary: Yes. Conducted 04/11/22. Of 161 lines objected to, 145 objections were sustained and 16 were overruled. As a result, Candidate had 273 valid signatures, 127 below the statutory minimum.

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam and finding the Candidate has filed 273 valid signatures, 127 below the statutory minimum. As such, the Hearing Officer recommends the Objector's petition be sustained and the name of Darius "Dee" Nix not be certified to the ballot for the June 28, 2022, General Primary Election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE ILLINOIS ELECTORAL BOARD

KELLY KING	)	
Petitioner-Objector	)	
vs.	)	22 SOEB 534
DARIUS "DEE" NIX	)	
Respondent- Candidate	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, DARIUS "DEE" NIX seeks to be placed on the June 28, 2022 Democratic primary ballot for the office of U.S. Representative for the 1st Congressional District and has filed nominating petitions in support of her placement on the ballot for that office.

That Objector, KELLY KING, has filed certain objections to those nominating petitions.

That on March 29, 2022, the Illinois Electoral Board appointed Philip Krasny as the Hearing Officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the SBE.

A case management conference was held on March 31, 2022.

The Candidate has not filed an appearance nor has contacted the Hearing Officer.

A binder exam was conducted on April 11, 2022, which resulted in the Candidate having 127 signatures fewer than the 400 signatures required to appear on the ballot.

No Rule 9 material was filed

OBJECTOR'S PETITION

Objector's petition is limited to challenging the validity of the signatures on the Candidate's nominating petitions. In essence, the Objector claims that the Candidate failed to file the requisite 400 "duly, qualified, registered, legal voters of the said 1st Congressional District of Illinois".

As noted, a binder exam was conducted on April 11, 2022 which resulted in the Candidate having 127 signatures less than the 400 signatures required to appear on the ballot.

Accordingly, it is your Hearing Officer's recommendation that the Objector's objection be granted and that the Candidate not appear on the June 28, 2022 Democratic primary ballot for the office of U.S. Representative for the 1st Congressional District.

4/14/22

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
DARIUS "DEE" NIX, AS A CANDIDATE FOR)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of Darius "Dee" Nix ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of Darius "Dee" Nix **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 202 on 3/21/22

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates all Appendix-Recapitulation Sheets attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. 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.

5. Objector states that the Candidate has filed petition signatures sheets containing fewer than 400 signatures of allegedly duly qualified, legal, and registered voters of the 1st Congressional District of Illinois.

6. Objector further states that Candidate's Nomination Papers contain petition sheets with the signatures and names of persons who reside outside the boundaries of the 1st Congressional District of Illinois, and not duly registered and qualified voters within the 1st Congressional District of Illinois, as set forth on the corresponding Appendix-Recapitulation sheets attached and incorporated herein, under the heading, Column C **"Signer Resides Outside District,"** in violation of the Illinois Election Code.

7. Objector further states that Candidate's Nomination Papers contain petition sheets with various purported signatures which are legally defective and deficient for a variety of reasons, (together with an appropriate further reason) attached hereto and made a part hereof, all of said signatures being in violation of the statues in such cases made and provided. These objections include, but are not limited to improper, partial, incomplete, or individual signature lines being unfilled or left blank

or use of zip codes instead of noting the specific county lived in, and are further set forth on the corresponding Appendix-Recapitulation sheets attached and incorporated herein, under the heading, Column F **"Other,"** all of said signatures being in violation of the statues in such cases made and provided.

8. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures below statutory minimum. In addition, the allegations contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination be undertaken of the official voter records be undertaken to determine the sufficiency of Candidate's purported signatures upon his nomination petition; (c) that a determination be made that the Nomination Papers are legally and factually insufficient; (d) that this Electoral Board make a finding that the name of Darius "Dee" Nix not be printed upon the official Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this

Electoral Board issue its decision declaring that the name of Darius "Dee" Nix as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / KELLY KING
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true and correct.

Kelly King
4211 S. Langley Ave Apt. 2B
Chicago, IL. 60653

Nicholas Dirscherl v. Sidney Moore
22 SOEB GP 539

Candidate: Sidney Moore

Office: Secretary of State

Party: Democratic

Objector: Nicholas Dirscherl

Attorneys for Objector: Michael Kasper, Kevin Morphew, and James Hartmann

Attorney for Candidate: Max Solomon

Number of Signatures Required: 3,250 – 6,000

Number of Signatures Submitted: 6,000

Number of Signatures Objected to: 3,115

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the State of Illinois; whose addresses are missing or incomplete; and who have signed the petition sheets more than once.

Dispositive Motions: None filed.

Record Exam Necessary: Yes. Conducted 04/12/22. Of 3,115 lines objected to, 1,605 objections were sustained and 1,510 were overruled. As a result, Candidate had 4,395 valid signatures, 1,145 over the statutory minimum of 3,250.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the records exam and finding the Candidate submitted 4,395 valid signatures, 1,145 more than the statutory minimum of 3,250. As such, the Hearing Officer recommends the Board overrule the objection of Nicholas Dirscherl and certify the name of Sidney Moore, Democratic candidate for Secretary of State of the State of Illinois to the ballot for the June 28, 2022, General Primary Election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF SECRETAY OF STATE OF THE STATE OF ILLINOIS

NICHOLAS DIRSCHERL,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	**2022 SOEB GP 539**
	)	
SIDNEY MOORE,	)	
	)	
Respondent-Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Secretary of State for the State of Illinois.

2. The Objector's Verified Petition to the Nomination Papers of the Candidate was timely filed on March 21, 2022. In the Petition, the Objector raises objections including that the nominating papers contained insufficient true or genuine signatures for the reasons set forth in the Verified Objector's Petition.

3. On March 30, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 31, 2022.

4. On or about April 11, 2022 a Records Examination was conducted pursuant to Rule 9 of the Duly Adopted Rules of Procedure. The result of the examination were transmitted to the parties on April 12, 2022.

5. The duly completed Objection Summary Report, attached hereto and made a part hereof shows that:

a) 3,115 of the total 6,000 signatures were objected to;
b) 1,605 of the 3,115 objections were sustained;
c) 3,250 signatures were required; and
d) 4,395 valid signatures remained leaving the Candidate 1,145 signatures in excess of the required minimum.

6. Neither party contested the Record Examination results

7. The Hearing Officer adopts the results of the Board's Objection Summary Report that indicates that the Candidate has filed 4,395 valid signatures for an office that requires 3,250 signatures. The Candidate has filed 1,145 more signatures than are required for this office.

8. It is the recommendation of the Hearing Officer that the Objectors' Petition be overruled and that the name of Sidney Moore DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 15, 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 15th day of April, 2022.

TO:

Objector or Atty Address & Email:

Michael Kasper
151 N. Franklin St., Ste. 2500
Chicago, Illinois 60606
(312) 704-3292
mjkasper60@mac.com

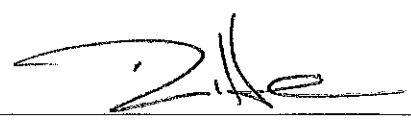
Kevin M. Morphew
Sorling Northrup Attorneys
121 W. Wacker, Ste. 1108
Chicago, Illinois 60601
(217) 816-7556
kmmorphew@sorlinglaw.com

James Hartmann
2122A Rugen Road
Glenview, Illinois 60026
(847) 846-6115
jehartmann@gmail.com

Candidate Address & Email:

Max Solomon
P.O. Box 888
Hazel Crest, Illinois 60429
(708) 989-0024
maxlawilin@gmail.com

Illinois State Board of Elections
generalcounsel@elections.il.gov



Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

OBJECTION SUMMARY REPORT

22SOEBGP539 / DIRSCHERL V. MOORE

OBJECTOR(S)

NICHOLAS DIRSCHERL
5437 S. NEVA
CHICAGO, IL 60638

CANDIDATE(S)

SIDNEY MOORE 1832 183RD STREET HOMEWOOD, IL 60430	DEMOCRATIC SECRETARY OF STATE

OBJECTION TOTALS

Petition pages	639		Examined	0	
Lines with signatures	6,002		Valid	0	
Lines with objections	3,116	51.9%	Invalid	0	
Unchallenged lines	2,886	48.1%	Pending	3,116	100%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	3,520	Over/Under required signatures	-634

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF SECRETARY OF STATE OF THE STATE OF ILLINOIS

Nicholas Dirscherl,	)
	)
Petitioner-Objector,	)
	)
v.	)
	)
Sidney Moore,	)
	)
Respondent-Candidate.	)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2:25 pm on 3/21/22

OBJECTOR'S PETITION

INTRODUCTION

Nicholas Dirscherl, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 5437 S. Neva, Chicago Illinois, Zip Code 60638, in the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Secretary of State of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Sidney Moore as a candidate for the office of Secretary of State of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 3,250 duly qualified, registered and legal voters of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 3,250 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the State of Illinois, and such persons are not registered voters in the State of Illinois, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

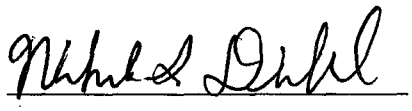
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 3,250 validly collected signatures of qualified and duly registered legal voters of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the State of Illinois, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Sidney Moore shall not appear and not be printed on the ballot for nomination to the office of Secretary of State of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.



OBJECTOR Nicholas Dirscherl

Address:

5437 S. Neva
Chicago, Illinois 60638

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Nicholas Dirscherl, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Nicholas Dirscherl

Subscribed and sworn to before me
by Nicholas Dirscherl
this 21st day of March, 2022.

Dorene M Egan
Notary Public

DORENE M EGAN
Official Seal
Notary Public - State of Illinois
My Commission Expires Aug 16, 2024

Lindsey Michelle Chase v. Beverly Miles and Karla Shaw
22 SOEB GP 542

Candidates: Beverly Miles and Karla Shaw

Office: Office of the Governor and Lieutenant Governor

Party: Democratic

Objector: Lindsey Michelle Chase

Attorney for Objector: Scott Erdman

Attorney for Candidates: Andrew Finko

Number of Signatures Required: 3,250

Number of Signatures Submitted: 6,332

Number of Signatures Objected to: 4,609

Basis of Objection:
Nomination papers contain petition sheets with the names of persons whose signatures are not genuine.

Pattern of fraud evidenced by petition sheets circulated/notarized by certain individuals that contain a number of inauthentic signatures such that a pattern of fraud is present; signatures that were not signed in the presence of the purported circulator; circulator signatures were forged; and purported circulator was not the person who actually circulated the sheet.

Round-tabling.

Admission by campaign staff (on Facebook Live) that they do not train their circulators how to properly obtain addresses.

Dispositive Motions:

<u>Objector's Motion for Summary Judgment</u> filed 3/31/22
Objector argues that she compared the Candidates' petition pages to the official voter registration database and could not locate a matching voter at the listed address for at least 3,940 signers, leaving the Candidates with insufficient signatures. She argues a pattern of fraud is evidenced by entire petition sheets with identical handwriting and round-tabling. Objector also argues that the candidate's lead petitioning organizer posted on Facebook Live proof that Candidates' petition pages were not signed by the circulator who actually circulated them, and that the circulator failed to sign the circulator's affidavit in the presence of a notary, and she is entitled to judgment as a matter of law.

Candidates' Motion for Dismiss and/or Strike Counts filed 3/31/22
Candidates argue that their nomination papers are presumed valid, and Objector has failed to plead sufficient facts to state a claim for a pattern of fraud. They allege Illinois has a heightened pleading standard for claims of fraud that is not satisfied by Objector's speculation, conjecture, and guessing. They also argue that the Facebook videos are inadmissible hearsay. Candidates claim that Objector did not conduct a good faith investigation before filing her petition, and the objection petition should be dismissed for that reason.

Candidates' Response to Objector's Motion for Summary Judgment filed 4/4/22
Candidates argue that Objector attached no sworn affidavits or evidence to their motion for summary judgment. Nomination papers are presumed valid, and Objector has not met her burden of showing they are invalid. Candidates also accuses Objector of making false statements regarding the number of valid signatures and ask for sanctions. Candidates argue that allegations of fraud should require proof by clear and convincing evidence, and the motion for summary judgment should be denied.

Objector's Response to Candidates' "Motion for Dismiss and/or Strike Counts" filed 4/4/22
Objector argues that the Motion should be denied because their petition alleges specific facts that, if proven, confirm that the candidates did not submit enough signatures to qualify for ballot access, and Candidates' Motion fails to satisfy the standard for motions to dismiss that no set of facts could be proven for the objection to be sustained. They argue that they have stated a claim for fraud and a pattern of false swearing and reject Candidates' assertion that a higher pleading standard is required for fraud. Objector rejects Candidates' arguments that the relevant Facebook videos are inadmissible.

Objector's Reply to Candidates' Response to Objector's Motion for Summary Judgment filed 4/6/22
Objector argues that nomination papers are only presumed valid if no conforming objection petition is filed. She argues she has a good faith basis for her claims because she conducted a personal investigation before submitting them. Although clear and convincing evidence is the standard to apply when trying a question of fact, the standard to apply at summary judgment is whether a genuine issue of material fact exists. Objector claims that Candidates were required but failed to prove specific facts showing a genuine issue of material fact. The motion should be granted and request for sanctions denied.

Record Exam Necessary: Yes

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Following a records examination, objections to 2,770 signatures (of 4,609 challenged) were sustained, and the Candidate was found to have submitted 3,560 valid signatures, 310 above the minimum of 3,250.

Objector filed Rule 9 submissions on 4/13/22, some before the 5:00 p.m. filing deadline, and some after. The Hearing Officer excluded the untimely submitted materials, but 25 voter

records and the identification of 24 duplicate voter signatures were received before the deadline and considered timely. The Hearing Officer barred the testimony of Objector's proposed handwriting expert because voter records requiring his testimony were not produced, which denied proper notice to Candidates under Rules 9(g)(1) and 9(g)(3). The Hearing Officer also granted a motion to bar the testimony of the Candidates, reasoning that they should have been subpoenaed earlier in the proceeding. Following these rulings, the Hearing Officer reasoned that even if the 25 voter records and 24 duplicate signatures submitted by Objector resulted in the striking of 49 additional signatures, Candidates would still have 261 signatures more than the statutory minimum, ruling no hearing was necessary.

The Hearing Officer recommends that Objector's Motion for Summary Judgment be denied because the facts are in dispute, and there was no attached sworn evidence. The Hearing Officer further recommends denial of the Candidates' dispositive motion. He recommends that the objection petition be overruled and the names of Candidates Beverly Miles and Karla Shaw be certified to the ballot for the offices of Governor and Lieutenant Governor.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that I disagree subpoenas were required for the testimony of Candidates, as Objector could have served Candidates with Rule 237 notices. This was harmless, however, as a hearing consisting of Candidates' testimony could not have resulted in the invalidation of sufficient signatures to sustain the objection in light of the exclusion of the Rule 9 evidence untimely submitted by Objector. Similarly, no hearing was needed on the Objector's pattern of fraud allegation because even if a pattern of fraud was found as to certain portions of the petition sheets, Candidates still had sufficient signatures to secure ballot access.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

Chase, Lindsey Michelle	)	
	)	
PETITIONER/OBJECTOR	)	
	)	
v.	)	**No. 22 SOEB GP 542**
	)	
Miles, Beverly and Shaw, Karla	)	
	)	
RESPONDENT/CANDIDATE	)	

NOTICE OF FILING AND SERVICE

	Andy Finko	finkolaw@fastmail.fm
To:	Scott Erdman	scotterdman@erdmanlawoffices.com
	General Counsel	GeneralCounsel@elections.il.gov

Please take notice that on April 17, 2022, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Recommendation of the Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses on April 17, 2022.

/s/ James Tenuto
James Tenuto

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

Chase, Lindsey Michelle	)	
	)	
Petitioner/Objector	)	
	)	No. 22 SOEB GP 542
vs.	)	
	)	
Miles, Beverly and Shaw, Karla	)	
	)	
Respondent/Candidate	)	

RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board (SOEB) and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Beverly Miles and Karla Shaw, Candidates, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as Democratic Candidates for the Office of Governor and Lt. Governor.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers contain signatures which, following a record examination, would result in the nomination papers containing valid signatures below the minimum of 3,250 required by Illinois Statute. Additionally, there exists alleged numerous irregularities such as round tabling, pattern of fraud and circulator-related issues.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by Scott Erdman for the Objector while Andy Finko filed an Appearance for the Candidate.

The Case Management Conference (CMC) was held on March 30, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Andy Finko and Scott Erdman.

The CMC Order dated March 30, 2022, informed the Candidates and Objector of the procedures and deadlines of the SOEB.

The staff count reflected the submission of 6,330 lines with signatures.
Neither party filed an exception to the staff count.

PRELIMINARY MOTIONS

The following Motions were filed pursuant to Rule 7 and Appendix A of Rules of Procedure:

(A) Candidates' Motion to Dismiss and/or Strike Counts.

Objector's Response to Candidates' Motion to Dismiss and/or Strike Counts.

(B) Objector's Motion for Summary Judgment

Candidates' Response to Objector's Motion for Summary Judgment

Objector's Reply to Candidates' Response to Objector's Motion for Summary Judgment

The arguments and case law are detailed for the above Motions in another section. Thus, the Hearing Officer will discuss briefly his analysis.

Candidates' Motion to Dismiss points out the presumption of validity attached to nomination petitions vanishes when an objection filed is in conformity with the requirements of the Election Code. Druck v. Illinois State Board of Elections, 387 Ill. App. 3d 144 (2008). Candidates argue, however, this Objection does not conform with the Election Code and lacks a good faith basis formed after a reasonable inquiry.

Furthermore, pattern of fraud cases are fact-specific and must be shown by clear and convincing evidence. Durr v. Chicago Board of Election Commissioners, No. 03 CO EL 028 (Cook County Cir. 2003). Candidates also point out the allegations are unsupported conclusions and no facts are offered to support the conclusion. An example is a conclusion of "round-tabling" without sufficient supporting facts.

Finally, Candidates suggest pars 1-32 and 34-42 allege conclusions without sufficient facts, i. e. circulator not personally witness signers, not sworn before a notary, etc. and should be stricken. Candidate requests the Objection be dismissed and/or counts alleging "pattern of fraud" be stricken.

The Objector responds by pointing out that 4,619 objections on a page and line-by-line basis provides a sufficient factual basis. Objector also notes the Objector fails to deny the authenticity of FACEBOOK evidence.

The Hearing Officer recommends the SOEB DENY Objector's Motion to Dismiss and/or Strike Counts. The Objection is not skillfully drafted. However, it is sufficient to put the Candidate on notice which signatures are being challenged on a sheet and line basis in order to conduct a record examination.

Objector's Motion for Summary Judgment points out that summary judgment is appropriate when there is "no genuine issue of material fact and the moving party is entitled to judgment as a matter of law". 735 ILCS5/2-1005(c); Gillen v. State Farm Mutual Automobile Insurance Co., 630 N.E. 2d 575 (Ill. App.2005). Objector argues in Pars. 3-6 the categories in which the nomination petitions are defective, i.e., legible, lack of "genuine" signatures, circulator-related objections, etc. Objector further states (Par 10) that 3,940 lines are invalid and also there exists a pattern of fraud.

Candidate points out there was no evidence to support the allegations of fraud. The Objection is characterized as conjecture and speculation. No facts are offered to support the Objection and, more specifically, the allegations of pattern of fraud. Additionally, Rule 137 sanctions are sought.

Objector's Response disputes the assertion by the Candidate that the motion should be denied because the Objector has not submitted any affidavits.

Motion for Summary Judgment is a drastic measure and should only be granted when there are no material issue of facts and the moving party is entitled to judgment as a matter of law. Thus, I recommend the SOEB DENY Objector's Motion for Summary Judgment. There are facts in dispute and no affidavits were attached to the Motion.

SUBPOENAS

Neither party requested subpoenas be issued as set forth in Rule 8 of the Rules of Procedure.

RECORD EXAMINATION

Prior to the commencement of the record examination in the Springfield Office of the State Board of Elections on April 7, 2022, both parties submitted a standing objection to any adverse rulings. 4,607 signatures were challenged. Objections to 2,770 of the 4,607 signatures were sustained. Based on the results of the record examination, the Candidate was found to have submitted 3,560 valid signatures, 310 above the minimum of 3,250.

A summary of the record examination is attached to this Recommendation.

RULE 9 HEARING

To place my Recommendation in the proper context, a detailed background is necessary.

The deadline for Rule 9 submissions was 5:00 pm on Wednesday, April 13, 2022.

Objector submitted a voluminous filing at 1:14 pm which is broken down into Parts I and II.

PART I Objector's Witness List:

Lester A. Mohammed, Ph.D. – handwriting expert
Beverly Miles – Candidate
Karla Shaw – Candidate

Exhibit A
Curriculum Vitae for Lester A. Mohammed

Exhibit B
Copy of Subpoena Duces Tecum precedes 9 pages with 227 names of the records subpoenaed by the Objector's attorney. No voting records attached.

PART II Exhibit C
Sheets and lines broken down into 4 categories:

(1) "Objection on basis that signature does not match voter registration file (Overruled at Records Exam)"

Consisted of 22 pages with 439 names. No voting records attached.

(2) DUPLICATE SIGNATURES

"This sheet lists the duplicate signatures we specifically objected to in Exhibit 1 of our Objection Petition" 24 signatures listed on the sheet.

No petition sheets attached

(3) "Sheet # Objection Paragraph Lines 1 through Circulator"

This chart has 29 lines, refers to Pars (1) and (2) of the Objection.

Par 1 of the Objection states 7 of the above sheets were completed by one person using the same handwriting. Par 2 of the Objection states 22 of the above sheets were "round tabled"

No voting records or petition sheets attached

(4) "Sheet # Circulator Lines 1 through"

5 sheets with 206 signatures. However, the reason the listed circulators are challenged is not stated, i.e., "circulator not actually circulated", "circulator not appear before a notary, etc."

The sheets to be examined in Pars. 1 and 2 of the Objection were not specified.

The Objector submitted a filing at 4:59pm:

(1) "corrupt"
For whatever reason, this was not received by the Hearing Officer and the Objector's attorney.

(2) 25 voting records.

A conference call took place after 5:00 pm between Objector's attorney, Hearing Officer and Candidate's attorney. Extension request by the Objector denied. Rule 9(g)(3) states **"Evidence must be submitted . . . . no later than 5:00 pm."**

The following submissions took place after 5:00 pm and were barred: 5:30, 5:50, 6:15, 6:18, 6:22, 6:25, 6:28, 6:31, 6:35, and 6:40 pm. Hundreds of voting records were contained within the submissions after 5:00 pm.

The Hearing Officer granted the Candidate's Motion to Bar Beverly Miles and Barbara Shaw over the objection of Mr. Erdman. The basis both were barred is neither were subpoenaed as provided for in Rules of Procedure. Mr. Erdman argued a subpoena was not needed and, being parties, both were required to testify under Rule 237 of the Code of Civil Procedure. SBE Rules do not reference a Motion to Produce.

The Hearing Officer also barred the testimony of the handwriting expert. The basis is the WITNESS LIST stated:

"Attached as Exhibit B as a courtesy to the Board, is a list of documents upon which Dr. Mohammed will likely opine."

EXHIBIT B IS NOT A LIST OF DOCUMENTS. EXHIBIT B IS A LIST WITH 9 PAGES STATING THE NAMES OF 227 VOTERS WHOSE RECORDS WERE SUBPOENAED.

Objector's Rule 9 submission, which specifically referenced Exhibit B, did not include voting records and a listing of which documents would be reviewed by the handwriting expert. Thus, the disclosure submitted by the Objector's attorney was not sufficient to apprise the Candidates.

The Objector contends an evidentiary hearing is not subject to and is independent of the provisions of Rule 9. He points to Rule 10 (Evidence) and the fact that the Objection alleges Patterns of Fraud and listed relevant paragraphs in Pars (1) and (2) of the Objection is sufficient to put the Candidate on notice.

The Hearing Officer respectfully disagrees. Rules 9 (g)(1) and (3) state:

1. Purpose of hearing. "After the completion of the records examination, upon filing of a written notice pursuant to this Rule, the moving party will be given an opportunity to present all exceptions to staff and rulings that were made at the examination or prior thereto by use of a standing objection, to the Board or the Hearing Officer at an evidentiary hearing on the merits of the objection as scheduled by the Board or the Hearing Officer. The opposing party may present evidence supporting the staff determination at the hearing." (Emphasis added)

3. Submission of evidence; deadline. "Evidence offered to refute the staff ruling, including affidavits, but excluding oral testimony that will be presented at a hearing after the evidentiary deadline, must be submitted to the Board of the Hearing Officer with a copy provided to the opposing party no later than 5:00 p.m. on the last day of the Rule 9 Motion Period, unless extended by the Board for good cause shown."

Rule 9 (g)(1) and (3) do not restrict the Objector to Rule 9 exceptions. The Rules do not distinguish between an evidentiary hearing and a Rule 9 hearing. The deadlines in 9(g)(3) stating evidence must be submitted by 5:00 pm also apply to evidence to be submitted for an evidentiary hearing. Thus, Objector should have submitted all evidence that pertained to the pattern of fraud allegations rather then general references to Pars. (1) and (2) of the Objection. The allegations related to "genuineness" and "not registered at address shown" cannot be considered because no voting records were submitted prior to the Rule 9 deadline of 5:00 pm on April 13, 2022.

For the sake of argument, deducting from the 24 duplicate signatures and the 25 voting records submitted timely, the final total of 310 above is reduced to 261 above the minimum.

FINDINGS

1. The Candidates timely filed nomination papers for the Office of Governor and Lt. Governor to appear on the General Primary Election ballot as Democratic Candidates to be voted on June 28, 2022.

2. An Objection to the Candidate's nomination papers was timely filed.

3. The Objection alleges, based on the results of a record examination, the Candidate submitted an insufficient number of valid signatures which would place them below the required minimum of 3,250. Also, other irregularities were specified such as a pattern of fraud and circulator-related matters.

4. The Case was called on March 29, 2022. Scott Erdman filed an Appearance for the Objector while Andy Finko filed an Appearance for the Candidate.

5. The Case Management Conference (CMC) was held via telephone on March 30, 2022. The Hearing Officer, Scott Erdman and Andy Finko participated.

6. The staff count was transmitted to the parties.

7. Neither party disputed the staff count of 6,330.

8. The minimum signature requirement to appear on the General Primary Election ballot as Democratic Candidates for Governor and Lt. Governor is 3,250.

9. Neither party requested the issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure.

10. The following Motions were filed:

    A. Candidate's Motion for Dismiss and/or Strike Count, and Objector's Response to Candidate's "Motion for Dismiss and/or Strike Counts".

    B. Objector's Motion for Summary Judgment, Candidates' Response to Objector's Motion for Summary Judgment, and Objector's Reply to Candidates' Response to Objector's Motion for Summary Judgment.

The analysis set forth in "Preliminary Motions" above is hereby incorporated as if set forth in detail herein. In essence, the Hearing Officer recommends the SOEB DENY both motions for the reasons set forth in "Preliminary Motions".

11. The record examination was conducted on April 7, 2022 and the results of the record examination were transmitted to the parties on that date.

12. The results of the record examination found the Candidate filed 3,560 valid signatures, 310 above the minimum of 3,250.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **DENY** Objector's Motion for Summary Judgment, **DENY** Candidate's Motion to Dismiss and/or Strike Counts, OVERRULE the Objection and the names of Beverly Miles and Karla Shaw **BE CERTIFIED** to appear on the ballot as Democratic Candidates for the Office of Governor and Lt. Governor to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 17, 2022

OBJECTION SUMMARY REPORT

22SOEBGP542 / CHASE V. MILES, SHAW

OBJECTOR(S)

LINDSEY MICHELLE CHASE
1136 PARK PL
BELLWOOD, IL 60104

CANDIDATE(S)

BEVERLY MILES 4445 W WASHINGTON BLVD CHICAGO, IL 60624	DEMOCRATIC GOVERNOR AND LIEUTENANT GOVERNOR
KARLA SHAW 6527 S DREXEL AVE CHICAGO, IL 60637	DEMOCRATIC GOVERNOR AND LIEUTENANT GOVERNOR

OBJECTION TOTALS

Petition pages	485		Examined	4,607	
Lines with signatures	6,330		Valid	1,837	39.9%
Lines with objections	4,607	72.8%	Invalid	2,770	60.1%
Unchallenged lines	1,723	27.2%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	3,250	Over/Under required signatures	+310

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 21, 2022, at 9:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF DEMOCRATIC CANDIDATES FOR NOMINATION TO THE OFFICE OF GOVERNOR OF THE STATE OF ILLINOIS TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION

Lindsey Michelle Chase,

Petitioner-Objector

v.

Beverly Miles
Karla Shaw,

Respondent-Candidates

STATE BOARD OF ELECTIONS
CHICAGO OFFICE
2022 MAR 21 PM 3: 17

OBJECTOR'S PETITION

My name is Lindsey Michelle Chase ("I" or "Objector" herein). I object to the nomination papers filed with the State Board of Elections (the "Board") on behalf of Beverly Miles and Karla Shaw, who seek to be Democratic Party candidates for nomination for the Offices of Governor of the State of Illinois and Lieutenant Governor of the State of Illinois, respectively, in the June 28, 2022, Primary Election:

INTRODUCTION

1. I reside at 1136 Park Pl, Bellwood, IL, 60104. I am a duly qualified, legal, and registered voter at that address.

2. Pursuant to Illinois Election Code (the "Election Code"), a person who wishes to have their name placed on the ballot as a candidate for the offices of Illinois Governor and Lieutenant Governor at the June 28, 2022, Primary Election must file various nomination papers. 10 ILCS 5/10-1 *et al.* The requirements to be an established political party's candidates for Governor and Lieutenant Governor include submitting, among other documents, nomination petitions signed by at least 3,250 qualified and registered voters of the state. *Id.* 5/2A-1.1b(b); Ill. State Bd. of Elections, 2022 Candidate Guide at 27 (Rev. Dec. 2021).

3. On March 14, 2022, Beverly Miles and Karla Shaw filed their statements of candidacy and nomination petitions with the Board for the offices of Governor and Lieutenant Governor of Illinois at the Primary Election on June 28, 2022. There are significant, systematic, and ultimately fatal flaws with the nomination petitions. The Miles and Shaw submission is so laden with evidence of fraud and false swearing that the Board should reject the entire submission on its face.

4. Even if the Board does not reject the submission on its face, there is ample evidence of fraud and false swearing attributable to specific circulators that the Board should reject all petition pages by those circulators. Rejecting the petition signatures submitted by fraudulent circulators would result in Miles and Shaw having insufficient signatures to qualify for the ballot.

5. Finally, even setting aside evidence of fraud, Miles and Shaw submitted, at most, 1,699 valid signatures from qualified electors—significantly fewer than the 3,250 signatures from qualified electors needed to qualify as candidates for the Democratic Party's nominees for Governor and Lieutenant Governor.

6. The Board has authority to decide whether the Miles and Shaw nominating papers are in the proper form; were filed within the time and under the conditions required; are genuine and not falsified; and whether objections to such papers should be sustained. 10 ILCS 5/10-10; Ill. State Bd. of Elections, Draft Proposed Rules of Procedure for Established Political Party Candidates.

7. My interest in filing this Objector's Petition is that of a registered Illinois voter who desires to see the laws of the State of Illinois governing nomination papers for the offices of Governor and Lieutenant Governor complied with, and that only qualified candidates appear on the ballot for the June 28, 2022, Primary Election. Accordingly, I file this objection pursuant to 10 ILCS 5/10-8, and pursuant to the Board's authority under 10 ILCS 5/10-9 to "hear and pass upon objections to the nominations of candidates for State offices." *Id.* 5/10-8, 5/10-9(1).

OBJECTIONS

The nomination papers filed by Beverly Miles and Karla Shaw on March 14, 2022 (the "Nomination Papers" herein) are insufficient in fact and law for the following reasons. I further incorporate all Exhibits 1-3, attached, herein:

I. The Board Should Invalidate the Entirety of the Nomination Papers Due to a "Pattern of Fraud and False Swearing in Obtaining the Signatures"

1. Even a cursory examination of the Nomination Papers reveals a set of petitions that is, quite simply, a lie. In some cases, an entire page of signatures that a circulator attested to being "genuine" was completed by one person using the same handwriting *on all 15 lines*. *See* Numbered Petition Pages 107, 108, 134, 137, 182, 296, and 357.

	NAME (voter's signature)	VOTER'S PRINTED NAME	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1	Vernon Simon	Vernon Simon	917 N Menard	Chicago	
2	Bryson Clayborn	Bryson Clayborn	847 N Mayfield	Chicago	
3	Patricia Brewer	Patricia Brewer	852 N. Parkside	Chicago	
4	Derrick Millard	Derrick Millard	1012 W Waller	Chicago	
5	Sharon Smith	Sharon Smith	1032 N Menard	Chicago	
6	Tim Griffin	Tim Griffin	645 N mayfield	Chicago	
7	Larry Gitty	Larry Gitty	4425 N Lorel	Chicago	
8	Charles Coleman	Charles Coleman	537 N Lotus	Chicago	
9	Michael Fields	Michael Fields	17 N Laramie	Chicago	
10	Tania Clark	Tania Clark	4323 W Jackson	Chicago	

Miles Petition, Numbered Petition Page 296

2. The Nomination Papers are also full of examples of "round-tabling," a setup wherein one individual forges the signatures of several voters, then passes the petition page onto the next individual sitting at the same table to fraudulently sign several more lines, and so on. *See e.g.*, Numbered Petition Pages 37, 71, 74, 88, 108, 113, 118, 127, 132, 139, 171, 181, 183, 184, 186, 225, 241, 342, 354, 365, 367, 384, 423. This representative sample alone contains 23 pages of the Nomination Papers, comprising 336 purported signatures, attested to by 13 separate circulators appear to be the product of round-tabling.

1	A. H. [illegible]	Ainana Honorable	4711 W. Monroe St.	Chicago	Cook
2	Nina Robinson	Nina Robinson	3225 W Lexington St	Chicago	Cook
3	Latisha Trimble	Latisha Trimble	4743 W. Jackson Blvd	Chgo	Cook
4	Alexandra Lewis	Alexandra Lewis	4741 W. Ohio	Chgo	Cook
5	Jakara Boose	Jakara Boose	1921 S. Spaulding	Chgo	Cook
6	nova Kline	nova Kline	1512 n. Lotus	Chgo	Cook
7	Ambriya Howard	Ambriya howard	1639 n. Lotus	Chgo	cook
8	Rochelle Simmons	Rochelle Simmons	736 n. Lotus	Chgo	cook
9	Teraynia Swan	Teraynia Swan	3 Ontario St	Chgo	Cook
10	Kamry Swan	Kamry Swan	5048 W Washington	Chgo	Cook
11	Carol mangum	Carol mangum	5519 W. Augusta	Chgo	Cook
12	Domonique mangum	Domonique mangum	5519 W. Augusta	Chgo	Cook
13	Linda Reed	Linda Reed	4919 W. Corte 3	Chgo	Cook
14	Susan Monroe	Susan Monroe	5023 W Superior	Chgo	Cook
15	Sheila Stephenson	Sheila Stephenson	5023 W Superior	Chgo	Cook

Miles Petition, Numbered Petition Page 241

3. Footage from Facebook Live videos shows that Miles' campaign did not train circulators on the Election Code's requirements for gathering valid signatures.[1] The same Facebook Live video shows the campaign needed an influx of signatures in the final hours of petition circulation to get the minimum number of signatures needed to qualify for the ballot.[2] And the video shows that circulators were paid in cash on a per-signature basis to achieve this last-minute push.[3]

4. There was a total lack of accountability and quality control on the part of Miles and her campaign to identify and stop any fraud and false swearing. Two Facebook Live videos show circulators submitting petition pages to the campaign without swearing to those pages in front of a notary.[4] *See* Objection ¶ 41. Elsewhere, evidence suggests voters signed petitions outside the presence of circulators. Objection ¶ 37. The Nomination Papers contain at least 90 instances of the same voter signing at least twice, including an individual whose signature appears in the Nomination Papers *nine* times. *See* Exhibit 1 for a list of voters whose signatures appear in the Nomination Papers at least three times. There's even a signature from a "John Doe" on a petition sheet that Miles' lead campaign organizer attested to. *See* Numbered Petition Page 321.

	NAME (voter's signature)	VOTER'S PRINTED NAME	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1	[illegible]	[illegible]	1328 [illegible]	[illegible] IL	US
2	John Doe	John Doe	4522 [illegible]	[illegible] IL	[illegible]

Miles Petition, Numbered Petition Page 321

5. It appears there may even be an incident of false swearing by Beverly Miles. A Facebook Live video from March 12, 2022, shows Ms. Miles' lead organizer, Ziff Sistrunk, accepting five petition pages from an unidentified male circulator. Mr. Sistrunk holds up one of the pages from the male circulator so it is visible to the camera.[5] That page can now be identified as numbered petition page 464 of the Nomination Papers based on a

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[1] *See* Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 23:03, https://www.facebook.com/zsistrunk/videos/383093979937316 ("I have to blame me for one thing about my workers. I don't train them. I put your a** right out there. [laughs] That's bad and good.").

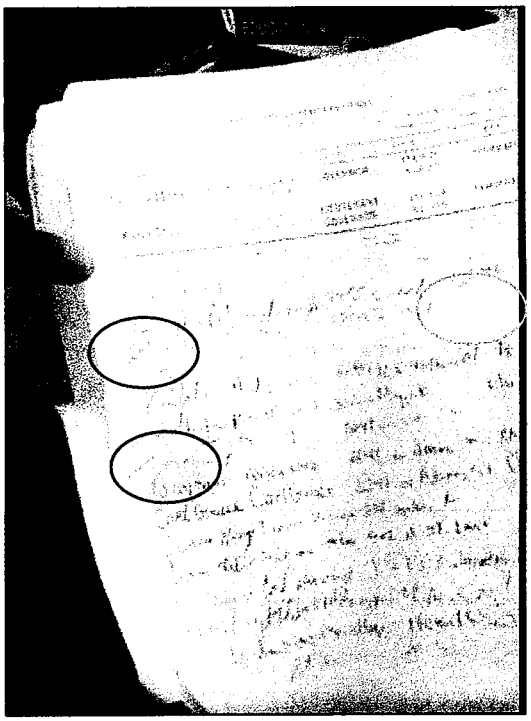
[2] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 29:47 https://www.facebook.com/zsistrunk/videos/383093979937316 ("cause we need that extra push and I'm gonna keep it real with you").

[3] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 19:32 https://www.facebook.com/zsistrunk/videos/383093979937316 ("Now I had budgeted you for seven, which would have been $105 dollars. But you only gave me one, two, three, four, five. And then I am going to give you the $105 dollars, but you just still owe me two sheets.").

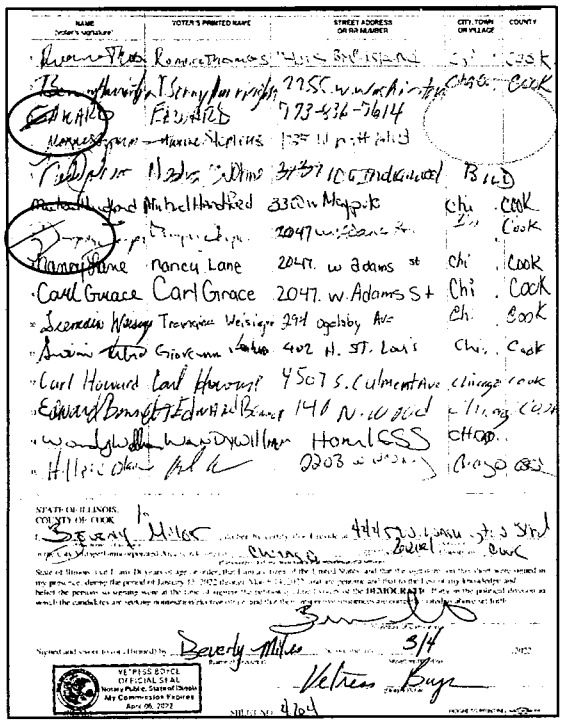
[4] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 00:16, https://www.facebook.com/zsistrunk/videos/330083255817978 (showing Mr. Sistrunk giving unnotarized petitions to a woman. "See those five over there?" "What about them?" "That guy dropped them." "What guy?" "That owes us seven."); Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 26:34 https://www.facebook.com/zsistrunk/videos/383093979937316 (showing petitions that were given to Mr. Sistrunk from unidentified male circulator).

[5] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 26:34 https://www.facebook.com/zsistrunk/videos/383093979937316 (showing petitions to camera from unidentified male circulator).

comparison of the handwriting and other distinguishing marks on the page. However, the circulator affidavit on numbered petition page 464 is not signed and sworn to by a male circulator—it is signed and sworn to by Beverly Miles. In addition, the sworn signature is not dated March 12, it is dated March 4.



Screen capture of Facebook Live (March 12, 2022)



Numbered Petition Page 464

6. As described throughout this Objection, the pattern of fraud and false swearing contained in the Nomination Papers goes on and on.[6] It is not limited to just a handful of pages; it is not limited to one or two circulators. It is a pattern of fraud that exists across the entire submission. It shows a complete disregard for the legal requirements the State of Illinois has put in place to "prevent tampering, thereby preserving not only the integrity of the petitions submitted but the election process in general." *Reynolds v. Champaign Cnty. Officers Electoral Bd.*, 884 N.E.2d 1175, 1177 (Ill. App. Ct. 2008). The Board must not reward such extensive fraud and false swearing by deeming the Nomination Papers to be a proper submission worthy of placing candidates' names on the ballot.

7. Such a "pattern of fraud, false swearing and a total disregard for the mandatory requirements of the Election Code" taints *all* pages of signatures a candidate files such that the candidate's entire nomination submission must be rejected. *See, e.g., Harmon v. Town of Cicero Mun. Officers Electoral Bd.*, 864 N.E.2d 996, 999 (Ill. App. Ct. 2007).

[6] The Nomination Papers also contain many technical errors, such as addresses without apartment numbers, missing city and county information, pages that are missing a notary stamp, and circulator statements that are signed but not dated, and at least seven lines on the Nomination Papers that appear to be signed by voters who the Illinois voter registration database identifies as being deceased. While I do not raise specific objections to any of these technical errors, they are nonetheless additional evidence of the lack of training and disregard for the Election Code found throughout the Nomination Papers.

8. For example, in a 2007 petition dispute, the Town of Cicero Municipal Officers Electoral Board ("Cicero Board") struck *entire* nomination papers of two candidates because each candidate submitted a "large percentage of invalid signatures show[ing] that 'those nominating petitions, *in the whole*, are tainted by a pattern of fraud, false swearing and a total disregard for the mandatory requirements of the Election Code.'" *Harmon*, 864 N.E.2d at 999 (emphasis added). In that instance, 22 percent of the signatures submitted by Candidate 1 were deemed invalid and 29 percent of Candidate 2's signatures were deemed invalid.[7] Relying on those "large percentage[s]", the Cicero Board "struck all pages of signatures filed for both candidates." *Id.* Without any signatures, neither candidate qualified for nomination.

9. In this case, ***73 percent*** of the signatures on the Nomination Papers are invalid. Of the 6,318 signatures contained on the Nomination Papers, at least 4,619 are invalid on grounds that the voters are not registered, the signatures are not valid, or there is insufficient legible information to verify the signature is genuine. *See* Objection ¶¶ 30, 33.

10. Indeed, a "pattern of disregard...casts a cloud over all sheets," even if the evidence does not establish that every signature was improper. *See Cunningham v. Schaeflein*, 969 N.E.2d 861, 877 (Ill. App. Ct. 2012). In *Straughn v. Bembynista*, 14-EB-RES04 at 12, (Chi. Electoral Bd. 2014), the Chicago Electoral Board ("Chicago Board") struck all petitions circulated by a candidate, even though some signatures were likely proper. In that instance, the candidate claimed he drove or scootered alongside as his assistants circulated petition sheets on his behalf. *Id.* at 4-5. Nineteen persons testified that they did not recall the candidate present when they signed the petition, yet the candidate submitted the affidavits of 40 persons attesting they signed petitions in his presence. *Id.* at 5. While the Chicago Board acknowledged it was possible the candidate properly circulated *some* of the petition sheets, the Chicago Board found that certain sheets were not signed in the candidate's presence; therefore, a pattern of fraud, false swearing, and a total disregard for the mandatory requirements of the Election Code had been established and *all* petitions had to be struck. *Id.* at 9.

11. I object to the Nomination Papers in their entirety based on evidence of fraud and false swearing. The Board should strike all signatures on this basis.

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[7] According to the *Chicago Tribune*, the Cicero Board "accused [the candidates] of having tainted signatures that are either illegible or signed by voters who don't live at a proper town address." Joseph Ruzich, *Judge Asked to Look at Ouster from Ballot*, CHI. TRIB., Feb. 8, 2007, https://www.chicagotribune.com/news/ct-xpm-2007-02-08-0702080143-story.html.

II. At Minimum, the Board Should Reject All Signatures Obtained by Circulators Whose Petition Pages Contain Evidence of Fraud, False Swearing, and Total Disregard for the Requirements of the Election Code

A. A Pattern of Fraud and False Swearing by Circulator(s) Renders All Pages by that Circulator Invalid, and Past Circulator Behavior Can be Considered

12. One or more individual circulators can establish a pattern of fraud and false swearing, given their central role in the signature gathering process. *See, e.g., Harmon v. Town of Cicero Mun. Officers Electoral Bd.*, 864 N.E.2d 996 (Ill. App. Ct. 2007); *Huskey v. Mun. Officers Electoral Bd. for the Vill. of Oak Lawn*, 509 N.E.2d 555 (Ill. App. Ct. 1987); *Fortas v. Dixon*, 462 N.E.2d 615 (Ill. App. Ct. 1984). The requirements of the circulator – namely the affidavit and oath requirements – are "mandatory and must be strictly enforced, as it ensures the fairness and honesty of the entire election process." *Canter v. Cook Cnty. Officers Electoral Bd.*, 523 N.E.2d 1299, 1302 (Ill. App. Ct. 1988). "The circulator's affidavit is one of the primary safeguards against fraudulent nomination petitions...For this reason, ***a circulator's false affidavit taints the entire sheet***." *Huskey*, 509 N.W.2d at 557 (emphasis added) (internal citations omitted).

13. When "signature sheets of a nominating petition submitted by circulator evidence a pattern of fraud, false swearing, and total disregard for the requirements of the [Election] Code, ***the sheets circulated by that individual should be stricken in their entirety***." *Crossman v. Bd. of Election Comm'rs of City of Chi.*, 966 N.E.2d 518, 521 (Ill. App. Ct. 2012) (emphasis added) (citing *Canter v. Cook Cnty. Officers Electoral Bd.*, 523 N.E.2d 1299 (Ill. App. Ct. 1988)).

14. For example, when a circulator allowed some individuals to sign the names of family members not currently present and when "at least half of the time" someone other than the circulator presented the petition sheet to signers, the appellate court found a pattern of disregard for mandatory requirements of the Election Code. *Huskey*, 509 N.E.2d 555. The court confirmed that the circulator's false affidavit "taints the entire sheet" and those sheets were properly rejected by the electoral board. *Id.* At 557.

15. Similarly, when evidence was presented that (i) certain signatures listed on the petition sheets did not belong to the listed individuals, and (ii) a circulator signed the circulator affidavit even though he did not personally circulate the petition sheets but instead had others do it for him, the appellate court found a clear pattern of fraud, false swearing and disregard for the law and ordered those sheets to be stricken in their entirety. *Canter v. Cook Cnty. Officers Electoral Bd.*, 523 N.E.2d 1299 (Ill. App. Ct. 1988).

16. In the 2007 petition dispute discussed above, the Cicero Board struck pages of signatures based on the credibility of one circulator: Jose Alanis. The Cicero Board rejected signatures on all pages signed by Mr. Alanis in part because several affiants swore that a person *other than Mr. Alanis* obtained their signatures on the petitions. *Harmon,* 864 N.E.2d. at 1000-01. A comparison between signatures from the petitions and those in the voter registration records also suggested that some circulators "permitted a single individual to sign multiple lines of the petition with different names. The [Cicero] Board

found that the [signature] disparity... showed that the circulator for each such page of the petition acted at least in 'culpable ignorance of the truth...[with] conscious awareness of the falsity of those signatures.' On the basis of that finding, the [Cicero] Board struck all pages of the petition on which any such signature appeared." *Harmon*, 864 N.E.2d. at 1000-01. The appellate court agreed with the Cicero Board. *Id.*

17. The Board "cannot close its eyes and ears if evidence is relevant to the protection of the electoral process." *Fortas v. Dixon*, 462 N.E.2d 615, 618 (Ill. App. Ct. 1984). Accordingly, the Board may look to the findings of fact *in other cases* to determine whether a circulator engaged in a pattern of fraud. *Robinson v. Williams,* 08-EB-WC-16, at 2-3 (Chi. Electoral Bd. 2007). For example, in 2007, a candidate simultaneously ran for two separate offices and circulated her own petitions for each ballot. In order to get on the ballot for the General Assembly, the circulator/candidate submitted 120 signature pages to the Chicago Board. The Chicago Board concluded that the candidate/circulator "swore false affidavits in regard to 79 of the 120 sheets she allegedly circulated" – all sheets that were eventually rejected by the Chicago Board. *Kirk v. Williams*, 08-EB-RGA-21, at 24 (Chi. Electoral Bd. 2008). Relying on that record and decision by the Chicago Board, the hearing examiner in a separate matter regarding the candidate/circulator's run for Ward Committeeman, concluded that the finding of fact in the General Assembly matter "*could be and would be used* to support a finding of a pattern of fraud, false swearing and disregard for the requirements of the Election Code" in the 17th Ward matter. *Robinson v. Williams,* 08-EB-WC-16, at 2-3 (Chi. Electoral Bd. 2007) (emphasis added). Specifically, the hearing examiner in the 17th Ward matter took "judicial/administrative notice of the hearing examiner's findings of fact" from the General Assembly matter, resulting in the Chicago Board invalidating the nomination papers for the candidate/circulator. *Id.* at 3, 5.

B. Pages of the Nomination Papers Circulated by the Miles Campaign's Lead Organizer, Ziff Sistrunk, and Mr. Sistrunk's Associates Show a Pattern of Fraud and False Swearing and Should be Rejected

18. By Beverly Miles' own admission, she relied on Ziff Sistrunk more than any other individual to collect signatures for the Nomination Papers. As she stated, "I would not be in this position if it wasn't for Ziff."[8]

19. The petition pages Mr. Sistrunk personally circulated show a pattern of fraud and false swearing. For example, Mr. Sistrunk attested that all signatures on his pages were genuine when, in fact, several pages have evidence of "round-tabling." *See, e.g.*, Numbered Petition Pages 118, 384, and 403. Mr. Sistrunk also attested that a signature from "John Doe" was genuine. *See* Numbered Petition Page 321. Certain circulator affidavits bearing Mr. Sistrunk's name have plainly inconsistent handwriting, suggesting Mr. Sistrunk may not have circulated all petition pages he attested to.

[8] Ziff Sistrunk, Facebook Live (Mar. 14, 2022), at 01:20 https://www.facebook.com/1181102520/videos/384244419829300/ ("that's right. Ziff is the man, ladies and gentlemen. I want to thank Ziff. I would not be in this position if it wasn't for Ziff.").

STATE OF ILLINOIS,
COUNTY OF COOK } ss.

I, ZIFF SISTRUNK (Print Name of Circulator), do hereby certify that I reside at 1606 W. 63RD (Address) in the City/Village/Unincorporated Area (circle one) of CHICAGO (If unincorporated, list municipality that provides postal service), ZIP Code 60636, County of Cook;

State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, during the period of January 13, 2022 through March 14, 2022, and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition qualified voters of the **DEMOCRATIC** Party in the political division in which the candidates are seeking nomination/elective office, and that their respective residences are correctly stated as above set forth.

(Signature of Circulator)

Miles Petition, Numbered Petition Page 335

STATE OF ILLINOIS,
COUNTY OF COOK } ss.

I, ZIFF SISTRUNK (Print Name of Circulator), do hereby certify that I reside at 1606 W. 63rd St (Address) in the City/Village/Unincorporated Area (circle one) of Chicago (If unincorporated, list municipality that provides postal service), ZIP Code 60636, County of Cook.

State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, during the period of January 13, 2022 through March 14, 2022, and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition qualified voters of the **DEMOCRATIC** Party in the political division in which the candidates are seeking nomination/elective office, and that their respective residences are correctly stated as above set forth.

(Signature of Circulator)

Miles Petition, Numbered Petition Page 321

20. Mr. Sistrunk further stated that he and his organization, Green Slate Institute for Justice, were responsible for collecting ***at least 2,500 signatures*** contained in the Nomination Papers.[9] Mr. Sistrunk admitted he does not train his circulators on how to properly collect signatures under the Election Code, stating, "I have to blame me for one thing about my workers. I don't train them. I put your a** right out there. [laughs] That's bad and good."[10]

21. Pursuant to the precedent described in Part II(A), I object to all signatures on all pages circulated by Mr. Sistrunk, as identified in Exhibit 2. In total, this objection includes 995 purported signatures.[11]

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[9] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 11:13, https://www.facebook.com/zsistrunk/videos/383093979937316 ("And that was one of the things that we gauged in our Green Slate Institute service learning and gathering these 2,500 signatures that we got for Mrs. Miles.").

[10] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 23:03, https://www.facebook.com/zsistrunk/videos/383093979937316 ("I have to blame me for one thing about my workers. I don't train them. I put your a** right out there. [laughs] That's bad and good.").

[11] In 1992, the *Chicago Tribune* reported a story on Mr. Sistrunk that the Board may find relevant pursuant to its authority to consider a circulator's prior behavior when reviewing these Objections. *See* discussion in Objection ¶ 17. According to the Tribune, Mr. Sistrunk was one of eight individuals charged with "bilking a non-profit organization out of more than $42,000 by falsely claiming they had registered thousands of new voters." *8 charged with bilking voter group*, CHI. TRIB., Apr. 29, 1992. Mr. Sistrunk was indicted for claiming he submitted 4,168 new registrations to a nonprofit called Chicago Voter Registration, earning one dollar for each registration. In fact, he only turned in 571 valid registrations. Richard Roeper, *Gadflies Gator, Ziff Hang with Bubba*, CHI. SUN-TIMES, Apr. 17, 1994.

C. The Board Should Reject Additional Petition Pages Containing Evidence of Fraud and False Swearing, Along with All Other Petition Pages Circulated by the Same Individuals

22. I object to all signatures on numbered petition page 296 on grounds that all 15 signatures were forged. Numbered petition page 296 was circulated by Elvin Clayborne. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 54, 107, 108, 294, 295, 479, and 481 which were also circulated by Elvin Clayborne. In total, this objection includes 119 purported signatures.

23. I object to all signatures on numbered petition page 134 on grounds that all 15 signatures were forged. Numbered petition page 134 was circulated by Shaundra English. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 132, 133, 265, 266, and 267 which were also circulated by Shaundra English. In total, this objection includes 83 purported signatures.

24. I object to all signatures on numbered petition page 137 on grounds that all 15 signatures were forged. Numbered petition page 137 was circulated by Jordan Miles. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 178, 179, 180, 181, 182, 183, 184, 185, 186, 241, 242, 243, 244, 245, 246, 247, 248, 249, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, and 382 which were also circulated by Jordan Miles. In total, this objection includes 416 purported signatures.

25. I object to all signatures on numbered petition page 412 on grounds that all 15 signatures were forged. Numbered petition page 412 was circulated by Wanda Sistrunk. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 415, 417, 419, 421, 423, 425, 427, 429, 431, 432, 434, 436, 438, 440, 442, 445, 447, 449 which were also circulated by Wanda Sistrunk. In total, this objection includes 285 purported signatures.

26. I object to all signatures on numbered petition page 126 on grounds that all 15 signatures appear forged. Numbered petition page 126 was circulated by Ella Mae Coleman. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 74, 113, 123, 124, and 125 which were also circulated by Ella Mae Coleman. In total, this objection includes 90 purported signatures.

27. I object to all signatures on numbered petition page 71 on grounds that the signatures appear to be forged, specifically lines 11-15 appear to be written by the same person. Numbered petition page 71 was circulated by Jesse Brandon. Pursuant to the precedent described in Part II(A) above, I object to all signatures on numbered petition pages 19, 20, 71, 164, 201, 205, 207, 212, 228, 240, 287, 292, 297, 309, 318, 333, 343, 346, 344, 346, 348, 349, 355, 356, 357, 358, 361, 372, 373, 393, 394, 395, 401, and 446 which were also circulated by Jesse Brandon. In total, this objection includes 451 purported signatures.

III. At Minimum, Signatures that Fail to Meet Basic Statutory Requirements Must be Invalidated, Leaving Miles and Shaw with Insufficient Signatures from Qualified Electors to Gain Access to the Primary Election Ballot

28. To be placed on the ballot for the Democratic Party, candidates must submit signatures from at least 3,250 qualified primary electors of the Democratic Party; a circulator must certify that all qualified primary electors signed "in his or her presence;" and a notary must witness circulators attest to each page. *See id.* 5/7-10, 5/2A-1.1b. These requirements are meant to prevent voters from being overwhelmed by limiting access to the ballot to "a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters." *Salgado v. Marquez*, 828 N.E.2d 805, 811 (Ill. App. Ct. 2005).

A. The Board Must Reject Signatures by Signers Who are Not Qualified Primary Electors in Illinois at the Address Provided

29. Candidates who do not submit signatures from at least 3,250 qualified primary electors cannot be placed on the primary ballot. A "qualified primary elector" is "a person who is registered to vote at the address shown opposite his signature on the petition ...." 10 ILCS 5/3-1.2. It's not enough that the signer is registered to vote in Illinois. Rather, the "person who signs a nominating petition *must be registered to vote at the residence address set forth on the nominating petition*." *Greene v. Bd. of Election Comm's of City of Chi.*, 445 N.E.2d 1337, 1342 (Ill. App. Ct. 1983) (emphasis included)

30. The Nomination Papers do not meet this requirement. Miles and Shaw submitted, at most, 1,699 qualifying signatures. In total, 3,102 lines on the Nominating Papers are invalid because the signers are not registered voters or are not registered at the address provided. Additionally, 838 signers have insufficient legible information to confirm the signer is registered to vote at all.

31. "[I]f a signature on a nominating petition is so illegible or unreadable so as to make it impossible for either an objector or the [Chicago] Board to make a valid comparison with a voter registration record, the electoral board system designed to protect the integrity of the petition process becomes thwarted." *Feierstein v. Phelan*, 12-EB-WC-03 at 4 (Chi. Electoral Bd. 2012). Here, a review of the petition sheets reveals at least 3,940 signatures that could not be matched to Illinois voter registration records for any voter at the address provided next to that signature. Indeed, the Board should not be "forced to presume that the signature is valid simply because it is illegible. [...] Otherwise, bad penmanship may be rewarded if it becomes impossible to discern who signed unintelligible scrawl on the petition sheet." *Id.*

32. Nomination Papers must also include "genuine" signatures. 10 ILCS 5/7-10. Courts permit objections on the basis that signatures are not genuine or are forgeries. *See Muldrow v. Barron*, 2021 WL 1853392 at fn 6 (Ill. App. Ct. 2021). Records examiners have the obligation to sustain objections to signatures they determine are not genuine. 2022 Draft Rules of Procedure, Ill. State Bd. of Elections at B-1.

33. The full list of specific signatures I object to on grounds the signer: could not be verified because their information was illegible; is not a registered qualified elector; is not registered at the address they indicated on the petition; or provided a signature that did not match the voter registration record and is therefore not genuine is attached as Exhibit 3. Based on these objections alone, the Board must reject the Nomination Papers for not having the required number of signatures from qualified electors.

B. The Board Must Reject Nomination Papers That the Circulator Did Not Personally Witness

34. Circulators must certify that each person signed "in his or her presence." *See* 10 ILCS 5/3-1.2. The circulator "must personally witness all signatures given." 2022 Candidate Guide at 10. This certification is "a meaningful and realistic method of eliminating fraudulent signatures and protecting the integrity of the political process." *Sakonyi v. Lindsey*, 34 N.E.2d 444, 447 (Ill. App. Ct. 1994).

35. "[A] signature is made in the petition circulator's presence when he or she had ample opportunity to see the signature being made." *People v. McCulloch*, 936 N.E. 2d 743, 747 (Ill. App. Ct. 2010). Thus, a circulator cannot leave nominating papers with another person or in another location while voters are signing the form. For example, a circulator was not "present" when she obtained signatures in another part of an apartment building and was not in the area when the papers were signed. *See Kerpsack v. Simmons*, 04-EB-WC-75, at 3 (Chi. Electoral Bd. 2004). Likewise, a circulator was not "present" when waiting in a van while others collected signatures on both sides of the street the van. *People v. McCulloch*, 936 N.E. 2d 743, 746 (Ill. App. Ct. 2010).

36. The Nomination Papers appear to include signatures where the circulator was not present. As explained above, the circulators in this matter were not trained on the requirement to personally witness each signature. *See* Objection ¶ 20. A lack of training dramatically increases the likelihood that circulators left petition pages unattended while voters signed those pages.

37. Some petition sheets are so rife with errors that even an untrained circulator would have corrected the voters making those errors if the circulator was present when the voters were signing the sheet. *See, e.g.*, Numbered Petition Pages 296, 412, 427, 473, 474, and 482.

NAME (voter's signature)	VOTER'S PRINTED NAME	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1 Ray Hall	Ray Hall	Peoria Il	Peoria	Peoria
2 Christine Jones	Christine Jones	Peoria Illinois	Peoria	Peoria
3 Dritricka Jones	Dritricka Jones	Peoria Il	Peoria	Peoria
4 Crystal Bosfield	Crystal Bosfield	Peoria IL	Peoria	Peoria
5 Makayla Morris	Makayla Morris	Peoria IL	Peoria	Peoria
6 Jacquele Millot	Jacquele Millot	Peoria IL	Peoria	Peoria
7 Deirdre Adams	Deirdre Adams	Peoria Il	Peoria	Peoria
8 Monica Adams	Monica Adams	Peoria Il	Peoria	Peoria
9 Tyra Ford	Tyra Ford	Peoria IL	Peoria	Peoria
10 Tyanna Johnson	Tyanna Johnson	Peoria Il	Peoria	Peoria
11 Carl Ford	Carl Ford	Peoria Il 203 Bigelow Ct Apt 1	Peoria	Peoria
12 Jonisha Johnson	Jonisha Johnson	Peoria Il 202 Bigelow Ct Apt 1	Peoria	Peoria
13 Tanisha Johnson	Tanisha Johnson	Peoria Il	Peoria	Peoria
14 Kendra Dixon	Kendra Dixon	1610 N. Great Oaks Peoria Il	Peoria	Peoria
15 Perdina Daugherty	Perdina Daugherty	3716 W. Lancer	Peoria	Peoria

STATE OF ILLINOIS)

Miles Petition, Numbered Petition Page 427

38. Based on this evidence, I object to all signatures that the Board may find were not signed in the presence of a circulator.

C. *The Board Must Reject Nomination Papers That Were Not Sworn Before a Notary or other Office Authorized to Administer Oaths in the State*

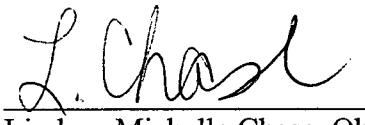
39. The circulator's affidavit at the bottom of each petition page "shall be sworn to before some officer authorized to administer oaths in this State." 10 ILCS 5/7-10. The requirement is "mandatory and not directory." *Bowe v. Chi. Electoral Bd.*, 404 N.E.2d 180, 180 (Ill. 1980). A petition page is invalid if its circulator did not personally appear before a notary. *Id.* at 180-81.

40. Courts can invalidate *every* sheet by a circulator if there is evidence that *some* papers were notarized without the circulator present. *Cunningham v. Schaeflein*, N.E.2d 861, 877 (Ill. App. Ct. 2012) (invalidating all pages from two circulators who testified that they appeared before a notary a couple of times but then regularly "just handed them in" and finding that the "pervasive and cavalier disregard for the Election Code's mandatory requirement that circulators swear their petition sheets before a notary threatened the integrity of the electoral process."). *Id.* at 874, 75, 77).

41. Two separate Facebook Live videos posted by Mr. Sistrunk show the campaign taking possession of or already in possession of completed petition pages with no notary present.[12]

42. Based on this evidence that some circulators of the Nomination Papers did not personally appear before a notary, I object to all such numbered petition pages that the Board's investigation may identify.

WHEREFORE, the Objector requests a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to the voters in the State of Illinois, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers filed on behalf of Beverly Miles and Karla Shaw are insufficient as a matter of law and fact; and d) a ruling that the names of Beverly Miles and Karla Shaw shall not appear and not be printed on the ballot for election to the offices of Governor and Lieutenant Governor of the State of Illinois to be voted for at the Primary Election on June 28, 2022.



Lindsey Michelle Chase, Objector
1136 Park Pl, Bellwood, IL, 60104

[12] Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 00:16, https://www.facebook.com/zsistrunk/videos/330083255817978 (showing Mr. Sistrunk giving unnotarized petitions to a woman. "See those five over there?" "What about them?" "That guy dropped them." "What guy?" "That owes us seven."); Ziff Sistrunk, Facebook Live (Mar. 12, 2022), at 26:34 https://www.facebook.com/zsistrunk/videos/383093979937316 (showing petitions that were given to Mr. Sistrunk from unidentified male circulator).

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_____

Lindsey Michelle Chase, Objector
1136 Park Pl, Bellwood, IL, 60104

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EXHIBIT 1

1. **Eddie Taylor's** signature appears ***nine times*** in the Nomination Pages. See numbered petition pages 3, 34, 36, 40, 210, 232, 316, 320, and 380.

2. **Arnold Haywood's** signature appears ***seven times*** in the Nomination Pages. See numbered petition pages 40, 97, 316, 320, 334, 380, and 481.

3. **Kevin Robinson's** signature appears ***six times*** in the Nomination Pages. See numbered petition pages 3, 126, 150, 253, 380, and 477.

4. **Corey Vance's** signature appears ***six times*** in the Nomination Pages. See numbered petition pages 36, 37, 54, 334, 446, and 481.

5. **James Brown's** signature appears ***five times*** in the Nomination Pages. See numbered petition pages 147, 183, 227, 424, and 428.

6. **Cletus Bones's** signature appears ***five times*** in the Nomination Pages. See numbered petition pages 37, 210, 253, 273, and 479.

7. **Leon Hall's** signature appears ***four times*** in the Nomination Pages. See numbered petition pages 150, 210, 232, and 253.

8. **Karris Kimble's** signature appears ***four times*** in the Nomination Pages. See numbered petition pages 16, 17, 146, and 477.

9. **Anthony White's** signature appears ***four times*** in the Nomination Pages. See numbered petition pages 36, 253, 477, and 479.

10. **Alfred Brooks's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 17, 34, and 307.

11. **Nicole Carr's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 15, 244, and 272.

12. **Jamie Guy's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 17, 142, and 147.

13. **Chris Seals's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 85, 320, and 380.

14. **Mario Thomas's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 42, 416, and 424.

15. **Patrick Willingham's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 15, 143, and 424.

16. **Nancy Lane's** signature appears ***three times*** in the Nomination Pages. See numbered petition pages 400, 463, 464.

Randal Coakley v. Keisha S. Smith
22 SOEB GP 544

Candidate: Keisha S. Smith

Office: Governor

Party: Republican

Objector: Randal Coakley

Attorney for Objector: Adam Merrill

Attorneys for Candidate: N/A – Pro Se

Number of Signatures Required: 3,250

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: A nominating petition of a candidate for Governor must include a candidate for Lieutenant Governor. The nominating petition of Candidate does not include a candidate for Lieutenant Governor.

Dispositive Motions:

Candidate's Motions to Dismiss filed 3/31/22. Candidate filed four motions requesting the Board hear the merits of her nomination papers, challenging the objection to her candidacy, and generally requesting discovery and subpoenas without specifying specific entities or individuals.

Objector's Response to Candidate's Motions to Dismiss filed 4/4/22. In his response, Objector identifies the single issue of the objection petition, that the Candidate's nomination papers do not include a candidate for Lieutenant Governor as required under Section 7-10 of the Election Code, 10 ILCS 5/7-10. The Objector notes that Candidate's Motions make no attempt to explain the absence of a candidate for Lieutenant Governor or provide factual or legal authority sufficient to justify dismissing the objection.

Record Exam Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The Hearing Officer recommends the Candidate's Motions to Dismiss be denied as it does not address the substance of the objection: the absence of a candidate for Lieutenant Governor in Candidate's nomination papers. The

Hearing Officer further recommends the Objector's petition be sustained, as Section 7-10 requires that a candidate for Governor must also include the name of a candidate for Lieutenant Governor and the nomination papers of the Candidate do not contain a candidate for Lieutenant Governor, nor is there a mechanism to amend nomination papers to include such. 10 ILCS 5/7-10 ("In the case of the offices of Governor and Lieutenant Governor, a joint petition including one candidate for each of those offices must be filed.")

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

COAKLEY, RANDAL	)	
PETITIONER/OBJECTOR	)	
v.	)	**No. 22 SOEB GP 544**
SMITH, KEISHA S.	)	
RESPONDENT/CANDIDATE	)	

NOTICE OF FILING AND SERVICE

To: General Counsel: GeneralCounsel@elections.il.gov
Adam Merrill: AMerrill@Watershed-Law.com
Keisha S. Smith: 1KSmith4Allthingsnewillinois@gmail.com

Please take notice that on April 7, 2022, prior to 5:00 PM, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Report and Recommendation of The Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses prior to 5:00 PM on April 7, 2022.

/s/ James Tenuto
James Tenuto

James Tenuto & Associates, P.C.
1205 Anvil Court
Addison, IL 60101
630-776-2981
jamestenuto@gmail.com

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

COAKLEY, RANDAL	)	
	)	
Petitioner/Objector,	)	
	)	No. 22 SOEB GP 544
vs.	)	
	)	
SMITH, KEISHA S.	)	
	)	
Respondent/Candidate.	)	
	)	

REPORT AND RECOMMENDATION OF THE HEARING OFFICER

To:

Petitioner:
Adam Merrill
AMerrill@Watershed-Law.com

Respondent:
Keisha A. Smith
1KSmith4allthingsnewillinois@gmail.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Keisha S. Smith, Candidate, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as a Republican Candidate for the Office of Governor in the State of Illinois.

OBJECTION

Objector timely filed an Objection alleging that the nomination papers contain signatures which did not include the name of a candidate for Lieutenant Governor as required by 10 ILCS 5/7-10. Thus, the nomination petitions were fatally defective.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by Adam Merrill for the Objector while Candidate Keisha S. Smith filed a Pro Se Appearance.

The Case Management Conference (CMC) was held on March 30, 2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Keisha S. Smith and Adam Merrill.

PRELIMINARY MOTIONS

The objection has <u>one</u> legal issue: whether the failure to include the name of a candidate for Lieutenant Governor rendered the nomination papers fatally defective.

The Objector did not file any preliminary motions pursuant to Appendix A of the Rules of Procedure.

The Candidate filed the following motions:

(1) Candidate's Motion Summary and Subpoena

(2) Candidate's Motion Summary

(3) Candidate's Motion to be Heard

(4) Candidate's Motion to Extend for Hearing for Board

The Objector submitted Objector's Response in Opposition to the Candidate's Request for Subpoena.

The Candidate subsequently filed Amended Candidate's Motion and Subpoena Request for Subpoena.

The Objector's Response in Opposition to the Candidate's Motion to Dismiss was filed.

The above motions will be discussed in the Report along with a Recommendation by the Hearing Officer.

SUBPOENAS

As set forth above, the Candidate requested subpoenas be issued. The subpoena request was broad and lacked specificity. More significantly, the subpoena request ignored the fact that the sole issue was a legal question. Thus, a subpoena request was irrelevant. On that basis, the Hearing Officer recommended the subpoena request be denied.

The Candidate's Amended Motion and Subpoena Request for Extension and Withdrawal/Strike of Document Submitted in Error was also denied as being irrelevant. Furthermore, the Hearing Officer is not authorized to grant extensions and/or permit amendments.

The subpoena requests were denied by the Chairman and Vice-Chairman.

RECORD EXAMINATION

As the Objection deals solely with a legal issue, a record examination was not conducted.

MOTIONS

There were four Motions filed by the Candidate. In essence, the Candidate is seeking to dismiss the Objection and subpoena numerous individuals.

The Hearing Officer points to the analysis in Objector's Response in Opposition to the Candidate's Motion to Dismiss. Therein, the Objector summarizes the sole legal issue: whether nomination petitions for a candidate for Governor that do not include a candidate for Lieutenant Governor are invalid.

The Hearing Officer concurs and recommends the Candidate's Motion to Dismiss be denied.

DISCUSSION

Section 7-10 of the Election Code requires that a candidate for Governor must also include the name of a candidate for Lieutenant Governor. The nomination petition filed by the Candidate does not include the name of a candidate for Lieutenant Governor. There is no mechanism to amend the nomination petition to add the name of a candidate. Thus, the nomination petition is fatally flawed and invalid.

The Hearing Officer recommends the Objection be sustained.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of Governor to appear on the General Primary Election ballot as a Republican Candidate to be voted on June 28,2022.
2. An Objection to the Candidate's nomination papers was timely filed.
3. The Objection alleges the failure to include the name of a candidate for Lieutenant Governor renders the nomination petition invalid under Section 7-10 of the Election Code.
4. The Case was called on March 29, 2022. Adam Merrill filed an Appearance for the Objector while Candidate Keisha S. Smith filed a Pro Se Appearance.
5. The Case Management Conference (CMC) was held via telephone on March 30, 2022. The Hearing Officer, Adam Merrill and Keisha S. Smith participated.
6. The staff count was not transmitted to the parties as this is solely a legal issue.
7. Neither party disputed the staff count.
8. The minimum signature requirement to appear on the Genera Primary Election ballot as a Candidate for Governor is 3,250 valid signatures.
9. The Candidate requested the issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure. The subpoena request was denied for the reasons set forth in Subpoenas (above).
10. Neither party filed any Rule 9 Motions pursuant to the Rules of Procedure since a record exam was not conducted.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **DENY** Candidate's Motion to Dismiss**, SUSTAIN** the Objection and the name of Keisha S. Smith **NOT BE CERTIFIED** to appear on the ballot as a Republican Candidate for the Office of Governor to be voted on June 28, 2022.

Respectfully submitted,

/s/ James Tenuto

James Tenuto
Hearing Officer

April 7, 2022

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 14, 2022, at 10:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

BEFORE THE DULY CONSITUTED ELECTORAL BOARD

Randal Coakley	)
Objector,	)
	)
vs.	)
	)
Keisha S. Smith as a Candidate	)
for Governor	)
	)
Candidate.	)

OBJECTOR'S PETITION

NOW COMES Randal Coakley (hereinafter referred to as the "Objector"), and states as follows:

1. Randal Coakley resides at 7335 W. Clarence, Chicago, Illinois, 60631, 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 of persons desiring to run for the offices of Governor in the State of Illinois are properly complied with and that only qualified candidates appear upon the General Primary Election ballot and only qualified candidates for such offices have their names appear upon the General Primary Election ballot as candidates for office.

2. Your Objector makes the following objection to the Nomination Papers of Keisha S. Smith who filed petitions as a candidate for Governor ("the Nomination Papers"), 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 State of Illinois the signatures of not less than 3,250 duly qualified, registered, and legal voters of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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 a nominating petition of a candidate for Governor must include a candidate for Lieutenant Governor. 10 ILCS 5/7-10. The nominating petition of Keisha S. Smith does not include a candidate for Lieutenant Governor and is therefore invalid.

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.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 3:29 on 3/21/22

WHEREFORE, your Objector prays that the Nomination Papers of Keisha S. Smith for Governor be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the name of Keisha S. Smith not appear on the General Primary Election ballot of the Republican Party, and that her name be stricken; and that this Honorable Electoral Board enter its decision declaring that the name Keisha S. Smith for Governor BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTOR
Randal Coakley

Alan Spellberg, Cacilia Masover v. Susan F. Hutchinson
22 SOEB GP 545

Candidate: Susan F. Hutchinson

Office: Supreme Court Justice – 2nd Judicial District (Thomas vacancy)

Party: Republican

Objector: Alan Spellberg, Cacilia Masover

Attorney for Objector: John G. Fogarty, Jr.

Attorney for Candidate: Keri-Lyn Krafthefer and Daniel Bolin

Number of Signatures Required: 334

Number of Signatures Submitted: 702

Number of Signatures Objected to: N/A

Basis of Objection: Objectors asserts that the Candidate does not have the requisite number of signatures required to be placed on the ballot because the Candidate's nomination papers contain 702 signatures, and Objectors argue that a minimum of 757 signatures is required to qualify for nomination, based on Objectors' interpretation of Sections 2A-1.1b(b) and 7-10(h) of the Election Code. 10 ILCS 5/2A-1.1b(b), 7-10(h).

Dispositive Motions: On agreement, parties in 22 SOEBGP 545, 22 SOEBGP 548, 22 SOEBGP 553, and 22 SOEB 555 filed joint motions. Candidates Hutchinson, Curran, Rotering, and Cruz filed their motion as Candidates' Combined Motion for Summary Judgment and Objectors Spellberg, Masover, and Waites filed their motion as Objectors' Combined Cross-Motion for Summary Judgment, both summarized below. In the interim, the objection in 22 SOEBGP 553 was withdrawn.

<u>Candidates' Combined Motion for Summary Judgment</u> filed 04/02/22.

In their Combined Motion for Summary Judgment, Candidates note the cases involve a single issue: the determination of the minimum number of signatures a candidate for Second District of the Illinois Supreme Court must file immediately following a redistricting, which created a newly redrawn Second District. The Candidates argue that number is 334, as published in the State Board of Elections' 2022 Candidate's Guide.

In support of their contention, Candidates cite to Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), which provides:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures…

Candidates argue that the new Second District was created in 2021, did not exist in 2018, and .4% of the number of votes cast in that district by voters of the candidate's party for that election is not a number that exists because the voters had not previously voted in that district. In so arguing, the candidate relies on the definition of "district" from Section 1-3(14) of the Election Code, which provides: "district means any area which votes as a unit for the election of any officer …and includes…judicial districts." 10 ILCS 5/1-3(14). Candidates argue that by enacting Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021, 705 ILCS 23/15, the General Assembly terminated the existence of 2018's Second Judicial District, effective June 4, 2021. As such, no votes were cast in the Second Judicial District in the last general election because the Second District that was created by Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021 did not exist in 2018, the last general election at which a Governor was elected.

Candidates further rely on *Illinois Green Party v Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U at ¶25 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002)), which held when boundaries of a district are changed due to redistricting, the former unit no longer exists. In *Illinois Green Party*, the appellate court held:

> In our view, the establishment provision of §10-2 provides that a political party has the status of an established political party in any of several enumerated districts or political subdivisions if, when that district or political subdivision voted as a unit for the election of officers in the last election, that party polled more than 5% of the vote. That status, we emphasize, is conferred with respect to districts and political subdivisions, not geographic areas that exist independently of districts and subdivisions…" *Illinois Green Party v. Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U, ¶ 20 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002) (emphasis added)).

The Candidates argue that if the General Assembly had intended for a candidate to use vote totals from a geographic area instead of a specifically identified district, it would have directed candidates to use vote totals calculated by adding the counties comprising the new district, and argue the General Assembly did not do so.

Second, Candidates argue the State Board of Elections' interpretation of the new statute commands deference. In reliance hereon, the Candidates cite to *Prueter v. State Officers Electoral Board*, 334 Ill. App. 3d 979, 779 N.E.2d 322 (1st Dist. 2002) and *Bonaguro v. County Officers Electoral Board*, 158 Ill.2d 391, 398-399, 634 N.E.2d 712, 715 (1994), which held that the Board's

interpretation of statutes deserves "substantial weight and deference." They explain, in particular, that Candidates have the right to rely upon the Board's interpretation when the statute at issue is subject to more than one interpretation, citing *Prueter*, 334 Ill. App. 3d 979.

Third, Candidates argue the Board would violate procedural due process were it now to adopt a different interpretation of the statute from that adopted in December 2021. Candidates note that in 2002 and 2012, when non-judicial districts were subject to redistricting, the Board published statutory flat minimum signatures in lieu of piecing together portions of former districts for signature requirement calculations. In further support of their contention, Candidates cite *Briscoe v. Kusper*, 435 F.2d 1046, 1055 (7th Cir. 1970) and *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977). In *Anderson*, the Illinois Supreme Court interpreted *Briscoe* to reject a situation where a board might narrowly construe a statute without advance warning to prospective candidates. In so doing, the Candidates note that ballot access is a substantial right in Illinois that should not be lightly denied. *See Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶42 (citing *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992)); *see also Sutton v. Cook County Officers Electoral Bd*., 2012 IL App (1st) 122528 ("Illinois public policy has long favored competitive election and access to the ballot") (citing *Lucas v. Larkin*, 175 Ill. 2d 166, 176 (1997)).

<u>Objectors' Combined Cross Motion for Summary Judgment</u> filed 04/06/22.

In their cross motion for summary judgment, Objectors allege the number of signatures required to appear on the ballot for Democratic Party candidates is 791 and the number for Republican Candidates is 757, and applying Candidate's interpretation goes against statutory construction and legislative history of Section 7-10(h) of the Election Code. In so alleging, the Objectors argue the following.

The Candidates' estoppel argument, asking the Board to not enforce the correct statutory minimum number of signatures of 791 and 757, respectively, to the extent it is based on information presented in the Candidate's Guide, is inconsistent with the Illinois Supreme Court's decision in *Corbin v. Schroeder*, which held that pure questions of law should be reviewed *de novo*. 2021 IL 127052 (Ill. 2021). They further note the Candidate's Guide's Preface contains a warning that the information contained therein is not binding, should not be construed as legal advice, and reliance thereon is not sufficient argument in response to an objection to a candidate's nomination papers.

The Objectors argue that the calculation of signatures for the office of Judge to the Second District of the Illinois Supreme Court as presented in the Candidate's Guide (334) is inconsistent with statute. They state that Section 7-10(h) of the Election Code sets forth the straightforward formula for calculating the minimum number of signatures that must be submitted by partisan candidates, and Section 7-10(h) does not contain a different formula that should be used after judicial districts are redrawn. Objectors argue that should the General Assembly have intended a separate formula be used following the redistricting of judicial districts, such a formula would be enumerated in statute as it is for congressional office (§7-10(b)), county board districts (§7-10(c)), the Cook County Board of Review Commissioners (§7-10(d)(3)), municipal and township offices (§7-10(d)), and sanitary district trustees (§7-10(g)).

In support of their argument that Section 7-10(h) provides the formula for calculating the minimum signature requirement for judicial offices, Objectors argue that because judicial district are comprised of continuous, whole counties, it is easy to determine how many signatures are required for candidates in judicial districts, regardless of any redistricting. They display such by inputting vote totals of the established party candidates for Governor in the 2018 Gubernatorial Election from the five counties making up the 2022 Second Judicial District, and providing that .4% thereof, reduced by one-third (pursuant to Section 2A-1.1b(b)) is 791 for Democratic candidates and 757 for Republican candidates. Objectors note the Illinois Supreme Court made clear in *Jackson-Hicks v. East St. Louis Board of Election Comm'rs*, 28 N.E.3d 170 (Ill. 2015), when it comes to meeting the signature minimum for an office, "the clear and unambiguous standard adopted by the General Assembly requires compliance with a specific numerical threshold determined according to a specific mathematical formula. A candidate either meets that minimum threshold or does not." *Jackson-Hicks* at ¶ 37.

Second, Objectors argue the Candidates' calculation of the signature minimum is contrary to the plain language of the Election Code, as Section 7-10(h) does not provide for using any special calculation for judicial districts following redistricting, nor is there any language that would command the statutory minimum of 500 be used for judicial districts following redistricting. In support of this argument, Objectors cite *Maksym v. Board of Election Comm'rs*, 242 Ill.2d 303, 308 (2011), noting that when statutory language is plain and unambiguous, the statute must be applied as written without resort to aids of statutory construction, and a court will not invite exceptions that the General Assembly did not express.

Third, Objectors state that had the General Assembly intended judicial districts to use a different signature formula, it would have said so. In support thereof, Objectors highlight that the formula for signature minimums for several offices following redistricting are included in Section 7-10, but none exists for judicial districts following redistricting. Objectors rely on the canon of *expression unius est exclusion alterius*, the enumeration of an exception in a statute is considered to be an exclusion of all other exceptions, citing *Schultz v Performance Lighting, Inc.*, 2013 IL 115738, ¶17. They further highlight that the formula for signature minimums for candidates for countywide offices remains the same in every election, regardless of redistricting, 10 ILCS 5/7-10(c), (d)(1), which makes sense as the county boundaries do not change. They argue the same should be true of judicial districts, which are comprised of whole counties.

Fourth, Objectors argue that the Second District was not required to vote as a unit, as argued by Candidates, and such a contention is contradicted by Section 7-10(h). In reliance on such, Objectors argue that where the General Assembly intends that a signature calculation be based on a district unit, it expressly provides so. In so stating, they point to Section 7-10(h) which addresses signature minimums for all partisan candidates for judicial office in districts, circuits, and subcircuits, and it handles candidates for judicial district offices very differently from candidates for circuit and subcircuits office. For candidates running for office in a judicial district, Section 7-10(h) does not provide that the signature formula is tied to the district having voted as unit. But, it does state so for candidates for judicial circuits and subcircuits. To wit, they quote Section 7-10(h):

> "If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

Fifth, Objectors argue none of the authority offered by the Candidates is availing. Objectors argue Candidates' analogy of judicial districts and congressional district, and their reliance on *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is misplaced. They argue *Illinois Green Party* bears no factual or legal resemblance to the facts at bar because congressional districts are distinct from judicial districts and involved the establishment of new political parties following redistricting.

Additionally, they argue that Candidates' reliance on the definition of district in Section 1-3(14) is inapplicable to the facts here. Section 1-3(14) includes the qualifier "unless the context otherwise requires[,]" and Objectors argue the context of Section 7-10(h) does not require the use of Section 1-3(14)'s definition of district. The context of this case would counsel that the definition of district is subject to the statutory interpretation of Section 7-10, that is sufficient, and utilizing Section 1-3(14) leads to an absurd result. The Objectors argue the Candidates' application of "district" would render provisions of the Election Code referencing "voted as a unit" unnecessary and superfluous.

Sixth, Objectors argue the legislative history of Section 7-10 supports Objectors' position. They argue that the provision of Section 7-10(h) addressing the signature requirement was added to the Election Code in 1995, with the passage of Public Act 94-645, and prior to the change, judicial districts, circuits, and subcircuits were all subject to the same minimum signature formula. Public Act 94-645, Objectors contend, established a unique minimum signature formula for districts, distinct from circuits and subcircuits. If the General Assembly had intended judicial districts' calculations to have remained tied to having voted previously as a unit, Objectors argue, it would have not retained this requirement in 2005.

Seventh, Objectors argue Candidates' estoppel argument fails, and base their argument on the Illinois Supreme Court's holding in *Corbin v. Schroeder*, 2021 IL 127052, where the Court found a candidate's reliance on erroneous signature calculations was not sufficient to overcome an objection challenge to the candidate's failure to file the statutory minimum number of signatures.

Candidates' Combined Response to Objectors' Motion for Summary Judgment filed 4/8/22

Candidates argue that Objector attempt to rewrite Section 7-10(h) and its reading in conjunction with the Election Code's definition of the term "district" in Section 1-3(14). 10 ILCS 5/1-3(14), 7-10(h). Section 7-10(h) instructs that signatures should be calculated based on votes cast "in that district[,]" and no votes were vast in that non-existent district in 2018's gubernatorial election.

"Section 7-10(h) does not provide, as the Objectors would like, that if there were no votes cast in that district because it did not exist, the candidates should look at vote totals in counties that are now (but may not have been before) in the Second Judicial District, reconfigure them into the new district, and then perform a calculation." Brief at 3.
Candidates argue that although the decision in *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is unpublished, it relies upon the published decision in *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2002), which similarly held that established party status of the Libertarian Party did not continue after redistricting of the relevant district. Candidates also argue that although *Illinois Green Party* is unpublished, the Board is bound by it as a party to that case. *See* 2011 IL App (1st) 113375-U.

Candidates further argue that the Board's calculation in its Candidate's Guide is entitled to deference, contending *Corbin v. Schroeder*, 2021 IL 127052, is distinguishable and leaves room for reliance on an administrative agency's interpretation of the laws it is tasked with implementing.

Record Exam Necessary: No.

Hearing Officer: Michael Tecson

Hearing Officer Findings and Recommendations: The outstanding issues in the case are the minimum number of signatures required for ballot access, and whether Candidate's 702 signatures is sufficient. The Hearing Officer recommends that in accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. The definition of "district" is, in relevant part, "any area which votes as a unit for the election of any officer…and includes, but is not limited to…judicial districts[.]" 10 ILCS 5/1-3(14). Because the newly drawn Second Judicial District has never voted as a unit, as it did not exist before 2021, calculation of the signature requirement in Section 7-10(h) should not be conducted using 2018 gubernatorial votes of the individual counties comprising the new Second Judicial Circuit because that calculation is not expressly contemplated by the Election Code.

In *Vestrup*, following the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. 335 Ill.App.3d 156. Under Section 10-2 of the Election Code, because the Libertarian candidate received more than 5% of the vote cast in the previous general election, it would normally be eligible to be considered an "established political party." *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id*. at 158. The *Vestrup* court ruled that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a "district" is defined as any area which votes as a unit for the election of any officer. *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)).

As the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Objectors

argument that the Election Code's definition of "district" is inapplicable is unavailing under Section 7-10(h)'s language and the opinion in *Vestrup*. Therefore, the number of signatures required shall be 500 as set forth in Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), and reduced by one-third as required by Section 2A-1.1b(b), 10 ILCS 5/2A-1.1b(b), which equals 334 signatures. Candidates' 702 valid signatures are sufficient for ballot access.

The Hearing Officer further determined that reliance upon the Board's Candidate's Guide's signature calculation is inappropriate under *Corbin v. Schroeder*, 2021 IL 127052. The Candidate's argument regarding due process is moot in light of the Hearing Officer's recommendation, which is that Candidate's name be placed on the ballot.

The Hearing Officer recommends that the Board grant the Candidate's motion for summary judgment on his interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, deny the Objectors' motion for summary judgment on their interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, and order the name Susan F. Hutchinson be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

Exceptions to Hearing Officer's Recommendation: On April 18, 2022, Objectors filed exceptions to the Recommendation. They argue the Recommendation mistakenly equates the definition of a district in Section 1-3(14) as an area that "votes as a unit" (present tense) with the requirement that a judicial district must have "voted as a unit" in order to use the 0.4% signature calculation in Section 7-10(h). There is simply no authority for conflating these two concepts. They also distinguish *Vestrup*, primarily because it interprets Section 10-2, not a provision at issue here. Objectors reiterate other arguments previously made as well.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES TO THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ALAN SPELLBERG AND CACILIA MASOVER,	)	
	)	
Petitioners - Objectors,	)	
	)	**No. 22 SOEB GP 545**
v.	)	
	)	
SUSAN F. HUTCHINSON,	)	
	)	
Respondent - Candidate.	)	

NOTICE OF FILING

To: *Via E-mail Only:*

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Please be advised that on April 15, 2022, I caused to be sent by email to the above parties at their respective e-mail addresses, the Hearing Officer's Findings and Recommendations, a copy of which is attached hereto.

DATED: April 15, 2022

J. Michael Tecson

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES TO THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ALAN SPELLBERG AND CACILIA MASOVER,	)	
	)	
Petitioners - Objectors,	)	
	)	**No. 22 SOEB GP 545**
v.	)	
	)	
SUSAN F. HUTCHINSON,	)	
	)	
Respondent - Candidate.	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This cause coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned hearing officer pursuant to appointment and notice issued previously, the hearing officer makes the following Findings and Recommendations:

ISSUE

Whether, after the January 1, 2022 effective date of the Judicial District Act of 2021, the minimum required number of signatures for judicial office for the Second Judicial District under 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b is 334 signatures or is a higher number based upon the calculation set forth Section 7-10(h).

SHORT ANSWER

In accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. Therefore, the number of signatures required shall be 500 as set forth in 10 ILCS 5/7-10(h), and reduced by one-third as required by 10 ILCS 5/2A-1.1b(b), which equals 334 signatures.

I. **BACKGROUND**

1. Petitioners-Objectors Alan Spellberg and Cacilia Masover (collectively, "Objector") filed an Objector's Petition ("Petition") to Respondent-Candidate Susan F. Hutchinson's ("Candidate") Nomination Papers for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois.

2. The Objector asserts in its Petition that the Candidate does not have the requisite number of signatures because the Candidate's nomination papers contained 702 Signatures, and the Objector asserts that 757 signatures are required to qualify for nomination. As set forth in further detail below, the Objector calculates its 757 minimum signature requirement based on Objector's interpretation of Section 5/7-10(h) and Section 2A-1.1b of the Illinois Election Code (10 ILCS 5/1-1, *et seq.* ("Election Code")).

3. There was no records examination conducted in this matter.

4. Pursuant to agreement of Objector and Candidate, as well as parties and their counsel in related, but not consolidated cases: *Spellberg/Masover v. Curran*: 22 SOEB GP 548 and *Waites v. Rotering*: 22 SOEB GP 555 ("Related Cases"), and in accordance with my case management order issued on March 31, 2022, the parties filed cross-motions for summary judgment.

5. A hearing in this case and the Related Cases was held on April 9, 2022, and the parties were each represented by their attorneys at the hearing. I took the matter under advisement at the conclusion of the hearing.

II. **ILLINOIS ELECTION CODE / JUDICIAL DISTRICTS ACT**

6. The Illinois Election Code specifies the formula to calculate the minimum required number of signatures necessary for a candidate seeking judicial office to submit with

her nomination papers for established party candidates. The number of signatures is calculated based upon the number of gubernatorial votes cast for that candidate's political party in the last election. The Election Code states in pertinent part:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, **then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures**. …

10 ILCS 5/7-10(h) (emphasis added).

7. Effective January 1, 2022, pursuant to the Judicial Districts Act of 2021, 705 ILCS 23/1, *et seq.* ("Judicial Districts Act") the judicial district boundaries for the State of Illinois were changed for the first time since they were established in 1964. The purpose of the Judicial Districts Act was to comply with the requirements of the Illinois Constitution of 1970 which provides that judicial districts, other than the First District, "shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties." 705 ILCS 23/5.

8. In conjunction with the Judicial Districts Act, Illinois also amended the Election Code by adding 10 ILCS 5/2A-1.1b. The new Section confirms that it controls over any conflicting provisions of the Election Code. *See* 10 ILCS 5/2A-1.1b(a). The new Section specifically revised the required signatures for candidates of established parties for "statewide office", "office of Representative in the General Assembly", and "office of State Senator". 10 ILCS 5/2A-1.1b(b). The new section revised the signature requirements for established party candidates "for all other offices", which would include judicial offices, by reducing the signature requirement "by one-third". 10 ILCS 5/2A-1.1b(b). The Section reads in pertinent part:

> (b) Petitions for nomination for the general primary election may begin circulation on January 13, 2022. All petitions for nomination of an established party candidate for statewide office shall be signed by at least 3,250 but not more than 6,500 of the qualified primary electors of the candidate's party. All petitions for nomination of an established party candidate for the office of Representative in the General Assembly shall be signed by at least 400 but not more than 1,000 of the qualified primary electors of the candidate's party in the candidate's representative district. All petitions for nomination of an established party candidate for the office of State Senator shall be signed by at least 650 but not more than 2,000 of the qualified primary electors of the candidate's party in the candidate's legislative district. **The signature requirement for an established party candidate for all other offices shall be reduced by one-third and any provision of this Code limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third.**

10 ILCS 5/2A-1.1b (emphasis added).

9. The interpretation and application of the Judicial Districts Act and the above amendment to the Election Code are the bases of the Objector's objections to the Candidate's Nomination Papers.

III. NATURE OF THE OBJECTION

10. The Objector argues that, based upon the calculation in Section 7-10(h) of the Election Code, and as the Election Code was amended by Section 5/2A-1.1b(b), the Candidate is required to submit a minimum of 757 signatures in order to be on the ballot for the Republican Party for the Second Judicial District.

11. Prior to the redistricting that became effective on January 1, 2022, the Second District was comprised of the following counties:

a. Boone,
b. Carroll,
c. DeKalb,
d. DuPage,
e. Jo Davies,
f. Kane,
g. Kendall,

h. Lake,
i. Lee,
j. McHenry,
k. Ogle,
l. Stephenson, and
m. Winnebago.

12. As of January 1, 2022, after the redistricting, the Second District is now comprised of the following counties:

a. DeKalb,
b. Kane,
c. Kendall,
d. Lake, and
e. McHenry.

705 ILCS 23/15.

13. The Objector calculated the minimum number of signatures as 757 using the counties in the newly comprised Second District as of January 1, 2022, as follows:

	Rauner (Republican Candidate)
DeKalb County	16,181
Kendall County	20,442
Kane County	77,289
Lake County	109,287
McHenry County	60,646
Total	283,845

- multiplied by 0.4% = 1135.38
- reduced by one-third = **757**

Objector's Petition at ¶¶7-8, Objector's Response Brief at p. 6.

14. At the hearing on this matter, the Candidate conceded that if Objector's legal argument was correct (which Candidate obviously disagrees with), then the Objector's calculation of 757 minimum signatures would also be correct.

IV. MOTIONS FOR SUMMARY JUDGMENT

A. Candidate's Motion for Summary Judgment

15. Candidate argues in her motion for summary judgment that Section 7-10(h) of the Election Code is clear and unambiguous. The Candidate's argument centers on the calculation of minimum signatures based upon "votes cast in that district" at the last gubernatorial election. Effective January 1, 2022, the Second District is now comprised of five (5) counties instead of the previous thirteen (13) counties. Relying upon the statutory definition of "district", the Candidate states that the newly formed Second District has not voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Simply put, the Candidate argues that once the Second District was "re-districted", there were no votes "cast in that [Second Judicial] district" because the District did not exist in the last election. Therefore, the number of signatures defaults to the remaining language in Section 7-10(h) – "500 signatures." 10 ILCS 5/7-10(h).

16. The Candidate's legal argument relies mainly on two cases, *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2d Dist. 2002), and *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U.

17. The Candidate also argues that the parties must give deference to the Illinois State Board of Elections' ("ISBE") interpretation of Section 7-10(h) of the Election Code, as set forth in the 2022 Candidate's Guide issued by the ISBE issued in December 2021, and as it was subsequently amended ("2022 Candidate Guide"). Under the topic "Supreme Court Judge" and the a table entitled "Signature Calculations", the guide states that the minimum signature requirement for Judicial Districts 2 through 5 is 334 signatures for both the Republican and Democratic parties. (2022 Candidate Guide at p. 33).

18. In support of its calculation of 334 signatures, the 2022 Candidate Guide cites Illinois Public Act 102-0015 (now codified as 10 ILCS 5/2A-1.1b), which states that signature requirements for established party candidates for offices (other than, as set forth in ¶8, *supra*,

"statewide office", "office of Representative in the General Assembly", and "office of State Senator") shall be reduced by one-third:

> *Pursuant to PA 102-0015, for the 2022 General Primary and General Election only, all petitions for nomination of established party candidates for all other offices shall be reduced by one-third and any provision of the Illinois Election Code (10 ILCS 5/1 et seq.) limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third. The signature requirements above reflect a reduction of one-third. Also, the 2nd thru 5th districts were all redistricted in 2021 so the minimum requirement is 500 and reduced by one-third.

2022 Candidate's Guide at p. 33.

B. <u>Objector's Cross-Motion for Summary Judgment</u>

19. In its cross-motion for summary judgment and response to the Candidate's Motion for Summary Judgment, the Objector similarly argues that Section 7-10(h) of the Election Code is clear and unambiguous, but of course, reaches a different conclusion than the Candidate. Consistent with its Objection, and as set forth in ¶¶10-13, *supra*, the Objector calculated the required number of signatures as 757 based on its interpretation of "the plain language" of Section 7-10(h) of the Election Code.

20. The Objector also argues to the extent the Illinois Legislature intended to modify the signature requirements for primary elections that follow a redistricting, it has explicitly done so in other provision of Section 7-10. For example, in Section 7-10(b), which normally requires "signatures equal to 0.5%" of electors in the candidate's political party in the candidate's congressional district, but, "in the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures" of electors in the candidate's political party in the candidate's congressional district. Section 7-10(c) for county offices and Section 7-10(d) for Cook County offices contain similar caveats for modifying signature requirements in primary elections following a redistricting.

21. Relying upon the maxim *expression unius est exclusion alterius, e.g.*, "the enumeration of an exception in a statue is considered to be an exclusion of all other exceptions", the Objector argues that the lack of any such caveat for judicial offices in Section 7-10(h) demonstrates the Legislature did not intend to modify the signature requirements for these offices following a judicial redistricting.

22. The Objector argues that the legislative history of Section 7-10 confirms the Objector's position that judicial districts for statewide positions is not dependant upon districts having voted as unit previously.

23. The Objector argues that the Supreme Court's decision in *Corbin v. Schroeder*, 2021 IL 127052 prohibits the Candidate from arguing estoppel or detrimental reliance on the ISBE's interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide. Relying on *Corbin*, the Objector also asserts that no due process violation has occurred based upon the ISBE's statement of its interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide.

V. LEGAL ANALYSIS

24. "Access to a place on the ballot is a substantial right and not to be lightly denied." *Siegel v. Lake County Officers Electoral Bd.*, 385 Ill. App. 3d 452, 460 (2d Dist. 2008); *see also, Anderson v. Schneider*, 67 Ill.2d 165 (1977) ("We must be conscious of the broad interest which is to be served, namely, the rights of individual candidates to avail themselves of political opportunity and those of the voters to be given the opportunity to exercise an effective choice.")

A. After the Redistricting, No District Voted As A Unit for the Second District.

25. Section 7-10(h) specifically refers to a candidate who is seeking to run for judicial office in a "district". 10 ILCS 5/7-10(h). As defined in the Election Code:

> "District" means any area which **votes as a unit for the election of any officer**, other than the State or a unit of local government or school

> district, **and includes**, but is not limited to, legislative, congressional and **judicial districts**, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts.

10 ILCS 5/1-3(14) (emphasis added).

26. Following the redistricting of the Second Judicial District pursuant to the Judicial Districts Act, effective January 1, 2022, the Second Judicial District is now made up of five (5) Illinois Counties rather than its previous thirteen (13) county composition. *See* 705 ILCS 23/15. Since the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14).

27. The issue of whether a "district" exists following a redistricting was addressed directly in *Vestrup*. There, the Second District Court of Appeals determined that the candidate, a member of the Libertarian Party, was properly excluded from the ballot as a candidate for state representative for Representative District 47 in the 2002 general election because the Libertarian Party was not an established political party following the redistricting of the prior congressional district. *Vestrup*, 335 Ill.App.3d at 158.

28. In the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. Under Section 10-2 of the Election Code, since the Libertarian candidate received more than 5% of the vote cast in the previous general election, it was eligible to be considered an "established political party". *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id.* at 158. The *Vestrup* court found that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate.

29. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a "district" is defined as "any area which votes as a unit for the election of any officer." *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)). Describing the situation as "insurmountable" for the candidate, the court held that "the current District 47 could not have voted as a unit in the last election because the current District 47 did not exist in the last election." *Id.* at 163.

30. The Objector argues that the Candidate's reliance on the unpublished decision *Illinois Green Party* is misplaced and that Supreme Court Rule 23 prohibits the Candidate's citation to and reliance on the decision as it is not precedential. While the Objector correctly cites the restrictions of Rule 23, I find that it is unnecessary to decide whether the Candidate improperly cited this case. The *Vestrup* case (upon which the *Illinois Green Party* case heavily relies) is dispositive of the issue as set forth above. Moreover, I do not find any significant distinctions between the cases that require a separate analysis of *Illinois Green Party* here.

31. The Objector further argues in its response brief that since *Illinois Green Party* analyzes Section 10-2 of the Election Code instead of Section 7-10, the Candidate is comparing apples to oranges. The Objector argues that Section 10-2 expressly includes language that refers to districts "voting as a unit", which is completely absent from Section 7-10, and therefore signals the Legislature's intent that districts were not required to vote "as a unit" in Section 7-10.

32. The *Vestrup* case, which the Objector does not cite in its brief, addresses this issue directly and slams the door on the Objector's position. The *Vestrup* court could not "fathom" why Section 10-2 inexplicably refers to a "political party 'voting as a unit' in an election." *Id.* at 161. The court noted that "nowhere else in the Election Code is there any reference to a political party 'voting as a unit.'" *Id.* at 162. As set forth in ¶29, *supra*, the court then acknowledged the

definition of "district" in the Election Code, and interpreted Section 10-2 as making the status of an established political party expressly "contingent" on a district "having voted as a unit in the last election." *Id.*

33. The Objector's argument on this issue, including its argument that the legislative history of Section 7-10(h) supports its position, ignores the definition of "district" in the Election Code. The Objector's argument seems to be that "district" has a different meaning in Section 7-10(h) of the Election Code than it does in Section 1-3(14). The Objector's argument is unavailing. It is clear from the Election Code and *Vestrup* that district, by definition, means a judicial district which "votes as a unit for the election of any officer."

B. <u>The Minimum Number of Signatures of Judicial Office is 334</u>.

34. After determining that the current Second Judicial District did not vote as a unit in the last gubernatorial election, the only remaining and discernible number of requisite signatures set forth in Section 7-10(h) is 500, *e.g.*, "but in no event less than 500 signatures." 10 ILCS 5/7-10(h).

35. The amendment to the Election Code requires these 500 signatures "shall be reduced by one-third." 10 ILCS 5/2A-1.1b(b). Therefore, the correct number of signatures required for judicial office is 334 signatures.

C. The Candidate May Not Rely Upon the ISBE's Interpretation in the 2022 <u>Candidate's Guide</u>.

36. While, based on the above analysis in Sections V(A) and (B), the Candidate's argument is moot regarding deference to the ISBE's interpretation of Sections 5/7-10(h) and 5/2A-1.1b, I address the issue briefly solely for the purposes of completeness.

37. The Candidate carefully attempted to argue deference to the ISBE's interpretation in the 2022 Candidate's Guide, rather than estoppel or detrimental reliance. It is not clear that

she succeeded (*e.g.,* "candidates have the right to rely upon the Board's interpretation", Candidate's MSJ at ¶31). Regardless, the Illinois Supreme Court's decision in *Corbin* controls this issue. There, the Supreme Court reversed the electoral board, the circuit court and the appellate court, finding that the signature requirements of the Election Code are mandatory, and strict, and substantial compliance, is required. *Corbin*, 2021 IL 127052 at ¶¶45, 46. Any reliance by the Candidate on the interpretation provided by the ISBE, no matter the extenuating circumstances, would not be a basis to depart from the strict signature requirements of the Election Code.

D. <u>The Candidate Has Not Been Denied any Due Process</u>

38. Similarly, based on the above analysis in Sections V(A) and (B), the Candidate's argument is moot regarding any denial of due process. I address the issue briefly solely for the purposes of completeness. In *Briscoe v. Kusper*, 435 F.2d 1046 (7th Cir. 1970), the electoral board did not require strict compliance with a provision prior to 1967 that prohibited electors from signing more than one nominating petition. *Briscoe*, 435 F.2d at 1055. The board then changed course in 1967 and began strictly enforcing the provision without notice to the public. *Id.* That issue is inapplicable here as the amendment to the Election Code and the Judicial District Act has not been applied inconsistently to any candidate in violation of any due process rights.

<u>RECOMMENDATION</u>

For the foregoing reasons, I recommend the following:

1. That the Board overrule the Objector's objection that the Candidate is required to have 757 signatures in support of her Nomination Papers.

2. That the Board find that the minimum required number of signatures for judicial office for the Second Judicial District is 334 signatures.

3. That the Board find that the Candidate has 702 valid signatures, which is 368 signatures over the minimum requirement of 334 signatures.

4. That the Board grant the Candidate's motion for summary judgment on her interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

5. That the Board denies the Objector's motion for summary judgment on its interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

6. That the Board deny any remaining arguments in Candidate's motion for summary judgment as moot as set forth herein.

7. That the Board deny any remaining arguments in Objector's motion for summary judgment for the reasons set forth herein.

8. That the Board deny any remaining objections in Objector's petition for the reasons set forth herein.

9. That the Board order the name Susan F. Hutchinson be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

Dated: April 15, 2022

J. Michael Tecson
Hearing Officer

CERTIFICATE OF SERVICE

Service of the foregoing document was made by email to the following individuals on this 15th day of April 2022:

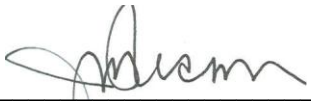
Alan Spellberg and Cacilia Masover c/o

John G. Fogarty, Jr. (fogartyjr@gmail.com)
Counsel for Objectors

Susan F. Hutchinson c/o

Daniel Bolin (dbolin@ancelglink.com)
Keri-Lyn J. Krafthefer (kkrafthefer@ancelglink.com
Counsel for Candidate

Illinois State Board of Elections General Counsel's office
(generalcounsel@elections.il.gov)



J. Michael Tecson
Hearing Officer

J. Michael Tecson
Hogan Marren Babbo & Rose, Ltd.
321 N. Clark Street, Suite 500
Chicago, IL 60654
(312) 946-1800
mt@hmbr.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF SUPREME COURT JUDGE TO FILL THE VACANCY OF THE HONORABLE ROBERT R. THOMAS, SECOND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

ALAN SPELLBERG and CACILIA MASOVER,	)
	)
Petitioner-Objectors,	)
	)
vs.	)
	)
SUSAN F. HUTCHINSON,	)
	)
Respondent-Candidate.	)

ORIGINAL ON FILE AT STATE BD OF ELECTIONS ORIGINAL TIME STAMPED 327p 3/21/22

OBJECTORS' PETITION

Now come ALAN SPELLBERG and CACILIA MASOVER (hereinafter referred to as the "Objectors"), and state as follows:

1. Alan Spellberg resides at 1241 Forest Avenue, Highland Park, Illinois, 60035, in the Second Judicial 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 Nomination and Election to the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial 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. Cacilia Masover resides at 1120 Hilary Lane, Highland Park, Illinois 60035, in the Second Judicial District of the State of Illinois; that she is duly qualified, registered and a legal voter at such address; that her 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 Nomination and Election to the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial 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.

3. Your Objectors make the following objections to the nomination papers of Susan F. Hutchinson ("the Nomination Papers") as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District of the State of Illinois, and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the Second Judicial District of the State of Illinois the signatures of not fewer than 757 duly qualified, registered, and legal voters of the Second Judicial District of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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.

5. Your Objectors state that pursuant Section 7-10(h) of the Election Code, a candidate who seeks to run for judicial office in a district must submit, at a minimum, the number of signatures equal to 0.4% (.004) of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event fewer than 500 signatures. 10 ILCS 5/7-10(h). For 2022 only, this minimum signature requirement is reduced by one-third. 10 ILCS 5/2A-1.1b(b).

6. Your Objectors state that the Second Judicial District of the State of Illinois is comprised of DeKalb, Kendall, Kane, Lake, and McHenry counties and no other territory whatsoever. 705 ILCS 23/15.

7. Your Objectors state that at the most recent general election at which a Governor was elected, which was 2018, the Republican candidate for Governor received the following number of votes in each county in the Second Judicial District:

DeKalb:	16,181
Kendall:	20,442
Kane:	77,289
Lake:	109,287
McHenry:	60,646
Total:	283,845

8. Your Objectors state that .4% (.004) of the 283,845 votes cast for the Republican candidate for Governor in the aforesaid counties comprising the Second Judicial District yields a minimum required number of signatures in the Second Judicial District of 1,135.38. For the 2022 election cycle only, pursuant to state law, this number is reduced by one-third, to 756.92. Accordingly, a minimum of 757 valid signatures are required to qualify for the ballot as a Republican candidate for the office of Supreme Court Judge in the Second Judicial District.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

9. Your Objectors state that the Candidate has filed 77 petition signature sheets containing 702 signatures of allegedly duly qualified, legal, and registered voters of the Second Judicial District of the State of Illinois.

10. Your Objectors state 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.

11. Your Objectors state that the Nomination Papers herein contested consist of various sheets purporting to contain the valid and legal signatures of 702 individuals which, on its face, is fewer than the statutory minimum of 757.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Susan F. Hutchinson as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial 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 Susan F. Hutchinson as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTORS

_____	_____
Alan Spellberg	Cacilia Masover
1241 Forest Avenue	1120 Hilary Lane
Highland Park, IL 60035	Highland Park, IL 60035

County of Lake)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Alan Spellberg on this the 19th day of March, 2022, at Highland Park, Illinois.

_____ (SEAL)
NOTARY PUBLIC

My Commission expires: 10/6/24

LAURA M COHN
Official Seal
Notary Public - State of Illinois
My Commission Expires Oct 6, 2024

County of _____)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Cacilia Masover on this the ____ day of March, 2022, at _____, Illinois.

_____ (SEAL)
NOTARY PUBLIC

My Commission expires: _____

Respectfully submitted,

OBJECTORS

_____	Cacilia Masover
Alan Spellberg	Cacilia Masover
1241 Forest Avenue	1120 Hilary Lane
Highland Park, IL 60035	Highland Park, IL 60035

County of _____)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Alan Spellberg on this the _____ day of March, 2022, at _____, Illinois.

_____ (SEAL)
NOTARY PUBLIC

My Commission expires: _____

County of LAKE)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Cacilia Masover on this the 19 day of March, 2022, at HIGHLAND PARK, Illinois.

_____ (SEAL)
NOTARY PUBLIC

My Commission expires: 8-31-2023

BETTY L RODRIGUEZ
Official Seal
Notary Public - State of Illinois
My Commission Expires Aug 31, 2023

Lara Labarbera and Alan R. Palmer v. Brad Schneider
22 SOEB GP 547

Candidate: Brad Schneider

Office: Representative – 10th Congressional District

Party: Democratic

Objector: Lara Labarbera and Alan R. Palmer

Attorney for Objector: Keri-Lyn Krafthefer, Daniel Bolin, Amber Samuelson

Attorney for Candidate: Michael Dorf

Number of Signatures Required: 400

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Candidate is alleged to have falsely represented his residency on his Statement of Candidacy, and thereby, he is disqualified from seeking office, and all of his nomination papers are invalidated.

Dispositive Motions and Briefs on the Merits:

Respondent-Candidate's Motion to Dismiss Objectors' Petition filed 3/31/22
Candidate argues the objection petition should be dismissed because, regardless of whether he used his old address or new address, either one qualifies him to hold the relevant office. Although the completion of his move to his new home has been delayed due to supply chain issues, he argues that using his new address was most appropriate because he no longer has intent to remain at his old home.

Memorandum in Support of Verified Objectors' Petition filed 4/1/22
Objectors argue that the Candidate's new address should not have appeared on his nomination papers because he had not yet established physical presence at that location, the new home had not yet been deemed habitable, and his old address was the proper one to use because the Candidate had not yet abandoned that residence. Therefore, Objectors contend the Candidate's statement of candidacy was false and should be invalidated.

Respondent-Candidate's Memorandum in Response to Objectors' Memorandum in Support of Verified Objectors' Petition filed 4/1/22

The Candidate argues he sold his old home in January 2022, his Statement of Candidacy is not false, and regardless of which home is his proper residence, it does not disqualify him from holding office.

Response in Opposition to Candidate's Motion to Dismiss Objectors' Petition filed 4/4/22
The Objectors argue that the Motion should be denied because it does not address the sufficiency of the objection petition, but rather, argues the merits of the case. They argue that this is not a residency case, rather, it's a case about the falsity of the Candidate's sworn statement of candidacy. The statement of candidacy is allegedly false because the Candidate had not met the test for residency when he signed the statement, had not lived at the new address long enough to register to vote there, and the nomination papers do not even substantially comply with the requirement "to tell the truth."

Candidate's Reply to Objectors' Response to Candidate's Motion to Dismiss Objectors' Petition filed 4/6/22
The Candidate further argues that he has established physical presence in his new home and distinguishes case law cited by Objectors.

Objectors' Reply in Further Support of Objectors' Petition filed 4/7/22
Objectors' reemphasize that this is a case about false papers, not about residency. They argue the Candidate swore he resides somewhere where he has never lived, and that should invalidate his candidacy.

Record Exam Necessary: No

Hearing Officer: David Herman

Hearing Officer Findings and Recommendations: First, with respect to Candidate's Motion to Dismiss, the Hearing Officer found that it improperly requested the Hearing Officer to decide a factual issue and rule on the merits of the case, and further that Candidate did not raise any issues in his Motion to Dismiss that had not been already been addressed through an evidentiary hearing and closing arguments. As such, the Hearing Officer recommends the Board deny Candidate's Motion to Dismiss.

Second, as to analyzing the merits of Objector's Petition, the Hearing Officer relies heavily on *In re Hacker*, 728 A.2d 1033, 1033 (Pa. Commw. Ct. 1999). In *Hacker*, as is the case here, the candidate owned two homes in the relevant district; one home was for sale and the newly purchased home was under renovation. The court determined that the candidate indeed intended to remain at the new home, and in fact believed that was his residence, but most importantly, either address used was in the proper district. On those bases, the court in *Hacker* held that the candidate listing a different address as his residence was not such a material defect in his candidate's affidavit such that his nominating petition should be invalidated. *Id.* at 1035. Using the same analysis, the Hearing Officer finds that Candidate had no intent to deceive voters by using the address of his newly purchased home and that particularly since both homes are in the same congressional district, using the address was not such a material defect that it should prevent ballot access.

As such, the Hearing Officer recommends the Board overrule objector's petition and that the name of Brad Schneider should be placed on the ballot as a Democratic party candidate for Representative in the 10th Congressional District of the State of Illinois.

Exceptions to Hearing Officer Recommendation: On April 18, 2022, the Objectors filed exceptions. Objectors contend the oath of the Statement of Candidacy is mandatory, and the Hearing Officer's Recommendation nullifies the Election Code's requirement that a candidate swear to an oath that is true. They further contend that the Recommendation ignores the physical presence test under *Maksym v. Board of Election Commissions*, 242 Ill. 2d 303 (2011).

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF REPRESENTATIVE IN CONGRESS FOR THE 10TH CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

Laura Labarbera and Alan R. Plamer, Petitioners-Objectors,	)))	
vs.	)	Case No. 22-SOEB-GP-547
	)	
Brad Schneider, Respondent-Candidate.	))	

AMENDED RECOMMENDATION

TO: Laura Labarbera and Alan R. Palmer
c/o Keri-Lyn J. Krafthefer
140 S. Dearborn Street, Sixth Floor
Chicago, IL 60603
kkrafthefer@ancelglink.com

Brad Schneider
c/o Michael C. Dorf
8170 McCormick Blvd, Suite 221
Skokie, IL 60076
mdorf@michaeldorflaw.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

This matter coming on for recommendation on the Verified Objection in this matter and the Hearing Officer states as follows:

PROCEDURAL HISTORY

Objectors' Petition was filed on March 21, 2022. The Petition objects to the nomination papers of Brad Schneider as candidate for the Office of Representative in Congress from the 10th Congressional District of the State of Illinois. The Petition alleges that Candidate's nomination papers are insufficient in fact and law for the following reasons:

5. Section 7-10 of the Illinois Election Code requires that a petition for nomination must include a statement of candidacy that:

> shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified voter of the party to which the petition relates . . . and shall be subscribed and sworn to by such candidate by some officer authorized to take acknowledgement of deeds in the State." 10 ILCS 5/7-10.

The statement of candidacy must be in substantially the following form:

> "I, ..., being first duly sworn, say that **I reside at** .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that **I am a qualified voter** therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeperson and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeepersons and delegates and alternate delegates) such office." 10 ILCS 5/7-10 (emphasis added).

6. No person shall be entitled to be registered in and from any precinct unless such person shall by the date of the election next following have resided in the State and within the precinct 30 days and be otherwise qualified to vote at such election. 10 ILCS 5/4-2.

7. Candidate's Statement of Candidacy states that:

> "I, Brad Schneider, being first duly sworn (or affirmed), say that **I reside at 349 Woodland Road, in the City of Highland Park, Zip Code 60035**, in the County of Lake, State of Illinois; that **I am a qualified voter** therein and am a qualified primary voter of the Democratic Party; that I am a candidate for nomination to the office of Representative in Congress of the State of Illinois for the 10th Congressional District, to be voted upon at the primary election to be held on June 28, 2022; that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and I hereby request that my name be printed upon the official Democratic Primary ballot for nomination for such office."

Statement of Candidacy (emphasis added).

8. Candidate's nominating petition sheets presented to petition signers state that:

> "We, the undersigned, members of and affiliated with the DEMOCRATIC Party and qualified primary electors of the DEMOCRATIC Party, in the 10TH Congressional District of the State of Illinois, do hereby petition that BRAD SCHNEIDER, **who resides at 349 Woodland Road, in the City of Highland Park, Zip Code 60035**, County of Lake and State of Illinois, shall be a candidate of the DEMOCRATIC Party for the nomination for the office of REPRESENTATIVE IN CONGRESS OF THE STATE OF ILLINOIS FOR THE 10TH CONGRESSIONAL DISTRICT, to be voted for at the primary election to be held on June 28, 2022."

Nominating Petition, (emphasis added).

9. Candidate has filed a false Statement of Candidacy and has made a false statement on each and every one of the petition signature sheets to the affect that he resides at "349 Woodland Road in the City of Highland Park, Zip Code 60035." At all times relevant, there has been no valid certificate of occupancy from the City of Highland Park. Candidate's false representations of his residency are in violation of 10 ILCS 5/7-10, making the nomination papers invalid and Candidate disqualified from, and ineligible to seek and serve in, the office the nomination papers are filed.

10. Candidate has filed a false Statement of Candidacy and has made a false statement on each and every one of the petition signature sheets by stating that he is a qualified voter at "349 Woodland Road in the City of Highland Park, Zip Code 60035." At all times relevant, Candidate has not resided at that address and his voter registration at that address is invalid. Such false representations as a qualified voter are in violation of 10 ILCS 5/7-10, making the nomination papers invalid and Candidate disqualified from, and ineligible to seek and serve in, the office the nomination papers are filed.

Objectors filed a Memorandum in Support of Verified Objectors' Petition on March 31, 2022 and Candidate filed a Response on April 4, 2022. Objectors then filed a Reply in Further Support of Verified Objectors' Petition on April 6, 2022.

Candidate filed a Motion to Dismiss on March 31, 2022 and Objectors filed a Response on April 4, 2022. Candidate filed a Reply to Objectors' Response to Candidate's Motion to Dismiss on April 6, 2022.

Objectors filed a Subpoena Request on March 31, 2022 for the issuance of a Subpoena for Personal Appearance and production of documents at the evidentiary hearing for the following individuals who are alleged to be able to show Candidate has filed a false Statement of Candidacy and has made a false statement on each and every one of the petition signature sheets: The person most knowledgeable at the City of Highland Park to produce certified records relevant to Candidate's clamed Highland Park residence, the person most knowledgeable at the Lake County Clerk's Office to produce certified voter registration records, change of address forms, and other records relevant to Candidate's clams of residence, the person most knowledgeable at the Lake County Recorder of Deeds office to produce the certified real estate records related to properties Candidate owns, the person most knowledgeable at the Lake County Assessor's Office to produce certified records relevant to Candidate's claimed homestead exemptions for properties located in Deerfield and Highland Park, and Candidate's disclaimed exemptions for the Highland Park house, the person most knowledgeable at the Commonwealth Edison to produce certified business records relevant to Candidate's claimed residency, including utility service records and bills for properties in Highland Park and Deerfield, the person most knowledgeable at North Shore Gas to produce certified business records relevant to Candidate's claimed residency, including utility service records and bills for properties in Highland Park and Deerfield, neighbors David and Morgan Rosenberg to testify to Candidate's lack of physical presence at the Highland Park house and lack of use of the house as a permanent abode during the petition circulation period and the date Candidate signed his statement of candidacy, neighbors Debra and Barry Kravitz to testify to Candidate's lack of physical presence at the Highland Park house and lack of use of the house as a permanent abode during the petition circulation period and the date Candidate signed his statement of candidacy, the person most

knowledgeable from Red Rock Custom Homes, LLC to testify to Candidate's lack of physical presence at the Highland Park house and lack of use of the house as a permanent abode during the petition circulation period and the date Candidate signed his statement of candidacy, the person most knowledgeable from Bulldog Security and Communications Systems, Inc. to testify to security installation at the Highland Park House and Candidate's lack of physical presence at the Highland Park house and lack of use of the house as a permanent abode during the petition circulation period and the date Candidate signed his statement of candidacy, and the person most knowledgeable from Il Forno Group, Inc. to testify to deliveries to Candidate and Candidate's lack of physical presence at the Highland Park house and lack of use of the house as a permanent abode during the petition circulation period and the date Candidate signed his statement of candidacy. It was the recommendation of the Hearing Officer that Objectors' Subpoena Requests be granted, that the Board issue the Subpoenas provided in Objectors' Subpoena Requests, and that the individuals listed in the request be required to appear at the evidentiary hearing to be set in this matter and to produce the requested materials at the evidentiary hearing. The Hearing Officer also recommended that Objectors be responsible for all costs associated with the issuance of the Subpoenas, service of the Subpoenas and the round-trip mileage for each witness from the witness' place of residence to the Board's office for the evidentiary hearing and/or the location of the discovery deposition. The Board agreed with the Hearing Officer's recommendation and issued the Subpoenas.

Candidate and Objectors filed their Evidence, Witness List, and Proposed Stipulation of Facts on April 6, 2022.

Candidate and Objectors filed their Supplemental Authority on April 7, 2022.

Candidate and Objectors agreed to Joint Stipulation of Facts and filed the same on April 12, 2022. The Stipulations include:

1. Brad Schneider ("Schneider") is the incumbent United States Representative for the 10th Congressional District of Illinois.

2. Brad Schneider has represented the 10th Congressional District of Illinois in the 113th Congress (2013-2015), and in the 115th, 116th, and 117th Congresses (2017-present).

3. On March 4, 2022, Schneider signed his Statement of Candidacy, under oath, stating that he resided at 349 Woodland Road, in the City of Highland Park, Illinois ("the Highland Park Home").

4. As of the filing of this document and prior to March 5, 2022, Schneider has not slept overnight at 349 Woodland Road, Highland Park, Illinois.

5. As of the date of this submission, Schneider and his family have not completely moved out of their home at 9 Tamarisk Lane, Deerfield, Illinois ("the Deerfield Home").

6. On December 4, 2001, Brad Schneider and his wife, Julie Dann, closed on the purchase of a house located at 9 Tamarisk Lane, Deerfield, Illinois 60015.

7. On November 19, 2019, Schneider and Dann closed on the purchase of property located at 349 Woodland Road, Highland Park, IL 60035.

8. Schneider and Dann retained Redrock Custom Homes LLC ("Redrock") to construct a new home at 349 Woodland Road, Highland Park, IL 60035.

9. On July 17, 2020, Redrock provided a detailed work plan for the Highland Park Home and estimated a completion date of September 16, 2021.

10. On or about August 6, 2020, plans for the Highland Park Home were finalized.

11. On December 4, 2020, the City of Highland Park issued to Redrock a series of permits to allow Redrock to begin construction of the Highland Park Home.

12. Construction of the Highland Park Home was not completed by September 2021.

13. Redrock revised its completion estimate to January or February 2022.

14. On December 20, 2021, Schneider and Dann purchased furniture for the Highland Park Home from Andrea Goldman Design. As of the date of this filing, some of the furniture has been delivered to the Highland Park Home.

15. On January 9, 2022, Schneider and Dann accepted an offer for the purchase of the Deerfield House and executed a Multi-Board Residential Real Estate Contract on that date for the sale of the Deerfield House. Payment of the remainder of earnest money due was received on January 19, 2022. Such contract calls for a closing to occur on April 29, 2022.

16. On January 12, 2022, Schneider changed his voter's registration from the address of the Deerfield House to that of the Highland Park Home, and a new voter's registration was issued by the Lake County, Illinois Clerk.

17. On or after January 13, 2022, the statutory commencement date, Schneider began circulating petitions for the nomination to the office of United States Representative for the 10th Congressional District of Illinois in the Primary Election to be held on June 28, 2022. The address on Schneider's petitions was that of the Highland Park Home.

18. On January 21, 2022, Redrock confirmed in writing that the home would be fit and ready for occupancy by March 1.

19. On February 16, 2022, Schneider attested to the circulator's affidavit on page 209 of his nomination petitions certifying that he resides at 349 Woodland Road, in the City of Highland Park, zip code 60015, Cook County, Illinois.

20. On February 17, 2022, Dann accepted an Estimate of Charges from First Class Moving & Storage, Inc. for the move from the Deerfield Home to the Highland Park Home showing a pickup date as "End April."

21. On March 4, 2022, Schneider signed a Statement of Candidacy in which he stated that "I reside at 349 Woodland Road, in the City of Highland Park, Zip Code 60035, in the County of Lake, State of Illinois.

22. Mail was delivered to Schneider and Dann at the Highland Park Home beginning not later than February 2022.

23. Mail continues to be delivered to Schneider and Dann at the Deerfield Home continuing after February 2022 and to present.

24. Utility service from Com Ed and North Shore Gas was billed to Schneider at the Highland Park Home from at least March 4, 2022.

25. Schneider and/or Dann continue to pay for utilities at the Deerfield Home as of the date of this Stipulation.

26. On March 7, 2022, Schneider filed nomination papers, including the Statement of Candidacy and petition sheets, with the Illinois State Board of Elections in Springfield, Illinois.

27. On March 18, 2022, a Conditional Certificate of Occupancy for the Highland Park Home was issued by the City of Highland Park, Illinois. No other Certificate of Occupancy was issued for the Highland Park address at any time prior to March 18, 2022.

28. On March 19, 2022, the Illinois Secretary of State issued a new driver's license to Schneider with the Highland Park Home address.

29. Article I, Section 2 of the United States Constitution states that "[n]o person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen."

30. A "qualified elector" on nomination papers "is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition." 10 ILCS 5/3-1.2.

31. A person is eligible to register to vote in a location where they have resided for 30 days before the "next preceding election." 10 ILCS 5/3-1.

32. Both 9 Tamarisk Lane, Deerfield, Illinois 60015 and 349 Woodland Road, Highland Park, IL 60035 are in the 10th Congressional District of Illinois.

33. As of the date of this filing, Schneider's personal automobiles are registered at the address of the Deerfield Home.

34. Schneider has ordered pizza to be delivered to the Deerfield Home. Schneider has not personally ordered any meals to be delivered to the Highland Park Home.

35. Schneider has ordered items through Amazon to be delivered to the Deerfield Home, but not to the Highland Park Home. Schneider and Dann have ordered other deliveries to the Highland Park Home, including a skirt and COVID tests.

36. Schneider's personal bank statements and bank accounts list the address of the Highland Park Home.

37. As of the date of this filing, Schneider's personal American Express credit card billing statements list the address of the Highland Park Home, as does his Mileage Plus credit card account.

38. Since at least December 2020 Schneider's blank checks bear the address of the Highland Park Home.

39. As of the date of this filing, Schneider's employment paycheck stubs bear the address of the Deerfield Home.

40. Schneider's 2020 federal and state tax returns listed the address of the Deerfield Home.

41. As of the date of this filing, Schneider has not changed his address by filling out a change of address card with the United States Post Office.

42. Schneider applied for a homestead exemption for the Deerfield Home for the 2020 tax year payable in 2021.

43. Schneider recently requested the Lake County Treasurer to remove the homestead exemption from the Highland Park Home for the 2020 – 2021 tax years. The underpayment of $510.25 was discovered on March 23, 2022, and paid in full on March 25, 2022.

An evidentiary hearing was held in this matter on April 13, 2022, at the Board offices in Springfield, Illinois and Chicago, Illinois. Objectors were present by their attorney, Keri-Lyn J. Krafthefer. Candidate was present in person with his attorney, Michael C. Dorf and by Marshall Blankenship who appeared via Zoom from Chicago, Illinois.

The following witnesses were called to testify: (1) Candidate; (2) Joshua Ackerman (project manager for RedRock Homes); and (3) Ron Blaustein. Additionally, Candidate submitted the affidavits of Rabbi Michael Schwab and Danny Kahn which were admitted over the objection of Objectors (one paragraph of an affidavit was stricken as hearsay relating to conversations with Candidate's wife). The evidence presented at the evidentiary hearing will be discussed as necessary below.

The following Exhibits were admitted at the April 13, 2022, evidentiary hearing.

1. Board Exhibit A.
2. Board Exhibit B.
3. Candidate's Exhibit A.
4. Candidate's Exhibit B.

5. Candidate's Exhibit C.
6. Candidate's Exhibit D.
7. Candidate's Exhibit E.
8. Candidate's Exhibit F.
9. Objectors' Exhibit A.
10. Objectors' Exhibit B.
11. Objectors' Exhibit C.
12. Objectors' Exhibit D.
13. Objectors' Exhibit F.
14. Objectors' Group Exhibit G.

On April 15, 2022, both Candidate and Objectors filed written closing arguments.

ANALYSIS

I. Candidate's Motion to Dismiss

On March 31, 2022, Candidate filed a Motion to Dismiss arguing that the objections should be dismissed because he is a resident of the Highland Park Home and, alternatively, that he has substantially complied with Section 7-10 of the Election Code by providing the address of the Highland Park Home. The Motion to Dismiss attached his affidavit and other documents. It is well-settled that affidavits and other supporting materials may not be considered in ruling on section 2-615 motion to dismiss. *Premier Electrical Construction Co. v. La Salle National Bank*, 115 Ill. App. 3d 638, 643 (1st Dist. 1983). The Motion to Dismiss asks the Hearing Officer to decide a factual issue and rule on the ultimate merits of the case, rather than asserting some other deficiency. Moreover, because an evidentiary hearing was held at which evidence was produced and the parties have submitted written closing arguments addressing the same issues raised by Candidate's Motion to Dismiss, it is this Hearing Officer's recommendation that Candidate's Motion to Dismiss be denied and that any ruling in this matter be on the merits.

II. Subpoena Requests by Objectors

Objectors filed Subpoena Requests for Personal Appearance and production of documents at the evidentiary hearing to numerous people. The Hearing Officer recommended that the Subpoena Requests be granted and that the individuals listed be required to appear at the evidentiary hearing and to produce the requested materials.

III. Recommendation on Merits of Objectors' Petition

The objections in this case involve the requirements of 10 ILCS 5/7-10. Section 7-10 of the Election Code governs the form and content of a candidate's nominating papers. In order to be placed on the primary ballot, a candidate must submit nominating petitions in the requisite form containing the required number of signatures. Here, there is no issue with the number of signatures. Rather, the Objectors alleged that Candidate does not reside at the address identified as Candidate's address on the petition sheets and statement of candidacy.

For the following reasons and based on the unique set of facts in this matter, the Hearing Officer recommends that the Objections be overruled and that Candidate be allowed to appear on the ballot.

Objectors' Argument

In this case, Objectors allege Candidate should not be on the ballot because he did not reside at 349 Woodland Road in the City of Highland Park, Zip Code 60035 ("Highland Park Home") during the petition circulation period and at the time he signed his statement of candidacy. Objectors claim that Candidate has made a false statement on each and every one of his petition signature sheets, filed a false Statement of Candidacy, and made a false statement on each and every one of one of his signature sheets by stating that he is a qualified voter at the Highland Park Home. According to Objectors, these false representations invalidate Candidate's nomination papers and disqualify Candidate from, and make him ineligible to seek and serve in, the office the nomination papers are filed.

In their written closing argument, Objectors cite *Maksym v. Bd. Of Elec. Comm.*, 242 Ill. 2d 303 (2011) for the proposition that Candidate has not established residency at the Highland Park Home. In that case, the Illinois Supreme Court stated that "to establish residency, two elements are required: (1) physical presence, and (2) an intent to remain in that place as a permanent home." *Maksym*, 242 Ill. 2d at 319. Objectors claim that Candidate has not moved into the Highland Park Home and therefore has not established a physical presence there. Therefore, according to Objectors, Candidate's nominating petition sheets and Statement of Candidacy failed to accurately set forth his address and are invalid.

Throughout the proceedings, Objectors have cited numerous cases in support of their argument. These cases include the following (the parentheticals are Objectors' description of what each case stands for in their "Supplemental Authority"):

1. *Cinkus v. Vill. of Stickney Mun. Officers Electoral Bd.*, 228 Ill.2d 200 (2008) (Candidate's statement of candidacy must be true at the time of filing).
2. *Muldrow v. Mun. Officer Electoral Bd.*, 2019 IL App (1st) 190345 (stating that a candidate's inaccurate statement that he is qualified for office constitutes a valid basis to remove the candidate's name from the ballot).
3. *Cullerton v. Du Page County Officers Electoral Bd.*, 384 Ill. App. 3d 989 (2d Dist. 2008) (disqualifying candidate based on false statement of candidacy when candidate attempted to run as Democratic candidate even though he was secretly affiliated with and a primary voter of Republican party).
4. *Goodman v. Ward*, 241 Ill. 2d 398 (2011) (Judicial candidate's name should have been removed from the ballot when candidate falsely stated his residence in his statement of candidacy).
5. *McCullough v. La Velle*, 141 Ill. App. 3d 983 (1st Dist. 1986) (electoral board properly removed candidate's name from the ballot when the candidate falsely stated his place of residence in his statement of candidacy).
6. *Tintor v. Ortiz*, 95-EB-ALD-77 (Chicago Electoral Board 1995) (overruling objections when Candidate's nominating petitions listed his proper residence, although the heading omitted the name of the City of residence).

7. *Lenzen v. Orozco*, 01-EB-ALD-04 (Chicago Electoral Board 2001) (overruling objections when candidate omitted part of her residential address in heading of nominating petition, but complete address could be discerned at the bottom of each nominating sheet and on each of the affidavits circulated by the candidate).
8. *Collier v. Robertson*, 99-EB-ALD-181 (Chicago Electoral Board 1999), affirmed, Robertson v. Bd. of Election Commissioners, 99 CO 30, Cir. Ct. Cook Co., 1999) (statement of candidacy void when candidate falsely represented his place of residency).
9. *Mnyofu v. Griffin*, No. 14-COEB-SD-100 (Cook Cty. Electoral Board 2015) (sustaining objections when Candidate used address at which he did not reside on his sworn Statement of Candidacy).

Candidate's Argument

Candidate contends that Objectors have not shown that he should be removed from the ballot. Candidate points out that under the United States Constitution, and as referenced in the 2022 State Board of Elections Candidate's Guide, the only residency requirement for United States Congress is to be an "[i]nhabitant of Illinois at the time of the election." Although there is no requirement that he be a resident of the 10th District, Candidate has been one for the last 31 years and the Highland Park Home is in the 10th District.

Additionally, Candidate argues he is a resident of the Highland Park Home. Candidate contends that residency is not established using an "actually lives" or actually resides standard, as the Illinois Supreme Court has determined such a standard is not practical, citing *Maksym*, 242 Ill. 2d at 325-26. According to Candidate, he has abandoned his Deerfield house by signing the contract to sell the house on January 9, 2022, and in the process of moving to the Highland Park Home. He further argues he has established a physical presence at the Highland Park Home.

Finally, Candidate argues the even if the Board were to find he is not yet a residence at the Highland Park Home, he substantially complied with Illinois Election law.

Analysis

"Section 7–10 of the Election Code governs the form and content of nominating petitions." *Wiesner v. Brennan*, 2016 IL App (2d) 160115, ¶ 26. Section 7-10 of the Illinois Election Code requires that each petition sheet filed on a candidate's behalf:

> must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified

10 ILCS 5/7-10. Additionally, Section 7-10 requires the candidate to fill out a statement of candidacy that is in substantially the following form:

> I, ..., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for

election in the case of committeeperson and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date)

10 ILCS 5/7-10.

At various points in these proceedings, Objectors have stated that this case is not about residency and that it is not about qualifications. See *Objectors' Closing Argument*, at pg. 2 ("This is not about residency, it is about honesty"); see also *Objectors' Reply in Further Support of Objectors' Petition*, at pg. 5 ("This is not about the Candidate's qualifications for office, but about whether the Candidate truthfully stated his residence address in his nomination papers"). However, because all of Objector's arguments regarding false statements on his nominating papers are based upon their claim that Candidate did not reside at the Highland Park Home, Objectors necessarily spend much time focusing on Candidate's residence.

The Hearing Officer begins his analysis by first noting that access to a place on the ballot is a substantial right that will not lightly be denied. *McCaskill v. Mun. Officers Electoral Bd. for City of Harvey*, 2019 IL App (1st) 190190, ¶ 15. Moreover, the purpose of the nomination petition sheets "is for registered voters in the political subdivision to demonstrate their support for placing [the candidate] on the ballot for the office [sought]. The purpose of the Statement of Candidacy, on the other hand, is for [the candidate] to swear under oath that he is a registered voter in the subdivision; that he is seeking to be placed on the ballot for a specific office, and, that he is qualified for that particular office." *Cohen v. Vaughn*, 2021 IL App (2d) 210084-U[1], ¶ 19; see also *Zapolsky v. Cook Cty. Officers Electoral Bd.*, 296 Ill. App. 3d 731, 734 (1st Dist. 1998) ("the apparent purpose of the requirement that a statement of candidacy be included as a part of a candidate's nominating papers was to obtain a sworn statement from the candidate establishing his qualifications to enter the primary election for the office he sought").

As set forth above, our Supreme Court has identified several principles that inform the residency analysis. "First, to establish residency, two elements are required: (1) physical presence, and (2) an intent to remain in that place as a permanent home. Second, once residency is established, the test is no longer physical presence but rather abandonment.

* * *

[A] residence is not lost 'by temporary removal with the intention to return, or even with a conditional intention of acquiring a new residence, but when one abandons his home and takes up his residence in another county or election district.' Third, both the establishment and the abandonment of a residence is principally a question of intent. And while '[i]ntent is gathered primarily from the acts of a person', a voter is competent to testify as to his intention, though such testimony is not necessarily conclusive. Fourth, and finally, once a residence has been established, the presumption is that it continues, and the burden of proof is on the contesting party to show that it has been abandoned." *Maksym*, 242 Ill. 2d at 319 (quotations and citations omitted).

[1] Rule 23 Orders entered after January 1, 2021, may be cited for persuasive purposes.

While Objectors state that this case is not about Candidate's qualifications for the office of United States Representative, almost all of the cases they cite are cases regarding residency and/or qualifications for office. For example, in *Cinkus*, the Candidate was found to be ineligible to run for office because the candidate was in arrears of a debt owned to the village at the time he filed his nomination papers. *Cinkus*, 228 Ill. 2d at 222.

In *Muldrow*, 2019 IL App (1st) 190345), ¶¶ 20-29, the issue was whether the doctrine of incompatibility of two offices could be a basis for finding a statement of candidacy false because it stated that the candidate was qualified for the office sought.

In *Cullerton*, 384 Ill. App. 3d 989, the issue related to whether the candidate was a qualified primary voter of the part to which the petition relates. The candidate attempted to run as the Democratic candidate for a legislative office, although he was secretly affiliated with and a primary voter of the Republican Party, and the court found his statement of candidacy false because he was not a qualified voter of the Democratic party and disqualified his candidacy. The court's finding indicated fraud.

Goodman, 241 Ill 2d 398, is a residency case but is distinguishable from this case because residency affected the qualifications for office sought by the candidate. Judges are required to be a resident of the unit that selects him. In *Goodman*, the court found the candidate's statement that he was legally qualified to the hold the office of Circuit Court Judge for the 12th District, 4th Judicial Subcircuit was untrue because he was not a resident of the 4th Judicial Subcircuit at the time he filed his petition papers. Thus, he was not qualified for the office. Here, Candidate was a resident of Illinois (always within the 10th Congressional District) and otherwise met the United States Constitution's requirements to be qualified for the office of Representative.

McCullough, 141 Ill. App. 3d 983, is also a residency case and distinguishable from this case because residency affected the qualifications for the office sought by the candidate. A Candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. In *McCullough*, the candidate sought election as ward committeeman in the 15th Ward and submitted a statement of candidacy stating he resided at an address in the 15th Ward. The evidence showed he lived outside the 15th Ward and did not plan to move to the 15th Ward until during or after the election. Thus, his statement of candidacy was false.

Objectors also cite several Chicago Electoral Board Decisions: (1) *Tintor*; (2) *Lenzen*; (3) *Collier*; and (4) *Mnyofu*. Of these cases, only *Collier* and *Mnyofu* arguably bear on the issues here. In *Collier*, the Electoral Board found that the candidate neither maintained a physical presence nor demonstrated an intent to remain as the address he used on his Statement of Candidacy. Thus, his statement was void and the nomination papers were found to be invalid. In *Mnyofu*, the evidence showed the candidate did not reside at the address listed on his Statement of Candidacy or on his circulator's affidavit. Thus, his nominating papers were held not to comply with Sections 10-4 and 10-5 of the Election Code.

In this case, to be qualified for the office sought, Candidate must be a United States citizen for at least seven years, at least 25 years of age, and a resident of Illinois. The only residency requirement is that the candidate be a resident of Illinois. There is no dispute that Candidate meets these requirements and is qualified for the office he seeks. Moreover, despite

not being a requirement, there is no dispute that Candidate has been and will be a resident of the 10th Congressional District before, during, and after the election. Candidate has been at the Deerfield Home since 2001 and is in the process of moving to the Highland Park Home. Both homes are in the 10th Congressional District.

This Recommendation is based upon a unique set of circumstances, involving a short period of time during which Candidate is moving and selling his house during the petition circulation period. Objector has asserted many times, Candidate made a false statement in his nomination papers. The relevant facts are as follows. See *Bd. Exhibit A.* Candidate is the incumbent United States Representative for the 10th Congressional District of Illinois. *Bd. Exhibit A, at ¶ 1*. Candidate has represented the 10th Congressional District of Illinois in the 113th Congress (2013-2015), and in the 115th, 116th, and 117th Congresses (2017-present). *Bd. Exhibit A, at ¶ 2*. Article I, Section 2 of the United States Constitution states that "[n]o person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen." *Bd. Exhibit A, at ¶ 29*.

Candidate and his family closed on the purchase of a house located at 9 Tamarisk Lane, Deerfield, Illinois 60015 in December 2001. *Bd. Exhibit A, at ¶ 6*. The Deerfield Home is in the 10th Congressional District of Illinois. *Bd. Exhibit A, at ¶ 32*.

On November 19, 2019, Candidate and his wife bought Property located at 349 Woodland Road, Highland Park. *Bd. Exhibit A, at ¶ 7*. The Highland Park Home is also in the 10th Congressional District of Illinois. *Bd. Exhibit A, at ¶ 32*.

Candidate hired Redrock Custom Homes LLC ("Redrock") to demolish the then existing home and construct a new home. *Bd. Exhibit A, at ¶ 8; Testimony of Joshua Ackerman at April 13, 2022 Evidentiary Hearing*. On July 17, 2020, Redrock provided a detailed work plan for the Highland Park Home and estimated construction would be completed on September 16, 2021. *Bd. Exhibit A, at ¶ 9*. Construction was not completed by September 2021 because of COVID delays that affected getting materials and available workers/subcontractors. *Testimony of Joshua Ackerman at April 13, 2022 Evidentiary Hearing.* Redrock revised its estimated completion date to January or February 2022.

In December 2021, Candidate and his wife bought furniture for the Highland Park Home and some of it has been delivered to the Highland Park Home. *Bd. Exhibit A, at ¶ 14*.

On January 9, 2022, Candidate and his wife accepted an offer for purchase of their Deerfield Home and executed a Multi-Board Residential Real Estate Contract (*Objectors' Exhibit B)*. *Bd. Exhibit A, at ¶ 15*. On January 12, 2022, Candidate changed his voter's registration to the Highland Park Home address and a new voter's registration was issued by the Clerk of Lake County, Illinois. *Bd. Exhibit A, at ¶ 16; see also Bd. Exhibit B*.

On January 13, 2022, Candidate began circulating petitions for nomination to the office of United States Representative for the 10th Congressional District in the Primary Election to be held on June 28, 2022. *Bd. Exhibit A, at ¶ 17*. The address on the petitions was that of the Highland Park Home. *Bd. Exhibit A, at ¶ 17.* As of January 13, 2022, Candidate still hoped for completion of the Highland Park Home by sometime in February 2022. *Candidate's Testimony*

at April 13, 2022 Evidentiary Hearing. Redrock confirmed in writing that the Highland Park Home would be fit and ready for occupancy by March 1, 2022. *Bd. Exhibit A, at ¶ 18*.

Joshua Ackermann testified that he spoke with Candidate at the beginning of February that Candidate and his wife would be able to move in by the end of February 2022. He had started the process of getting inspections. Mr. Ackerman testified that it is Redrock's practice in Highland Park to tell new homeowners that once inspectors approve the interior work, new owners could move in prior to receiving conditional permit of occupancy. *Joshua Ackerman's Testimony at April 13, 2022 Evidentiary Hearing.* However, the conditional occupancy permit was not issued for the Highland Park Home until March 18, 2022. *Bd. Exhibit A, at ¶ 27*. Candidate and his wife have received mail at the Highland Park Home since at least February 2022 but also continue to receive mail at the Deerfield Home. *Bd. Exhibit A, at ¶¶ 22-23*. Utility service from Com Ed and North Shore Gas was billed to Candidate at the Highland Park Home from at least March 4, 2022. *Bd. Exhibit A, at ¶¶ 24*. Candidate and/or his wife continue to pay for utilities at the Deerfield Home. *Bd. Exhibit A, at ¶ 25*.

On February 16, 2022, Candidate signed his circulator's affidavit for the one petition sheet that he circulated. *Bd. Exhibit A, at ¶ 19; see also Objector's Exhibit A*. This petition sheet states that he resides at the Highland Park Home. *Bd. Exhibit A, at ¶ 19; see also Objector's Exhibit A*.

On March 4, 2022, Schneider signed his Statement of Candidacy, under oath, stating that he resided at 349 Woodland Road, in the City of Highland Park, Illinois ("the Highland Park Home"). On March 7, he filed his nomination papers with the Illinois State Board of Election. *Bd. Exhibit A, at ¶ 26*.

As of April 12, 2022 (the date of filing of the Parties Joint Stipulation), and prior to March 5, 2022, Candidate has not slept overnight at the Highland Park Home. *Bd. Exhibit A, at ¶ 4*. Nor has Candidate and his family completely moved out of the Deerfield Home. *Bd. Exhibit A, at ¶ 5*. Candidate testified that he started moving things in on March 4, 2022, which included mostly board games and library materials. He also testified that his wife started moving things in before him, although he did not know what she moved. *Candidate's Testimony at April 13, 2022 Evidentiary Hearing.*

Candidate testified that he listed the Highland Park Home as his residence because he had sold the Deerfield Home. The Highland Park Home was where he was going to be possibly for the rest of his life. Candidate did not believe that he was deceiving signers of his nomination papers when he listed the Highland Park Home as his address as he believed that was his address. There was no question in Candidate's mind that the Highland Park Home was the address that should have been on his papers because voters deserved to see where he will be. *Candidate's Testimony at April 13, 2022 Evidentiary Hearing.* The Hearing Officer finds the Candidate to be a credible witness, with no intent to deceive or engage in any dishonest conduct by placing the Highland Park Home on his nomination papers and finds his testimony truthful.

Strictly applying the two-element residency analysis, *i.e.*, physical presence and intent to remain, leads to an absurd result in this case because, although there is no dispute he owns two houses in the 10th Congressional District and has resided within the District at all relevant times, Candidate arguably cannot meet the technical definition of residency at either the Deerfield

Home or Highland Park Home. Candidate entered into a contract to sell the Deerfield Home on January 9, 2022 and began moving some of his belongings into the Highland Park Home on March 4, 2022, (and his wife started earlier). He also testified he had no intent to remain at the Deerfield Home and considered the Highland Park Home his new address. Thus, Candidate clearly did not intend to stay at the Deerfield Home. If Candidate had used the Deerfield Home, we may very well be here on an objection that Candidate did not reside there because he has no intent to remain there, had entered into a contract for sale, and had started moving personal belongings. However, while Candidate began moving belongings on March 4, 2022, (and his wife before then) he readily admits he has not slept at the Highland Park Home.

This is not a case where Candidate has listed the Highland Park Home to comply with a residency requirement or confuse or deceive voters. He is in the process of moving from one home in the 10th Congressional District to another home in that district. The move has no effect on his qualifications for office.

Neither the parties nor the Hearing Officer were able to find a reported Illinois appellate or Supreme Court case with a similar narrow fact pattern. Additionally, the two arguably relevant Chicago Electoral Board cases are distinguishable. The case most similar to this case that this Hearing Officer was able to find is a case out of Pennsylvania. See *In re Hacker*, 728 A.2d 1033, 1033 (Pa. Commw. Ct. 1999). In *Hacker*, the objector appealed from an order denying his petition to set aside the nomination petition of William Hacker for democratic nomination for Sheriff of Berks County. *In re Hacker*, 728 A.2d at 1033.

Hacker was a constable in Kutztown, Pennsylvania in Berks County. The candidate in *Hacker* and his wife owned two homes in Berks County, one in Fleetwood and one in Kutztown. At the top of his candidate's affidavit, Hacker listed his Kutztown home as his residence. The objector filed a petition contending the affidavit was materially false because his residence was not in Kutztown but was in Fleetwood. The Objector argued that the defect was such a material defect that the nomination petition should be set aside. *In re Hacker*, 728 A.2d at 1033.

At the hearing, several witnesses, including Hacker's neighbors at the Fleetwood address and a representative of the Fleetwood School District testified. The neighbors testified they consistently saw Hacker at the Fleetwood address several times a week. The school representative testified that Hacker's daughter indicated on a school information card that she lived with both of her parents and that her home address was at the Fleetwood address. Moreover, a contractor in the Kutztown area testified he observes Hacker's Kutztown house several times a day and that it does not appear that anyone lives in that home. *In re Hacker*, 728 A.2d at 1033.

Hacker testified that the Kutztown residence on his nomination papers was correct. He stated he had purchased a home in Kutztown, was attempting to refurbish it, and that he had listed the Fleetwood home for sale. Additionally, Hacker's voter registration card and his vehicle registration card listed his Kutztown home as his residence. *In re Hacker*, 728 A.2d at 1034.

The court noted that Section 413 of Pennsylvania's County Code establishes the qualifications required to hold a county office and states "No person shall be elected to any county office, except the office of district attorney otherwise provided for by this act, unless he

shall be at least eighteen years of age, a citizen of the United States and a resident of the county, and shall have resided within the county for one year next preceding his election." *In re Hacker*, 728 A.2d at 1035. In rejecting the objector's arguments, the court stated as follows:

> It is undisputed that both of Hacker's "residences" are in Berks County and, therefore, even if he provided a different address on his candidate's affidavit, such a defect is not material as long as his true residence is also in Berks County, which it is. Additionally, Common Pleas found that Hacker actually believed that his residence was in Kutztown, having bought a home there, and that there was no intention on Hacker's part to deceive anyone. * * * [W]e do not believe that Hacker's listing a different address as his residence is such a material defect in his candidate's affidavit that it would cause his nominating petition to be set aside because it is undisputed that both of his addresses are in Berks County.

In re Hacker, 728 A.2d at 1035; see also *Maloney v. Ulster Cty. Bd. of Elections*, 21 A.D.3d 692, 693, 800 N.Y.S.2d 249 (2005) ("Where a candidate's address is erroneously stated on the designating petition, but there is no showing of an intent by the candidate to mislead or confuse signatories as to his or her identity, nor a showing that the error would or did tend to mislead or confuse anyone, the designating petition should not be invalidated").

Similarly, Candidate in this case owns two homes in the 10th Congressional District. He entered into a contract to sell the Deerfield Home on January 9, 2022, prior to circulating nomination petitions. Thus, he had no intention to remain at the Deerfield Home. Moreover, at the time he began circulating petition sheets, Candidate believed he would be able to move into the Highland Park Home in February 2022, prior to when his Statement of Candidacy was due. His voter registration is at the Highland Park Home and he receives some mail there. As in *Hacker*, the Hearing Officer, under the narrow facts presented, concludes there was no intent to deceive anyone and listing the Highland Park Home address was not such a material defect in his nomination papers, if a defect at all, that should cause him to be denied being placed on the ballot.

For these reasons, it is this Hearing Officer's Recommendation that Objectors' Petition be Overruled, and that Candidate's name be placed on the ballot. This Recommendation is limited to the narrow and unique facts of this case.

CONCLUSION

Because Candidate **HAS** submitted valid nomination papers as set forth in the Election Code, the Hearing Officer recommends that Candidate's name **BE PLACED** on the ballot as a candidate for the Office of Representative in Congress from the 10th Congressional District of the State of Illinois.

DATED: April 16, 2022

/s/ David A. Herman
David A. Herman, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of April, 2022, service of the foregoing document was made by electronic transmission from the office of the undersigned to the following individuals:

Laura Labarbera and Alan R. Palmer
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/s/ David A. Herman
David A. Herman, Hearing Officer

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS OF THE STATE OF ILLINOIS FOR THE 10TH CONGRESSIONAL DISTRICT

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 3:23 PM 21 MAR 2022

LAURA LABARBERA and ALAN R. PALMER, Petitioners-Objectors, v. BRAD SCHNEIDER, Respondent-Candidate.	No.: .

VERIFIED OBJECTORS' PETITION

INTRODUCTION

LAURA LABARBERA and ALAN R. PALMER, (the "Objectors"), for and in support of their Verified Objectors' Petition state as follows:

1. Objector LAURA LABARBERA resides at 1077 Coventry Drive, in the City of Lake Forest, Lake County, Illinois 60045 in the 10th Congressional District of the State of Illinois and is a duly qualified, legal and registered voter at that address.

2. Objector ALAN R. PALMER resides at 1077 Coventry Drive, in the City of Lake Forest, Lake County, Illinois 60045 in the 10th Congressional District of the State of Illinois and is a duly qualified, legal and registered voter at that address.

3. The Objectors' interest in filing this petition ("Petition") is that of voters who desire that the laws governing the filing of nomination papers for the Office of Representative in Congress of the State of Illinois for the 10th Congressional District are properly complied with and that only qualified candidates, appear on the ballot for said office.

OBJECTIONS

4. The Objectors make the following objections to the purported nomination papers (the "Nomination Papers") of BRAD SCHNEIDER ("Schneider" or "Candidate") as a candidate for nomination to the office of Representative in Congress of the State of Illinois for the 10th Congressional District (the "Office") to be voted on at the General Primary Election on June 28, 2022 (the "Election"). The Objectors state that the Nomination Papers are insufficient in fact and law for the following reasons:

5. Section 7-10 of the Illinois Election Code requires that a petition for nomination must include a statement of candidacy that:

> "shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified voter of the party to which the petition relates . . . and shall be subscribed and sworn to by such candidate by some officer authorized to take acknowledgement of deeds in the State." 10 ILCS 5/7-10.

The statement of candidacy must be in substantially the following form:

> "I, ..., being first duly sworn, say that **I reside** at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that **I am a qualified voter** therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeperson and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeepersons and delegates and alternate delegates) such office." 10 ILCS 5/7-10 (emphasis added).

6. No person shall be entitled to be registered in and from any precinct unless such person shall by the date of the election next following have resided in the State and within the precinct 30 days and be otherwise qualified to vote at such election. 10 ILCS 5/4-2.

7. The Candidate's Statement of Candidacy states that:

"I, Brad Schneider, being first duly sworn (or affirmed), say that **I reside at 349 Woodland Road, in the City of Highland Park, Zip Code 60035**, in the County of Lake, State of Illinois; that **I am a qualified voter therein** and am a qualified primary voter of the Democratic Party; that I am a candidate for nomination to the office of Representative in Congress of the State of Illinois for the 10th Congressional District, to be voted upon at the primary election to be held on June 28, 2022; that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and I hereby request that my name be printed upon the official Democratic Primary ballot for nomination for such office."

Statement of Candidacy (emphasis added).

8. The Candidate's nominating petition sheets presented to petition signers state that:

"We, the undersigned, members of and affiliated with the DEMOCRATIC Party and qualified primary electors of the DEMOCRATIC Party, in the 10TH Congressional District of the State of Illinois, do hereby petition that BRAD SCHNEIDER, **who resides at 349 Woodland Road, in the City of Highland Park, Zip Code 60035**, County of Lake and State of Illinois, shall be a candidate of the DEMOCRATIC Party for the nomination for the office of REPRESENTATIVE IN CONGRESS OF THE STATE OF ILLINOIS FOR THE 10TH CONGRESSIONAL DISTRICT, to be voted for at the primary election to be held on June 28, 2022."

Nominating Petition (emphasis added).

9. The Candidate has filed a false Statement of Candidacy and has made a false statement on each and every one of the petition signature sheets to the affect that he resides at "349 Woodland Road in the City of Highland Park, Zip Code 60035." At all times relevant, there has been no valid certificate of occupancy from the City of Highland Park. The Candidate's false representations of his residency are in violation of 10 ILCS 5/7-10, making the nomination papers invalid and the Candidate disqualified from, and ineligible to seek and serve in, the office the nomination papers are filed.

10. The Candidate has filed a false Statement of Candidacy and has made a false statement on each and every one of the petition signature sheets by stating that he is a qualified

voter at "349 Woodland Road in the City of Highland Park, Zip Code 60035." At all times relevant, the Candidate has not resided at that address and his voter registration at that address is invalid. Such false representations as a qualified voter are in violation of 10 ILCS 5/7-10, making the nomination papers invalid and the Candidate disqualified from, and ineligible to seek and serve in, the office the nomination papers are filed.

11. For these reasons, the Candidate's statement of candidacy and nomination petitions sheets are false and invalid. The Candidate's name should not appear on the ballot for the office of Representative in Congress of the State of Illinois for the 10th Congressional District for the upcoming primary election.

WHEREFORE, the Objectors request a hearing on the objections stated herein, an examination by the Electoral Board of the official records relating to the matters alleged herein, a ruling that the Nomination Papers are invalid as not lawful, and a ruling that the name of Brad Schneider shall not appear on the ballot for nomination of the Democratic Party to the office of Representative in Congress of the State of Illinois for the 10th Congressional District for the General Primary Election on June 28, 2022.

OBJECTORS

By one of their attorneys

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STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

The undersigned, LAURA LABARBERA, upon oath deposes and says that she is one of the Objectors identified in the attached Verified Objector's Petition, that she has reviewed the allegations contained in said Petition and is familiar with the matters alleged therein, and that such allegations are true.

Objector

Subscribed and Sworn to before me by Laura LaBarbera this 21st Day of March, 2022.

NOTARY PUBLIC

(seal)

OFFICIAL SEAL
JERRY KAHN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Jan. 05, 2024

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

The undersigned, ALAN R. PALMER, upon oath deposes and says that he is one of the Objectors identified in the attached Verified Objector's Petition, that he has reviewed the allegations contained in said Petition and is familiar with the matters alleged therein, and that such allegations are true.

Objector

Subscribed and Sworn to before me by Alan R. Palmer this 21st Day of March, 2022.

NOTARY PUBLIC

(seal)

OFFICIAL SEAL
JERRY KAHN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Jan. 05, 2024

Alan Spellberg, Cacilia Masover v. Mark C. Curran, Jr.
22 SOEB GP 548

Candidate: Mark C. Curran, Jr.

Office: Supreme Court Justice – 2nd Judicial District (Thomas vacancy)

Party: Republican

Objectors: Alan Spellberg and Cacilia Masover

Attorney for Objector: John Fogarty

Attorney for Candidate: Mark Curran, Jr.

Number of Signatures Required: 334

Number of Signatures Submitted: Stipulation (670)

Number of Signatures Objected to: Initially objected to 156, on April 1, 2022, parties stipulated to 670 valid signatures.

Basis of Objection: The candidate purports to have filed 770 signatures and alleges the correct required minimum number of signatures should be 757.

Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the 2nd Judicial District; whose addresses are missing or incomplete; or who have signed the petition sheets more than once.

Dispositive Motions: On agreement, parties in 22 SOEBGP 545, 22 SOEBGP 548, 22 SOEBGP 553, and 22 SOEB 555 filed joint motions. Candidates Hutchinson, Curran, Rotering, and Cruz filed their motion as Candidates' Combined Motion for Summary Judgment and Objectors Spellberg, Masover, and Waites filed their motion as Objectors' Combined Cross-Motion for Summary Judgment, both summarized below. In the interim, the objection in 22 SOEBGP 553 was withdrawn.

<u>Candidates' Combined Motion for Summary Judgment</u> filed 04/02/22.

In their Combined Motion for Summary Judgment, Candidates note the cases involve a single issue: the determination of the minimum number of signatures a candidate for Second District of the Illinois Supreme Court must file immediately following a redistricting, which created a newly redrawn Second District. The Candidates argue that number is 334, as published in the State Board of Elections' 2022 Candidate's Guide.

In support of their contention, Candidates cite to Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), which provides:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures…

Candidates argue that the new Second District was created in 2021, did not exist in 2018, and .4% of the number of votes cast in that district by voters of the candidate's party for that election is not a number that exists because the voters had not previously voted in that district. In so arguing, the candidate relies on the definition of "district" from Section 1-3(14) of the Election Code, which provides: "district means any area which votes as a unit for the election of any officer …and includes…judicial districts." 10 ILCS 5/1-3(14). Candidates argue that by enacting Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021, 705 ILCS 23/15, the General Assembly terminated the existence of 2018's Second Judicial District, effective June 4, 2021. As such, no votes were cast in the Second Judicial District in the last general election because the Second District that was created by Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021 did not exist in 2018, the last general election at which a Governor was elected.

Candidates further rely on *Illinois Green Party v Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U at ¶25 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002)), which held when boundaries of a district are changed due to redistricting, the former unit no longer exists. In *Illinois Green Party*, the appellate court held:

> In our view, the establishment provision of §10-2 provides that a political party has the status of an established political party in any of several enumerated districts or political subdivisions if, when that district or political subdivision voted as a unit for the election of officers in the last election, that party polled more than 5% of the vote. That status, we emphasize, is conferred with respect to districts and political subdivisions, not geographic areas that exist independently of districts and subdivisions…" *Illinois Green Party v. Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U, ¶ 20 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002) (emphasis added)).

The Candidates argue that if the General Assembly had intended for a candidate to use vote totals from a geographic area instead of a specifically identified district, it would have directed candidates to use vote totals calculated by adding the counties comprising the new district, and argue the General Assembly did not do so.

Second, Candidates argue the State Board of Elections' interpretation of the new statute commands deference. In reliance hereon, the Candidates cite to *Prueter v. State Officers Electoral Board*, 334 Ill. App. 3d 979, 779 N.E.2d 322 (1st Dist. 2002) and *Bonaguro v. County Officers Electoral Board*, 158 Ill.2d 391, 398-399, 634 N.E.2d 712, 715 (1994), which held that the Board's interpretation of statutes deserves "substantial weight and deference." They explain, in particular, that Candidates have the right to rely upon the Board's interpretation when the statute at issue is subject to more than one interpretation, citing *Prueter*, 334 Ill. App. 3d 979.

Third, Candidates argue the Board would violate procedural due process were it now to adopt a different interpretation of the statute from that adopted in December 2021. Candidates note that in 2002 and 2012, when non-judicial districts were subject to redistricting, the Board published statutory flat minimum signatures in lieu of piecing together portions of former districts for signature requirement calculations. In further support of their contention, Candidates cite *Briscoe v. Kusper*, 435 F.2d 1046, 1055 (7th Cir. 1970) and *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977). In *Anderson*, the Illinois Supreme Court interpreted *Briscoe* to reject a situation where a board might narrowly construe a statute without advance warning to prospective candidates. In so doing, the Candidates note that ballot access is a substantial right in Illinois that should not be lightly denied. *See Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶42 (citing *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992)); *see also Sutton v. Cook County Officers Electoral Bd*., 2012 IL App (1st) 122528 ("Illinois public policy has long favored competitive election and access to the ballot") (citing *Lucas v. Larkin*, 175 Ill. 2d 166, 176 (1997)).

<u>Objectors' Combined Cross Motion for Summary Judgment</u> filed 04/06/22.

In their cross motion for summary judgment, Objectors allege the number of signatures required to appear on the ballot for Democratic Party candidates is 791 and the number for Republican Candidates is 757, and applying Candidate's interpretation goes against statutory construction and legislative history of Section 7-10(h) of the Election Code. In so alleging, the Objectors argue the following.

The Candidates' estoppel argument, asking the Board to not enforce the correct statutory minimum number of signatures of 791 and 757, respectively, to the extent it is based on information presented in the Candidate's Guide, is inconsistent with the Illinois Supreme Court's decision in *Corbin v. Schroeder*, which held that pure questions of law should be reviewed *de novo*. 2021 IL 127052 (Ill. 2021). They further note the Candidate's Guide's Preface contains a warning that the information contained therein is not binding, should not be construed as legal advice, and reliance thereon is not sufficient argument in response to an objection to a candidate's nomination papers.

The Objectors argue that the calculation of signatures for the office of Judge to the Second District of the Illinois Supreme Court as presented in the Candidate's Guide (334) is inconsistent with statute. They state that Section 7-10(h) of the Election Code sets forth the straightforward formula for calculating the minimum number of signatures that must be submitted by partisan candidates, and Section 7-10(h) does not contain a different formula that should be used after judicial districts are redrawn. Objectors argue that should the General Assembly have intended a separate formula be used following the redistricting of judicial districts, such a formula would be enumerated in statute as it is for congressional office (§7-10(b)), county board districts (§7-10(c)), the Cook

County Board of Review Commissioners (§7-10(d)(3)), municipal and township offices (§7-10(d)), and sanitary district trustees (§7-10(g)).

In support of their argument that Section 7-10(h) provides the formula for calculating the minimum signature requirement for judicial offices, Objectors argue that because judicial district are comprised of continuous, whole counties, it is easy to determine how many signatures are required for candidates in judicial districts, regardless of any redistricting. They display such by inputting vote totals of the established party candidates for Governor in the 2018 Gubernatorial Election from the five counties making up the 2022 Second Judicial District, and providing that .4% thereof, reduced by one-third (pursuant to Section 2A-1.1b(b)) is 791 for Democratic candidates and 757 for Republican candidates. Objectors note the Illinois Supreme Court made clear in *Jackson-Hicks v. East St. Louis Board of Election Comm'rs*, 28 N.E.3d 170 (Ill. 2015), when it comes to meeting the signature minimum for an office, "the clear and unambiguous standard adopted by the General Assembly requires compliance with a specific numerical threshold determined according to a specific mathematical formula. A candidate either meets that minimum threshold or does not." *Jackson-Hicks* at ¶ 37.

Second, Objectors argue the Candidates' calculation of the signature minimum is contrary to the plain language of the Election Code, as Section 7-10(h) does not provide for using any special calculation for judicial districts following redistricting, nor is there any language that would command the statutory minimum of 500 be used for judicial districts following redistricting. In support of this argument, Objectors cite *Maksym v. Board of Election Comm'rs*, 242 Ill.2d 303, 308 (2011), noting that when statutory language is plain and unambiguous, the statute must be applied as written without resort to aids of statutory construction, and a court will not invite exceptions that the General Assembly did not express.

Third, Objectors state that had the General Assembly intended judicial districts to use a different signature formula, it would have said so. In support thereof, Objectors highlight that the formula for signature minimums for several offices following redistricting are included in Section 7-10, but none exists for judicial districts following redistricting. Objectors rely on the canon of *expression unius est exclusion alterius*, the enumeration of an exception in a statute is considered to be an exclusion of all other exceptions, citing *Schultz v Performance Lighting, Inc.*, 2013 IL 115738, ¶17. They further highlight that the formula for signature minimums for candidates for countywide offices remains the same in every election, regardless of redistricting, 10 ILCS 5/7-10(c), (d)(1), which makes sense as the county boundaries do not change. They argue the same should be true of judicial districts, which are comprised of whole counties.

Fourth, Objectors argue that the Second District was not required to vote as a unit, as argued by Candidates, and such a contention is contradicted by Section 7-10(h). In reliance on such, Objectors argue that where the General Assembly intends that a signature calculation be based on a district unit, it expressly provides so. In so stating, they point to Section 7-10(h) which addresses signature minimums for all partisan candidates for judicial office in districts, circuits, and subcircuits, and it handles candidates for judicial district offices very differently from candidates for circuit and subcircuits office. For candidates running for office in a judicial district, Section 7-10(h) does not provide that the signature formula is tied to the district having

voted as unit. But, it does state so for candidates for judicial circuits and subcircuits. To wit, they quote Section 7-10(h):

> "If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

Fifth, Objectors argue none of the authority offered by the Candidates is availing. Objectors argue Candidates' analogy of judicial districts and congressional district, and their reliance on *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is misplaced. They argue *Illinois Green Party* bears no factual or legal resemblance to the facts at bar because congressional districts are distinct from judicial districts and involved the establishment of new political parties following redistricting.

Additionally, they argue that Candidates' reliance on the definition of district in Section 1-3(14) is inapplicable to the facts here. Section 1-3(14) includes the qualifier "unless the context otherwise requires[,]" and Objectors argue the context of Section 7-10(h) does not require the use of Section 1-3(14)'s definition of district. The context of this case would counsel that the definition of district is subject to the statutory interpretation of Section 7-10, that is sufficient, and utilizing Section 1-3(14) leads to an absurd result. The Objectors argue the Candidates' application of "district" would render provisions of the Election Code referencing "voted as a unit" unnecessary and superfluous.

Sixth, Objectors argue the legislative history of Section 7-10 supports Objectors' position. They argue that the provision of Section 7-10(h) addressing the signature requirement was added to the Election Code in 1995, with the passage of Public Act 94-645, and prior to the change, judicial districts, circuits, and subcircuits were all subject to the same minimum signature formula. Public Act 94-645, Objectors contend, established a unique minimum signature formula for districts, distinct from circuits and subcircuits. If the General Assembly had intended judicial districts' calculations to have remained tied to having voted previously as a unit, Objectors argue, it would have not retained this requirement in 2005.

Seventh, Objectors argue Candidates' estoppel argument fails, and base their argument on the Illinois Supreme Court's holding in *Corbin v. Schroeder*, 2021 IL 127052, where the Court found a candidate's reliance on erroneous signature calculations was not sufficient to overcome an objection challenge to the candidate's failure to file the statutory minimum number of signatures.

Candidates' Combined Response to Objectors' Motion for Summary Judgment filed 4/8/22.

Candidates argue that Objector attempt to rewrite Section 7-10(h) and its reading in conjunction with the Election Code's definition of the term "district" in Section 1-3(14). 10 ILCS 5/1-3(14), 7-10(h). Section 7-10(h) instructs that signatures should be calculated based on votes cast "in that district[,]" and no votes were vast in that non-existent district in 2018's gubernatorial election. "Section 7-10(h) does not provide, as the Objectors would like, that if there were no votes cast in that district because it did not exist, the candidates should look at vote totals in counties that are now (but may not have been before) in the Second Judicial District, reconfigure them into the new district, and then perform a calculation." Brief at 3.
Candidates argue that although the decision in *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is unpublished, it relies upon the published decision in *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2002), which similarly held that established party status of the Libertarian Party did not continue after redistricting of the relevant district. Candidates also argue that although *Illinois Green Party* is unpublished, the Board is bound by it as a party to that case. *See* 2011 IL App (1st) 113375-U.

Candidates further argue that the Board's calculation in its Candidate's Guide is entitled to deference, contending *Corbin v. Schroeder*, 2021 IL 127052, is distinguishable and leaves room for reliance on an administrative agency's interpretation of the laws it is tasked with implementing.

Record Exam Necessary: No.

Hearing Officer: Michael Tecson

Hearing Officer Findings and Recommendations: Following the parties' stipulation that Candidate submitted 670 valid signatures, the outstanding issues in the case are the minimum number of signatures required for ballot access, and whether 670 signatures is sufficient. The Hearing Officer recommends that in accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. The definition of "district" is, in relevant part, "any area which votes as a unit for the election of any officer…and includes, but is not limited to…judicial districts[.]" 10 ILCS 5/1-3(14). Because the newly drawn Second Judicial District has never voted as a unit, as it did not exist before 2021, calculation of the signature requirement in Section 7-10(h) should not be conducted using 2018 gubernatorial votes of the individual counties comprising the new Second Judicial Circuit because that calculation is not expressly contemplated by the Election Code.

In *Vestrup*, following the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. 335 Ill.App.3d 156. Under Section 10-2 of the Election Code, because the Libertarian candidate received more than 5% of the vote cast in the previous general election, it would normally be eligible to be considered an "established political party." *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id*. at 158. The *Vestrup* court ruled that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a

"district" is defined as any area which votes as a unit for the election of any officer. *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)).

As the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Objectors argument that the Election Code's definition of "district" is inapplicable is unavailing under Section 7-10(h)'s language and the opinion in *Vestrup*. Therefore, the number of signatures required shall be 500 as set forth in Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), and reduced by one-third as required by Section 2A-1.1b(b), 10 ILCS 5/2A-1.1b(b), which equals 334 signatures. Candidates' 670 valid signatures are sufficient for ballot access.

The Hearing Officer further determined that reliance upon the Board's Candidate's Guide's signature calculation is inappropriate under *Corbin v. Schroeder*, 2021 IL 127052. The Candidate's argument regarding due process is moot in light of the Hearing Officer's recommendation, which is that Candidate's name be placed on the ballot.

The Hearing Officer recommends that the Board grant the Candidate's motion for summary judgment on his interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, deny the Objectors' motion for summary judgment on their interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, and order the name Mark C. Curran, Jr. be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

Exceptions to Hearing Officer's Recommendation: On April 18, 2022, Objectors filed exceptions to the Recommendation. They argue the Recommendation mistakenly equates the definition of a district in Section 1-3(14) as an area that "votes as a unit" (present tense) with the requirement that a judicial district must have "voted as a unit" in order to use the 0.4% signature calculation in Section 7-10(h). There is simply no authority for conflating these two concepts. They also distinguish *Vestrup*, primarily because it interprets Section 10-2, not a provision at issue here. Objectors reiterate other arguments previously made as well.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES FOR THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ALAN SPELLBERG AND CACILIA MASOVER,	)	
	)	
Petitioners - Objectors,	)	
	)	**No. 22 SOEB GP 548**
v.	)	
	)	
MARK C. CURRAN, JR.,	)	
	)	
Respondent - Candidate.	)	

NOTICE OF FILING

To: *Via E-mail Only:*

John G. Fogarty, Jr. (fogartyjr@gmail.com)
Counsel for Objectors

Mark C. Curran, Jr.: (markcurranlaw@gmail.com)
Pro Se

Illinois State Board of Elections General Counsel's office
(generalcounsel@elections.il.gov)

Please be advised that on April 15, 2022, I caused to be sent by email to the above parties at their respective e-mail addresses, the Hearing Officer's Findings and Recommendations, a copy of which is attached hereto.

DATED: April 15, 2022

J. Michael Tecson

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES FOR THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ALAN SPELLBERG AND CACILIA MASOVER,	)	
	)	
Petitioners - Objectors,	)	
	)	**No. 22 SOEB GP 548**
v.	)	
	)	
MARK C. CURRAN, JR.,	)	
	)	
Respondent - Candidate.	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This cause coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned hearing officer pursuant to appointment and notice issued previously, the hearing officer makes the following Findings and Recommendations:

ISSUE

Whether, after the January 1, 2022 effective date of the Judicial District Act of 2021, the minimum required number of signatures for judicial office for the Second Judicial District under 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b is 334 signatures or is a higher number based upon the calculation set forth Section 7-10(h).

SHORT ANSWER

In accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. Therefore, the number of signatures required shall be 500 as set forth in 10 ILCS 5/7-10(h), and reduced by one-third as required by 10 ILCS 5/2A-1.1b(b), which equals 334 signatures.

I. **BACKGROUND**

1. Petitioners-Objectors Alan Spellberg and Cacilia Masover (collectively, "Objector") filed an Objector's Petition ("Petition") to Respondent-Candidate Mark C. Curran, Jr. ("Candidate") Nomination Papers for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois.

2. The Objector asserts in its Petition that the Candidate does not have the requisite number of signatures because the Candidate's nomination papers contained 770 Signatures, and the Objector asserts that 757 signatures are required to qualify for nomination. There was no records examination conducted in this matter. The Candidate and Objector stipulated in lieu of a records exam that the Candidate has 670 valid signatures.

3. As set forth in further detail below, the Objector calculates its 757 minimum signature requirement based on Objector's interpretation of Section 5/7-10(h) and Section 2A-1.1b of the Illinois Election Code (10 ILCS 5/1-1, *et seq.* ("Election Code")).

4. Pursuant to agreement of Objector and Candidate, as well as parties and their counsel in related, but not consolidated cases: *Spellberg/Masover v. Hutchinson*: 22 SOEB GP 545 and *Waites v. Rotering*: 22 SOEB GP 555 ("Related Cases"), and in accordance with my case management order issued on March 31, 2022, the parties filed cross-motions for summary judgment. The Candidate filed a motion adopting the arguments of his fellow candidates in the Related Cases.

5. A hearing in this case and the Related Cases was held on April 9, 2022, and the Objector was represented by its attorneys and the Candidate was present via Zoom, *pro se*. I took the matter under advisement at the conclusion of the hearing.

II. ILLINOIS ELECTION CODE / JUDICIAL DISTRICTS ACT

6. The Illinois Election Code specifies the formula to calculate the minimum required number of signatures necessary for a candidate seeking judicial office to submit with his nomination papers for established party candidates. The number of signatures is calculated based upon the number of gubernatorial votes cast for that candidate's political party in the last election. The Election Code states in pertinent part:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, **then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures**. …

10 ILCS 5/7-10(h) (emphasis added).

7. Effective January 1, 2022, pursuant to the Judicial Districts Act of 2021, 705 ILCS 23/1, *et seq.* ("Judicial Districts Act") the judicial district boundaries for the State of Illinois were changed for the first time since they were established in 1964. The purpose of the Judicial Districts Act was to comply with the requirements of the Illinois Constitution of 1970 which provides that judicial districts, other than the First District, "shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties." 705 ILCS 23/5.

8. In conjunction with the Judicial Districts Act, Illinois also amended the Election Code by adding 10 ILCS 5/2A-1.1b. The new Section confirms that it controls over any conflicting provisions of the Election Code. *See* 10 ILCS 5/2A-1.1b(a). The new Section specifically revised the required signatures for candidates of established parties for "statewide office", "office of Representative in the General Assembly", and "office of State Senator". 10

ILCS 5/2A-1.1b(b). The new section revised the signature requirements for established party candidates "for all other offices", which would include judicial offices, by reducing the signature requirement "by one-third". 10 ILCS 5/2A-1.1b(b). The Section reads in pertinent part:

> (b) Petitions for nomination for the general primary election may begin circulation on January 13, 2022. All petitions for nomination of an established party candidate for statewide office shall be signed by at least 3,250 but not more than 6,500 of the qualified primary electors of the candidate's party. All petitions for nomination of an established party candidate for the office of Representative in the General Assembly shall be signed by at least 400 but not more than 1,000 of the qualified primary electors of the candidate's party in the candidate's representative district. All petitions for nomination of an established party candidate for the office of State Senator shall be signed by at least 650 but not more than 2,000 of the qualified primary electors of the candidate's party in the candidate's legislative district. **The signature requirement for an established party candidate for all other offices shall be reduced by one-third and any provision of this Code limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third.**

10 ILCS 5/2A-1.1b (emphasis added).

9. The interpretation and application of the Judicial Districts Act and the above amendment to the Election Code are the bases of the Objector's objections to the Candidate's Nomination Papers.

III. NATURE OF THE OBJECTION

10. The Objector argues that, based upon the calculation in Section 7-10(h) of the Election Code, and as the Election Code was amended by Section 5/2A-1.1b(b), the Candidate is required to submit a minimum of 757 signatures in order to be on the ballot for the Republican Party for the Second Judicial District.

11. Prior to the redistricting that became effective on January 1, 2022, the Second District was comprised of the following counties:

a. Boone,

b. Carroll,
c. DeKalb,
d. DuPage,
e. Jo Davies,
f. Kane,
g. Kendall,
h. Lake,
i. Lee,
j. McHenry,
k. Ogle,
l. Stephenson, and
m. Winnebago.

12. As of January 1, 2022, after the redistricting, the Second District is now comprised of the following counties:

a. DeKalb,
b. Kane,
c. Kendall,
d. Lake, and
e. McHenry.

705 ILCS 23/15.

13. The Objector calculated the minimum number of signatures as 757 using the counties in the newly comprised Second District as of January 1, 2022, as follows:

	Rauner (Republican Candidate)
DeKalb County	16,181
Kendall County	20,442
Kane County	77,289
Lake County	109,287
McHenry County	60,646
Total	283,845

- multiplied by 0.4% = 1135.38
- reduced by one-third = **757**

Objector's Petition at ¶¶7-8, Objector's Response Brief at p. 6.

14. At the hearing on this matter, the Candidate conceded that if Objector's legal argument was correct (which Candidate obviously disagrees with), then the Objector's

calculation of 757 minimum signatures would also be correct.

IV. MOTIONS FOR SUMMARY JUDGMENT

A. Candidate's Motion for Summary Judgment

15. Candidate argues in his motion for summary judgment that Section 7-10(h) of the Election Code is clear and unambiguous. The Candidate's argument centers on the calculation of minimum signatures based upon "votes cast in that district" at the last gubernatorial election. Effective January 1, 2022, the Second District is now comprised of five (5) counties instead of the previous thirteen (13) counties. Relying upon the statutory definition of "district", the Candidate states that the newly formed Second District has not voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Simply put, the Candidate argues that once the Second District was "re-districted", there were no votes "cast in that [Second Judicial] district" because the District did not exist in the last election. Therefore, the number of signatures defaults to the remaining language in Section 7-10(h) – "500 signatures." 10 ILCS 5/7-10(h).

16. The Candidate's legal argument relies mainly on two cases, *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2d Dist. 2002), and *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U.

17. The Candidate also argues that the parties must give deference to the Illinois State Board of Elections' ("ISBE") interpretation of Section 7-10(h) of the Election Code, as set forth in the 2022 Candidate's Guide issued by the ISBE issued in December 2021, and as it was subsequently amended ("2022 Candidate Guide"). Under the topic "Supreme Court Judge" and the a table entitled "Signature Calculations", the guide states that the minimum signature requirement for Judicial Districts 2 through 5 is 334 signatures for both the Republican and Democratic parties. (2022 Candidate Guide at p. 33).

18. In support of its calculation of 334 signatures, the 2022 Candidate Guide cites Illinois Public Act 102-0015 (now codified as 10 ILCS 5/2A-1.1b), which states that signature requirements for established party candidates for offices (other than, as set forth in ¶8, *supra*, "statewide office", "office of Representative in the General Assembly", and "office of State Senator") shall be reduced by one-third:

> *Pursuant to PA 102-0015, for the 2022 General Primary and General Election only, all petitions for nomination of established party candidates for all other offices shall be reduced by one-third and any provision of the Illinois Election Code (10 ILCS 5/1 et seq.) limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third. The signature requirements above reflect a reduction of one-third. Also, the 2nd thru 5th districts were all redistricted in 2021 so the minimum requirement is 500 and reduced by one-third.

2022 Candidate's Guide at p. 33.

B. <u>Objector's Cross-Motion for Summary Judgment</u>

19. In its cross-motion for summary judgment and response to the Candidate's Motion for Summary Judgment, the Objector similarly argues that Section 7-10(h) of the Election Code is clear and unambiguous, but of course, reaches a different conclusion than the Candidate. Consistent with its Objection, and as set forth in ¶¶10-13, *supra*, the Objector calculated the required number of signatures as 757 based on its interpretation of "the plain language" of Section 7-10(h) of the Election Code.

20. The Objector also argues to the extent the Illinois Legislature intended to modify the signature requirements for primary elections that follow a redistricting, it has explicitly done so in other provision of Section 7-10. For example, in Section 7-10(b), which normally requires "signatures equal to 0.5%" of electors in the candidate's political party in the candidate's congressional district, but, "in the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures" of electors in

the candidate's political party in the candidate's congressional district. Section 7-10(c) for county offices and Section 7-10(d) for Cook County offices contain similar caveats for modifying signature requirements in primary elections following a redistricting.

21. Relying upon the maxim *expression unius est exclusion alterius, e.g.*, "the enumeration of an exception in a statue is considered to be an exclusion of all other exceptions", the Objector argues that the lack of any such caveat for judicial offices in Section 7-10(h) demonstrates the Legislature did not intend to modify the signature requirements for these offices following a judicial redistricting.

22. The Objector argues that the legislative history of Section 7-10 confirms the Objector's position that judicial districts for statewide positions is not dependant upon districts having voted as unit previously.

23. The Objector argues that the Supreme Court's decision in *Corbin v. Schroeder*, 2021 IL 127052 prohibits the Candidate from arguing estoppel or detrimental reliance on the ISBE's interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide. Relying on *Corbin*, the Objector also asserts that no due process violation has occurred based upon the ISBE's statement of its interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide.

V. <u>LEGAL ANALYSIS</u>

24. "Access to a place on the ballot is a substantial right and not to be lightly denied." *Siegel v. Lake County Officers Electoral Bd.*, 385 Ill. App. 3d 452, 460 (2d Dist. 2008); see also, *Anderson v. Schneider*, 67 Ill.2d 165 (1977) ("We must be conscious of the broad interest which is to be served, namely, the rights of individual candidates to avail themselves of political opportunity and those of the voters to be given the opportunity to exercise an effective choice.")

A. **After the Redistricting, No District Voted As A Unit for the Second District**

25. Section 7-10(h) specifically refers to a candidate who is seeking to run for judicial office in a "district". 10 ILCS 5/7-10(h). As defined in the Election Code:

> "District" means any area which **votes as a unit for the election of any officer**, other than the State or a unit of local government or school district, **and includes**, but is not limited to, legislative, congressional and **judicial districts**, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts.

10 ILCS 5/1-3(14) (emphasis added).

26. Following the redistricting of the Second Judicial District pursuant to the Judicial Districts Act, effective January 1, 2022, the Second Judicial District is now made up of five (5) Illinois Counties rather than its previous thirteen (13) county composition. *See* 705 ILCS 23/15. Since the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14).

27. The issue of whether a "district" exists following a redistricting was addressed directly in *Vestrup*. There, the Second District Court of Appeals determined that the candidate, a member of the Libertarian Party, was properly excluded from the ballot as a candidate for state representative for Representative District 47 in the 2002 general election because the Libertarian Party was not an established political party following the redistricting of the prior congressional district. *Vestrup*, 335 Ill.App.3d at 158.

28. In the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. Under Section 10-2 of the Election Code, since the Libertarian candidate received more than 5% of the vote cast in the previous general election, it was eligible to be considered an "established political party". *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former

District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id.* at 158. The *Vestrup* court found that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate.

29. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a "district" is defined as "any area which votes as a unit for the election of any officer." *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)). Describing the situation as "insurmountable" for the candidate, the court held that "the current District 47 could not have voted as a unit in the last election because the current District 47 did not exist in the last election." *Id.* at 163.

30. The Objector argues that the Candidate's reliance on the unpublished decision *Illinois Green Party* is misplaced and that Supreme Court Rule 23 prohibits the Candidate's citation to and reliance on the decision as it is not precedential. While the Objector correctly cites the restrictions of Rule 23, I find that it is unnecessary to decide whether the Candidate improperly cited this case. The *Vestrup* case (upon which the *Illinois Green Party* case heavily relies) is dispositive of the issue as set forth above. Moreover, I do not find any significant distinctions between the cases that require a separate analysis of *Illinois Green Party* here.

31. The Objector further argues in its response brief that since *Illinois Green Party* analyzes Section 10-2 of the Election Code instead of Section 7-10, the Candidate is comparing apples to oranges. The Objector argues that Section 10-2 expressly includes language that refers to districts "voting as a unit", which is completely absent from Section 7-10, and therefore signals the Legislature's intent that districts were not required to vote "as a unit" in Section 7-10.

32. The *Vestrup* case, which the Objector does not cite in its brief, addresses this issue

directly and slams the door on the Objector's position. The *Vestrup* court could not "fathom" why Section 10-2 inexplicably refers to a "political party 'voting as a unit' in an election." *Id.* at 161. The court noted that "nowhere else in the Election Code is there any reference to a political party 'voting as a unit.'" *Id.* at 162. As set forth in ¶29, *supra*, the court then acknowledged the definition of "district" in the Election Code, and interpreted Section 10-2 as making the status of an established political party expressly "contingent" on a district "having voted as a unit in the last election." *Id.*

33. The Objector's argument on this issue, including its argument that the legislative history of Section 7-10(h) supports its position, ignores the definition of "district" in the Election Code. The Objector's argument seems to be that "district" has a different meaning in Section 7-10(h) of the Election Code than it does in Section 1-3(14). The Objector's argument is unavailing. It is clear from the Election Code and *Vestrup* that district, by definition, means a judicial district which "votes as a unit for the election of any officer."

B. <u>The Minimum Number of Signatures of Judicial Office is 334</u>.

34. After determining that the current Second Judicial District did not vote as a unit in the last gubernatorial election, the only remaining and discernible number of requisite signatures set forth in Section 7-10(h) is 500, *e.g.*, "but in no event less than 500 signatures." 10 ILCS 5/7-10(h).

35. The amendment to the Election Code requires these 500 signatures "shall be reduced by one-third." 10 ILCS 5/2A-1.1b(b). Therefore, the correct number of signatures required for judicial office is 334 signatures.

C. The Candidate May Not Rely Upon the ISBE's Interpretation in the 2022 <u>Candidate's Guide</u>.

36. While, based on the above analysis in Sections V(A) and (B), the Candidate's

argument is moot regarding deference to the ISBE's interpretation of Sections 5/7-10(h) and 5/2A-1.1b, I address the issue briefly solely for the purposes of completeness.

37. The Candidate carefully attempted to argue deference to the ISBE's interpretation in the 2022 Candidate's Guide, rather than estoppel or detrimental reliance. It is not clear that he succeeded (*e.g.*, "candidates have the right to rely upon the Board's interpretation", Candidate's MSJ at ¶31). Regardless, the Illinois Supreme Court's decision in *Corbin* controls this issue. There, the Supreme Court reversed the electoral board, the circuit court and the appellate court, finding that the signature requirements of the Election Code are mandatory, and strict, and substantial compliance, is required. *Corbin*, 2021 IL 127052 at ¶¶45, 46. Any reliance by the Candidate on the interpretation provided by the ISBE, no matter the extenuating circumstances, would not be a basis to depart from the strict signature requirements of the Election Code.

D. <u>The Candidate Has Not Been Denied any Due Process</u>

38. Similarly, based on the above analysis in Sections V(A) and (B), the Candidate's argument is moot regarding any denial of due process. I address the issue briefly solely for the purposes of completeness. In *Briscoe v. Kusper*, 435 F.2d 1046 (7th Cir. 1970), the electoral board did not require strict compliance with a provision prior to 1967 that prohibited electors from signing more than one nominating petition. *Briscoe*, 435 F.2d at 1055. The board then changed course in 1967 and began strictly enforcing the provision without notice to the public. *Id.* That issue is inapplicable here as the amendment to the Election Code and the Judicial District Act has not been applied inconsistently to any candidate in violation of any due process rights.

<u>RECOMMENDATION</u>

For the foregoing reasons, I recommend the following:

1. That the Board overrule the Objector's objection that the Candidate is required to have 757 signatures in support of his Nomination Papers.

2. That the Board find that the minimum required number of signatures for judicial office for the Second Judicial District is 334 signatures.

3. That the Board find that the Candidate has 670 valid signatures, which is 336 signatures over the minimum requirement of 334 signatures.

4. That the Board grant the Candidate's motion for summary judgment on his interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

5. That the Board denies the Objector's motion for summary judgment on its interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

6. That the Board deny any remaining arguments in Candidate's motion for summary judgment as moot as set forth herein.

7. That the Board deny any remaining arguments in Objector's motion for summary judgment for the reasons set forth herein.

8. That the Board deny any remaining objections in Objector's petition for the reasons set forth herein.

9. That the Board order the name Mark C. Curran, Jr. be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

Dated: April 15, 2022

J. Michael Tecson
Hearing Officer

CERTIFICATE OF SERVICE

Service of the foregoing document was made by email to the following individuals on this 15th day of April 2022:

Alan Spellberg and Cacilia Masover c/o

John G. Fogarty, Jr. (fogartyjr@gmail.com)
Counsel for Objectors

Mark C. Curran, Jr.: (markcurranlaw@gmail.com)
Pro Se

Illinois State Board of Elections General Counsel's office
(generalcounsel@elections.il.gov)

J. Michael Tecson
Hearing Officer

J. Michael Tecson
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321 N. Clark Street, Suite 500
Chicago, IL 60654
(312) 946-1800
mt@hmbr.com

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF SUPREME COURT JUDGE TO FILL THE VACANCY OF THE HONORABLE ROBERT R. THOMAS, SECOND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

ALAN SPELLBERG and CACILIA MASOVER,	)
	)
Petitioner-Objectors,	)
	)
vs.	)
	)
MARK C. CURRAN, JR.,	)
	)
Respondent-Candidate.	)

STATE BOARD OF ELECTIONS
CHICAGO OFFICE
2012 MAR 21 PM 3:28

OBJECTORS' PETITION

Now come ALAN SPELLBERG and CACILIA MASOVER (hereinafter referred to as the "Objectors"), and state as follows:

1. Alan Spellberg resides at 1241 Forest Avenue, Highland Park, Illinois, 60035, in the Second Judicial 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 Nomination and Election to the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial 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. Cacilia Masover resides at 1120 Hilary Lane, Highland Park, Illinois 60035, in the Second Judicial District of the State of Illinois; that she is duly qualified, registered and a legal voter at such address; that her 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 Nomination and Election to the Office of Supreme Court Judge to fill the vacancy of the

Honorable Robert R. Thomas, Second Judicial 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.

3. Your Objectors make the following objections to the nomination papers of Mark C. Curran, Jr. ("the Nomination Papers") as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District of the State of Illinois, and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the Second Judicial District of the State of Illinois the signatures of not fewer than 757 duly qualified, registered, and legal voters of the Second Judicial District of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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.

5. Your Objectors state that pursuant Section 7-10(h) of the Election Code, a candidate who seeks to run for judicial office in a district must submit, at a minimum, the number of signatures equal to 0.4% (.004) of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event fewer than 500 signatures. 10 ILCS 5/7-10(h). For 2022 only, this minimum signature requirement is reduced by one-third. 10 ILCS 5/2A-1.1b(b).

6. Your Objectors state that the Second Judicial District of the State of Illinois is comprised of DeKalb, Kendall, Kane, Lake, and McHenry counties and no other territory whatsoever. 705 ILCS 23/15.

7. Your Objectors state that at the most recent general election at which a Governor was elected, which was 2018, the Republican candidate for Governor received the following number of votes in each county in the Second Judicial District:

DeKalb:	16,181
Kendall:	20,442
Kane:	77,289
Lake:	109,287
McHenry:	60,646
Total:	283,845

8. Your Objectors state that .4% (.004) of the 283,845 votes cast for the Republican candidate for Governor in the aforesaid counties comprising the Second Judicial District yields a minimum required number of signatures in the Second Judicial District of 1,135.38. For the 2022 election cycle only, pursuant to state law, this number is reduced by one-third, to 756.92. Accordingly, a minimum of 757 valid signatures are required to qualify for the ballot as a Republican candidate for the office of Supreme Court Judge in the Second Judicial District.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

9. Your Objectors state that the Candidate has filed 81 petition signature sheets containing 770 signatures of allegedly duly qualified, legal, and registered voters of the Second Judicial District of the State of Illinois.

10. Your Objectors state 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.

11. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the

addresses shown opposite their names and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under Column A designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

12. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the Second Judicial District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNER RESIDES OUTSIDE DISTRICT" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

13. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under Column C designated "SIGNATURE NOT GENUINE / NOT SIGNED BY PROPER PERSON" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

14. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, as delineated under Column D of the Appendix Recap sheets, designated "SIGNED PETITION TWICE" at the sheet and line numbers indicated, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

15. Your Objectors further state that said Nomination Papers contain the signatures of various individuals who purport to have signed the nominating petition but have failed to provide

a complete residence address, such incomplete signature and address information rendering such signature invalid, as more fully set forth in the Appendix-Recapitulation, under Column E designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

16. Your Objectors state that the Nomination Papers herein contested consist of various sheets purporting to contain the valid and legal signatures of 770 individuals. The individual objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 757.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Mark C. Curran, Jr. as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial 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 Mark C. Curran, Jr. as a candidate for the Office of Supreme Court Judge to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,

OBJECTORS

Alan Spellberg
1241 Forest Avenue
Highland Park, IL 60035

Cacilia Masover
1120 Hilary Lane
Highland Park, IL 60035

County of ~~Illinois~~ Lake
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Alan Spellberg on this the 19th day of March, 2022, at Highland Park, Illinois.

(SEAL)
NOTARY PUBLIC

My Commission expires: 10/6/24

LAURA M COHN
Official Seal
Notary Public - State of Illinois
My Commission Expires Oct 6, 2024

County of _____)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Cacilia Masover on this the ____ day of March, 2022, at _____, Illinois.

(SEAL)
NOTARY PUBLIC

My Commission expires: _____

Respectfully submitted,

OBJECTORS

_____
Alan Spellberg
1241 Forest Avenue
Highland Park, IL 60035

Cacilia Masover
Cacilia Masover
1120 Hilary Lane
Highland Park, IL 60035

County of _____)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Alan Spellberg on this the _____ day of March, 2022, at _____, Illinois.

_____ (SEAL)
NOTARY PUBLIC

My Commission expires: _____

County of LAKE)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Cacilia Masover on this the 19 day of March, 2022, at HIGHLAND PARK Illinois.

Betty L. Rodriguez (SEAL)
NOTARY PUBLIC

My Commission expires: 8-31-2023

BETTY L RODRIGUEZ
Official Seal
Notary Public - State of Illinois
My Commission Expires Aug 31, 2023

Marquellous Wooden v. Sidney Moore
22 SOEB GP 552

Candidate: Sidney Moore

Office: Secretary of State

Party: Democratic

Objector: Marquellous Wooden

Attorney for Objector: Michael Dorf

Attorney for Candidate: Max Solomon

Number of Signatures Required: 3250 - 6500

Number of Signatures Submitted: 6,002

Number of Signatures Objected to: 3,375

Basis of Objection: Nomination papers contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the petition sheets; whose signatures are not genuine; whose addresses are not within the State of Illinois; whose addresses are missing or incomplete; or who have signed the petition sheets more than once.

The heading of each petition sheet states that the undersigned are qualified primary electors of the Democratic Party, in the City of Homewood, in the County of Cook, and State of Illinois, and each circulator affidavit swears that the persons signing the petition are qualified voters within the political division in which the candidate is seeking office, which is not the case because neither the assertion of the electors in the heading nor the circulator's oath refer to statewide voters or candidacy.

A pattern of fraud was alleged but was withdrawn on April 12, 2022.

Dispositive Motions: Candidate's Motion to Strike and Dismiss filed 03/31/22. Candidate moves to strike and dismiss the entirety of Objector's petition or, in the alternative, overrule it. First, Candidate claims that Objector failed to state the relief sought by the State Officers Electoral Board by failing to designate a political party for ballot placement.

Candidate argues the inclusion of "in the City of Homewood" on Candidate's petition sheets and "in the political division in which the candidates is (sic) seeking nomination/elective office" are technical errors subject to review under the substantial compliance standard. Candidate cites *Samuelson v. Cook County Officers Electoral Board*, 2012 IL App (1st) 120581, ¶22, and agues

technical errors cannot be grounds for invalidating the entirety of Candidate's nomination papers. Candidate further cites to *King v. Justice Party*, 284 Ill. App. 3d 886 (1st Dist. 1996), in arguing that even mandatory provisions of the Election Code may be satisfied by substantial compliance.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 04/04/22. Objector argues the grounds by which Candidate seeks to invalidate Objector's objection petition are misstated, as Objector identifies Candidate's political party association in paragraph 2 of his petition and that it is not in the "wherefore" clause is irrelevant. Moreover, the Illinois Election Code does not refer to a "Democratic Primary Election" or a "Republican Primary Election". Instead Section 2A-1.1b(k) simply refers to "the general primary election." Even if this were deemed a misidentification, Objector argues, the standard for sufficiency of an objection, even in the case of a misidentification of the office or stating the wrong candidate in the prayer for relief, is whether there has been confusion, prejudice, or detriment as a result, which would prejudice the Candidate's ability to defend against the objection, citing *Wollan v. Jaccoby*, 274 Ill. App. 3d 388, 391-92, 653 N.E.2d 1303, 1306 (1st Dist. 1995); none of which are present here.

In support of his contention that signatures of petition signers not registered to vote in Homewood should be invalidated, Objector cites to *Neal v. Cook County Officers Electoral Board*, 2018 IL App (1st) 180321, ¶17, where the court held "the courts and the Board should not ignore erroneous or inconsistent assertions in nominating petitions…While we can correct omissions, and ignore impossible assertions, we cannot ignore positive assertions in a nominating petition."

Objector's Withdrawal of Pattern of Fraud Objection filed 04/12/22.

Record Exam Necessary: Yes, conducted 04/06/22. Of 3,377 lines objected to, 1,723 objections were sustained and 1,654 were overruled; resulting in Candidate having 4,277 valid signature lines, 1,027 over the statutory minimum required for the office sought. Neither party filed a Rule 9 Motion.

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendations: The Hearing Officer recommends denying the Candidate's Motion to Dismiss, as Objector's motion plainly states the relief requested.

The Hearing Officer further recommends overruling Objector's petition insofar as it relates to Candidate's nominating petitions' lack of a reference to statewide voters or statewide candidacy based on a recommended finding that Section 7-10 of the Election Code, 10 ILCS 5/7-10, does not require the circulator's affidavit to make any reference to statewide voters or statewide candidacy, only that "to the best of his or her knowledge and belief, the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought."

The Hearing Officer recommends overruling Objector's objection to the form of Candidate's nominating petitions on findings that although Section 7-10 does indicate the petition "shall be signed by qualified primary electors residing in the political division for which the nomination is sought," it does not mandate the elimination of otherwise valid signatures because of an inconsistency between the address in the heading of the petition and the address of the signer,

especially when, as here, the nomination being sought is for a statewide position and the signer is overwise qualified to sign the candidate's petition. Even if such a requirement existed, the Hearing Officer recommends finding this inconsistency was a technical error which does not render such petition sheets invalid as they are substantially compliant with the provisions of Section 7-10. In so recommending, the Hearing Officer cites to *Madden v. Schumann*, 105 ILL App. 2d 900, 904 (1st Dist. 1982) (substantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation) and *Samuelson v. Cook County Electoral Board*, 2012 IL App (1st) 120581, ¶29 ("courts have repeatedly recognized that substantial, rather than strict, compliance is the proper standard by which to evaluate deviations from certain mandatory provisions of the Election Code."). In recommending, the Hearing Officer cites *Lewis v. Dunne*, 63 Ill. 2d 48, 53, 344 N.E.2d 443 (1976)), and as was stated in *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 734:

> The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election. Nominating petitions should be free from a 'basis for confusion' as to the office for which they are filed. A potential signatory to a nominating petition has the right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy.

Here, the Hearing Officer recommends finding that because Illinois only has one Secretary of State elected by statewide voters, and because all pertinent information regarding the Candidate and his office sought was found in the nominating petitions – no voter confusion ensued.

The Hearing Officer recommends, in so denying Objector's objection to the form of Candidate's nominating petition sheets, coupled with the results of the record exam, finding the Candidate has submitted a sufficient number of signatures for the office sought.

As such, the Hearing Officer recommends denying Candidate's Motion to Dismiss, overruling the Objector's petition, and certifying the name of Sidney Moore to the June 28, 2022, General Primary Ballot as a Democratic Party candidate for the office of Secretary of State.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE ILLINOIS ELECTORAL BOARD

MARQUELLOS WOODEN	)	
Petitioner-Objector	)	
vs.	)	22 SOEB 552
SIDNEY MOORE	)	
Respondent- Candidate	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, SIDNEY MOORE, seeks to be placed on the June 28, 2022 Democratic primary ballot for the office of Secretary of State and has filed nominating petitions in support of his placement on the ballot for that office.

The Objector, MAQUELLOS WOODEN, has filed certain objections to those nominating petitions.

On March 29, 2022, the Illinois Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Illinois Electoral Board.

A case management conference was held on March 31, 2022 which was attended by the Objector's attorney, Michael Dorf.

The Candidate filed a Motion to Strike and Dismiss the Objector's petition. The Objector, thereafter, filed a Response.

A Binder Exam completed on April 6, 2022 indicated that the Candidate had 1,027 signatures in excess of the 3,250 required to appear on the ballot.

No Rule 9 documents were filed.

A hearing was scheduled for April 14, 2022 at the State Board of Elections' offices in Chicago on the issue of "Pattern of Fraud". However, on April 12, 2022, the Objector withdrew his allegation of Pattern of Fraud and the hearing was cancelled.

OBJECTOR'S PETITION

The Objector's petition raised numerous errors concerning the Candidate's nominating petitions which were identified in the Appendix-Recapitulation, attached to Objector's petition.

The Objector also argues that, since the heading of the nominating petitions indicated that signers resided in Homewood, any signers not residing in Homewood should be stricken.

Objector further argues that any signers not residing in Homewood should be stricken because neither the petitions heading nor the oath of the circulator made any reference to statewide voters or statewide candidacy.

Finally, Objector allege that the Candidate and Sarah Moore falsely signed circulator affidavits and that LaDonna Vickers notarized sheets out of the presence of the Candidate and Sarah Moore (paragraphs 13, 14 and 15 of Objector's petition). He further claims that such conduct constituted a "Pattern of Fraud"

MOTION TO STRIKE

The Candidate's Motion to Strike alleges that the Objector's petition was deficient since it failed to adequately state what relief was requested from the electoral board and failed to identify the Candidate's political party

The Candidate also seeks to dismiss the portion of the Objector's petition alleging that any discrepancy between the petitions' heading, which indicated that

signers reside in Homewood, and the actual address of the signers showing they resided in a town other than Homewood, should result in those names be deleted from the petitions.

Additionally, the Candidate seeks to dismiss the Objector's claim that the Candidate's nominating petitions were defective because the "oath of the circulators [failed] to make any reference to statewide voters or statewide candidacy"

Finally, the Candidate alleges that the Objector's claim of "Pattern of Fraud" should be dismissed because it was based on "information and belief" and not on personal knowledge or supporting evidence. In support of his motion, the Candidate filed an affidavit executed by LaDonna Vickers averring that she was the notary who signed the Candidate's petition sheets and that Candidate Moore and Sarah Moore, appeared before her "at all times when I performed the notarial (sic) acts"

ANALYSIS

The Candidate's attempt to dismiss the Objector's petition for failing to state the relief requested from the Electoral Board must be rejected, since the Objector's petition plainly states:

> WHEREFORE, the Objector requests a hearing on the objections set forth herein….and a ruling that the name Sidney Moore shall not appear and not be printed on the ballot for the nomination to the office of Secretary of State of Illinois….

Accordingly, it is recommended that the Candidate's motion to strike the Objector's petition for failing to specify relief should be denied.

In evaluating the validity of Objector's claim that the Candidate's nominating petitions were defective because the "oath of the circulators [failed] to make any reference to statewide voters or statewide candidacy", begins with a review of 10 ILCS 5/7-10.

10 ILCS 5/7-10, provides the following regarding a circulator's oath

> At the bottom of each sheet of such petition shall be added *a circulator statement signed by a person 18 years of age or older who is a citizen of the United States,…; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine…and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought…*
>
> *Such statement shall be sworn to before some officer authorized to administer oaths in this State.* (emphasis added)

It is the legislature, not the objector or candidate, who determines the contents of an objector's petition. A candidate, therefore, cannot expand the scope of the statute by requiring the objector to identify the candidate's party. In other words, since the electoral board may only exercise the powers conferred upon it by the legislature, a candidate cannot unilaterally increase a statutes' requirements and seek the Board's implementation of those additional requirements. (See *Kozel v. State Board of Elections,* 126 Ill.2d 58, which held that an Electoral Board is created by statute and limited to those powers granted by its enabling legislation and Section 10-10.1, wherein the scope of the of the Electoral Board's powers are clearly enunciated)

With those limitations in mind, it should be noted that the portion of 10 ILCS 5/7-10 dealing with the circulator's affidavit, does not require that the oath make any reference to statewide voters or statewide candidacy. Rather, only that "to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought"..

Thus, Objector's argument that the Candidate's nominating petitions were defective because the "oath of the circulators [failed] to make any reference to statewide voters or statewide candidacy", must be denied.

Likewise, an examination of 10 ILCS 5/7-10 is essential in evaluating the validity of Objector's position that the heading of Candidate's nominating petitions, indicating that the signors were primary electors of the Democratic Party

residing "in the City of Homewood in the County of Cook and the State of Illinois", requires the elimination of signers not residing in Homewood.

10 ILCS 5/7-10, provides, in pertinent part, as follow:

> Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and *shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same*
>
> *Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed.* (emphasis added)

While 10 ILCS 5/7-10 does indicate that the petition *"shall be signed by qualified primary electors residing in the political division for which the nomination is sought*", the section does not mandate the elimination of otherwise valid signatures because of an inconsistency between the address in the heading and the address of the signer; especially where, as here, the nomination being sought is for a statewide position and the signer is otherwise qualified to sign the candidate's petition.

However, assuming, arguendo, the Election Code requires the residences to match, it is clear that, while provisions of the Election Code are considered mandatory and may not be disregarded, a substantial compliance standard applies to all provisions of the Election Code, especially when the alleged invalidating charge concerns a technical violation. (See *Madden v. Schumann*, 105 Ill. App. 3d 900, 904,61 Ill. Dec. 684, 435 N.E.2d 173, 1982 Ill. App. LEXIS 1746 (Ill. App.

Ct. 1st Dist. 1982) “substantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation”. *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶ 23, 969 N.E.2d 861, 360 Ill. Dec. 816 ("[s]ubstantial compliance can satisfy a mandatory provision of the Election Code"); and *Samuleson v Cook County Electoral Board* 2012 IL App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658 ("Our courts have repeatedly recognized that substantial, rather than strict, compliance is the proper standard by which to evaluate deviations from certain mandatory provisions of the Election Code.")

Thus, in determining the validity of the Objector’s claim that the heading limits signers living in Homewood, Illinois, one must ascertain the purpose behind the particular statute and determine whether the alleged violation was substantive and undermined the intent of the statute. If so, the Candidate should be removed from the ballot. If, on the other hand, the violation did not undermine the intent of the statute or was minor and/ or technical, then the Candidate should remain on the ballot.

In the instant case, the intent behind 10 ILCS 5/7-10, is to prevent confusion amongst the potential electorate by providing an orderly procedure whereby qualified persons seeking public office may enter primary elections. (A candidate is entitled to have his name placed on the ballot if there is "no basis for confusion as to the office for which the nominating papers were filed." *Lewis v. Dunne*, 63 Ill. 2d 48, 53, 344 N.E.2d 443 (1976)); for as was stated in *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 734,

> The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election. Nominating petitions should be free from a ‘basis for confusion’ as to the office for which they are filed. A potential signatory to a nominating petition has the right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy.

With the aforementioned purpose in mind, one must examine whether the discrepancy between the petitions headings, indicating that the signers of the

petition resided in Homewood, Illinois, and the actual residences of the signers undermined the statutes' purpose or was merely a technical error.

In the instant case, since the petitions' heading included the Candidate's name, his address, political affiliation and that he was seeking to be nominated for the office of SECRETARY OF STATE, the Candidate's nominating petitions were not confusing to signers and complied with the intent of 10 ILCS 5/7-10 to assure that potential signatories were able to make an informed decision as to whether to sign the Candidate's petition or support another candidate for the same vacancy. (See *Nolan v. Cook County Officers Electoral Board*, 329 Ill. App. 3d 52, 768 N.E.2d 216, 263 Ill. Dec. 456 (1st Dist. 2002) where the candidate was not removed from the ballot for failing to put the district in which he was running into the heading of his petition sheets).

In other words, since Illinois only has one Secretary of State elected by statewide voters, and since all pertinent information regarding the Candidate and the office he was running for was found within the nominating petitions, and as long as the voters the petition "were qualified primary electors" residing in the political division for which the nomination was sought" (i.e.; Illinois), there is no rational basis to void legitimate signers of the Candidate's petition residing outside of Homewood, despite the mention of Homewood in the petitions' heading.

Objector's reliance on *Neal v. Cook Cty. Officers Electoral Bd.*, 2018 IL App (1st) 180321, 97 N.E.3d 560, 2018 Ill. App. LEXIS 90, 420 Ill. Dec. 678 is misplaced. In *Neal*, Anthony Johnson filed nomination papers for the office of Cicero Township committeeman. Alan Neal filed an objection to the papers on grounds that the nomination petitions stated that the signers were electors in the Township of Oak Park, not Cicero Township. The Cook County Officers Electoral Board (Board) denied the objection, and the circuit court affirmed.

The appellate court found that the inconsistency on the face of the petition rendered the petitions invalid because

> the signatories all signed a statement asserting that they were "electors *** in the Township of Oak Park." Because there is a Township of Oak Park we cannot ignore the assertion as an impossibility. The circulator's affidavit

> asserts that the signatories, "to the best of [his] knowledge and belief *** were at the time of signing the petitions qualified voters *** in the political division in which the candidates are seeking elective office." Because Johnson sought elective office in Cicero Township, the affidavit…asserts that the circulator believed that the signatories could vote in Cicero Township. The affidavit conflicts with the assertion in the petition's preamble that the signatories could vote in Oak Park Township. The "conflict or inconsistency" on the face of the petition created a "basis for confusion."

The confusion noted in *Neal*, is not present in the instant case. Viewed objectively, signers to the Candidate's nominating petitions in the instant case knew that they were signing a petition seeking to place Sidney Moore on the June 28, 2022 Democratic primary ballot for the position of Illinois Secretary of State.

Again, since there is only one statewide position for Secretary of State, and since there is no residence limitation imposed upon signers of the Candidate's nominating petitions, there was no "conflict or inconsistency" on the face of the Candidate's petition and did not create a "basis for confusion".

Accordingly, it is your Hearing Officer's recommendation that Objector's attempt to void the signers of the Candidate's petition who did not reside in Homewood, Illinois and that the Candidate's petition should be voided for failure of the Circulator's affidavits to indicate that the Candidate was running statewide, should be denied.

SUMMARY OF HEARING OFFICER'S RECOMMENDATIONS

Accordingly for the reasons stated above, it is recommended as follows:

1) That the Candidate's motion to strike the Objector's petition for failing to specify relief should be denied;

2) That the Objector's argument that the Candidate's nominating petitions were defective because the "oath of the circulators [failed] to make any reference to statewide voters or statewide candidacy", should be denied;

3) That Objector's request to void the signers of the Candidate's petitions who did not reside in Homewood should be denied;

4) That the Objector's allegation that the candidate failed to submit sufficient signatures to be placed on the June 28, 2022 Democratic primary ballot for the office of secretary of State should be denied.

Respectfully Submitted.

April 14, 2022

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF SECRETARY OF STATE OF THE STATE OF ILLINOIS

MARQUELLOUS WOODEN,	)	
	)	
Petitioner-Objector,	)	
	)	
vs.	)	No.
	)	
SIDNEY MOORE,	)	
	)	
Respondent-Candidate	)	

VERIFIED OBJECTOR'S PETITION

Marquellous Wooden, hereinafter referred to as the "Objector", states as follows:

1. Objector Marquellous Wooden resides at 4823 W. 109th St., Apt. 304, Oak Lawn, Illinois 60453, and is a duly qualified, legal and registered voter at that address in the State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Secretary of State of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

3. The Objector makes the following objections to the nomination papers (herein referred to as the "Nomination Papers") of Sidney Moore (hereinafter referred to as "Candidate") as a candidate of the Democratic Party for the nomination for the office of Secretary of State of the State of Illinois to be voted for at the Primary Election on June 28, 2022. The Objector states that the Nomination Papers are insufficient in fact and law for the reasons stated below.

4. Pursuant to Section 2A-1.1b(b) of the Illinois Election Code, 10 ILCS 2A-1.1b(b), nomination papers for the office of Secretary of State of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022, must contain the signatures of not fewer than 3,250 but

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 3:51 3/21/22

not more than 6,500 duly qualified primary electors, registered and legal voters of the State of Illinois collected in the manner prescribed by law. 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 executed in the form provided by law. The Nomination Papers purport to contain a sufficient number of the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column A, "Signer Not Registered at Address Shown", in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column B, "Signer's Signature Not Genuine", in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons whose addresses are not within the State of Illinois and the persons so signing reside outside the State of Illinois, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column C, "Signer Resides Outside District", in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete", in violation of the Illinois Election Code.

9. The Nomination Papers contain the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column E, "Signer Signed Petition More Than Once at Sheet/Line Indicated", in violation of the Illinois Election Code. All such objections to duplicate signatures reference the sheet and line number of the duplicate signatures.

10. The heading of each and every petition sheet of Candidate states that:

> We, the undersigned, members of and affiliated with the Democratic Party and qualified primary electors of the Democratic Party, **in the City of Homewood, in the County of Cook , and State of Illinois,** do hereby petition that the following named person shall be a candidate(s) of the Democratic Party for the nomination/election for the office or offices hereinafter specified to be voted for at the Primary Election to be held on June 28, 2022 (date of election). (emphasis added)

11. The circulator affidavit on each and every petition sheet contains a sworn statement wherein the circulator swears that "to the best of my knowledge and belief the persons so signing the petition qualified voters of the Democratic Party **in the political division in which the candidates (sic) is seeking nomination/elective office**..."(emphasis added)

12. Neither the assertion of the electors in the heading nor the oath of the circulator make any reference to statewide voters or a statewide candidacy. "The courts and the Board should not ignore erroneous or inconsistent assertions in nominating petitions....While we can correct omissions, and ignore impossible assertions, we cannot ignore positive assertions in a nominating petition." *Neal v. Cook County Officers Electoral Board*, 2018 IL App (1st) 180321 ¶17. Accordingly, the signatures of only those signers who are registered voters in Homewood, Illinois, may be counted, and all other signatures must be invalidated. There are 37 signers purportedly residing in Homewood, Illinois, found at the following pages and lines:

Page	Line	Page	Line	Page	Line
26	8	200	10	494	8
32	8	235	1	501	6
44	1	235	3	545	9
68	8	242	6	570	1
83	2	340	8	570	3
83	4	380	8	588	5
119	9	393	1	588	8
153	2	404	4	588	9
154	8	409	1	598	2
178	6	448	10	617	4
180	1	484	1	633	6
193	2	490	1		
196	3	490	9		

13. Candidate purports to have circulated over 400 petition sheets, and has signed the circulator affidavit on each such sheet, swearing that he so circulated those sheets. On information and belief, such circulator's affidavit is false because the Candidate did not actually obtain, solicit or witness the affixing of voters' signatures to such petition sheets, in violation of the Illinois Election Code, and therefore such petition sheets are invalid and every signature on each of such sheets should be invalidated in order to protect the integrity of the electoral process. Moreover, Objector states that there will be presented substantial, clear, unmistakable and compelling evidence which establishes a "pattern of fraud and false swearing" with an "utter contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the Nomination Papers as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire Nomination Papers as being illegal and void in its entirety under the principles set forth in *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, *Harmon v. Town of*

Cicero Municipal Officers Electoral Board, 371 Ill.App.3d 1111 (1st Dist. 2007); *Canter v Cook County Officers Electoral Board*, 170 Ill.App.3d 364 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn*, 156 Ill.App.3d 201 ((1st Dist. 1987); and *Fortas v. Dixon*, 122 Ill.App.3d 697 (1st Dist. 1984). Objector will produce documentary and testimonial evidence that Candidate signed circulator affidavits when he was not the true circulator of such sheets as enumerated hereafter by page numbers: 1 – 300; 430 – 499; 517 – 540; 601; 607; 610; 613- 614; 619 – 629; 631 – 639.

14. Sarah Moore, Candidate's wife, purports to have circulated over 200 petition sheets, and has signed the circulator affidavit on each such sheet, swearing that she so circulated those sheets. On information and belief, such circulator's affidavit is false because Sarah Moore did not actually obtain, solicit or witness the affixing of voters' signatures to such petition sheets, in violation of the Illinois Election Code, and therefore such petition sheets are invalid and every signature on each of such sheets should be invalidated in order to protect the integrity of the electoral process. Moreover, Objector states that there will be presented substantial, clear, unmistakable and compelling evidence which establishes a "pattern of fraud and false swearing" with an "utter contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the Nomination Papers as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire Nomination Papers as being illegal and void in its entirety under the principles set forth in *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill.App.3d 1111 (1st Dist. 2007); *Canter v Cook County Officers Electoral Board*, 170 Ill.App.3d 364 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn*, 156 Ill.App.3d 201 ((1st Dist. 1987); and *Fortas v. Dixon*, 122 Ill.App.3d 697 (1st Dist. 1984). Objector will produce documentary and testimonial evidence that Sarah Moore signed circulator affidavits when she was not the true circulator of sheets as enumerated hereafter by page numbers: 301 – 400; 401 – 429; 500 – 516; 541 – 600; 602 – 606; 608 – 609; 611 – 612; 615 – 618; 630.

15. Notary LaDonna J. Vickers purports to have notarized the circulator's affidavit on 602 pages on a single day, March 5, 2022. On information and belief, such circulator's affidavit is false because the circulators of those sheets, Candidate and Sarah Moore were not present before LaDonna J. Vickers when she notarized those sheets, in violation of the Illinois Election Code, and therefore such petition sheets are invalid and every signature on each of such sheets should be invalidated in order to protect the integrity of the electoral process. Investigation is continuing and Objector will produce documentary and testimonial evidence that Notary LaDonna J. Vickers notarized such sheets out of the presence of Candidate and Sarah Moore.

16. The Nomination Papers contain fewer than 3,250 validly collected signatures of qualified and duly registered legal voters of the State of Illinois, signed by such voters in their own proper person with proper addresses, far below the number required under Section 2A-1.1b(b) of the Illinois Election Code, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

17. The Appendix-Recapitulation is incorporated herein and the objections made therein are a part of this Objector's Petition.

18. The Appendix-Recapitulation sheets are referenced to the petition sheet number at the bottom of each sheet of the Appendix-Recapitulation. An "X" placed on a line of the Appendix-Recapitulation sheet indicates that an objection is made to the corresponding signature line of the referenced petition sheet for the reasons stated above. An "X" placed at the bottom of the Appendix-Recapitulation sheet indicates that an objection is made to all the signatures on the referenced petition sheet for the reason specified next to the "X". Each sheet of the Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

19. Because of the above-listed irregularities in the Nomination Papers, the Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Sidney Moore shall not appear and be not printed on the ballot for nomination to the office of Secretary of State of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.

Respectfully submitted,

Margueritha Wooden

OBJECTOR

Michael C. Dorf
The Law Offices of Michael C. Dorf, LLC
Attorney for Objector
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Suite 221
Skokie, IL 60076
(312) 781-2806 - direct
(773) 218-7260 – mobile
mdorf@michaeldorflaw.com

VERIFICATION

State of Illinois)
) ss.
County of Cook)

The undersigned, being first duly sworn, deposes and states that the undersigned is the Objector in the above Verified Objector's Petition; that he has read the same and knows the contents thereof; and that matters alleged therein are true to the best of the undersigned's knowledge and belief.

Marquellous Wooden
OBJECTOR

Subscribed and sworn to before me, a Notary Public, by Marquellous Wooden on March 21, 2022.

NOTARY PUBLIC

T C YOUNG
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
November 27, 2023

Nancy Waites v. Nancy Rodkin Rotering
22 SOEB GP 555

Candidate: Nancy Rodkin Rotering

Office: Supreme Court Justice – 2nd Judicial District (Thomas vacancy)

Party: Democratic

Objector: Nancy Waites

Attorney for Objector: Michael Dorf

Attorney for Candidate: Michael Kreloff

Number of Signatures Required: 334

Number of Signatures Submitted: 669

Number of Signatures Objected to: N/A

Basis of Objection: Objectors asserts that the Candidate does not have the requisite number of signatures required to be placed on the ballot because the Candidate's nomination papers contain 669 signatures, and Objectors argue that a minimum of 791 signatures is required to qualify for nomination, based on Objectors' interpretation of Sections 2A-1.1b(b) and 7-10(h) of the Election Code. 10 ILCS 5/2A-1.1b(b), 7-10(h).

Dispositive Motions: On agreement, parties in 22 SOEBGP 545, 22 SOEBGP 548, 22 SOEBGP 553, and 22 SOEB 555 filed joint motions. Candidates Hutchinson, Curran, Rotering, and Cruz filed their motion as Candidates' Combined Motion for Summary Judgment and Objectors Spellberg, Masover, and Waites filed their motion as Objectors' Combined Cross-Motion for Summary Judgment, both summarized below. In the interim, the objection in 22 SOEBGP 553 was withdrawn.

<u>Candidates' Combined Motion for Summary Judgment</u> filed 04/02/22.

In their Combined Motion for Summary Judgment, Candidates note the cases involve a single issue: the determination of the minimum number of signatures a candidate for Second District of the Illinois Supreme Court must file immediately following a redistricting, which created a newly redrawn Second District. The Candidates argue that number is 334, as published in the State Board of Elections' 2022 Candidate's Guide.

In support of their contention, Candidates cite to Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), which provides:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, then the

> candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures…

Candidates argue that the new Second District was created in 2021, did not exist in 2018, and .4% of the number of votes cast in that district by voters of the candidate's party for that election is not a number that exists because the voters had not previously voted in that district. In so arguing, the candidate relies on the definition of "district" from Section 1-3(14) of the Election Code, which provides: "district means any area which votes as a unit for the election of any officer …and includes…judicial districts." 10 ILCS 5/1-3(14). Candidates argue that by enacting Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021, 705 ILCS 23/15, the General Assembly terminated the existence of 2018's Second Judicial District, effective June 4, 2021. As such, no votes were cast in the Second Judicial District in the last general election because the Second District that was created by Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021 did not exist in 2018, the last general election at which a Governor was elected.

Candidates further rely on *Illinois Green Party v Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U at ¶25 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002)), which held when boundaries of a district are changed due to redistricting, the former unit no longer exists. In *Illinois Green Party*, the appellate court held:

> In our view, the establishment provision of §10-2 provides that a political party has the status of an established political party in any of several enumerated districts or political subdivisions if, when that district or political subdivision voted as a unit for the election of officers in the last election, that party polled more than 5% of the vote. That status, we emphasize, is conferred with respect to districts and political subdivisions, not geographic areas that exist independently of districts and subdivisions…" *Illinois Green Party v. Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U, ¶ 20 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002) (emphasis added)).

The Candidates argue that if the General Assembly had intended for a candidate to use vote totals from a geographic area instead of a specifically identified district, it would have directed candidates to use vote totals calculated by adding the counties comprising the new district, and argue the General Assembly did not do so.

Second, Candidates argue the State Board of Elections' interpretation of the new statute commands deference. In reliance hereon, the Candidates cite to *Prueter v. State Officers Electoral Board*, 334 Ill. App. 3d 979, 779 N.E.2d 322 (1st Dist. 2002) and *Bonaguro v. County Officers Electoral Board*, 158 Ill.2d 391, 398-399, 634 N.E.2d 712, 715 (1994), which held that the Board's interpretation of statutes deserves "substantial weight and deference." They explain, in particular,

that Candidates have the right to rely upon the Board's interpretation when the statute at issue is subject to more than one interpretation, citing *Prueter*, 334 Ill. App. 3d 979.

Third, Candidates argue the Board would violate procedural due process were it now to adopt a different interpretation of the statute from that adopted in December 2021. Candidates note that in 2002 and 2012, when non-judicial districts were subject to redistricting, the Board published statutory flat minimum signatures in lieu of piecing together portions of former districts for signature requirement calculations. In further support of their contention, Candidates cite *Briscoe v. Kusper*, 435 F.2d 1046, 1055 (7th Cir. 1970) and *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977). In *Anderson*, the Illinois Supreme Court interpreted *Briscoe* to reject a situation where a board might narrowly construe a statute without advance warning to prospective candidates. In so doing, the Candidates note that ballot access is a substantial right in Illinois that should not be lightly denied. *See Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶42 (citing *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992)); *see also Sutton v. Cook County Officers Electoral Bd.*, 2012 IL App (1st) 122528 ("Illinois public policy has long favored competitive election and access to the ballot") (citing *Lucas v. Larkin*, 175 Ill. 2d 166, 176 (1997)).

<u>Objectors' Combined Cross Motion for Summary Judgment</u> filed 04/06/22.

In their cross motion for summary judgment, Objectors allege the number of signatures required to appear on the ballot for Democratic Party candidates is 791 and the number for Republican Candidates is 757, and applying Candidate's interpretation goes against statutory construction and legislative history of Section 7-10(h) of the Election Code. In so alleging, the Objectors argue the following.

The Candidates' estoppel argument, asking the Board to not enforce the correct statutory minimum number of signatures of 791 and 757, respectively, to the extent it is based on information presented in the Candidate's Guide, is inconsistent with the Illinois Supreme Court's decision in *Corbin v. Schroeder*, which held that pure questions of law should be reviewed *de novo*. 2021 IL 127052 (Ill. 2021). They further note the Candidate's Guide's Preface contains a warning that the information contained therein is not binding, should not be construed as legal advice, and reliance thereon is not sufficient argument in response to an objection to a candidate's nomination papers.

The Objectors argue that the calculation of signatures for the office of Judge to the Second District of the Illinois Supreme Court as presented in the Candidate's Guide (334) is inconsistent with statute. They state that Section 7-10(h) of the Election Code sets forth the straightforward formula for calculating the minimum number of signatures that must be submitted by partisan candidates, and Section 7-10(h) does not contain a different formula that should be used after judicial districts are redrawn. Objectors argue that should the General Assembly have intended a separate formula be used following the redistricting of judicial districts, such a formula would be enumerated in statute as it is for congressional office (§7-10(b)), county board districts (§7-10(c)), the Cook County Board of Review Commissioners (§7-10(d)(3)), municipal and township offices (§7-10(d)), and sanitary district trustees (§7-10(g)).

In support of their argument that Section 7-10(h) provides the formula for calculating the minimum signature requirement for judicial offices, Objectors argue that because judicial district are

comprised of continuous, whole counties, it is easy to determine how many signatures are required for candidates in judicial districts, regardless of any redistricting. They display such by inputting vote totals of the established party candidates for Governor in the 2018 Gubernatorial Election from the five counties making up the 2022 Second Judicial District, and providing that .4% thereof, reduced by one-third (pursuant to Section 2A-1.1b(b)) is 791 for Democratic candidates and 757 for Republican candidates. Objectors note the Illinois Supreme Court made clear in *Jackson-Hicks v. East St. Louis Board of Election Comm'rs*, 28 N.E.3d 170 (Ill. 2015), when it comes to meeting the signature minimum for an office, "the clear and unambiguous standard adopted by the General Assembly requires compliance with a specific numerical threshold determined according to a specific mathematical formula. A candidate either meets that minimum threshold or does not." *Jackson-Hicks* at ¶ 37.

Second, Objectors argue the Candidates' calculation of the signature minimum is contrary to the plain language of the Election Code, as Section 7-10(h) does not provide for using any special calculation for judicial districts following redistricting, nor is there any language that would command the statutory minimum of 500 be used for judicial districts following redistricting. In support of this argument, Objectors cite *Maksym v. Board of Election Comm'rs*, 242 Ill.2d 303, 308 (2011), noting that when statutory language is plain and unambiguous, the statute must be applied as written without resort to aids of statutory construction, and a court will not invite exceptions that the General Assembly did not express.

Third, Objectors state that had the General Assembly intended judicial districts to use a different signature formula, it would have said so. In support thereof, Objectors highlight that the formula for signature minimums for several offices following redistricting are included in Section 7-10, but none exists for judicial districts following redistricting. Objectors rely on the canon of *expression unius est exclusion alterius*, the enumeration of an exception in a statute is considered to be an exclusion of all other exceptions, citing *Schultz v Performance Lighting, Inc.*, 2013 IL 115738, ¶17. They further highlight that the formula for signature minimums for candidates for countywide offices remains the same in every election, regardless of redistricting, 10 ILCS 5/7-10(c), (d)(1), which makes sense as the county boundaries do not change. They argue the same should be true of judicial districts, which are comprised of whole counties.

Fourth, Objectors argue that the Second District was not required to vote as a unit, as argued by Candidates, and such a contention is contradicted by Section 7-10(h). In reliance on such, Objectors argue that where the General Assembly intends that a signature calculation be based on a district unit, it expressly provides so. In so stating, they point to Section 7-10(h) which addresses signature minimums for all partisan candidates for judicial office in districts, circuits, and subcircuits, and it handles candidates for judicial district offices very differently from candidates for circuit and subcircuits office. For candidates running for office in a judicial district, Section 7-10(h) does not provide that the signature formula is tied to the district having voted as unit. But, it does state so for candidates for judicial circuits and subcircuits. To wit, they quote Section 7-10(h):

> "If a candidate seeks to run for <u>judicial office in a circuit or subcircuit</u>, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast

> for the judicial candidate of his or her political party who received the highest number of votes <u>at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected</u>, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

Fifth, Objectors argue none of the authority offered by the Candidates is availing. Objectors argue Candidates' analogy of judicial districts and congressional district, and their reliance on *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is misplaced. They argue *Illinois Green Party* bears no factual or legal resemblance to the facts at bar because congressional districts are distinct from judicial districts and involved the establishment of new political parties following redistricting.

Additionally, they argue that Candidates' reliance on the definition of district in Section 1-3(14) is inapplicable to the facts here. Section 1-3(14) includes the qualifier "unless the context otherwise requires[,]" and Objectors argue the context of Section 7-10(h) does not require the use of Section 1-3(14)'s definition of district. The context of this case would counsel that the definition of district is subject to the statutory interpretation of Section 7-10, that is sufficient, and utilizing Section 1-3(14) leads to an absurd result. The Objectors argue the Candidates' application of "district" would render provisions of the Election Code referencing "voted as a unit" unnecessary and superfluous.

Sixth, Objectors argue the legislative history of Section 7-10 supports Objectors' position. They argue that the provision of Section 7-10(h) addressing the signature requirement was added to the Election Code in 1995, with the passage of Public Act 94-645, and prior to the change, judicial districts, circuits, and subcircuits were all subject to the same minimum signature formula. Public Act 94-645, Objectors contend, established a unique minimum signature formula for districts, distinct from circuits and subcircuits. If the General Assembly had intended judicial districts' calculations to have remained tied to having voted previously as a unit, Objectors argue, it would have not retained this requirement in 2005.

Seventh, Objectors argue Candidates' estoppel argument fails, and base their argument on the Illinois Supreme Court's holding in *Corbin v. Schroeder*, 2021 IL 127052, where the Court found a candidate's reliance on erroneous signature calculations was not sufficient to overcome an objection challenge to the candidate's failure to file the statutory minimum number of signatures.

<u>Candidates' Combined Response to Objectors' Motion for Summary Judgment</u> filed 4/8/22

Candidates argue that Objector attempt to rewrite Section 7-10(h) and its reading in conjunction with the Election Code's definition of the term "district" in Section 1-3(14). 10 ILCS 5/1-3(14), 7-10(h). Section 7-10(h) instructs that signatures should be calculated based on votes cast "in that district[,]" and no votes were vast in that non-existent district in 2018's gubernatorial election. "Section 7-10(h) does not provide, as the Objectors would like, that if there were no votes cast in that district because it did not exist, the candidates should look at vote totals in counties that are

now (but may not have been before) in the Second Judicial District, reconfigure them into the new district, and then perform a calculation." Brief at 3.
Candidates argue that although the decision in *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is unpublished, it relies upon the published decision in *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2002), which similarly held that established party status of the Libertarian Party did not continue after redistricting of the relevant district. Candidates also argue that although *Illinois Green Party* is unpublished, the Board is bound by it as a party to that case. *See* 2011 IL App (1st) 113375-U.

Candidates further argue that the Board's calculation in its Candidate's Guide is entitled to deference, contending *Corbin v. Schroeder*, 2021 IL 127052, is distinguishable and leaves room for reliance on an administrative agency's interpretation of the laws it is tasked with implementing.

Record Exam Necessary: No.

Hearing Officer: Michael Tecson

Hearing Officer Findings and Recommendations: The outstanding issues in the case are the minimum number of signatures required for ballot access, and whether Candidate's 669 signatures are sufficient. The Hearing Officer recommends that in accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. The definition of "district" is, in relevant part, "any area which votes as a unit for the election of any officer…and includes, but is not limited to…judicial districts[.]" 10 ILCS 5/1-3(14). Because the newly drawn Second Judicial District has never voted as a unit, as it did not exist before 2021, calculation of the signature requirement in Section 7-10(h) should not be conducted using 2018 gubernatorial votes of the individual counties comprising the new Second Judicial Circuit because that calculation is not expressly contemplated by the Election Code.

In *Vestrup*, following the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. 335 Ill.App.3d 156. Under Section 10-2 of the Election Code, because the Libertarian candidate received more than 5% of the vote cast in the previous general election, it would normally be eligible to be considered an "established political party." *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id*. at 158. The *Vestrup* court ruled that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a "district" is defined as any area which votes as a unit for the election of any officer. *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)).

As the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Objectors argument that the Election Code's definition of "district" is inapplicable is unavailing under Section 7-10(h)'s language and the opinion in *Vestrup*. Therefore, the number of signatures

required shall be 500 as set forth in Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), and reduced by one-third as required by Section 2A-1.1b(b), 10 ILCS 5/2A-1.1b(b), which equals 334 signatures. Candidates' 669 valid signatures are sufficient for ballot access.

The Hearing Officer further determined that reliance upon the Board's Candidate's Guide's signature calculation is inappropriate under *Corbin v. Schroeder*, 2021 IL 127052. The Candidate's argument regarding due process is moot in light of the Hearing Officer's recommendation, which is that Candidate's name be placed on the ballot.

The Hearing Officer recommends that the Board grant the Candidate's motion for summary judgment on his interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, deny the Objectors' motion for summary judgment on their interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, and order the name Nancy Rodkin Rotering be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

Exceptions to Hearing Officer's Recommendation: On April 18, 2022, Objector filed exceptions to the Recommendation. She distinguishes *Vestrup*, primarily because it interprets Section 10-2, not a provision at issue here. She also argues that the Recommendation ignores legislature history, including that Section 7-10(h) was amended three years after *Vestrup*. Objector reiterates other arguments previously made as well.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES TO THE NOMINATION TO THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

NANCY WAITES,	)	
	)	
Petitioner - Objector,	)	
	)	**No. 22 SOEB GP 555**
v.	)	
	)	
NANCY RODKIN ROTERING,	)	
	)	
Respondent - Candidate.	)	

NOTICE OF FILING

To: *Via E-mail Only:*

Michael C. Dorf (mdorf@michaeldorflaw.com
Counsel for Objector

Michael Kreloff (capitolaction@yahoo.com)
Ed Mullen (ed_mullen@mac.com)
Counsel for Candidate

Illinois State Board of Elections General Counsel's office
(generalcounsel@elections.il.gov)

Please be advised that on April 15, 2022, I caused to be sent by email to the above parties at their respective e-mail addresses, the Hearing Officer's Findings and Recommendations, a copy of which is attached hereto.

DATED: April 15, 2022

Hearing Officer

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO CANDIDATES TO THE NOMINATION TO THE OFFICE OF SUPREME COURT JUDGE FOR THE 2ND JUDICIAL DISTRICT OF THE STATE OF ILLINOIS

IN THE MATTER OF:

NANCY WAITES,	)	
	)	
Petitioner - Objector,	)	
	)	**No. 22 SOEB GP 555**
v.	)	
	)	
NANCY RODKIN ROTERING,	)	
	)	
Respondent - Candidate.	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This cause coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned hearing officer pursuant to appointment and notice issued previously, the hearing officer makes the following Findings and Recommendations:

ISSUE

Whether, after the January 1, 2022 effective date of the Judicial District Act of 2021, the minimum required number of signatures for judicial office for the Second Judicial District under 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b is 334 signatures or is a higher number based upon the calculation set forth Section 7-10(h).

SHORT ANSWER

In accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no "district" that voted "as a unit" at the last election. Therefore, the number of signatures required shall be 500 as set forth in 10 ILCS 5/7-10(h), and reduced by one-third as required by 10 ILCS 5/2A-1.1b(b), which equals 334 signatures.

1. Petitioner-Objector Nancy Waites ("Objector") filed an Objector's Petition ("Petition") to Respondent-Candidate Nancy Rodkin Rotering's ("Candidate") Nomination Papers for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois.

2. The Objector asserts in her Petition that the Candidate does not have the requisite number of signatures because the Candidate's nomination papers contained 669 Signatures, and the Objector asserts that 791 signatures are required to qualify for nomination. As set forth in further detail below, the Objector calculates her 791 minimum signature requirement based on Objector's interpretation of Section 5/7-10(h) and Section 2A-1.1b of the Illinois Election Code (10 ILCS 5/1-1, *et seq.* ("Election Code")).

3. There was no records examination conducted in this matter.

4. Pursuant to agreement of Objector and Candidate, as well as parties and their counsel in related, but not consolidated cases: *Spellberg/Masover v. Hutchinson*: 22 SOEB GP 545 and *Spellberg/Masover v. Curran*: 22 SOEB GP 548 ("Related Cases"), and in accordance with my case management order issued on March 31, 2022, the parties filed cross-motions for summary judgment.

5. A hearing in this case and the Related Cases was held on April 9, 2022, and the parties were each represented by their attorneys at the hearing. I took the matter under advisement at the conclusion of the hearing.

II. <u>ILLINOIS ELECTION CODE / JUDICIAL DISTRICTS ACT</u>

6. The Illinois Election Code specifies the formula to calculate the minimum required number of signatures necessary for a candidate seeking judicial office to submit with her nomination papers for established party candidates. The number of signatures is calculated based upon the number of gubernatorial votes cast for that candidate's political party in the last

election. The Election Code states in pertinent part:

> (h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, **then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures**. …

10 ILCS 5/7-10(h) (emphasis added).

7. Effective January 1, 2022, pursuant to the Judicial Districts Act of 2021, 705 ILCS 23/1, *et seq.* ("Judicial Districts Act") the judicial district boundaries for the State of Illinois were changed for the first time since they were established in 1964. The purpose of the Judicial Districts Act was to comply with the requirements of the Illinois Constitution of 1970 which provides that judicial districts, other than the First District, "shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties." 705 ILCS 23/5.

8. In conjunction with the Judicial Districts Act, Illinois also amended the Election Code by adding 10 ILCS 5/2A-1.1b. The new Section confirms that it controls over any conflicting provisions of the Election Code. *See* 10 ILCS 5/2A-1.1b(a). The new Section specifically revised the required signatures for candidates of established parties for "statewide office", "office of Representative in the General Assembly", and "office of State Senator". 10 ILCS 5/2A-1.1b(b). The new section revised the signature requirements for established party candidates "for all other offices", which would include judicial offices, by reducing the signature requirement "by one-third". 10 ILCS 5/2A-1.1b(b). The Section reads in pertinent part:

> (b) Petitions for nomination for the general primary election may begin circulation on January 13, 2022. All petitions for nomination of an established party candidate for statewide office shall be signed by at least 3,250 but not more than 6,500 of the qualified primary electors of the

> candidate's party. All petitions for nomination of an established party candidate for the office of Representative in the General Assembly shall be signed by at least 400 but not more than 1,000 of the qualified primary electors of the candidate's party in the candidate's representative district. All petitions for nomination of an established party candidate for the office of State Senator shall be signed by at least 650 but not more than 2,000 of the qualified primary electors of the candidate's party in the candidate's legislative district. **The signature requirement for an established party candidate for all other offices shall be reduced by one-third and any provision of this Code limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third.**

10 ILCS 5/2A-1.1b (emphasis added).

9. The interpretation and application of the Judicial Districts Act and the above amendment to the Election Code are the bases of the Objector's objections to the Candidate's Nomination Papers.

III. NATURE OF THE OBJECTION

10. The Objector argues that, based upon the calculation in Section 7-10(h) of the Election Code, and as the Election Code was amended by Section 5/2A-1.1b(b), the Candidate is required to submit a minimum of 791 signatures in order to be on the ballot for the Democratic Party for the Second Judicial District.

11. Prior to the redistricting that became effective on January 1, 2022, the Second District was comprised of the following counties:

a. Boone,
b. Carroll,
c. DeKalb,
d. DuPage,
e. Jo Davies,
f. Kane,
g. Kendall,
h. Lake,
i. Lee,
j. McHenry,
k. Ogle,

l. Stephenson, and
m. Winnebago.

12. As of January 1, 2022, after the redistricting, the Second District is now comprised of the following counties:

a. DeKalb,
b. Kane,
c. Kendall,
d. Lake, and
e. McHenry.

705 ILCS 23/15.

13. The Objector calculated the minimum number of signatures as 757 using the counties in the newly comprised Second District as of January 1, 2022, as follows:

	Pritzker (Democratic Candidate)
DeKalb County	17.016
Kendall County	20,990
Kane County	81,310
Lake County	128,603
McHenry County	48,633
Total	296,552

- multiplied by 0.4% = 1186.21
- reduced by one-third = **791**

Objector's Petition at ¶¶7-8, Objector's Response Brief at p. 6.

14. At the hearing on this matter, the Candidate conceded that if Objector's legal argument was correct (which Candidate obviously disagrees with), then the Objector's calculation of 791 minimum signatures would also be correct.

IV. MOTIONS FOR SUMMARY JUDGMENT

A. Candidate's Motion for Summary Judgment

15. Candidate argues in her motion for summary judgment that Section 7-10(h) of the Election Code is clear and unambiguous. The Candidate's argument centers on the calculation of

minimum signatures based upon "votes cast in that district" at the last gubernatorial election. Effective January 1, 2022, the Second District is now comprised of five (5) counties instead of the previous thirteen (13) counties. Relying upon the statutory definition of "district", the Candidate states that the newly formed Second District has not voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14). Simply put, the Candidate argues that once the Second District was "re-districted", there were no votes "cast in that [Second Judicial] district" because the District did not exist in the last election. Therefore, the number of signatures defaults to the remaining language in Section 7-10(h) – "500 signatures." 10 ILCS 5/7-10(h).

16. The Candidate's legal argument relies mainly on two cases, *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2d Dist. 2002), and *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U.

17. The Candidate also argues that the parties must give deference to the Illinois State Board of Elections' ("ISBE") interpretation of Section 7-10(h) of the Election Code, as set forth in the 2022 Candidate's Guide issued by the ISBE issued in December 2021, and as it was subsequently amended ("2022 Candidate Guide"). Under the topic "Supreme Court Judge" and the a table entitled "Signature Calculations", the guide states that the minimum signature requirement for Judicial Districts 2 through 5 is 334 signatures for both the Republican and Democratic parties. (2022 Candidate Guide at p. 33).

18. In support of its calculation of 334 signatures, the 2022 Candidate Guide cites Illinois Public Act 102-0015 (now codified as 10 ILCS 5/2A-1.1b), which states that signature requirements for established party candidates for offices (other than, as set forth in ¶8, *supra*, "statewide office", "office of Representative in the General Assembly", and "office of State Senator") shall be reduced by one-third:

> *Pursuant to PA 102-0015, for the 2022 General Primary and General Election only, all petitions for nomination of established party candidates for all other offices shall be reduced by one-third and any provision of the Illinois Election Code (10 ILCS 5/1 et seq.) limiting the maximum number of signatures that may be submitted for those offices shall be reduced by one-third. The signature requirements above reflect a reduction of one-third. Also, the 2nd thru 5th districts were all redistricted in 2021 so the minimum requirement is 500 and reduced by one-third.

2022 Candidate's Guide at p. 33.

B. <u>Objector's Cross-Motion for Summary Judgment</u>

19. In her cross-motion for summary judgment and response to the Candidate's Motion for Summary Judgment, the Objector similarly argues that Section 7-10(h) of the Election Code is clear and unambiguous, but of course, reaches a different conclusion than the Candidate. Consistent with her Objection, and as set forth in ¶¶10-13, *supra*, the Objector calculated the required number of signatures as 757 based on her interpretation of "the plain language" of Section 7-10(h) of the Election Code.

20. The Objector also argues to the extent the Illinois Legislature intended to modify the signature requirements for primary elections that follow a redistricting, it has explicitly done so in other provision of Section 7-10. For example, in Section 7-10(b), which normally requires "signatures equal to 0.5%" of electors in the candidate's political party in the candidate's congressional district, but, "in the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures" of electors in the candidate's political party in the candidate's congressional district. Section 7-10(c) for county offices and Section 7-10(d) for Cook County offices contain similar caveats for modifying signature requirements in primary elections following a redistricting.

21. Relying upon the maxim *expression unius est exclusion alterius, e.g.*, "the enumeration of an exception in a statue is considered to be an exclusion of all other exceptions",

the Objector argues that the lack of any such caveat for judicial offices in Section 7-10(h) demonstrates the Legislature did not intend to modify the signature requirements for these offices following a judicial redistricting.

22. The Objector argues that the legislative history of Section 7-10 confirms the Objector's position that judicial districts for statewide positions is not dependant upon districts having voted as unit previously.

23. The Objector argues that the Supreme Court's decision in *Corbin v. Schroeder*, 2021 IL 127052 prohibits the Candidate from arguing estoppel or detrimental reliance on the ISBE's interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide. Relying on *Corbin*, the Objector also asserts that no due process violation has occurred based upon the ISBE's statement of its interpretation of 10 ILCS 5/2A-1.1b in the 2022 Candidate Guide.

V. LEGAL ANALYSIS

24. "Access to a place on the ballot is a substantial right and not to be lightly denied." *Siegel v. Lake County Officers Electoral Bd.*, 385 Ill. App. 3d 452, 460 (2d Dist. 2008); *see also, Anderson v. Schneider*, 67 Ill.2d 165 (1977) ("We must be conscious of the broad interest which is to be served, namely, the rights of individual candidates to avail themselves of political opportunity and those of the voters to be given the opportunity to exercise an effective choice.")

A. After the Redistricting, No District Voted As A Unit for the Second District

25. Section 7-10(h) specifically refers to a candidate who is seeking to run for judicial office in a "district". 10 ILCS 5/7-10(h). As defined in the Election Code:

> "District" means any area which **votes as a unit for the election of any officer**, other than the State or a unit of local government or school district, **and includes**, but is not limited to, legislative, congressional and **judicial districts**, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts.

10 ILCS 5/1-3(14) (emphasis added).

26. Following the redistricting of the Second Judicial District pursuant to the Judicial Districts Act, effective January 1, 2022, the Second Judicial District is now made up of five (5) Illinois Counties rather than its previous thirteen (13) county composition. *See* 705 ILCS 23/15. Since the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted "as a unit for the election of any officer." 10 ILCS 5/1-3(14).

27. The issue of whether a "district" exists following a redistricting was addressed directly in *Vestrup*. There, the Second District Court of Appeals determined that the candidate, a member of the Libertarian Party, was properly excluded from the ballot as a candidate for state representative for Representative District 47 in the 2002 general election because the Libertarian Party was not an established political party following the redistricting of the prior congressional district. *Vestrup*, 335 Ill.App.3d at 158.

28. In the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. Under Section 10-2 of the Election Code, since the Libertarian candidate received more than 5% of the vote cast in the previous general election, it was eligible to be considered an "established political party". *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id.* at 158. The *Vestrup* court found that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate.

29. The *Vestrup* court specifically addressed the definition of "district" in its decision, acknowledging that a "district" is defined as "any area which votes as a unit for the election of

any officer." *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)). Describing the situation as "insurmountable" for the candidate, the court held that "the current District 47 could not have voted as a unit in the last election because the current District 47 did not exist in the last election." *Id.* at 163.

30. The Objector argues that the Candidate's reliance on the unpublished decision *Illinois Green Party* is misplaced and that Supreme Court Rule 23 prohibits the Candidate's citation to and reliance on the decision as it is not precedential. While the Objector correctly cites the restrictions of Rule 23, I find that it is unnecessary to decide whether the Candidate improperly cited this case. The *Vestrup* case (upon which the *Illinois Green Party* case heavily relies) is dispositive of the issue as set forth above. Moreover, I do not find any significant distinctions between the cases that require a separate analysis of *Illinois Green Party* here.

31. The Objector further argues in its response brief that since *Illinois Green Party* analyzes Section 10-2 of the Election Code instead of Section 7-10, the Candidate is comparing apples to oranges. The Objector argues that Section 10-2 expressly includes language that refers to districts "voting as a unit", which is completely absent from Section 7-10, and therefore signals the Legislature's intent that districts were not required to vote "as a unit" in Section 7-10.

32. The *Vestrup* case, which the Objector does not cite in its brief, addresses this issue directly and slams the door on the Objector's position. The *Vestrup* court could not "fathom" why Section 10-2 inexplicably refers to a "political party 'voting as a unit' in an election." *Id.* at 161. The court noted that "nowhere else in the Election Code is there any reference to a political party 'voting as a unit.'" *Id.* at 162. As set forth in ¶29, *supra*, the court then acknowledged the definition of "district" in the Election Code, and interpreted Section 10-2 as making the status of an established political party expressly "contingent" on a district "having voted as a unit in the

last election." *Id.*

33. The Objector's argument on this issue, including its argument that the legislative history of Section 7-10(h) supports its position, ignores the definition of "district" in the Election Code. The Objector's argument seems to be that "district" has a different meaning in Section 7-10(h) of the Election Code than it does in Section 1-3(14). The Objector's argument is unavailing. It is clear from the Election Code and *Vestrup* that district, by definition, means a judicial district which "votes as a unit for the election of any officer."

B. <u>The Minimum Number of Signatures of Judicial Office is 334</u>.

34. After determining that the current Second Judicial District did not vote as a unit in the last gubernatorial election, the only remaining and discernible number of requisite signatures set forth in Section 7-10(h) is 500, *e.g.*, "but in no event less than 500 signatures." 10 ILCS 5/7-10(h).

35. The amendment to the Election Code requires these 500 signatures "shall be reduced by one-third." 10 ILCS 5/2A-1.1b(b). Therefore, the correct number of signatures required for judicial office is 334 signatures.

C. The Candidate May Not Rely Upon the ISBE's Interpretation in the 2022 <u>Candidate's Guide</u>.

36. While, based on the above analysis in Sections V(A) and (B), the Candidate's argument is moot regarding deference to the ISBE's interpretation of Sections 5/7-10(h) and 5/2A-1.1b, I address the issue briefly solely for the purposes of completeness.

37. The Candidate carefully attempted to argue deference to the ISBE's interpretation in the 2022 Candidate's Guide, rather than estoppel or detrimental reliance. It is not clear that she succeeded (*e.g.,* "candidates have the right to rely upon the Board's interpretation", Candidate's MSJ at ¶31). Regardless, the Illinois Supreme Court's decision in *Corbin* controls

this issue. There, the Supreme Court reversed the electoral board, the circuit court and the appellate court, finding that the signature requirements of the Election Code are mandatory, and strict, and substantial compliance, is required. *Corbin*, 2021 IL 127052 at ¶¶45, 46. Any reliance by the Candidate on the interpretation provided by the ISBE, no matter the extenuating circumstances, would not be a basis to depart from the strict signature requirements of the Election Code.

D. <u>The Candidate Has Not Been Denied any Due Process</u>

38. Similarly, based on the above analysis in Sections V(A) and (B), the Candidate's argument is moot regarding any denial of due process. I address the issue briefly solely for the purposes of completeness. In *Briscoe v. Kusper*, 435 F.2d 1046 (7th Cir. 1970), the electoral board did not require strict compliance with a provision prior to 1967 that prohibited electors from signing more than one nominating petition. *Briscoe*, 435 F.2d at 1055. The board then changed course in 1967 and began strictly enforcing the provision without notice to the public. *Id.* That issue is inapplicable here as the amendment to the Election Code and the Judicial District Act has not been applied inconsistently to any candidate in violation of any due process rights.

<u>RECOMMENDATION</u>

For the foregoing reasons, I recommend the following:

1. That the Board overrule the Objector's objection that the Candidate is required to have 791 signatures in support of her Nomination Papers.

2. That the Board find that the minimum required number of signatures for judicial office for the Second Judicial District is 334 signatures.

3. That the Board find that the Candidate has 669 valid signatures, which is 335 signatures over the minimum requirement of 334 signatures.

4. That the Board grant the Candidate's motion for summary judgment on her interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

5. That the Board denies the Objector's motion for summary judgment on her interpretation of 10 ILCS 5/7-10(h) and 10 ILCS 5/2A-1.1b in light of *Vestrup*.

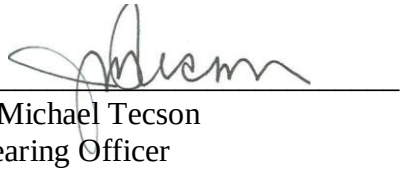
6. That the Board deny any remaining arguments in Candidate's motion for summary judgment as moot as set forth herein.

7. That the Board deny any remaining arguments in Objector's motion for summary judgment for the reasons set forth herein.

8. That the Board deny any remaining objections in Objector's petition for the reasons set forth herein.

9. That the Board order the name Nancy Rodkin Rotering be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted upon in the Primary Election to be held on June 28, 2022.

DATED: April 15, 2022



J. Michael Tecson
Hearing Officer

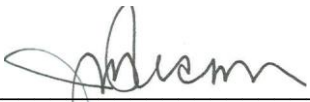
CERTIFICATE OF SERVICE

Service of the foregoing document was made by email to the following individuals on this 15th day of April 2022:

Michael C. Dorf (mdorf@michaeldorflaw.com
Counsel for Objector

Michael Kreloff (capitolaction@yahoo.com)
Ed Mullen (ed_mullen@mac.com)
Counsel for Candidate

Illinois State Board of Elections General Counsel's office
(generalcounsel@elections.il.gov)



J. Michael Tecson
Hearing Officer

J. Michael Tecson
Hogan Marren Babbo & Rose, Ltd.
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Chicago, IL 60654
(312) 946-1800
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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF SUPREME COURT JUDGE FOR THE SECOND JUDICIAL DISTRICT OF THE
STATE OF ILLINOIS

NANCY WAITES,	)	
	)	
Petitioner-Objector,	)	
	)	
vs.	)	No.
	)	
NANCY RODKIN ROTERING,	)	
	)	
	)	
Respondent-Candidate	)	

VERIFIED OBJECTOR'S PETITION

Nancy Waites, hereinafter referred to as the "Objector", states as follows:

1. Objector Nancy Waites resides at 424 Quigley Street, Mundelein, Illinois 60060, and is a duly qualified, legal and registered voter at that address in the Second Judicial District of the State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Supreme Court Judge for the Second Judicial District of the State of Illinois to fill the vacancy of the Honorable Robert R. Thomas are properly complied with, and that only qualified candidates appear on the ballot for said office.

3. The Objector makes the following objections to the nomination papers (herein referred to as the "Nomination Papers") of Nancy Rodkin Rotering (hereinafter referred to as "Respondent-Candidate") as a candidate of the Democratic Party for the nomination for the office of Supreme Court Judge for the Second Judicial District of the State of Illinois to fill the vacancy of the Honorable Robert R. Thomas, to be voted for at the Primary Election on June 28, 2022. The Objector states that the Nomination Papers are insufficient in fact and law for the reasons stated below.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 3:54 3/21/22

4. Pursuant to Section 7-10 (h) of the Illinois Election Code, 10 ILCS 5/7-10(h), nomination papers for the office of Supreme Court Judge for the Second Judicial District of the State of Illinois to fill the vacancy of the Honorable Robert R. Thomas, to be voted for at the Primary Election to be held June 28, 2022, "must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures."

5. Pursuant to Section 2A-1.1b(b) of the Illinois Election Code, 10 ILCS 2A-1.1b(b), the signature requirements set forth in Paragraph 4 above were reduced by one-third for the Primary Election to be held June 28, 2022.

6. Pursuant to Section 15 of the Judicial Districts Act of 2021, 705 ILCS 23/15, the Second Judicial District of the State of Illinois consists of the counties of DeKalb, Kendall, Kane, Lake, and McHenry.

7. Pursuant to the Official Election Results reported by the Illinois State Board of Elections for the 2018 Gubernatorial Election, the last general election at which a Governor was elected, the votes cast for JB Pritzker, the candidate of the Respondent-Candidate's political party, in the counties comprising the Second Judicial District are as follows:

a.	DeKalb County	17,016
b.	Kendall County	20,990
c.	Kane County	81,310
d.	Lake County	128,603
e.	McHenry County	48,633
TOTAL		296,552

8. Applying the formulae set forth in Sections 7-10 (h) and 2A-1.1b(b) of the Illinois Election Code, as described in Paragraphs 4 and 5 above, the signature requirement for Candidate can be calculated as follows:

296,552 x .004 = 1186.21

1186.21 – (1186.21/3)

1186.21 – (395.40)

790.81

791 valid signatures required

9. Accordingly, pursuant to Sections 7-10(h) and 2A-1.1b(b) of the Illinois Election Code, 10 ILCS 5/7-10(h) and 2A-1.1b(b), nomination papers for the office of Supreme Court Judge for the Second Judicial District of the State of Illinois to fill the vacancy of the Honorable Robert R. Thomas, to be voted for at the Democratic Primary Election to be held June 28, 2022, must contain the signatures of not fewer than 791 duly qualified primary electors, registered and legal voters of the Second Judicial District of the State of Illinois collected in the manner prescribed by law. 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 executed in the form provided by law. The Nomination Papers purport to contain a sufficient number of the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

10. Respondent-Candidate's petition sheets purport to contain a total of 669 signatures. Accordingly, even if all 669 signatures are conceded to be valid, Candidate has fallen far short of the minimum required by law, and the Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Nancy Rodkin Rotering shall not appear and be not printed on the ballot for nomination to the office of Supreme Court Judge for the Second Judicial District of the State of Illinois to fill the vacancy of the Honorable Robert R. Thomas, to be voted for at the Primary Election to be held June 28, 2022.

Respectfully submitted,

Nancy Waite

OBJECTOR

Michael C. Dorf
The Law Offices of Michael C. Dorf, LLC
Attorney for Objector
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VERIFICATION

State of Illinois)
) ss.
County of ~~Cook~~ Lake)

The undersigned, being first duly sworn, deposes and states that the undersigned is the Objector in the above Verified Objector's Petition; that she has read the same and knows the contents thereof; and that matters alleged therein are true to the best of the undersigned's knowledge and belief.

Nancy Waites
OBJECTOR

Subscribed and sworn to before me, a Notary Public, by Nancy Waites on March 21, 2022.

Bill Fohlmeister
NOTARY PUBLIC

BILL FOHLMEISTER
Official Seal
Notary Public - State of Illinois
My Commission Expires Dec 19, 2022

Jane Austin and Anita Skarr v. Jacqueline McGowan
22 SOEB GP 559

Candidate: Jacqueline McGowan

Office: Representative in Congress, 17th District

Party: Democratic

Objector: Jane Austin and Anita Skarr

Attorney for Objectors: Ed Mullen

Attorney for Candidate: Pericles Abbasi

Number of Signatures Required: 400

Number of Signatures Submitted: 1,023

Number of Signatures Objected to: 735

Basis of Objection: Nomination Papers contain petition sheets with the names of persons who are not registered voters or are not registered at the addresses opposite their respective names on the petition sheets; whose signatures are not genuine; who do not reside within the 17th Congressional District; whose addresses are incomplete or illegible; or who have signed the petition sheets more than once.

Circulator objections amounting to a pattern of fraud, as it is alleged circulator did not personally witness the signatures on enumerated petition sheets.

Dispositive Motions: Candidate's Rule 9(D) Motion filed 03/31/22. Candidate filed what she titled a "Rule 9(D) Motion" pursuant to Rule 9(d) of the State Officers Electoral Board's Adopted Rules of Procedure seeking Objectors be ordered to state their factual basis of the allegation contained in paragraph 16 of Objectors' petition. In particular, Candidate moves Objectors state with particularity the sheets they allege to have been left at a dispensary and the evidence supporting their claim (i.e. who are the witnesses or from whom are the affidavits they intend to present). Candidate claims such information is necessary to prepare a defense to these allegations.

Objectors' Response to "Motion to Strike" filed 04/04/22. Objectors frame Candidate's Rule 9(d) motion as a Motion to Strike and filed their Response thereto as such. In their Response, Objectors note Candidate does not suggest the signature objections were not filed in good faith and argue the individual signature objections indicate the objections are thoughtful as not all signatures are objected to and there are not multiple objections to individual signatures. Objectors further note Candidate's nomination petition sheets include signers from out of state and argue these inclusions

suggest Candidate was not careful in her circulation to ensure petition signers were registered voters in the 17th Congressional District.

Objectors argue paragraph 16 of their petition should not be dismissed as it was brought in good faith on information available to Objectors at the time of filing and Objectors identified two specific witnesses willing to provide evidence in support of their contention.

Record Exam Necessary: Yes, conducted on 04/11/22. Of 733 lines objected to, 569 objections were sustained and 164 were overruled. As a result, Candidate filed 452 valid signatures, 52 above the statutory minimum required for the office sought.

Hearing Officer: Roger Holmes

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam and finding Candidate filed 452 valid signatures, 52 above the statutory minimum of 400 required for the office of Representative in Congress for the 17th Congressional District.

The Hearing Officer recommends finding Objectors' petition has not sufficiently established proof of a pattern of fraud, per the Appendix B of the Board's Adopted Rules of Procedure. The Hearing Officer notes the parties were presented the opportunity to hold an evidentiary hearing on the matter, but declined the opportunity, choosing to rely on their pleadings.

As such, the Hearing Officer recommends the Board overrule the Objectors' petition and certify the name of Jacqueline McGowan to the June 28, 2022, General Primary Election as a Democratic candidate for the office of Representative in Congress for the 17th Congressional District.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. The General Counsel further recommends the Board dismiss Candidate's 9(d) motion as moot following the recommendations of the Hearing Officer.

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 CONGRESS, 17TH DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION IN THE STATE OF ILLINOIS

JANE AUSTIN and ANITA SKARR,	)	
	)	
Petitioners-Objectors,	)	
	)	
v.	)	**2022 SOEB GP 559**
	)	
JACQUELINE McGOWAN,	)	
	)	
Respondent-Candidate.	)	

AMENDED HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Report and Recommendation:

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in Congress for the 17th Congressional District in the State of Illinois.

2. The Objector's Verified Petition to the Nomination Papers of the Candidate was timely filed on March 21, 2022. In the Petition, the Objector raises objections including that the nominating papers contained insufficient true or genuine signatures for the reasons set forth in the Verified Objector's Petition.

3. An initial hearing and case management conference on this matter was held on 3/29/22. The Objectors, Jane Austin and Anita Skarr, were present through counsel Mullen. Candidate McGowan was present through counsel Abbasi, all by telephone.

4. On March 29, 2022, the Hearing Officer issued a Case Management Order requiring all parties to file any motions in this matter no later than 5:00 p.m. on March 29, 2022.

5. On March 31, 2022, the Candidate filed a Rule 9(D) Motion through her attorney. The Objectors, through their attorney, filed Response to Motion to Strike. Thereafter, this Hearing Officer sent a joint e-mail to both attorneys offering an evidentiary hearing. That offer was declined. The Objectors alleged a "Pattern of Fraud."

The issue, therefore, is not whether "Pattern of Fraud" can be raised by an Objector, the question is what type of pleading and proof must be presented to establish a "Pattern of Fraud." This Board has issued Appendix B to its duly adopted Rules of Procedure. Inasmuch as no evidence was presented, it is this Hearing Officer's recommendation that the Board strike the Objectors' Response to Motion to Strike and its claims of Pattern of Fraud for lack of evidence.

6. On or about April 11, 2022 a Records Examination was conducted pursuant to Rule 9 of the Duly Adopted Rules of Procedure.

7. The duly completed Objection Summary Report, attached hereto and made a part hereof shows that:

a) 733 of the total 1,021 signatures were objected to;
b) 569 of the 733 objections were sustained;
c) 400 signatures were required; and
d) 452 valid signatures remained leaving the Candidate 52 signatures in excess of the required minimum.

8. Neither party contested the Record Examination results.

9. The Hearing Officer adopts the results of the Board's Objection Summary Report that indicates that the Candidate has filed 452 valid signatures for an office that requires 400 signatures. The Candidate has filed 52 more signatures than are required for this office.

10. It is the recommendation of the Hearing Officer that the Objectors' Petition be overruled and that the name of Jacqueline McGowan DOES appear on the ballot for the June 28, 2022 primary election.

Dated: April 18, 2022

Roger W. Holmes
Hearing Officer

CERTIFICATE OF SERVICE

NOW COMES Roger W. Holmes, as Hearing Officer, and hereby certifies that he caused to be served upon the following named persons, a copy of to which this Certificate is attached, said service being made by email transmission from rholmes@bhslaw.com or chocking@bhslaw.com to the following on this 18th day of April, 2022.

TO:

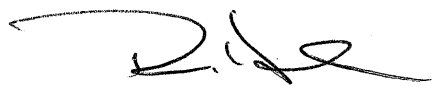
Objector or Atty Address & Email:

Ed Mullen
601 S. California
Chicago, Illinois 60612
(312) 508-9433 (cell)
ed_mullen@mac.com

Illinois State Board of Elections
generalcounsel@elections.il.gov

Candidate Atty/Address & Email:

Pericles Abbasi
6969 W. Wabansia Ave.
Chicago, Illinois 60707
(773) 368-5423 (cell)
(773) 309-8884 (fax)
ChicagoLaw@yahoo.com



Roger Holmes
Hearing Officer

ROGER W. HOLMES
ARDC Reg. #1250558
205 S. Fifth Street, Suite 1000
Springfield, IL 62705-2459
(217) 544-8491
Email: rholmes@bhslaw.com

OBJECTION SUMMARY REPORT

22SOEBGP559 / AUSTIN, SKARR V. McGOWAN

OBJECTOR(S)

JANE AUSTIN
4815 BIRCH AVE
ROCKFORD, IL 61114

ANITA SKARR
606 RIVER PARK DRIVE
LOVES PARK, IL 61111

CANDIDATE(S)

JACQUELINE McGOWAN
9938 S 82ND AVE
PALOS HILLS, IL 60465

DEMOCRATIC
17TH CONGRESS

OBJECTION TOTALS

Petition pages	116		Examined	733	
Lines with signatures	1,021		Valid	164	22.4%
Lines with objections	733	71.8%	Invalid	569	77.6%
Unchallenged lines	288	28.2%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	+52

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN CONGRESS, 17TH DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 PRIMARY ELECTION.

JANE AUSTIN and
ANITA SKARR,

Petitioners-Objectors,

v. Case No.

JACQUELINE McGOWAN,

Respondent-Candidate.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 4:12 3/21/22

OBJECTOR'S PETITION

Petitioners-Objectors Jane Austin and Anita Skarr ("Objector") hereby file this Objectors' Petition pursuant to Article 10 of the Election Code and 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the nomination papers of Respondent-Candidate Jacqueline McGowan ("Candidate") for the position of Representative in Congress, 17th District, and the validity of voter signatures contained therein, which are not in compliance with Illinois law, as follows:

1. Objector Jane Austin resides at 4815 Birch Ave, Rockford, Illinois 61114, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

2. Objector Anita Skarr resides at 606 River Park Drive, Loves Park, Illinois, 61111, and is a duly qualified, legal, and registered voter at this same address within the 17th Congressional District of Illinois.

3. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of election petitions

COPY

are properly complied with, and that only duly qualified candidates for the office of Representative in Congress, 17th District shall appear on the ballot for the Primary Election on June 28, 2022.

4. Candidate filed a Statement of Candidacy and petition signatures seeking to be placed on the ballot for election to the position of Representative in Congress, 17th District ("Nomination Papers") as a Democrat.

5. Pursuant to Illinois law, the Nomination Papers of Candidate shall contain at least 400 signatures of qualified electors of the 17th Congressional District, collected in the manner prescribed by law between January 13, 2022 and March 14, 2022.

6. Objectors state that the Nomination Papers filed by Candidate are insufficient in fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein. A mark in a column on the Appendix-Recapitulation represents an objection to the line number listed in the left column for the corresponding sheet of Candidate's Nomination Papers.

7. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered and duly qualified voters at the addresses shown opposite their respective names on the petition sheets, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "A. Signer is not registered at address", in violation of Illinois law.

8. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Petitions in their own proper person, and that such signatures are not genuine signatures and/or were written by someone else who is

not the person with that name, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "B. Signer's signature not genuine", in violation of Illinois law.

9. The Nomination Papers contain petition sheets with the names of persons who reside outside of the 17th Congressional District, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "C. Signer resides outside District", in violation of Illinois law.

10. The Nomination Papers contain petition sheets with the names of persons who have not provided their address or whose address is otherwise incomplete or illegible, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "D. Signer's address is missing or incomplete", in violation of Illinois law.

11. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time, and each duplicate signature is invalid, as set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column "E. Signer signed petition more than once at line/sheet indicated", in violation of Illinois law.

12. The Nomination Papers contain petition sheets with the signatures, names and addresses of persons who are not duly qualified electors of the 17th Congressional District, or are otherwise invalid, incomplete, or not otherwise capable, authorized or qualified to sign the Nomination Papers, or the line is incomplete, illegible stricken, or otherwise deficient or defective as set forth more fully in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "F. Other", in violation of Illinois law. These

objections include, but are not limited to: improper address; names stricken or crossed out from the sheets; use of only a partial name; improper use of a name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signature being in violation of Illinois law.

13. The Nomination Papers are factually and legally insufficient because they contain fewer than 400 validly collected signatures of duly qualified and registered legal voters of the 17th Congressional District, signed by voters in their proper person with proper addresses, as demonstrated by the objections in the Appendix-Recapitulation sheets attached and incorporated herein.

14. The attached Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objectors' Petition as though fully set forth herein. Each corresponding mark in a column is an objection for the reason stated in the column heading to each line number on the page listed.

15. Objectors request that official, original voter registration records be reviewed and request a finding that the Nomination Papers are factually and legally insufficient with fewer signatures than required, such that the Electoral Board shall issue a decision that the name of Candidate not appear or be printed on the ballot for the June 28, 2022 Primary Election.

16. On information and belief, Candidate Jacqueline McGowan committed a pattern of fraud and false swearing by signing the circulator affidavit on petition sheets she did not circulate. On information and belief, Candidate signed the circulator affidavit on petition sheets that were left at cannabis dispensaries or other locations and were signed outside of her

presence; Candidate signed these circulator affidavits falsely after picking up the petition sheets with signatures. The petition sheets subject to this objection include: 6-22, 25-73, and 81-116. As a result of her false swearing and pattern of fraud, all of the sheets with a circulator affidavit signed by Candidate should be invalidated.

WHEREFORE, Objectors request the following: (a) a hearing on the objections set forth herein; (b) a records examination be ordered of Candidate's Nomination Papers and the official voter registration records of voters; (c) a determination that the Nomination Papers of Candidate are legally and factually insufficient; (d) a decision that the name of Candidate, "Jacqueline McGowan", shall not be printed on the official ballot as a candidate for the position of Congress, 17th District for the June 28, 2022 Primary Election.

Submitted by:

Jane Austin
4815 Birch Ave
Rockford, Illinois 61114

Anita Skarr
606 River Park Drive
Loves Park, Illinois 61111

Kelly King v. Terre Layng Rosner
22 SOEB GP 560

Candidate: Terre Layng Rosner

Office: Representative, 1st Congressional District

Party: Democratic

Objector: Kelly King

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: Andrew Finko

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: N/A

Number of Signatures Objected to: N/A

Basis of Objection: Candidate's Statement of Candidacy contains the incorrect date of the election.

Dispositive Motions: Candidate's Motion for Summary Judgment filed 03/31/22. Candidate moves for summary judgment, first, on the grounds of 1st Amendment protection for the Candidate and petition signers. In so arguing, Candidate cites *Welch v. Johnson*, 147 Ill.2d 40, 56 (1992), recognizing access to a place on the ballot is a substantial right that should not be denied lightly. Candidate further cites to *Buckley v. Valeo*, 424 U.S. 1, 15 (1976), in her contention that the 1st Amendment's strong protection for political speech includes the right to associate with and support a chosen candidate. Candidate cites to *Wiggins v. Rogers*, 2019 IL App (1st) 190161, ¶15, in stating the First District Appellate Court confirmed, recognizing the core fundamental 1st Amendment rights are exercised by a candidate and all petition signers, that technical violations of the Election Code that have no impact on the election are insufficient to remove a candidate.

Candidate argues, second, that the nomination papers are in substantial compliance with the Election Code. In so arguing, Candidate states the correct date of election was written upon every petition sheets that were shown to and relied upon by voters and argues that, as such, there was no voter confusion resulting from the incorrect date being listed on her Statement of Candidacy. Candidate cites to a string of authorities in so relying, but quotes *Pascente v. County Officers Electoral Board*, 373 Ill.App.2d 871, 873, 869 N.E.2d 802, 804 (2007).

Candidate further argues the facts before the Board here are similar to those in *Wiggins v. Rogers*, 2019 IL App (1st) 190161, where the appellate court affirmed the dismissal of an objection where

a candidate for municipal office wrote the consolidated general election date on all of his nomination papers rather than the date for the earlier consolidated election.

Objector's Response to Candidate's Motion for Summary Judgment filed 04/04/22. In response, Objector argues Candidate's failure to insert the correct date of the election on the Statement of Candidacy nullifies her candidacy because it causes confusion. Objector argues this matter is distinct from cases cited in Candidate's Motion for Summary Judgment because the error in authority relied on by the Candidate was the year and, here, Candidate listed the day of the election erroneously.

Record Exam Necessary: No

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendations: The Hearing Officer recommends granting Candidate's Motion for Summary Judgment and, in so recommending, notes Objector has failed to provide statutory or case law to support the drastic relief of invalidating the Candidate's nominating papers. The Hearing Officer recommends finding the defect complained of by Objector is a *de minimis* and harmless deviation at best and, citing to *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443, 447 (1976), *Panarese v. Hosty*, 104 Ill.App.3d 627, 432 N.E.2d 1333, 1336 (1st Dist. 1982*); Stevenson v. County Officers Electoral Board*, 58 Ill.App.3d 24, 373 N.E.2d 1043, 1044 – 1045 (3d Dist. 1978). *Wiesner v. Brennan*, 2016 IL App (2d) 160115, notes where there is no basis for voter confusion and no impact on the integrity of the electoral process, courts have routinely confirmed that substantial compliance is the governing standard.

In recommending finding Candidate's error is a *de minimis* and harmless deviation at best, the Hearing Officer cites to *Wiggins v. Rogers*, 2019 IL App (1st) 190161, where the candidate's nomination papers were not stricken even though the Candidate's nominating papers contained the consolidated general election date rather than the consolidated primary date. Following *Wiggins*, the Hearing Officer recommends, the inclusion of one incorrect digit in the date of the election is not a basis to invalidate the nominating papers of Candidate.

In light of the foregoing, the Hearing Officer recommends the Objector's objection petition be dismissed and the name of Terre Layng Rosner, Democratic Party candidate for the office of Representative in Congress for the 1st Congressional District of the Sate of Illinois be certified to the June 28, 2022, General Primary ballot.

Recommendation of the Acting General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED
STATE OFFICERS ELECTORAL BOARD

KELLY KING	**)**	
	)	
Objector	**)**	
-v-	**)**	
	)	**22 SOEB GP 560**
TERRE LAYNG ROSNER	**)**	
	)	
Candidate	**)**	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on March 29, 2022 for a case management conference. The Objector appeared pro se and the Candidate appeared through counsel Andrew Finko. The parties were given the opportunity to file motions. The Objector filed motions for a change of hearing officer. Candidate filed Candidate's Motion for Summary Judgment.

The Objector's first motion was filed on March 30, 2022 with the General Counsel in which the Objector alleged as follows:

To Whom it may concern,

This is Kelly King. I am an Objector in four cases before Hearing Officer Barbara Goodman. I do not want my cases heard before her as is my right to change Hearing Officers BEFORE anything begins.

I heard Hearing Officer Philip Krasny had the case of King v Jackson BUT right in the Electoral Board Meeting the change was made from Philip Krasny to Barbara Goodman to oversee this case. It was this sudden change that gave a shock that i felt in my 'gut' that this person is NOT who i want to hear my objection in ANY of my objection cases assigned to her. Something does not feel right about her to me thusly i told her at the very outset when i met her that I told her directly upon meeting her that I informed Barbara Goodman that I did NOT want her to hear any of my cases and i am within my right to ensure fairness any bias in my cases.

Therefore, I am exercising my right to change hearing officers at the absolute outset of this process and request a change of hearing officer for my objection cases assigned to Barbara Goodman to another hearing officer to hear my objection cases,

I spoke to Joanna Sharp on March 29th, 2022 expressing my right to change hearing officer Barbara Goodman NOT to hear my cases and that a change for another hearing officer be assigned all of my cases slated to Barbara Goodman to be heard by another hearing officer. I do NOT want Barbara Goodman hearing ANY of my objection cases, PERIOD!!

Yours truly,
Kelly King

In an email to the Objector dated March 30, 2022, General Counsel Marni M. Malowitz denied the motion. A further exchange of emails between the Objector and General Counsel Malowitz. took place in which General Counsel Malowitz re-affirmed the denial of the motion.

On March 31, 2022, Objector filed with this Hearing Officer another request for a change of Hearing Officer in which she then alleged for the first time as follows:

Ms. Barbara Goodman,

On March 29th, 2022, at the Initial Meeting when I met you in your office where you were speaking to Jonathan Jackson Representative Clem Balanoff. I, you & Mr. Balanoff were sitting at a desk together. Mr. Balanoff told you that "I am only for today representing him (Jackson)". "Are you going to call him today?" You, (Barbara Goodman) said, "Yes, don't worry about it".

I was not a party to the call to Mr. Jackson.

This is exparte' communications between a Hearing Officer and a Candidate, without the other side, speaking of myself, being a party or present when you call Jonathan Jackson.

This is a clear conflict of interest.

I, therefore motion for a change of hearing officer over my cases that is currently before you.

Kelly King

On March 31, 2022, Candidate sent an email in which he opposed the Objector's motion as being "**untimely, improperly filed and factually and legally insufficient.**"

In the case of Kelly v Jackson, 22 SOEB GP 530, before this board, the Objector offered her testimony in which she reiterated the allegations made in her motion. Candidate Jackson testified and clearly established that no ex parte communication took place between this Hearing Officer and said candidate. The testimony given in Kelly v Jackson is incorporated herein by reference and by the agreement of the Objector and Candidate. Objector's second motion for a change of hearing officer was denied.

THE OBJECTOR'S PETITION

In her Objector's Petition, Objector alleges that Candidate "put in the wrong date of the election on Candidate's Statement of Candidacy" (Objector's Petition at paragraph 5) and that the inclusion of the wrong date invalidated the nominating papers. (Objector's Petition at paragraph 6). While not specifically stated in the Objector's Petition, a review of the Candidate's Statement of Candidacy indicates that the Candidate identified the election date as June 21, 2022 rather than June 28, 2022.

CANDIDATE'S MOTION FOR SUMMARY JUDGMENT

As a preliminary argument, Candidate correctly asserts that access to a place on the ballot is a substantial right that should not be denied lightly. It is within this context that objections must be viewed. The Candidate further contends that the nominating papers are in substantial compliance with the requirements of the Election Code. Regardless of the date on the Statement of Candidacy, each of the petition sheets contains the correct election date and the petition sheets are the only part of the nominating papers that the signers would have seen.

DISCUSSION

The Objector has failed to provide any statutory or case law support to justify the drastic relief of invalidating the Candidate's nominating papers. Rather, the defect complained of by the Objector is a de minimis and harmless deviation at best and as the Candidate has pointed out, the nominating papers are nonetheless in substantial compliance with the requirements of the Election Code. Where there is no basis for voter confusion and no impact on the integrity of the electoral process, courts have routinely confirmed that substantial compliance is the governing standard. See e.g., *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443, 447 (1976), *Panarese v. Hosty*, 104 Ill.App.3d 627, 432 N.E.2d 1333, 1336 (1st Dist. 1982*); Stevenson v. County Officers Electoral Board*, 58 Ill.App.3d 24, 373 N.E.2d 1043, 1044 – 1045 (3d Dist. 1978); *Wiesner v. Brennan*, 2016 IL App (2d) 160115.

Candidate correctly points out that there is only one General Primary Election taking place in June of 2022. Moreover, the signers of the petition would not have seen the Statement of Candidacy when they signed the petitions and there would be no basis for voter confusion. Indeed, no allegations of voter confusion were raised by the Objector and no such conclusion could be drawn.

Finally, the case of *Wiggins v. Rogers*, 2019 IL App (1st) 190161 which has been cited by the Candidate is instructive here. In the *Wiggins* case, the Candidate's nomination papers were not stricken even though the Candidate's nominating papers contained the consolidated general election date of April 2, 2019 rather than the consolidated primary date of February 26, 2019. *Wiggins v Rogers*, 2019 Il App (1st) 190161.

Following the *Wiggins* holding, the inclusion of one incorrect digit in the date of the election is not a basis to invalidate the nominating papers of Candidate Rosner.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the Candidate's Motion for Summary Judgment be granted and that the objections of Kelly King be dismissed. It is my further recommendation that the nominating papers of Terre Layng Rosner, Candidate of the Democratic Party for the Office of Representative in Congress for the 1st Congressional District of the State of Illinois be deemed **valid** and that the name of Terre Layng Rosner for said office **appear** on the ballot at the June 28, 2022 General Primary Election.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
4/16/22

ORIGINAL

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS FOR CANDIDATES AT THE JUNE 28TH, 2022 GENERAL PRIMARY ELECTION

IN THE MATTER OF THE OBJECTIONS)
OF KELLY KING)
TO THE NOMINATION PAPERS OF)
TERRE LAYNG ROSNER, AS A CANDIDATE FOR)
NOMINATION OF THE DEMOCRATIC PARTY)
TO THE OFFICE OF REPRESENTATIVE IN)
CONGRESS FOR THE 1ST CONGRESSIONAL)
DISTRICT IN ILLINOIS TO BE VOTED)
ON AT THE JUNE 28TH, 2022 PRIMARY ELECTION.)

STATE BOARD OF ELECTIONS
CHICAGO OFFICE
2022 MAR 21 PM 4:36

OBJECTOR'S PETITION

NOW COME Kelly King, hereinafter referred to as the "Objector," file their objections to the nomination papers of TERRE LAYNG ROSNER ("Candidate"), and challenge the legal and factual sufficiency of Candidate's nomination papers, and request that the name of TERRE LAYNG ROSNER **not** be printed upon the Democratic Party primary ballot at the June 28th, 2022 general primary, and further state as follows.

1. Objector, Kelly King, resides at 4211 S. Langley Ave., Apt. 2B, in Chicago, Cook County, Illinois 60653, and is a duly registered and qualified voter at that address.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 1st Congressional District of Illinois are properly complied with, that only qualified candidates appear on the ballot for this office at the Democratic Party general primary election to be held on June 28th, 2022.
3. Therefore your Objector makes the following objections to the nomination papers of Candidate and incorporates Appendix-Recapitulation Sheet attached hereto as if fully stated herein, and states that the said nomination papers are insufficient in law and in fact for the following reasons.
4. Under the Illinois Election Code, the signatures of not less than 400 duly qualified, registered, legal voters of the said 1st Congressional District of Illinois are required to be submitted. 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.

5. Objector states Candidate put in the wrong date of the election, on the STATEMENT OF CANDIDACY on the Suggested Revised March 2020 SBE No. P1, used by the Candidate,

6. Objector further states that using the wrong date of the election on Candidate's STATEMENT OF CANDIDACY, all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient is hereby objected to by the Objector under the Illinois Election Code. Without this correct date of election on Candidate's STATEMENT OF CANDIDACY, all of Candidate's Nomination Petition Sheets are completely legally and factually insufficient and deficient.

7. Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of individuals. The individual objections cited herein with specificity reduce the number of valid signatures to zero. In addition, the allegations contained in the foregoing paragraphs of this Objector's Petition render the entire nomination petition null and void.

WHEREFORE, your Objector respectfully requests the following: (a) that a hearing be held upon the objections set forth herein; (b) that an examination be undertaken to determine the sufficiency of Candidate's nomination petition; (c) that a determination be made that the Nomination Papers are

legally and factually insufficient; (d) that this Electoral Board make a finding that the name of TERRE LAYNG ROSNER not be printed upon the official Democratic Party primary ballot used at the June 28th, 2022 general primary election, and that this Electoral Board issue its decision declaring that the name of TERRE LAYNG ROSNER as a candidate of the Democratic Party **NOT** BE PRINTED on the OFFICIAL BALLOT for the Democratic Party at the Primary Election to be held on June 28th, 2022.

Kelly King / Kelly King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

VERIFICATION

The undersigned as Objector, under the penalties as provided in Section 1-109 of the Code of Civil Procedure affirm or verify that he/she has read this OBJECTOR'S PETITION and that the factual statements therein are true and correct, except as to matters therein stated to be on information and belief

Kelly King / Kelly King
4211 S. Langley Ave. Apt. 2B
Chicago, IL. 60653

Elizabeth Seager v. Bradley Martin
22 SOEB GP 561

Candidate: Bradley Martin

Office: Representative, 17th Representative District

Party: Republican

Objector: Elizabeth Seager

Attorneys for Objector: Michael Kasper, Kevin Morphew, and James Hartmann

Attorney for Candidate: John Fogarty

Number of Signatures Required: 400 – 1,000

Number of Signatures Submitted: 705

Number of Signatures Objected to: 303

Basis of Objection: Nomination papers contain petition pages contain petition sheets with persons who are not registered voters or who are not registered at the addresses show opposite their names; whose signatures are not genuine; whose addresses are not within the 17th Representative District; whose addresses are missing or incomplete; or who have signed the petition sheets more than once.

Dispositive Motions: None filed

Record Exam Necessary: Yes. Conducted 04/07/22. Of 312 lines objected to, 247 objections were sustained and 65 were overruled. As a result, Candidate had 458 valid signatures, 58 above the statutory minimum of 400.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: In reliance on the records exam, the Hearing Officer recommends finding the Candidate submitted 458 valid signatures, 58 more than the statutory minimum of 400 required for the office sought. As such, the Hearing Officer recommends the Objector's petition be overruled and the name of the Bradley Martin, Republican candidate for the office of Representative to the General Assembly for the 17th Representative District of the State of Illinois for the June 28, 2022, General Primary Election.

Recommendation of the Acting General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 17th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Elizabeth Seager,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 561**
	)	
Bradley Martin,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL
FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by counsel, KEVIN M. MORPHEW. The Candidate was present by counsel, LAURA JACKSACK. Appearances were filed by both parties. The conference was concluded *sine die*.

PLEADINGS

The following pleading was filed and considered:

- Objector's Petition.

ANALYSIS

The RULE 9 RECORDS EXAMINATION was commenced and completed on the afternoon of April 7, 2022 in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 312 signatures, of which 247 were sustained,

leaving 458 valid signatures, (i.e., 393 unchallenged lines and 65 valid), which results in 58 signatures greater than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 12, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nomination papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of Representative in the General Assembly for the 17th Representative District of the State of Illinois.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP561 / SEAGER V. MARTIN

OBJECTOR(S)

ELIZABETH SEAGER
400 17TH ST.
WILMETTE, IL 60091

CANDIDATE(S)

BRADLEY MARTIN
4718 RUSSETT LANE,
APARTMENT 105
SKOKIE, IL 60076

REPUBLICAN
17TH REPRESENTATIVE

OBJECTION TOTALS

Petition pages	84		Examined	312	
Lines with signatures	705		Valid	65	20.8%
Lines with objections	312	44.3%	Invalid	247	79.2%
Unchallenged lines	393	55.7%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	400	Over/Under required signatures	+58

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
17th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Elizabeth Seager,	)
	)
Petitioner-Objector,	)
	)
v.	)
	)
Bradley Martin,	)
	)
Respondent-Candidate.	)

OBJECTOR'S PETITION

INTRODUCTION

Elizabeth Seager, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 400 17th St., Wilmette, Illinois, Zip Code 60091, in the 17th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 17th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Bradley Martin as a candidate for the office of Representative in the General Assembly for the 17th Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of the 17th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 400 such voters, and further purport to have been gathered,

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
439 3/21/22

presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 17th Representative District of the State of Illinois, and such persons are not registered voters in the 17th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

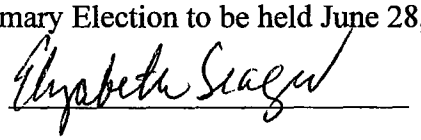
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 400 validly collected signatures of qualified and duly registered legal voters of the 17th Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 17th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Bradley Martin shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 17th Representative District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.



OBJECTOR Elizabeth Seager

Address:
400 17th St
Wilmette, IL 60091

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Elizabeth Seager, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Elizabeth Seager

Subscribed and sworn to before me
by Elizabeth Seager
this 21 day of March, 2022.

Laura M. Duszynski
Notary Public

Official Seal
Laura M Duszynski
Notary Public State of Illinois
My Commission Expires 12/29/2025

Matthew R. Custardo v. Jesse Sullivan and Kathleen Murphy
22 SOEB GP 563

Candidate: Jesse Sullivan and Kathleen Murphy

Office: Governor and Lt. Governor

Party: Republican

Objector: Matthew R. Custardo

Attorney for Objector: Pro se

Attorney for Candidate: M. Neal Smith and Kenneth Florey

Number of Signatures Required: 3,250-6,500

Number of Signatures Submitted: 7,388

Number of Signatures Objected to: 2,184

Basis of Objection: Objector argues that Candidate's nomination papers are insufficient because the nomination petitions allegedly include signatures from signers who are not duly registered voters at the addresses shown opposite their names; whose signatures are not genuine; who signed the nomination petition more than once; and whose name or address are missing and/or incomplete.

Objector further alleges that the nomination petition pages contain sheets which are not notarized.

Additionally, Objector alleges that 12 named circulators were not the true circulators of the petition sheets they purported to have circulated, did not witness the signatures appearing on their sheets, and were not present at the time the signatures were purportedly signed. Objector argues that these circulators' sheets contain a sufficient number of inauthentic signatures such that a pattern of fraud is present.

Dispositive Motions: Candidates' Motion to Dismiss, filed 03/30/22. Candidates argue Objector's Petition fails to state the specific nature of any objection, as required by Section 10-8 of the Election Code, 10 ILCS 5/10-8. Further, even if every line objection was sustained, Candidates would still have 962 signatures more than the statutory minimum.

Candidates argue that Objector has failed to properly plead both his "pattern of fraud" objection and his objection to the circulators, as required under Section 10-8, because he has only made "bald conclusions" without any facts. Pursuant to the Board's Adopted Rules of Procedure, to make a valid "pattern of fraud" claim, an Objector must "allege specific instances of fraudulent conduct in the signature gathering and related processes." Objector fails to do so.

Objector's Response to the Motion to Dismiss, filed 03/31/22. Objector argued the Hearing Officer and Board are not confined to solely review the objections in his objection petition when pattern of fraud allegations are raised, relying on *Cunningham v. Schaeflein*, 969 N.E.2d 861, 873 (Ill.App.1st Dist. 2012). Objector argues that common sense suggests fraud in Candidates' petitions, and the Board should conduct a thorough review of the nomination papers and circulator affidavits.

With respect to allegations of a pattern of fraud, Objector argues that he validly asserted such claim by his Appendix Recapitution sheets and has plead allegations of round tabling with specificity, if permitted to include supplemental objections which were not part of his original petition.

Candidates' Reply in Support of the Motion to Dismiss, filed 03/31/22. Candidates argue that Objector's Response ignores the fact that Objector's Petition failed to plead enough invalid signatures or a "pattern of fraud" objection and instead essentially asks the Board to investigate Candidates' petition sheets based on Objector's preliminary evidence and broad conclusions.

Objector's Amended Response to Candidates' Motion to Dismiss, filed 04/02/22. Objector argues Candidates' Motion to Dismiss combines elements of a Code of Civil Procedure Section 2-615 motion to dismiss for failure to state a claim and attached affidavits of individuals who objector purported did not sign Candidates' Petition, hereafter referred to as the "Williamson County affidavits."

Objector argues that he did not cite all evidence of fraud, but that he intentionally used the language "at least" in his Petition to indicate that he had found some fraud and would likely find more; he argued that once the Board saw evidence of fraud, they could not "close its eyes and ears", citing *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529 at ⁋ 31. Objector maintained he was not amending his Objection Petition but just pointing to signs of further fraud.

Candidates' Supplemental Reply in Support of the Motion to Dismiss**,** filed 04/03/22. Candidates argue that Williamson County Affidavits were an improper attempt by Objector to amend the Objector's Petition, and even if they are considered, they do not support the conclusory claim that the number of Candidates' valid signatures falls below the statutory minimum of 3,250 where affidavits concern just two circulators who together submitted 40 signatures. Candidates further argue that the affidavits are exactly the kind of fact pleading that Objector was required to make in his Objection Petition to "state fully the nature of the objection" but failed to do. Candidates note that all six affidavits were obtained on March 22, 2022, the day before the Objection Petition was filed.

Candidate reiterated the arguments above in a pre-evidentiary motion ("Candidates' Response to Objector's Emergency Motion and Renewed Request for Dismissal Order, filed 04/09/22), discussed on next page.

Pre-Evidentiary Motions and Hearings *Before Records Exam*:
The original records exam was scheduled for Thursday, March 31, 2002. At 8:49 p.m. on March 30th, Candidates' requested an emergency hearing to address the records exam. Objector filed a response and Candidates filed a reply, all before 9:00 a.m. on the 31st. The emergency hearing was

held and the records exam was postponed until such time as the parties could brief the issues raised, which are addressed below.

Objector's Subpoena Requests, filed 03/31/22. Objector filed a subpoena request for the issuance of subpoenas to depose 21 individuals who allegedly circulated petition sheets for the Candidates. The Candidates objected to the subpoena requests, maintaining that without those sheets they still had enough valid signatures to be placed on the ballot. The Hearing Officer recommended the Board grant subpoena requests for 12 of the circulators and the Board agreed.

Candidates' Motion to Strike Williamson County Affidavits, filed 04/03/22. Candidates argue that the affidavits offered by Objector must be stricken because affidavits and other supporting materials may not be considered in ruling on a motion to dismiss. Candidates also argue those affidavits should be stricken because the Objector is attempting to use them to improperly amend his Objection, and that information should have been included in his original Petition.

Objector's Emergency Motion to Expand Records Examination, filed 04/07/22. Objector filed a late-night Emergency Motion, seeking to expand the scope of the records exam by adding 694 "supplemental objections" to be reviewed at the exam which was scheduled to start within a few hours, on the morning April 8, 2022. Objector contended that he was not amending his Objection Petition, arguing that the new objections were evidence of the pattern of fraud he originally alleged.

At 7:30 a.m. on April 8, 2022, the Hearing Officer denied Objector's Emergency Motion on the basis that Objector was attempting to present new objections that were not in his original Petition, which is impermissible.

Candidates' Response to Objector's Emergency Motion and Renewed Request for Dismissal Order, filed 04/09/22. Candidates' argued that Objector attempts to add objections to his Petition is impermissible; and that even *if* Objector was allowed to add 694 new objections and they were all sustained, Candidates would still have more than the statutory minimum required to be placed on the ballot.

Record Exam Necessary: Yes. A bifurcated records exam was held on April 8, 2022. One part of the examination was dedicated to specific line-item objections identified in Objector's Petition, and separately the voter signatures on each petition sheet circulated by the 12 circulators identified in Objector's Petition were reviewed for genuineness.

An emergency hearing was held during the course of the records exam upon Candidates' oral motion to terminate the exam, which was denied.

Candidates had collected a total of 7,388 signatures. There were 2,184 line objections reviewed by SBE staff. Of those lines reviewed, 194 of the objections were sustained and 1,532 were overruled.

At the request of the Hearing Officer, 2,043 lines were analyzed for the validity of the signatures thereon, in an evidentiary analysis of Objector's pattern of fraud allegation specific to the petition sheets attributed to circulators named in Objector's objection petition. In this analysis, where voter

registration records could not be found, the record examiners did not make a ruling and those 498 lines are reflected as "pending" in the objection summary reports. Depending on how calculated[1], the signatures on petition sheets attributed to circulators named in Objector's petition had a validity rate of 91.5% or 93%.

At the conclusion of the records examination, Candidate had 6,736 signatures, which is 3,486 over the statutory minimum. Neither party submitted any Rule 9 evidence.

Pre-Evidentiary Motions and Hearings – *After Records Exam*:
After the conclusion of the records exam on April 8, 2022, during a second emergency hearing, Objector represented that he intended to withdraw his objection based on the results of the records exam and his written withdrawal would be forthcoming, however, no such notice was ever received.

On April 10, 2022, the parties filed a Joint Stipulation indicating that Objector is representing Rabine for Governor in this proceeding and not his own interests, as he claimed in his objection petition. The same day, the parties filed an amended Joint Stipulation wherein it was stipulated that "Objector has represented that he does not have sole authority to withdraw the Objections based on the results of the [r]ecords [e]xamination and that Objector and Rabine for Governor Campaign are jointly responsible for all decisions related to the Objections." The parties stipulated to the results of the records exam and waived the right to an evidentiary hearing or to submit any further evidence.

Hearing Officer: David A. Herman

Hearing Officer Findings and Recommendations: The Hearing Officer found that Candidate's Motion to Dismiss was in the nature of a Section 2-615 motion in that Candidate is challenging the sufficiency of Objector's Petition based on defects in the pleading. The Hearing Officer relied on the language of Section 10-8 of the Election Code, 10 ILCS 5/10-8, which requires an objector's petition to "state fully the nature of the objections *** to the petitions in question" and notes that on its face, Objector's Petition fails to allege that enough signatures are invalid such that Candidates would fall below the statutory minimum required. He further notes that this would still be the outcome even if Objector had been permitted to introduce 694 new objections as "further evidence" of fraud.

With respect to Objectors allegations of a demonstrable pattern of fraud within Candidates' petition sheets, including round tabling, the Hearing Officer found that Objector failed to set forth a valid claim in accordance with the Board's Adopted Rules of Procedure, which require an objector to allege "specific instances of fraudulent conduct in the signature gathering and related processes." Further, the "Williamson County Affidavits" that Objector tried to introduce as "further evidence" as opposed to an "amended petition" was impermissible, therefore the Hearing Officer recommends granting Candidates' Motion to Strike the Williamson County Affidavits., Objector has not met his burden and his claim must fail.

[1] If the 498 pending signatures are removed from the calculation entirely, the validity rate is 93%. If the pending signatures are treated as overruled, pursuant to standard practice in record exams, the validity rate is 91.5%.

As to the merits of Objector's Petition, the Hearing Officer found that the Petition fails to allege enough invalid signatures to put Candidates below the statutory minimum, and that he has failed to present any evidence whatsoever in support of his Objecting Petition. The Hearing Officer noted that in Objector's closing statement, he raised issues with the records exam for the first time; however, given that Objector had already stipulated to the record exam results and had waived his right to submit further evidence, the Hearing Officer did not consider any such issues.

As such the Hearing Officer recommends the Board GRANT Candidate's Motion to Dismiss and that the names of Jesse Sullivan and Kathleen Murphy be certified to the ballot as a candidates for the offices of Governor and Lt. Governor of the State of Illinois to be voted upon at the Primary Election on June 28, 2022.

Exceptions to the Hearing Officer's Findings and Recommendations: Candidate timely filed a Rule 5 Exception brief expanding upon the Hearing Officer's reference to "Objector's gamesmanship in these proceedings border[ing] on the frivolous" and that his behavior "should not be countenanced." *See* Recommendation, p. 11. Candidate asserted that Gary Rabine, Republican party candidate for Illinois Governor, is a controlling factor in Objector's actions in the case, which Objector did not disclose until well into the proceedings. The Candidate reiterates his request for sanctions against Objection because of his bad-faith dealings throughout the process and his abuse of the SBE's time and resources. Candidate asserts that under the SBE's Adopted Rules of Procedures, the SOEB has the power to proceed under the established principles of administrative law, and to enter "any order that further carries out the purposes of these Rules." *See* Rule 4. Candidate further suggests that the Rabine campaign's "behind-the-scenes" management of the objection violates the honor principles of the Code of Fair Campaign Practices Act, 10 ILCS 5/29B-5, which includes maintaining "decency, honesty and fair play […]" and discouraging practices that cloud issues or unfairly attack opponents.

Candidates strongly urge the Board to award relief in the form of sanctions against Objector and the Gary Rabine campaign.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation on the merits of the case.

As to the Rule 5 Exception brief filed by Candidates, although I am not aware of authority that would permit the Board to sanction Objector or the Rabine campaign as requested by the Candidates, as an attorney, I am deeply concerned about Mr. Custardo's representations in this proceeding that he is not the sole objector, despite representing in the first paragraph of his objection petition that his own 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 Nomination and Election to the Office of Governor 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." Section 10-8 of the Election Code provides that an objection petition "shall state the interest of the objector[,]" and Mr. Custardo did not do so in a forthcoming manner when he filed his objection. *See* 10 ILCS 5/10-8. Although the Election Code does not provide for referrals to the Attorney Registration and Disciplinary Commission, I am personally considering whether a

report to the ARDC would be necessary or appropriate under these circumstances given my ethical duties as an attorney in this state.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR IN THE STATE OF ILLINOIS

Matthew R. Custardo, Petitioner-Objector,	)))	
vs.	))	Case No. 22-SOEB-GP-563
Jesse Sullivan and Kathleen Murphy, Respondents-Candidates.	))	

RECOMMENDATION

TO: Matthew R. Custardo
2135 City Gate Lane, Suite 300
Naperville, IL 60563
matt@custardolaw.com

Jesse Sullivan and Kathleen Murphy
c/o M. Neal Smith and
Kenneth M. Florey
550 Warrenville Rd., Suite 460
Lisle, IL 60532
nsmith@robbins-schwartz.com
kflorey@robbins-schwartz.com

General Counsel
Illinois State Board of Elections
GeneralCounsel@elections.il.gov

This matter coming on for recommendation on Objector's Petition in this matter and the Hearing Officer states as follows:

PROCEDURAL HISTORY

On March 21, 2022, Objector's Petition was filed. The Petition objects to the nomination papers of Jesse Sullivan and Kathleen Murphy as candidates for the Offices of Governor and Lieutenant Governor in The State of Illinois. The Petition alleges that Candidates must have not fewer than 3,250 duly qualified, registered, and legal votes of the Offices of Governor and Lieutenant Governor in The State of Illinois and the nomination papers must truthfully allege the qualifications of the candidates, be gathered, and presented in the manner provided for in the Illinois Election Code and otherwise executed in the form provided by law. The Petition alleges Candidates have filed 923 petition sheets containing 6,500 signatures. The Petition alleges "signers were not registered at address shown", "signatures were not genuine/not signed by the proper person", "signed petition twice", and "signers address missing or incomplete". Objector also asserts certain "sheets not notarized". Finally, the Petition alleges the nomination papers of Candidates contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid. These allegations are made with specific reference to at least the following:

1. David Melnikov is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on David Melnikov's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. David Melnikov purports to have circulated at least petition numbers: 134, 135, 136, 137, 157-166, 168-180, 182-185, 187-200, 201-205, 621 630, and 680-690.

2. Anthony Weatherspoon is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Anthony Weatherspoon's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Anthony Weatherspoon purports to have circulated at least petition numbers: 148-152, 154-155, and 604-616.

3. Anna Steinberg is not the true circulator of petition sheets she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Moreover, a number of signatures on Anna Steinberg's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Anna Steinberg purports to have circulated at least petition numbers: 308-323, 340-343, and 793, 798-800, 801.

4. Aaron Maze is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Aaron Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Aaron Maze purports to have circulated at least petition numbers: 721.

5. Justin Maze is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Justin Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Justin Maze purports to have circulated at least petition numbers: 722, 724, 725, 862.

6. Moses Maze is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Moses Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Moses Maze purports to have circulated at least petition numbers: 723.

7. Gagandeep Bedi is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of

the Election Code. Moreover, a number of signatures on Gagandeep Bedi's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Gagandeep Bedi purports to have circulated at least petition numbers: 718-719, 859.

8. Crystal Honkala is not the true circulator of petition sheets she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Moreover, a number of signatures on Crystal Honkala's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand.

9. Loretta K. Toyne is not the true circulator of petition sheets she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Moreover, a number of signatures on Loretta K. Toyne's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand.

10. Jeremy Glickman is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Jeremy Glickman's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jeremy Glickman purports to have circulated at least petition numbers: 557-582, 584.

11. Renault Sims is not the true circulator of petition sheets he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Renault Sims's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Renault Sims purports to have circulated at least petition numbers: 146, 228-231.

12. Jessica Bejmovicz is not the true circulator of petition sheets she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on her petition sheets, in violation of the Election Code. Moreover, a number of signatures on Jessica Bejmovicz's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jessica Bejmovicz purports to have circulated at least petition numbers: 860- 861, and 863-864.

On March 30, 2022, Candidates filed a Motion to Dismiss, arguing, *inter alia*, Objector's Petition failed to properly plead as required by Section 10-8 of the Election Code (10 ILCS 5/10-8).

The original records exam was scheduled to begin at 1:00 p.m. on Thursday, March 31, 2022. Late on the night of March 30, 2022 (8:49 p.m.), Candidates requested an emergency hearing to address the records examination. Objector filed a response at 1:40 a.m. on March 31, 2022. Candidates filed a reply at 8:49 a.m. on March 31, 2022. An emergency hearing was held starting at 9:30 a.m. on March 31, 2022, and the records exam was continued, and a supplemental briefing schedule was set on the issues raised in the overnight filings.

On March 31, 2022, Objector filed a Response to the Motion to Dismiss, arguing, *inter alia*, the Hearing Officer and Electoral Board are not confined to solely review the objections in his objection petition. On that same day, Candidates filed a Reply in Support of the Motion to Dismiss, arguing Objector's Response ignores the fact that he failed to plead enough invalid signatures or a "pattern of fraud" objection and instead asks for a fishing expedition.

On April 2, 2022, Objector filed an Amended Response to Candidates' Motion to Dismiss, arguing the Motion to Dismiss combines elements of a Section 2-619 motion to dismiss and attaching affidavits from six affidavits for individuals living in Williamson County, who Objector stated, "did not personally sign a petition sheet for the Candidates". Objector also stated he "carefully uses the term 'at least' when referring to the cited fraud, leaving the door open to the fact that more could be discovered as the discovery process commenced" to explain he was pleading "that at a minimum, here is some evidence of fraudulent signatures and round tabling, but there is likely to be more". Objector maintained he was not amending his Objection Petition but just pointing to signs of further fraud.

Also on April 3, 2022, Candidates filed a Supplemental Reply in Support of the Motion to Dismiss arguing Objector's affidavits were an improper attempt to amend the Objector's Petition and even if they are considered they do not support the conclusory claim that the number of Candidates' valid signatures falls below the statutory minimum of 3,250. Candidates further argued the affidavits are exactly the kind of fact pleading Objector was required to make in his Objection Petition to "state fully the nature of the objection" but failed to do. Candidates note that all six affidavits were obtained on March 22, 2022, the day before the Objection Petition was filed.

On April 3, 2022, Candidates also filed a Motion to Strike Williamson County Affidavits, arguing the affidavits must be stricken because affidavits and other supporting materials may not be considered in ruling on a section 2-615 Motion to Dismiss. Candidates also argue those affidavits should be stricken because the Objector is attempting to use them to improperly amend his Objection.

Thereafter, the Hearing Officer advised regarding Candidates' pending Motion to Dismiss, noting it is the custom and practice of the Board, given the tight time frame and expedited nature of these proceedings, to have recommendations on dispositive motions included in the Hearing Officer's recommendation on the merits of the case. Rule 8(a)(4); Rule 7(c)(3) (motions to dismiss may be ruled on by the Board and the hearing of an objection will proceed in the absence of such a ruling). As such, the Motion to Dismiss was taken with the case.

On March 31, 2022, Objector filed a Subpoena Request for the issuance of Subpoenas for depositions for the following 21 individuals who are alleged to have circulated petition sheets for Candidates: Bradley Marks, Benjamin Morrison, Noah Sheinbaum, Kenneth Jochum, David Melnikov, Anthony Weatherspoon, Renault Sims, Patrice Robinson, Anna Steinberg, Jeremy Glickman, Loretta K. Toyne, Byron Pargo, Rocio Miller, Gagandeep Bedi, Aaron Maze, Justin Maze, Moses Maze, Jessica Bejmovicz, Crystal Honkala, Laura M. Pollastrini, Phelippe Melin. Candidates objected to the issuance of any subpoenas because Objector's Petition on its face, even if granted, would still result in Candidates having enough valid signatures to be placed on the ballot.

It was the recommendation of the Hearing Officer that: (i) Objector's Request For General Subpoenas be granted with regard to the following 12 individuals: David Melnikov, Anthony Weatherspoon, Renault Sims, Anna Steinberg, Jeremy Glickman, Loretta K. Toyne, Gagandeep Bedi, Aaron Maze, Justin Maze, Moses Maze, Jessica Bejmovicz, and Crystal Honkala listed in the Objection; (ii) the Board issue the Subpoenas provided in Objector's Subpoena Request for those 12 individuals; (iii) those 12 individuals be required to appear for deposition and the documents requested in the Subpoenas be produced at such time; and (iv) ruling be reserved with regard to the remaining individuals listed in Objector's Request for General Subpoenas, who were not named in the Objection, pending the outcome of the records exam and testimony elicited at the depositions of those 12 individuals. The Board agreed with the Hearing Officer's recommendation and issued the 12 subpoenas.

On April 6, 2022, counsel for Candidates filed their Standing Objection, per Rule 9, to all rulings adverse to their interest. On April 8, 2022, Objector filed his Standing Objection regarding same.

Late in the evening at 10:00 p.m. on April 7, 2022, Objector filed an Emergency Motion to Expand Records Examination. In support of that motion, at approximately 1:40 a.m. on April 8, 2022 (*i.e.*, the date of the records examination), Objector filed an exhibit seeking to add 694 objections. Objector's motion stated that after his Objection was filed, "he went to the Board of Elections in both Cook County and DuPage County and carefully analyzed the Candidates' petition sheets from specific circulators again" and was requesting to submit "supplemental objections for this Electoral Board to consider as part of this Objection and to be reviewed during the Records Examination". Objector maintained his submission of "supplemental objections" should not be construed to be an amendment to his Objection Petition, arguing instead that supplemental objections were "simply evidence of the same pattern of fraud already alleged in the Objection Petition".

On April 8, 2022, at approximately 7:30 a.m., the Hearing Officer denied Objector's Emergency Motion because it sought to improperly amend his objections set forth in his original Petition, which is improper and not allowed under the Board Rules. Specifically, the Hearing Officer stated the following:

> "I am in receipt of objector's filings late last night and early this morning seeking to enlarge the scope of the records examination starting at 9 am today and requesting an emergency hearing for me to rule on his motion.
>
> Because of prior commitments, I am not able to accommodate objector's request for an emergency hearing prior to the start of the 9 a.m. records examination in this matter. My first availability today will be around 10:00 am after two previously scheduled case management conferences are completed in other pending state board cases. If the parties still desire a hearing in this matter after the start of the records examination and in light of my ruling contained in this email, please let me know.
>
> Additionally, I believe the candidate should be given the ability to submit his written position on objector's emergency motion[,] so the record is clear as to

his position. If the candidate wants to file a response to objector's motion given my ruling, he may do so on or before 5 p.m. Saturday April 9, 2022.

Given the timing issues involved in this matter, I am ruling on objector's motion prior to me leaving for my 7:30 appointment, prior to a hearing being conducting, and prior to my receipt of a response submission by the candidate.

Objector's motion is denied.

It is my ruling objector's motion seeks to improperly amend his objections set forth in his original petition. His petition asserts certain line objections[,] and he is now seeking to add to those line objections to include other unrelated line objections. Simply put he is seeking to amend his original petition. This attempt is improper and not allowed. I do not find his arguments set forth in his motion persuasive. I also do not believe his current request is consistent with his previously argued position that he is merely trying to establish the "scope and extent of the fraudulent activity" and is not presenting any new objections. His emergency motion and exhibit are attempting to present new objections not contained in his original petition.

I apologize for the brevity of this ruling and any errors (I am drafting this on my phone), but I wanted to get something to the parties this morning prior to the start of the records examination.

Let me know if anyone would still like a hearing in this matter [sometime] today."

Thereafter, consistent with the Hearing Officer's Order Candidates filed a Response to Objector's Emergency Motion and a Renewed Request for Dismissal Order, arguing the proposed additional objections were clearly prohibited amendments to the Objection Petition. Candidates also argued that because Objector could add the 694 new objections and still not have enough objections to remove Candidates from the ballot as further reasons why the Objection should be dismissed.

On Friday April 8, 2022, a records examination was conducted by Board staff. The Hearing Officer requested a modified records examination to be conducted in this matter. As discussed with the Board's legal counsel there was a bifurcated records examination conducted in this matter. The specific line-item objections were reviewed by Board staff for the specific objection set forth in the Appendix-Recapitulation and the voter signatures on each petition circulated by the circulator identified in paragraph 13 of Objector's Petition were reviewed for genuineness. The records review revealed that Candidates had collected a total of 7,388 signatures. There were 2,184 line objections reviewed at the records examination. At the conclusion of the records examination, there were 6,736 signatures considered valid (194 line objections were sustained, while 1,532 line objections were overruled). The Objection Summary Report and two Detailed Reports reflecting the results of the staff records exam is attached to this Recommendation as **Recommendation Group Exhibit A**. After the records review, Candidates did have the required statutory minimum of not fewer than 3,250 signatures to be placed on the

primary election ballot. The Parties were given until Wednesday, April 13, 2022, at 5:00 p.m. to submit any Rule 9 evidence contesting the finding of the records examination conducted by Board staff, which neither party did. The results of the records examination did not support the serious allegations of a pattern and practice of fraud, forgery, or round tabling as alleged in Objector's Petition.

During the second emergency hearing held on April 8, 2022, occurring after the completion of the records examination (the first emergency occurred during the records examination and Candidates' oral motion to terminate the examination was denied), Objector orally represented to the Hearing Officer he was withdrawing his objection based on the results of the record examination. However, the Hearing Officer advised that such a withdrawal had to be submitted in writing. Objector advised he was driving, but he would provide such a written withdrawal later that night. However, no such written withdrawal was ever submitted. As a result, Candidates filed a Motion to Quash Objector's Subpoenas for depositions.

During a Saturday April 9, 2022, 6:00 p.m. case management conference addressing, among other things, Candidates' Motion to Quash, Objector withdrew his request for all subpoenas for depositions in this matter, thereby mooting the Motion to Quash.

On Monday April 11, 2022, the Parties filed an Amended Joint Stipulation, stipulating, *inter alia*,: (i) that "Objector has represented that he does not have sole authority to withdraw the Objections based on the results of the Records Examination and that Objector and Rabine for Governor Campaign are jointly responsible for all decisions related to the Objections"; (ii) to the authenticity and admissibility of the "Objection Summary Report" the "Objection Detail Report" and the "Objection Detail Report – Circulator"; (iii) that they waive their right to an evidentiary hearing, and (iv) that they have waived the right to submit further evidence after submission of the Amended Joint Stipulation.

On April 12, 2022, the Hearing Officer, following his receipt of the Parties' Amended Joint Stipulation, issued a Case Management Order, canceling the previously scheduled Evidentiary Hearing for Thursday, April 14, 2022, and noting that the Parties stipulated they were waiving their right to a hearing and to submit further evidence, and providing the Parties until April 13, 2022, at 5:00 p.m. to provide any written closing arguments.

On April 13, 2022, Candidates submitted their written closing argument, contending, *inter alia*, that Objector never stated a valid objection from the outset and that as a result their Motion to Dismiss should be granted. Candidates also argued that, even if Objector had pled a valid claim, his Objection should still fail where Objector has utterly failed to prove his case. Candidates also advocate for sanctions based on the frivolous nature of the Objection.

Objector's April 13, 2022, written closing argument, argues that, *inter alia*, (i) his Emergency Motion to Expand the Records Examination was denied in error; and (ii) the Hearing Officer and Board are not confined to solely review the objections in the objection petition. Objector also challenges, for the first time, the results of the records examination findings, and suggests that "the records were not truly examined appropriately".

The Hearing Officer notes that no evidence, case law, or argument was submitted by Objector relating to the allegations that Candidates' Petition sheets 811-815 were not notarized. Accordingly, this argument is treated as being waived.

This recommendation followed.

ANALYSIS

I. Candidates' Motion to Dismiss

On March 30, 2022, Candidates filed a Motion to Dismiss, arguing, *inter alia*, Objector's Petition failed to properly plead as required by Section 10-8 of the Election Code.

Objector filed a Response to the Motion to Dismiss on March 31, 2022, arguing, *inter alia*, the Hearing Officer and Board are not confined to solely review the objections in his objection petition. Also on March 31, 2022, Candidates filed a Reply in Support of the Motion to Dismiss, arguing Objector's Response ignores the fact that he failed to plead enough invalid signatures or a "pattern of fraud" objection and instead asks for a fishing expedition.

Thereafter, Objector file an Amended Response to Candidates' Motion to Dismiss on April 2, 2022, arguing the Motion to Dismiss combines elements of a Section 2-619 motion to dismiss and attaching affidavits from six affidavits for individuals living in Williamson County (the "Williamson County Affidavits"), who Objector stated, "did not personally sign a petition sheet for the Candidates". Objector also stated he "carefully uses the term 'at least' when referring to the cited fraud, leaving the door open to the fact that more could be discovered as the discovery process commenced" to explain he was pleading "that at a minimum, here is some evidence of fraudulent signatures and round tabling, but there is likely to be more". Objector maintained he was not amending his Objection Petition but just pointing to signs of further fraud and under the law had an ability to establish the "scope and extent of the fraud he had pled".

On April 3, 2022, Candidates filed a Supplemental Reply in Support of the Motion to Dismiss arguing the Williamson County Affidavits were in improper attempt by Objector to amend the Objector's Petition and even if they are considered they do not support the conclusory claim that the number of Candidates' valid signatures falls below the statutory minimum of 3,250 where affidavits concern just two circulators who together submitted 40 signatures. Candidates further argue that the affidavits are exactly the kind of fact pleading that Objector was required to make in his Objection Petition to "state fully the nature of the objection" but failed to do. Candidates note that all six affidavits were obtained on March 22, 2022, the day before the Objection Petition was filed. Also on April 3, 2022, Candidates filed a Motion to Strike Williamson County Affidavits, arguing the affidavits must be stricken because affidavits and other supporting materials may not be considered in ruling on a section 2-615 motion to dismiss. Candidates also argue those affidavits should be stricken because the Objector is attempting to use them to improperly amend his Objection.

The Hearing Officer finds Candidates' Motion to Dismiss is in the nature of a Section 2-615 motion to dismiss (735 ILCS 5/2-615), as it challenges the legal sufficiency of a pleading based on defects apparent on its face. *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006). As a general matter, the burden of proof in a proceeding to contest nominating petitions

lies with the objector. *Hagen v. Stone*, 277 Ill. App. 3d 388, 390 (1995). "A section 2-615 motion to dismiss challenges the legal sufficiency of a complaint based on defects apparent on its face. [Citation.] In ruling on a section 2-615 motion, only those facts apparent from the face of the pleadings, matters of which the court can take judicial notice, and judicial admissions in the record may be considered. [Citation.] The court must also accept as true all well-pleaded facts in the complaint and all reasonable inferences that may be drawn from those facts. [Citation.]" *K. Miller Construction Co. v. McGinnis*, 238 Ill. 2d 284, 291 (2010).

The nomination papers of a candidate "shall be deemed to be valid unless objection thereto is duly made." 10 ILCS 5/10-8. Under Section 10-8 of the Election Code, an objector's petition "shall state fully the nature of the objections *** to the petitions in question." 10 ILCS 5/10-8. On its face, Objector's petition fails to allege enough signatures are invalid to put Candidates under the minimum number of signatures needed. For this race, a minimum of 3,250 signatures from qualified primary electors of the Republican Party must be submitted. 10 ILCS 5/2A-1.1b(b). Even, assuming, *arguendo*, every signature objection raised by Objector's petition is sustained, the alleged improperly notarized petition pages are stricken, *and* the petition pages circulated by the challenged circulators listed in Objector's petition are deemed invalid, Candidates would still have more than enough valid signatures. Simply put, Objector did not challenge enough signatures. Objector argues his use of the phrase "at least" should allow him the leeway to prove a pattern of practice of fraud exists though the discovery process. However, his use of "at least" in this context does not satisfy the pleading standard. To accept Objector's interpretation would result in the exception swallowing the rule. It would permit an objector to just plead a few signatures were invalid with the expectation he would get to satisfy the initial pleading standard during discovery. Such an interpretation would leave toothless the Board's pleading standard going forward.

Objector alleges a pattern and practice of fraud exists sufficient to void Candidates' entire nominating petition. Pursuant to the Board Rules, however, to make a valid claim of a pattern of fraud, "an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes" and "a general claim of a pattern of fraud without specific examples in insufficient to establish such a claim. See Electoral Board Rules, adopted on March 29, 2022, Appendix B, p. B-1. Further, "the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud." *Id*.

Here, Objector has not alleged specific instances of fraudulent conduct that would reduce the number of signatures below the statutorily required minimum for Candidates to be placed on the ballot. Instead, Objector states only a legal conclusion that there has been a "pattern of fraud" (see Objection, par. 11) and that "there is evidence of roundtabling" (see Objection, par. 12). However, Objector fails to set forth facts regarding why he thinks that is the case. Instead, Objector's petition contains conclusory statements which the Hearing Officer finds insufficient to meet Objector's burden under Section 10-8 to "state fully the nature of the objections" (see Objection, pars. 11-13).

On April 3, 2022, Candidates also filed a separate Motion to Strike the Williamson County Affidavits Objector submitted with his Amended Response to the Motion to Dismiss, arguing the they must be stricken because the Motion to Dismiss is in the nature of a 2-615 motion to dismiss in that it is a motion based on the Objection rather than the underlying facts

and as a result, affidavits and other supporting materials may not be considered in ruling on the motion to dismiss. Candidate also argues the affidavits should be stricken because the Objector is attempting to use them to improperly amend his Objection. The Hearing Officer agrees.

It is well-settled that affidavits and other supporting materials may not be considered in ruling on section 2-615 motion to dismiss. *Premier Electrical Construction Co. v. La Salle National Bank*, 115 Ill. App. 3d 638, 643 (1st Dist. 1983). Further, Section 10-8 of the Election Code explains that the "objector's petition *** shall state fully the nature of the objections to the certificate of nomination or nomination papers" (10 ILCS 5/10-8) and amendments to objector petitions not permitted. *Weber v. Winnebago County Officers Elec. Bd.*, 2012 IL App (2d) 120051, ¶ 13. These affidavits were obtained prior to the time of the filing of the Objection and could have been included with the Objection Petition but were not. The affidavits contain the kind of facts that Objector should have pleaded in his Objection Petition. Thus, to the extent the Williamson County Affidavits attempt to amend Objector's Petition, such an amendment is also improper. Accordingly, it is the recommendation of the Hearing Officer that Candidates' Motion to Strike the Williamson County Affidavits be granted for the reasons stated herein.

For the foregoing reasons, the Hearing Officer recommends Candidates' Motion to Dismiss be granted. If the Board disagrees, the Hearing Officer's Recommendation will next address the merits of the Objection petition.

II. Recommendation on the Merits of Objector's Petition

On its face, Objector's petition fails to allege enough faulty signatures to put Candidates under the minimum number of signatures needed. For this race, a minimum of 3,250 signatures from qualified primary electors of the Republican Party must be submitted. 10 ILCS 5/2A-1.1b(b). Candidates submitted 923 petition pages containing 7,447 signatures collected by over 100 circulators. Objector filed objections to 240 signatures and to all the signatures collected by twelve circulators listed in paragraph 13 of Objector's Petition. Thus, even, assuming, *arguendo*, every signature objection raised by Objector's petition was sustained, the alleged improperly notarized petition pages are stricken, *and* the petition pages circulated by the challenged circulators listed in Objector's petition invalidated, Candidates would still have more than enough valid signatures. Simply put, Objector did not challenge enough signatures in his Objection. Objector also failed present **any evidence** in support of his Objection Petition.

At the conclusion of the records examination, there were 6,736 signatures considered valid (194 line objections were sustained, while 1,532 line objections were overruled). The Objection Summary Report and two Detailed Reports reflecting the results of the staff records exam is attached to this Recommendation as **Recommendation Group Exhibit A**. Thus, after the records review, Candidates did have the required statutory minimum of not fewer than 3,250 signatures to be placed on the primary election ballot. The results of the records examination did not support Objector's allegation of widespread forgery and round tabling. During an April 8, 2022, case management conference occurring after the records examination, Objector orally represented to the Hearing Officer and Candidates' counsel that he was withdrawing his Objection based on the results of the record examination and would be submitting a formal written withdrawal later that evening, which he did not do. Instead, an Amended Joint Stipulation was filed, in which Objector stipulated to the authenticity and admissibility of the "Objection Summary Report" the "Objection Detail Report" and the "Objection Detail Report –

Circulator" and waived his right to an evidentiary hearing or to submit further evidence. While Objector alleges issues with the records examination in his written closing statement, he did so for the first time. By that point, Objector had already waived the right to submit further evidence and had stipulated to the results of the records examination.

The burden is on Objector to prove his case. Objector here continually relies on the off-quoted maxim that the Board "cannot close its eyes and ears" to advance his position that the Board is not confined to solely review just the objections in his petition. See *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529 at ¶ 31 ("when in the course of hearing objections to nominating papers for a candidate, evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process"). This maxim presupposes that *some* evidence will be presented. The Board Rules do not provide for an objector to simply make a shot-gun allegation, waive all opportunity to present evidence himself, and (beyond conducting the records examination) expect the Board to investigate and find him evidence to support his objection. Such a position fundamentally misunderstands the nature of the petition-challenge process and the Board Rules. Moreover, that maximum does not mean an objector is given free reign to amend his original objection after filing; the requirement that an objector is required to "state fully the nature of the objection" in the first instance remains. Objector's gamesmanship in these proceedings borders on the frivolous and should not be countenanced.

For the foregoing reasons, the Hearing Office recommends the Objection be denied. The Hearing Officer acknowledges that Candidate, citing the nature of Objector's gamesmanship in this matter, has requested sanctions in their written closing argument. Unfortunately, the Hearing Officer is without authority to rule on Candidates' request for sanctions.

CONCLUSION

Because Candidates **HAVE** met the minimum signature requirement set forth in the Election Code, the Hearing Officer recommends that Candidates' names **BE PLACED** on the ballot as candidates for the Offices of Governor and Lieutenant Governor in The State of Illinois.

DATED: April 16, 2022

/s/ David A. Herman
David A. Herman, Hearing Officer

CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of April, 2022, service of the foregoing document was made by electronic transmission from the office of the undersigned to the following individuals:

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Naperville, IL 60563
matt@custardolaw.com

Jesse Sullivan and Kathleen Murphy
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Kenneth M. Florey
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/s/ David A. Herman
David A. Herman, Hearing Officer

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR OF THE STATE OF ILLINOIS

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 4:20 3/21/22

Matthew R. Custardo ,	)
	)
Petitioner-Objector,	)
	)
vs.	)
	)
Jesse Sullivan and Kathleen Murphy,	)
	)
Respondents-Candidates.	)

OBJECTORS' PETITION

Now comes Matthew R. Custardo (hereinafter referred to as the "Objector"), and state as follows:

1. Matthew R. Custardo resides at 2225 Pebble Creek Drive, Lisle, Illinois 60532, 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 Nomination and Election to the Office of Governor 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. Objectors make the following objections to the nomination papers of Jesse Sullivan and Kathleen Murphy (the "Nomination Papers") as candidates for the Offices of Governor and Lieutenant Governor of the State of Illinois (the "Candidates"), respectively, and file the same herewith, and state that said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Objectors state that in the Offices of Governor and Lieutenant Governor of the State of Illinois, the signatures of not less than 3,250 duly qualified, registered, and legal voters of the

State of Illinois are required to be duly filed as part of a candidate's nomination papers. 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.

I. The Candidate Has An Insufficient Number Of Signatures To Qualify For Office.

4. Objectors state that the Candidates have filed 923 petition signature sheets containing the maximum number of signatures (6,500) of allegedly duly qualified, legal, and registered voters from the State of Illinois.

5. Objectors state 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.

6. Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under Column A designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

7. Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNATURE NOT GENUINE / NOT SIGNED BY PROPER PERSON" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Objectors further state that said Nomination Papers contain the signatures of various individuals who have signed the petition more than once, as delineated under Column C of the Appendix Recap sheets, designated "SIGNED PETITION TWICE" at the sheet and line numbers indicated, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Objectors further state that said Nomination Papers contain the signatures of various individuals who purport to have signed the nominating petition but have failed to provide a complete residence address, such incomplete signature and address information rendering such signature invalid, as more fully set forth in the Appendix-Recapitulation, under Column D designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Objectors further state that said Nomination Papers contain sheets that were not notarized, rendering such sheets invalid, as more fully set forth in the Appendix-Recapitulation, under Column E designated "SHEETS NOT NOTARIZED" attached hereto and made a part hereof, all signatures therein being in violation of the statutes in such cases made and provided.

11. Objector states that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon,* 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

12. Specifically, Objectors state that there is evidence of *roundtabling*, a term for when "a group of circulators sit around a table falsely signing petitions in the name of voters to submit to election authorities." *In re Armentrout*, 457 N.E.2d 1262, 1264 (Ill. 1983).

13. Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with an "utter and contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the nominating petitions hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, Objectors state that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety. This allegation is made with specific reference to all of the petition sheets circulated by at least the following individuals for at least the following reasons:

a. David Melnikov. David Melnikov is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on David Melnikov's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. David Melnikov purports to have circulated at least petition numbers: 134, 135, 136, 137, 157-166, 168-180, 182-185, 187-200, 201-205, 621-630, and 680-690.

b. Anthony Weatherspoon. Anthony Weatherspoon is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Anthony Weatherspoon's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Anthony Weatherspoon purports to have circulated at least petition numbers: 148-152, 154-155, and 604-616.

c. Anna Steinberg. Anna Steinberg is not the true circulator of petition sheets that she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number

of signatures on Anna Steinberg's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Anna Steinberg purports to have circulated at least petition numbers: 308-323, 340-343, and 793, 798-800, 801.

d. Aaron Maze. Aaron Maze is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Aaron Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Aaron Maze purports to have circulated at least petition numbers: 721.

e. Justin Maze. Justin Maze is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Justin Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Justin Maze purports to have circulated at least petition numbers: 722, 724, 725, 862.

f. Moses Maze. Moses Maze is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Moses Maze's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Moses Maze purports to have circulated at least petition numbers: 723.

g. Gagandeep Bedi. Gagandeep Bedi is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Gagandeep Bedi's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Gagandeep Bedi purports to have circulated at least petition numbers: 718-719, 859

h. Crystal Honkala. Crystal Honkala is not the true circulator of petition sheets that she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Crystal Honkala's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Crystal Honkala purports to have circulated at least petition numbers:

i. Loretta K. Toyne. Loretta K. Toyne is not the true circulator of petition sheets that she purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Loretta K. Toyne's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Loretta K. Toyne purports to have circulated at least petition numbers:

j. Jeremy Glickman. Jeremy Glickman is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Anna Steinberg's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jeremy Glickman purports to have circulated at least petition numbers: 557-582, 584

k. Renault Sims. Renault Sims is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Renault Sims's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Renault Sims purports to have circulated at least petition numbers: 146, 228-231.

l. Jessica Bejmovicz. Jessica Bejmovicz is not the true circulator of petition sheets that he purports to have circulated, has not witnessed the signatures that appear on those petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, a number of signatures on Jessica Bejmovicz's petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Jessica Bejmovicz purports to have circulated at least petition numbers: 860-861, and 863-864.

14. Objectors state that the Nomination Papers herein contested consist of various sheets purporting to contain the valid and legal signatures of 6,500 individuals. The individual objections cited herein with specificity, as well as the intrinsic evidence of *roundtabling*, reduce the number of valid signatures to below the statutory minimum of 3,250.

WHEREFORE, Objector pray that the purported Nomination Papers of Jesse Sullivan and Kathleen Murphy as candidates for the Offices of Governor and Lieutenant Governor, respectively, for 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 Candidates' names be stricken and that this Honorable Electoral Board enter its decision declaring that the names of Jesse Sullivan and Kathleen Murphy as candidates for the Offices of Governor and Lieutenant Governor, respectively, BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on June 28, 2022.

Respectfully submitted,
OBJECTOR

By: /s/ Matthew R. Custardo

CUSTARDO LAW, LLC
Matthew R. Custardo (ARDC #: 06329579)
2135 City Gate Lane, Suite 300
Naperville, IL 60563
Tel: 630-557-1451 | Fax: 630-557-8050
matt@custardolaw.com

Eric Nelson v. Ryan N. McIntyre
22 SOEB GP 564

Candidate: Ryan N. McIntyre

Office: Democratic State Central Committeeman, 9th Congressional District

Party: Democratic

Objector: Eric Nelson

Attorney for Objector: Michael Dorf

Attorney for Candidate: Adam Vaught

Number of Signatures Required: 67

Number of Signatures Submitted: 149

Number of Signatures Objected to: 92

Basis of Objection: Election papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names; whose signatures are not genuine; whose addresses are not within the 9th Congressional District; whose names or addresses are either missing entirely or are incomplete; and who have signed the petition more than once.

Dispositive Motions: No.

Record Exam Necessary: Yes. The Record Exam was conducted on 04/06/22. Objector objected to 92 lines; 63 of those objections were sustained, 29 were overruled, and as a result, Candidate had 86 valid signatures, 19 over the statutory minimum of 67. Neither party filed a Rule 9 Motion.

Hearing Officer: Ernest Gowen

Hearing Officer Findings and Recommendations: The Hearing Officer recommends adopting the results of the record exam, finding that of the 92 signatures objected to, 63 were sustained and 29 were overruled, and finding Candidate has 19 signatures more than the statutory minimum of 67 required for the office of Democratic State Central Committeeman, 9th Congressional District. As such, the Hearing Officer recommends the objection be overruled and the Candidate be certified on the ballot for the June 28, 2022, primary election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation:

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
CANDIDATES FOR ELECTION TO THE
OFFICE OF DEMOCRATIC STATE CENTRAL COMMITTEEMAN

ERIC NELSON,	)	
	)	
Petitioner-Objector	)	
	)	
v.	)	**No. 22 SOEBGP 564**
	)	
RYAN N. MCINTYRE,	)	
	)	
Respondent-Candidate	)	

RECOMMENDATIONS AND PROPOSAL
FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present by counsel, MICHAEL C. DORF. The Candidate was present by counsel, ADAM R. VAUGHT. Appearances were filed by both parties. The conference was concluded *sine die*.

PLEADINGS

The following pleading was filed and considered:

- VERIFIED OBJECTOR'S PETITION.

ANALYSIS

The RULE 9 RECORDS EXAMINATION was commenced and completed on the morning of April 6, 2022 in Chicago. The OBJECTION SUMMARY REPORT of that EXAMINATION is attached hereto (Exhibit A). Staff ruled on objections to 149 signatures, of which 63 were sustained,

leaving 86 valid signatures, (i.e., 57 unchallenged lines and 29 valid), which results in 19 signatures greater than the required number of 67 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence…*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 11, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nomination papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of Democratic State Central Committeeman.

Dated: April 14, 2022

Respectfully submitted,

Ernest L. Gowen

ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT

22SOEBGP564 / NELSON V. MCINTYRE

OBJECTOR(S)

ERIC NELSON
4350 NORTH BROADWAY
#1106
CHICAGO, IL 60613

CANDIDATE(S)

RYAN McINTYRE
655 WEST IRVING PARK ROAD
CHICAGO, IL 60613

DEMOCRATIC
9TH STATE CENTRAL COMMITTEEMAN

OBJECTION TOTALS

Petition pages	16		Examined	92	
Lines with signatures	149		Valid	29	31.5%
Lines with objections	92	61.7%	Invalid	63	68.5%
Unchallenged lines	57	38.3%	Pending	0	0%

Pages with objections	0	0%
Pending	0	
Overruled	0	
Sustained	0	
Signatures subtracted	0	

Required signatures	67	Over/Under required signatures	+19

EXHIBIT A

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
CANDIDATES FOR ELECTION TO THE
OFFICE OF DEMOCRATIC STATE CENTRAL COMMITTEEMAN

ERIC NELSON,	)	
	)	
	)	
Petitioner-Objector,	)	
	)	
vs.	)	No.
	)	
RYAN N. MCINTYRE,	)	
Respondent-Candidate	)	

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 4:50 3/21/22

VERIFIED OBJECTOR'S PETITION

Eric Nelson, hereinafter referred to as the "Objector", states as follows:

1. Objector Eric Nelson resides at 4350 North Broadway, #1106, Chicago, IL 60613, and is a duly qualified, legal and registered voter at that address in the 9th Congressional District of the State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of election papers for the office of Democratic State Central Committeeman in the 9th Congressional District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

3. The Objector makes the following objections to the election papers (herein referred to as the "Election Papers") of Ryan N. McIntyre (hereinafter referred to as "Respondent-Candidate") as a candidate of the Democratic Party for the election for the office of Democratic State Central Committeeman in the 9th Congressional District of the State of Illinois to be voted for at the Primary Election on June 28, 2022. The Objector states that the Election Papers are insufficient in fact and law for the reasons stated below.

4. Pursuant to Sections 7-10 and 2A-1.1b(b) of the Illinois Election Code, 10 ILCS 5/7-10 and 2A-1.1b(b), election papers for the office of Democratic State Central Committeeman in the 9th Congressional District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022, must contain the signatures of not fewer than 67 duly qualified primary electors, registered and legal voters of the 9th Congressional District of the State of Illinois collected in the manner prescribed by law. In addition, said Election 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 executed in the form provided by law. The Election Papers purport to contain a sufficient number of the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Election Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column A, "Signer Not Registered at Address Shown", in violation of the Illinois Election Code.

6. The Election Papers contain petition sheets with the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column B, "Signer's Signature Not Genuine", in violation of the Illinois Election Code.

7. The Election Papers contain petition sheets with the names of persons whose addresses are not within the 9th Congressional District of the State of Illinois and the persons so signing reside outside the 9th Congressional District of the State of Illinois, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column C, "Signer Resides Outside District", in violation of the Illinois Election Code.

8. The Election Papers contain petition sheets with the names of persons for whom the addresses stated are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete", in violation of the Illinois Election Code.

9. The Election Papers contain the names of persons who have signed the Election Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column E, "Signer Signed Petition More Than Once at Sheet/Line Indicated", in violation of the Illinois Election Code. All such objections to duplicate signatures reference the sheet and line number of the duplicate signatures.

10. The Election Papers contain fewer than 67 validly collected signatures of qualified and duly registered legal voters of the 9th Congressional District of the State of Illinois, signed by such voters in their own proper person with proper addresses, far below the number required under Sections 7-10 and 2A-1.1b(b) of the Illinois Election Code, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

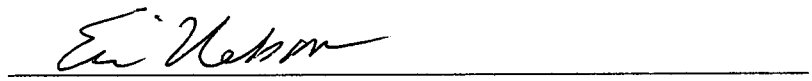
11. The Appendix-Recapitulation is incorporated herein and the objections made therein are a part of this Objector's Petition.

12. The Appendix-Recapitulation sheets are referenced to the petition sheet number at the bottom of each sheet of the Appendix-Recapitulation. An "X" placed on a line of the Appendix-Recapitulation sheet indicates that an objection is made to the corresponding signature line of the referenced petition sheet for the reasons stated above. An "X" placed at the bottom of the Appendix-Recapitulation sheet indicates that an objection is made to all the signatures on the referenced petition sheet for the reason specified next to the "X". Each sheet of the Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

13. Because of the above-listed irregularities in the Election Papers, the Election Papers are invalid in their entirety.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Election Papers are insufficient in law and fact, and a ruling that the name of Ryan N. McIntyre shall not appear and be not printed on the ballot for election to the office of Democratic State Central Committeeman in the 9th Congressional District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.

Respectfully submitted,



OBJECTOR

Mr. Eric Nelson
4350 North Broadway, #1106
Chicago, IL 60613

Glenda Love High v. Sidney Moore
22 SOEB GP 565

Candidate: Sidney Moore

Office: Secretary of State

Party: Democratic

Objector: Glenda Love High

Attorney for Objector: Frank Avila

Attorney for Candidate: Max Solomon

Number of Signatures Required: 3,250- 6,500

Number of Signatures Submitted: 5,990

Number of Signatures Objected to: 4,413

Basis of Objection: Nomination papers include petition sheets with signatures of persons who are not registered voters and/or not registered voters at the addresses shown opposite their names; whose signatures are not genuine; who are not registered voters in the 10th Legislative District; whose address opposite their name and signature are missing and/or incomplete; and who have signed the petition more than once.

Petition sheets were circulated by a circulator who was not at least 18 years of age or would not be 18 years of age by the General Election Day, was not a U.S. citizen, did not reside at the address contained within the affidavit, and/or circulated petition(s) for a Republican candidate.

Specifically, Sidney Moore did not circulate any petition pages as claimed and all petitions were circulated by others. All sheets listing Sidney Moore as circulator should be stricken.

Circulator affidavit notarized by a notary whose commission expired/is not valid in Illinois, the notary did not sign, and/or the signature is not genuine.

Pattern of fraud by circulators and notaries such that every sheet circulated and/or notarized by said individuals should be invalidated. Specific allegations include: (a) circulator did not circulate affidavit and did not witness all signatures; (b) submission of voters' signatures which were not actually signed by the voter, but forged, signatures not signed in the presence of the purported circulator; and forged and written by someone other than the named person; (c) person signing a petition sheet as the circulator who was not the person who circulated the sheet; (d) notaries signing their name, mis-dating entries, and placing their stamp upon sheets without having witnessed the

respective circulator signing their name and swearing the affidavit before said notary; and/or (e) round-tabling.

Circulator's affidavit states that all the primary electors are from the City of Homewood when most of the signatures within the petition sheets are not from the City of Homewood. This is a false swearing by every circulator, caused confusion for signers, and is a fatal flaw in the petition. Requested relief is that all signatures outside Homewood should be stricken.

Dispositive Motions: Candidate's Motion to Strike and Dismiss filed 03/30/22. Candidate moves to strike and dismiss the entirety of Objector's petition on the grounds a copy of the objection petition was not signed by the Objector or an attorney for the Objector. Candidate argues this lack of a signature is a violation of Section 10-8 of the Election Code, 10 ILCS 5/10-8, and Illinois Supreme Court Rule 137.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 03/31/22. In her Response to Candidate's Motion to Strike and Dismiss, Objector states the Candidate's motion is factually untrue in that the original and one copy were signed, but the [second] copy was not. Attorney Frank Avila signed the original and second copy, and there is no requirement to sign each copy and the original was signed. Additionally, Objector argues Section 10-8 does not require an objection petition be signed.

Record Exam Necessary: Yes, conducted on 04/01/22 and 04/04/22. Of 4,413 lines objected to, 679 objections were sustained and 3,734 were overruled. As a result, 679 signatures were struck from the initial 5,990 filed by Candidate, leaving him with 5,311 valid signatures, 2,061 more than the statutory minimum. Neither Party filed a Rule 9 Motion.

Hearing Officer: Philip Krasny

Hearing Officer Findings and Recommendations: The Hearing Officer recommends denying Candidate's Motion to Strike and Dismiss as the basis of his motion, that Objector did not sign the objection petition, is not a requirement under Section 10-8.

With regard to Objector's objections to Candidate's circulator affidavits, the Hearing Officer relies on the language of §7-10 of the Election Code, 10 ILCS 5/7-10, in recommending finding §7-10 does not require the oath make any reference to statewide voters or statewide candidacy; rather, only that "to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought…". The Hearing Officer further recommends finding the language of §7-10 does not mandate the elimination of otherwise valid signatures because of an inconsistency between the address in the heading of the petition sheet and the address of the signer; especially where, as here, the nomination being sought is for a statewide position and the signer is otherwise qualified to sign the candidate's petition.

Assuming, *arguendo*, that §7-10 does require the residences in the heading of the petition pages to match the residences of the signers thereon, the Hearing Officer recommends finding Candidate's nomination petitions are substantially compliant with the provisions of §7-10 as this error is a

technical one which does not result in voter confusion in opposite of the intent of §7-10, citing to See *Madden v. Schumann,* 105 Ill. App. 3d 900, 904 (1st Dist. 1982) "substantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation[.]" *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶ 23; *Samuelson v. Cook County Electoral Board*, 2012 IL App (1st) 120581. As such, this discrepancy, the Hearing Officer recommends finding, is not sufficient to invalidate the signatures of petition signers residing outside the City of Homewood, Illinois.

As to Objector's allegations of a pattern of fraud within Candidate's nomination petitions, Objector stands on the legal issue offered through her pleadings, which argues: "…the Circulator Sidney Moore did NOT circulate in his proper person, and that the Nominating Petitions Circulator's Affidavit is false and fatally flawed because it says all signers and eligible singers for the office of Illinois Secretary of State are in Homewood." The Hearing Officer recommends finding the Objector has not presented any substantive facts establishing Candidate engaged in any conduct indicating a disregard for the mandatory requirements of the Election Code and affecting the integrity of the political process, citing *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), as requiring evidence of conduct which is pervasive and undermines the electoral process. The Hearing Officer, in so recommending, cites Appendix B of the Board's Adopted Rules of Procedure, which provides:

> To make a valid claim of a pattern of fraud, an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. In addition, the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.

The Hearing Officer recommends finding that if the pleadings require specific, fact-based allegations, then, likewise, the evidence or proof must also comply with those allegations. The Hearing Officer recommends finding Objectors have not proffered such evidence or proof, and as such, her objection insofar as it relates to a pattern of fraud within Candidate's nominating petitions be overruled.

In sum, the Hearing Officer recommends the Candidate's Motion to Strike and Dismiss be denied, and the objection petition be overruled, finding Candidate had 2,061 signatures in excess of the 3,250 required to appear on the primary ballot.

Recommendation of the Acting General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.

BEFORE THE ILLINOIS ELECTORAL BOARD

GLENDA LOVE HIGH	)	
Petitioner-Objector	)	
vs.	)	22 SOEB 565
SIDNEY MOORE	)	
Respondent- Candidate	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, SIDNEY MOORE, seeks to be placed on the June 28, 2022 Democratic primary ballot for the office of Secretary of State and has filed nominating petitions in support of his placement on the ballot for that office.

The Objector, GLENDA LOVE HIGH, has filed certain objections to those nominating petitions.

On March 29, 2022, the Illinois Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Illinois Electoral Board.

A case management conference was held on March 31, 2022.

The Candidate, represented by Max Solomon, has filed a Motion to Strike and Dismiss the Objector's petition.

The Objector, represented by Frank Avilla, filed a Response and the Candidate, thereafter, filed a Reply.

The results of a Binder Exam completed on April 4, 2022 revealed that the Candidate had 2,061 signatures in excess of the 3,250 signatures required.

No Rule 9 material was filed.

A status hearing was held on April 8, 2022 and was attended by the Objector's attorney.

A hearing on the issue of "Pattern of Fraud" was scheduled for April 13, 2022. However, on April 11, 2022, the Objector indicated that he did not intend to present evidence on that issue and, accordingly, no hearing was held.

OBJECTOR'S PETITION

Besides raising multiple allegations concerning the validity of the Candidate's nominating petitions set forth on his Appendix-Recapitulation sheets and which were addressed by the binder exam, the Objector contends that "circulator Sidney Moore did NOT circulate in his proper person" (See paragraph 18 of Objector's petition).

The Objector also claims that the Circulator's affidavit erroneously indicated that signers resided in Homewood when, "most of the signers do NOT live in Homewood" This allegation appears to be based on a discrepancy between the petitions' heading, which indicates that petition signers reside in Homewood, and the actual address of the signers showing that they resided in a town other than Homewood. (See paragraph 19 of the Objector's petition).[1]

The Objector further claims that the aggregate of the errors and deficiencies in the nominating petitions constitute a "Pattern of Fraud" requiring the removal of the Candidate form the primary ballot. (See paragraphs 11, 12, 16, and 17 of the Objector's petition)

MOTION TO STRIKE

The Candidate's Motion to Strike does not specifically address the aforementioned objections. Rather, the Candidate contends that the Objector's petition should be dismissed because neither the Objector nor her attorney signed the petition in violation of 10 ILCS 5/10-8.

[1] This issue was also raised and addressed by your Hearing Office in Wooden v. Moore 552 and is incorporated by reference

The Objector contends that the Objector's petition need not be signed by the Objector or her attorney

ANALYSIS

10 ILCS 5/10-8, sets out the contents of an objector's petition:

> The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board.

It is the legislature, not the objector or candidate, who determines the contents of an objector's petition. A candidate, therefore, cannot expand the scope of the statute by requiring the objector to sign the petition filed with the Board. In other words, since the electoral board may only exercise the powers conferred upon it by the legislature, a candidate cannot unilaterally increase a statute's requirements and seek the Board's implementation of those additional obligations. (See *Weingart v. Department of Labor* (1988), 122 Ill. 2d 1, 17; and *Kozel v. State Board of Elections*, 126 Ill.2d 58, which held that an Electoral Board is created by statute and limited to those powers granted by its enabling legislation and Section 10-10.1, wherein the scope of the of the Electoral Board's powers are clearly enunciated). Thus, in the absence of legislation, the Candidate's argument that the Objector's petition should be dismissed for failing to be signed must be rejected.

Assuming arguendo, that the Objector's petition needed to be signed, in his Response, the Objector stated that the Objector's attorney, Frank Avilla, signed the original petition and a copy, but not the third copy filed with the Board of Elections.[2]

Accordingly, based upon the requirements set out in 10 ILCS 5/10-8, it is recommended that the Candidate's Motion to Strike and Dismiss be denied.

[2] It should be noted, however, that the Objector did not file any evidence, such as an affidavit, or proof of what was filed with the State Board of Elections, in support of his position that 2 signed copies of the Objection was properly submitted.

OTHER LEGAL ISSUES RAISED IN OBJECTOR'S PETITION

10 ILCS 5/7-10, provides a good starting point in evaluating the validity of Objector's position that that the Circulator's affidavit erroneously indicated that signers resided in Homewood when, "most of the signers do NOT live in Homewood" (As noted above, this allegation appears to be based on a discrepancy between the petitions' heading, which indicated that petition signers reside in Homewood, and the actual address of the signers showing they resided in a town other than Homewood).

Regarding the heading of a Candidate's petition ILCS 5/7-10 provides, in pertinent part, as follows:

> Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and *shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same*
>
> *Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed.* (emphasis added)

10 ILCS 5/7-10 also provides the following regarding a circulator's oath

> At the bottom of each sheet of such petition shall be added *a circulator statement signed by a person 18 years of age or older who is a citizen of the United States,…; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine…and certifying that to the best of his or her knowledge and*

belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought…

Such statement shall be sworn to before some officer authorized to administer oaths in this State. (emphasis added)

As noted above, it is the legislature, not the objector or candidate, who determines the contents of an objector's petition. A candidate, therefore, cannot expand the scope of the statute by requiring the objector to identify the candidate's party.

With those limitations in mind, it should be noted that the portion of 10 ILCS 5/7-10, dealing with the circulator's affidavit, does not require that the oath make any reference to statewide voters or statewide candidacy. Rather, only that "to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought"..

While 10 ILCS 5/7-10 does indicate that the petition "shall be signed by qualified primary electors residing in the political division for which the nomination is sought", the section does not mandate the elimination of otherwise valid signatures because of an inconsistency between the address in the heading and the address of the signer; especially where, as here, the nomination being sought is for a statewide position and the signer is otherwise qualified to sign the candidate's petition.

However, assuming, arguendo, that the Election Code requires the residences to match the heading of the petition or that the circulator's affidavit requires the removal of signers not residing in Homewood, it is clear that, while provisions of the Election Code are considered mandatory and may not be disregarded, a substantial compliance standard applies to all provisions of the Election Code, especially when the alleged invalidating charge concerns a technical violation. (See *Madden v. Schumann,* 105 Ill. App. 3d 900, 904,61 Ill. Dec. 684, 435 N.E.2d 173, 1982 Ill. App. LEXIS 1746 (Ill. App. Ct. 1st Dist. 1982) "substantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation". *Cunningham v. Schaeflein,*

2012 IL App (1st) 120529, ¶ 23, 969 N.E.2d 861, 360 Ill. Dec. 816 ("[s]ubstantial compliance can satisfy a mandatory provision of the Election Code"); and *Samuelson v. Cook County Electoral Board* 2012 IL App (1st) 120581, 969 N.E.2d 468, 360 Ill. Dec. 658 ("Our courts have repeatedly recognized that substantial, rather than strict, compliance is the proper standard by which to evaluate deviations from certain mandatory provisions of the Election Code.");

As with other sections of the Election Code, substantial compliance concerning a circulator's affidavit requirement can save a nomination petition from being rendered invalid. *Nolan v. Cook County Officers Electoral Board,* 329 Ill. App. 3d 52, 56, 768 N.E.2d 216, 263 Ill. Dec. 456 (2002) (circulators' affidavits that failed to state that voters who signed the petition were registered voters substantially complied with the Code, where the opening line of the petition stated that voters were registered).

Thus, in determining the validity of the Objector's claim that the circulator's affidavit requires the removal of signers not residing in Homewood or that the heading limits signers to those living in Homewood, Illinois, one must ascertain the purpose behind the provisions, determine whether the alleged violation was substantive and undermined the intent of the statute. If so, the Candidate should be removed from the ballot. If, on the other hand, the violation did not undermine the intent of the statute or was minor and/ or technical, then the Candidate should remain on the ballot.

In the instant case, the intent of 10 ILCS 5/7-10 is to prevent confusion amongst the potential electorate by providing an orderly procedure whereby qualified persons seeking public office may enter primary elections. (A candidate is entitled to have his name placed on the ballot if there is "no basis for confusion as to the office for which the nominating papers were filed." *Lewis v. Dunne*, 63 Ill. 2d 48, 53, 344 N.E.2d 443 (1976)); for as was stated in *Zapolsky v. Cook County Officers Electoral Bd.,* 296 Ill. App. 3d 731, 734,

> The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election. Nominating petitions should be free from a 'basis for confusion' as to the office for which they are filed. A potential signatory to a

nominating petition has the right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy.

As regards the intent regarding the circulator's affidavit, the court in *Brennan v. Kolman*, 335 Ill. App. 3d 716, 719, 781 N.E.2d 644, 269 Ill. Dec. 847 (2002) noted that "[T]he circulator's affidavit requirement is considered a meaningful and realistic method of eliminating fraudulent signatures and protecting the integrity of the political process." *Sakonyi v. Lindsey*, 261 Ill. App. 3d 821, 826, 634 N.E.2d 444, 199 Ill. Dec. 605 (1994).

With the aforementioned purposes in mind, one must examine whether the discrepancy between the petitions headings, indicating that the signers of the petition resided in Homewood, Illinois, and the actual residences of the signers and/or the alleged deficiency in the circulator's affidavit undermined the statutes' purpose or, alternatively, was merely a technical error.

In the instant case, since the petitions' heading included the Candidate's name, his address, political affiliation and that he was seeking to be nominated for the office of SECRETARY OF STATE, the Candidate's nominating petitions were not confusing to signers and complied with the intent of 10 ILCS 5/7-10 to assure that potential signatories were able to make an informed decision as to whether to sign the Candidate's petition or support another candidate for the same vacancy. (See *Nolan v. Cook County Officers Electoral Board*, 329 Ill. App. 3d 52, 768 N.E.2d 216, 263 Ill. Dec. 456 (1st Dist. 2002) where the candidate was not removed from the ballot for failing to put the district in which he was running into the heading of his petition sheets).

In other words, since Illinois only has one Secretary of State elected by statewide voters, and since all pertinent information regarding the Candidate and the office he was running for was found within the nominating petitions, there is no rational basis to void legitimate signers of the Candidate's petition residing outside of Homewood, despite the mention of Homewood in the petitions' heading

Likewise, any alleged error in the circulator's affidavit does not, in any way, undermine the intent of the affidavit to eliminate fraudulent signatures and

protecting the integrity of the political process. Rather, as long as the voters the petition "were qualified primary electors residing in the political division for which the nomination was sought" (i.e.; Illinois), the Objector, in the instant case, could, and did, challenge those signatures believed to be questionable. Accordingly, any alleged deficiency in the circulator's affidavit was a minor technical error and that the affidavit substantially complied with the statute's intent

Accordingly, it is your hearing Officer's recommendation that the Objector's argument that the Circulator's affidavit and the discrepancy between the petitions heading and the actual address of the actual address of the signers showing they resided in a town other than Homewood should be denied.

PATTERN OF FRAUD

The remaining issue raised in the Objector's petition deals with the Objector's claim of "Pattern of Fraud". At the outset, it should be noted that the concept of Pattern of Fraud, which allows for the elimination of signatures other than those specifically objected to by an Objector, has been followed by courts for decades. (See *Fortas v. Dixon, 122 Ill. App.3d 697* (1984), *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1987) and *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988),

An examination of the aforementioned cases demonstrates that "Pattern of Fraud" denotes a candidate's conduct which is pervasive and undermines the electoral process (See *Fortas*, 122 Ill. App.3d at 701"when in the course of hearing objections to nominating papers, evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process.") (See also *Huskey*, 156 Ill. App.3d at 203-204, where the court held an electoral board right to consider evidence relating to the validity of signatures other than those challenged in the objection when the "evidence constitutes a pattern of disregard for the mandatory requirements of the Election Code and affects the integrity of the political process". (And *Canter*, 170 Ill. App.3d at 368.where the court held that when the sheets of a nominating petition submitted by purported circulated evidence a pattern of fraud, false swearing and total disregard for the mandatory requirements of the Election Code

the sheets purportedly circulated by that individual should be stricken in their entirety.)

The issue, therefore, is not whether "Pattern of Fraud" can be raised by an Objector, the question is what type of pleading and proof must be presented to establish a "Pattern of Fraud."

In answering that question, the Board has issued Appendix B of the Rules of Procedure which outline the type of allegations required to establish "Pattern of Fraud",

> To make a valid claim of a pattern of fraud, an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. In addition, the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.

Similarly, the pleading of specific, rather than generalized facts, establishing a "Pattern of Fraud" is implicit by Rule 4b and 9d of the Board's Rules of Procedure which provides:

> 4b. Authority to strike objections. The Board may, on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. *Objections to individual signers and/or circulators must consist of a specific objection or objections to that particular signer or circulator.* In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law. (Emphasis added)
>
> d. Objections made without reasonable inquiry. *The Board or a Hearing Officer may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were*

> *not made in good faith*. In the alternative, the Board or Hearing Officer may order, on its own motion or upon motion of the candidate, that the objector show cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection (emphasis added)

Accordingly, if the pleadings require specific fact based allegations then, likewise, the evidence or proof must also comply with those allegations.

In the instant case, the Objector has only made one specific fact based allegation which could be construed as constituting a "Pattern of Fraud" under Electoral Board rules. (See paragraph 18 of the Objector's petition, where it was specifically alleged that "The Circulator Sidney Moore did not circulate in his proper person".)

In anticipation of an evidentiary hearing to be on April 9, 2022, your Hearing Officer sent the parties the following e-mail:

> Since there have been no rule 9 materials filed in this case seeking to strike or rehabilitate stricken signatures, the hearing will be limited to the issue of "Pattern of Fraud". I intend to limit the scope of the hearing to "specific fraudulent conduct" by particular individuals as set forth in Appendix of B, entitled Pattern of Fraud"

On April 11, 2022, Mr. Avila, attorney for the Objector, sent your Hearing Officer an e-mail indicating as follows:

> Your Honor:
>
> We are not proceeding on a Pattern of Fraud per se--only to the extent that our objection says that the Circulator Sidney Moore did NOT circulate in his proper person, and that the Nominating Petitions Circulator's Affidavit is false and fatally flawed because it says all signers and all eligible signers for the office of Illinois Secretary of State are in Homewood.
>
> In terms of narrowing the focus, I hope that is helpful.

Your Hearing Officer replied as follows:

> Evidence that Circulator Sidney Moore did NOT circulate the petitions in his proper person, may result in those petitions being excluded. If, however, the evidence is pervasive and extensive, it may be considered a pattern of fraud. So, your evidence should focus on your specific allegation regarding circulator Moore.
>
> The issue about the discrepancy between the heading of the petitions indicating that signers were from Homewood and the actual residences of the signers is a question of law which I can decide without additional evidence. The legal issue for me to consider is: "Should the discrepancy result in the elimination of signators not residing in Homewood"

Mr. Avilla responded by indicating that "The Objector will stand on the legal issue. We will not present evidence on the circulation."

Based upon that exchange, no hearing was held on this matter.

Thus, in addressing the issue of "Pattern of Fraud", the Objector has not presented any substantive facts establishing that Candidate engaged in any conduct indicating a disregard for the mandatory requirements of the Election Code and affecting the integrity of the political process. Accordingly, it is your Hearing Officer's recommendation that the Objector's claim that the Candidate engaged in a Pattern of Fraud be denied

SUMMARY OF RECCOMENDATIONS

It is your hearing Officer's recommendations:

1) That the Candidate's Motion to Strike and Dismiss be denied.

2) That the Objector's argument that alleged errors in the Circulator's affidavit and the discrepancy between the petitions heading and the actual address of the actual address of the signers showing they resided in a town other than Homewood should result in the elimination of voters residing outside of Homewood, should be denied;

3) That, since the Objector has provided no evidence constituting a "Pattern of Fraud", it is recommended that the allegation be denied,

4) The results of a Binder Exam revealed that the Candidate had 2,061 signatures in excess of the 3,250 signatures required to appear on the primary ballot. Therefore, it is recommended that the Objector's petition alleging signature and circulator deficiencies be denied.

Accordingly, it is recommended that the Candidate, SIDNEY MOORE, be placed on the June 28, 2022 Democratic primary ballot for the office of Secretary of State

Respectfully,

April 14, 2022

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

Glenda Love High ,	)	
	)	
Petitioner – Objector,	)	
v.	)	No.
	)	
Sidney Moore,	)	
	)	
Respondent – Candidate.	)	

ORIGINAL ON FILE AT STATE BD OF ELECTIONS ORIGINAL TIME STAMPED 4:59 3/21/22

OBJECTOR'S PETITION

Objector, Glenda Love High files this Objector's Petition pursuant to 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the Nomination Papers submitted by **Candidate, Sidney Moore (herein "Candidate"), seeking nomination as Illinois State Secretary of State in District in Illinois statewide**, and requests that all said nomination papers be deemed insufficient, and Candidate Sidney Moore's name **not** be printed upon the June 28, 2022 Democratic Party primary election ballot, for the reasons stated herein.

1. STANDING: Glenda Love High, resides at 7555 South Crandon, Chicago, Illinois and is a duly qualified, legal and registered voter at this same address in Cook County, Illinois. Glenda Love High resides in Illinois and is a registered voter in Illinois and has standing to object to the nominating petitions of Sidney Moore for Illinois Secretary State in the June 28th, 2022 Democratic Primary.

2. INTEREST: Objector's interest in filing this objection is that of a citizen and a voter desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of State Senator are properly complied with, and that only duly qualified candidates appear on the June 28, 2022 Democratic Party primary ballot. Glenda Love High clearly has Standing

3. Objector makes the objections stated herein to the nomination papers submitted by Candidate, Sidney Moore, seeking nomination to the office of Illinois Secretary of State in

Illinois to be voted for at the Democratic Party primary election to be held on June 28, 2022 ("Election"). Objector states that Candidate's Nomination Papers of Sidney Moore are insufficient in the fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein as if fully stated in this Objector's Petition.

4. Pursuant to the State Board of Elections Candidate's Guide, nomination papers for the office Illinois Secretary of State and all Statewide Constitutional Offices have a signature requirement of least 3,250 but not more than 6,500 of the qualified primary electors of the candidate's party. (10 ILCS 5/2A-1.1b(b)registered, and Democratic Party voters of the District of the entire State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate and be gathered and presented in the manner provided for in the Illinois Election Code.

5. The Nomination Papers of Sidney Moore candidate for Illinois Secretary of State in the Democratic Party in the June 28th, 2022 contain petition sheets with the names of persons who are not registered voters and/or who are not registered voters at the addresses shown opposite their respective names on the Candidate's petition sheets, as set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, and each such Objection is designated for corresponding sheet and line number by a mark on the line number for each corresponding petition signer, under the heading for Column A **"Signer is not registered to vote at the address shown"** in violation of the Illinois Election Code.

6. The Nomination Papers of Sidney Moore candidate for Illinois Secretary of State in the Democratic Primary contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Papers in their own proper person, or signatures that were signed by others, such as by husband/wife/family member or friend, rather than by each person whose name is written, and/or that such signatures are not genuine signatures of the person

whose name is written, but rather are forgeries, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, and each such Objection is designated for corresponding sheet and line number by a mark on the line number for each corresponding petition signer, under the heading for Column B **"Signer's signature is not genuine, forged"** in violation of the Illinois Election Code.

7. The Nomination Papers of Sidney Moore candidate for Illinois Secretary of State in the Democratic Primary contain petition sheets with the names of persons who are not duly qualified and registered voters in 10th Legisltive District in Illinois, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, and each such Objection is designated for corresponding sheet and line number by a mark on the line number for each corresponding petition signer, under the heading for Column C **"Signer is not a registered voter in same district as the candidate"** where the terms "same district as the candidate" refers to 10th Legisltive District in Illinois, in violation of the Illinois Election Code.

8. The Nomination Papers of Sidney Moore candidate for Illinois Secretary of State for the Democratic Primary contain petition sheets with the names of persons who have not properly written their complete voter address, and/or who have omitted all or part of their voter address, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, and each such Objection is designated for corresponding sheet and line number by a mark on the line number for each corresponding petition signer, under the heading for Column D. **"Signer's address is missing or incomplete,"** in violation of the Illinois Election Code.

9. The Nomination Papers of Sidney Moore candidate for Secretary of State in the Democratic Party for the June 28th, 2022 election contain petitions sheets with the signatures, names and addresses of persons who have otherwise signed the Candidate's Nomination Petition in violation of the Election Code, such as signing more than once, or otherwise, as more fully set

forth in the Appendix-Recapitulation attached and incorporated herein, and each such Objection is designated for corresponding sheet and line number by a mark on the line number for each corresponding petition signer, under the heading for Column E **"Other (Signed more than one time give Sht/Line#, other objections written below)"** in violation of the IL Election Code.

10. Objectors further assert that the Nomination Papers contain violations of the Election Code with regard to the circulator's affidavit upon numerous petition sheets, including circulator not being 18 years of age, not being a citizen of the United States, not residing at the address written, and otherwise as identified at the lower portion of each Appendix-Recapitulation sheet which are attached hereto and incorporated herein, including the following objections:

CIRCULATOR OBJECTIONS:

_____***Not 18 years of age or older (on election day)***
_____***Not a U.S. Citizen***
_____***Does not reside at address written and/or address is missing or incomplete***
_____***Circulator did not circulate affidavit and did not witness all signatures, pattern of fraud***
_____***Circulator circulated for a Republican candidate***
_____***Other:***_____

Each of the foregoing objections, as more fully stated on each of the attached Appendix-Recapitulation sheets which contains a mark adjacent to the circulator objection, is incorporated herein, and renders each corresponding sheet factually insufficient, legally void, and in violation of the Election Code, and all corresponding signatures on each such designated sheet should be stricken and not counted, as being in deviation of the IL Election Code.

11. The Nomination Papers of Sidney Moore candidate for Illinois Secretary of State in the Democratic Party also contain numerous petition sheets circulated by individuals and signed and stamped by notaries whose respective sheets demonstrate such intentional disregard for the Election Code and/or a reckless indifference for the Election Code as to constitute a pattern of fraud, which pervades Candidate's Nomination Petitions to such a degree, that each and every sheet circulated and/or notarized by said individuals should be invalidated in order to

protect the integrity of the electoral process. Such circulators are those who circulated the sheets in which objections are made under **Column B "Signature not genuine signature of registered voter"** of the Appendix-Recapitulation and such notaries are those who notarized each such each sheet. The sustained objections to signatures not being genuine (Column B) is such a large percentage, that the conduct of the circulators was clearly willful and with intentional disregard for the Election Code.

12. Your Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with an "utter and contemptuous disregard for the mandatory provisions of the Election Code" for each Circulator and each corresponding objection identified at the lower portion of each sheet in the Appendix-Recapitulation that contains a mark in the "Circulator Objections" adjacent to the objection "Circulator did not circulate affidavit and did not witness all signatures, pattern of fraud." In addition, an examination of the nominating petition as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety under the principles set forth in *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶¶32 – 42; *Harmon v. Town of Cicero Mun. Officers Elec. Bd.*, 371 Ill.App.3d 1111, 864 N.E.2d 996 (1st Dist. 2007); *Canter v. Cook County Officers Elec. Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299, 1300-1301 (1st Dist. 1988); *Huskey v. Mun. Officers Elec. Bd. for Vill. of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555, 556- 558 (1st Dist. 1987); and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 617 (1st Dist. 1984).

13. Additionally, but without limitation, the disregard of the IL Election Code by circulators may include the submission of voters' signatures which were not actually signed by

the voters in person, but rather forged and written by someone else, and signatures of persons that were not signed in the presence of the purported circulator, and even circulator signatures that were forged and written by someone other than the named person. These actions may also include, without limitation, a person signing a petition sheet as a circulator who was not the actual person actually circulated that sheet, notaries signing their name, mis-dating entries, and placing their stamp upon sheets without having witnessed the respective circulator signing his or her name on said sheet and swearing to the affidavit before said notary. Additionally, these actions may also include, without limitation, allowing persons to sign petitions multiple times and/or on behalf of others, and/or "round-tabling" signatures whereby circulators or others took turns signing voters' names to petition sheets without the named voters being present.

14. Your Objector states that various petition signature sheets are defective and void in their entirety and all signatures thereon are invalid and should be stricken and not counted, because the sheets have not been properly signed, sealed, and/or dated by the purported Notary Public, and in the absence of compliance with the Illinois Election Code and the Illinois *Notary Public Act* each such notarization is defective, and a nullity, rendering the notarization void and in violation of Illinois alw, as more fully set forth in the Appendix-Recapitulation where a mark was placed in the "Notary Objections" at the lower portion of each sheet of the Appendix-Recapitulation, which is made a part hereof as follows:

NOTARY OBJECTIONS: _____***Notary commission expired, not a valid IL notary***
_____***Notary did not sign and/or signature is not genuine, pattern of fraud***
_____***Other:***_____

15. The Election Code restricts the maximum number of signatures that may be submitted by Candidate for the Illinois Secretary of State, and therefore Objector requests that the Election Code be enforced, and that all signatures above the maximum number should be stricken and disregarded.

16. Removing line-by-line signatures that have objections in the Appendix-Recapitulation (attached) and all signatures contained upon sheets with circulator or notary objections and/or findings of a pattern of fraud, and striking all signatures above the maximum signature restriction imposed by the Election Code, the Nomination Papers contain less than 3,250 (10 ILCS 5/2A-1.1b(b)) signatures required for Illinois Secretary of State.

17. The combined effect of the errors and deficiencies in Candidate's Nomination Papers and removal of all signatures upon sheets which demonstrate a pattern of fraud and willful disregard of the Election Code, renders Candidate's Nomination Papers legally and factually insufficient in their entirety because Candidate has failed to submit sufficient signatures, and Candidate's name should not be printed upon the ballot for the Democratic Party primary election to be held on June 28, 2022.

18. The Circulator Sidney Moore did NOT circulate in his proper person. Other circulators saw numerous circulators circulating Sidney Moore's petitions but Sidney Moore only has 3 circulators listed. Sidney Moore signed off on pages that he did not circulate and it he did not circulate any petitions and all of his petitions were circulated by others. Since Sidney Moore did NOT circulate in his proper person, and there are witnesses to this, then all of Sidney Moore's sheets should be stricken.

19. The Circulator's affidavit that all the primary electors from the City of Homewood when clearly most of the signatures are NOT form the City of Homewood. This is a false swearing by every Circulator and caused confusion for signers and this is a fatal flaw in the petitions. It makes every signer and circulator stating a false statement. It is a material and fatal defect when it states that all of the signers are from Homewood when in fact, most of the signers do NOT live in Homewood, and thus, all of the signatures outside Homewood should be stricken.

WHEREFORE, Objector Glenda Love High requests the following:

PRAYER FOR RELIEF: (a) a hearing on the objections set forth herein; (b) a records examination and evidentiary hearing whereby Candidate's (Sidney Moore candidate for Illinois Secretary of State) Nomination Papers are reviewed and compared to the official voter records for voters of the district in which Candidate seeks nomination; (c) a determination that the Nomination Papers of Sidney Moore are legally and factually insufficient namely as having an insufficient number of signatures of duly qualified, registered and legal voters in the district in which Candidate seeks nomination; and (d) issuance of the Electoral Board's findings and decision that Candidate's Nomination Papers are factually and legally insufficient, that that the name of Candidate shall **not** be printed upon the official Democratic Party primary election ballot for the primary election to be held on June 28, 2022.

Respectfully submitted by:

_____

Objector-**GLENDA LOVE HIGH**
Objector to Sidney Moore for Illinois Secretary of State
7555 South Crandon
Chicago, Illinois 60649

Geralda Morgan v. Jasimone Ward
22 SOEB GP 566

Candidate: Jasimone Ward

Office: Representative – 27th Representative

Party: Democratic

Objector: Geralda Morgan

Attorneys for Objector: Michael Kasper, Kevin Morphew, James Hartmann

Attorney for Candidate: Max Solomon

Number of Signatures Required: 400-1,000

Number of Signatures Submitted: 1,000

Number of Signatures Objected to: 688

Basis of Objection: Nomination Papers contain petition sheets with names of persons who are not registered voters or who are not registered voters at the addresses shown opposite respective names; whose signatures are not genuine; who do not reside in the 27th Representative District; with missing or incomplete addresses opposite their names/signatures; and who have signed the nomination petition more then once.

Dispositive Motions: Candidate's Motion to Strike and Dismiss filed 03/31/22. Candidate moves to strike and dismiss the entirety of Objector's petition on the grounds that objector failed to state the relief sought by the State Officers Electoral Board by failing to designate the political party's ballot, requesting the Candidate's name be excluded.

Objector's Response to Candidate's Motion to Strike and Dismiss filed 03/31/22. In her Response, Objector states she has fully stated her claim for relief, arguing the Objector is not required, under Section 10-8 of the Election Code, 10 ILCS 5/10-8, to state the party of the Candidate the objection is filed against, and the Candidate's political party is irrelevant to the scope of the Board authority, citing Section 10-10.

Record Exam Necessary: Yes. Conducted on April 8, 2022. Of 688 lines examined, 543 objections were sustained, 143 were overruled, and Candidate had 455 valid signatures, 55 more than the statutory minimum.

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding the Objector's petition plainly states her prayer for relief and complies with the requirements of Section 10-8 of the Election Code, as such, recommends Candidate's Motion to Strike and Dismiss be denied.

The Hearing Officer further recommends adopting the results of the record exam, finding the Candidate had 455 valid signatures, 55 more than the statutory minimum for the office sought. Accordingly, the Hearing Officer recommends Objector's petition be denied and the name of the Candidate appear on the June 28, 2022, Democratic primary ballot for the office of Representative in Congress for the 27th Congressional District of Illinois.

Recommendation of the Acting General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that the proper office is Representative for the 27th Representative District.

BEFORE THE ILLINOIS ELECTORAL BOARD

GERALD MORGAN	)	
Petitioner-Objector	)	
vs.	)	22 SOEB 566
JASIMONE WARD	)	
Respondent- Candidate	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, Jasimone Ward, seeks to be placed on the June 28, 2022 Democratic primary ballot for the office of U.S. Representative in the 27th Congressional District and has filed nominating petitions in support of his placement on the ballot for that office.

That Objector, Gerald Morgan, has filed certain objections to those nominating petitions.

On March 29, 2022, the Illinois Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Illinois Electoral Board.

A case management conference was held on March 31, 2022

The Candidate has filed a Motion to Strike the Objector's petition.

The Objector, thereafter, filed a Response.

A record exam conducted on April 8, 2022 found that the Candidate had 55 more signatures than the 400 legally required to appear on the ballot

No Rule 9 material was filed.

OBJECTOR'S PETITION

Objector's petition was limited to striking signatures on the Candidate's petitions based upon deficiencies as set forth in the Appendix-Recapitulation sheets attached to the Objector's petition.

MOTION TO STRIKE

The Candidate's Motion to Strike focuses on the alleged failure of the Objector to "state what relief is requested by the electoral Board".

Additionally, the Candidate argues that the Objector's petition fails to identify the Candidate's political party.

In his Response, the Objector argues that the Election Code does not require that an Objector's petition identify the Candidate's political party. The Objector also posits that the language following the "WHEREFORE" in his petition "plainly states that the Objector is seeking a "ruling that the Nomination papers are insufficient in law and fact"

ANALYSIS

10 ILCS 5/10-8 provides the pleading requirements for an objector's petition:

> The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board.

The aforementioned statute does not require that the Objector's petition identify the Candidate's party. Clearly, it is the legislature, not the candidate or objector, which determines the contents of an objector's petition. A candidate, therefore, cannot expand the scope of the statute by requiring the objector to identify the candidate's party. In other words, since the electoral board may only exercise the powers conferred upon it by the legislature, a candidate cannot unilaterally increase a statutes' requirements and seek the Board's implementation

of those additional requirements. (See *Weingart v. Department of Labor* (1988), 122 Ill. 2d 1, 17; and *Kozel v. State Board of Elections*, 126 Ill.2d 58 which held an Electoral Board is created by statute and therefore limited to those powers granted by its enabling legislation and Section 10-10.1, wherein the scope of the of the Electoral Board's powers are clearly enunciated). Thus, in the absence of legislation, the Candidate's argument that the Objector's petition should be dismissed for failing to include the Candidate's party must be rejected.

Similarly, the candidate's attempt to dismiss the petition for failing to state what relief is requested of the electoral board must, likewise, be rejected; for the relief requested in the Objector's petition plainly states that the Objector is seeking, inter alia, "a ruling that the Nomination Papers are insufficient in law and fact…." Obj. Pet.,p.3

Accordingly, it is recommended that the candidate's Motion to Strike be denied.

SUMMARY OF HEARING OFFICERS RECOMMENDATIONS

1) The Candidate's motion to strike should be denied;

2) A record exam conducted on April 8, 2022 found that the Candidate had 55 more nominating signatures than the 400 legally required to appear on the ballot. Accordingly, it is recommended that the Objector's petition seeking to preclude the Candidate from appearing on the June 28, 2022 Democratic primary ballot for the office of U.S. Representative in the 27th Congressional District be denied.

Respectfully Submitted,

April 14, 202

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
27th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Geralda Morgan,	)	
	)	ORIGINAL ON FILE AT
Petitioner-Objector,	)	STATE BD OF ELECTIONS
	)	ORIGINAL TIME STAMPED
v.	)	AT 1:46 PM 21 MAR 2022
	)	
Jasimone Ward,	)	
	)	
Respondent-Candidate.	)	

OBJECTOR'S PETITION

INTRODUCTION

Geralda Morgan, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 9157 S. Aberdeen, Chicago, Illinois, Zip Code 60620, in the 27th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 27th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Jasimone Ward as a candidate for the office of Representative in the General Assembly for the 27th Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on June 28, 2022 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of the 27th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, 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 executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 400 such voters, and further purport to have been gathered,

presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 27th Representative District of the State of Illinois, and such persons are not registered voters in the 27th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

10. The Nomination Papers contain less than 400 validly collected signatures of qualified and duly registered legal voters of the 27th Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

11. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 27th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Jasimone Ward shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 27th Representative District of the State of Illinois, to be voted for at the Primary Election to be held June 28, 2022.

Geralda Morgan

OBJECTOR Geralda Morgan

Address:
9157 S. Aberdeen
Chicago, IL 60620

VERIFICATION

STATE OF ILLINOIS)
COUNTY OF Cook) SS.
)

I, Geralda Morgan, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Geralda Morgan

Subscribed and sworn to before me
by Geralda Morgan
this 21 day of March, 2022.

Laura M Duszynski
Notary Public

Official Seal
Laura M Duszynski
Notary Public State of Illinois
My Commission Expires 12/29/2025