

**DSTATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

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James R. Thompson Center  
100 W. Randolph St., Ste. 14-100  
Chicago, Illinois 60601-3232  
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**EXECUTIVE DIRECTOR  
Steven S. Sandvoss**

**BOARD MEMBERS**  
Charles W. Scholz, Chairman  
Ernest L. Gowen, Vice Chairman  
William J. Cadigan  
Andrew K. Carruthers  
Betty J. Coffrin  
John R. Keith  
William M. McGuffage  
Casandra B. Watson

**AGENDA  
STATE BOARD OF ELECTIONS  
Sitting as the Duly Authorized  
State Officers Electoral Board  
Monday, June 13, 2016  
10:30 a.m.**

**Capital Development Board - Room 14-612  
James R. Thompson Center  
Chicago, Illinois  
and via videoconference  
2329 S. MacArthur Blvd.  
Springfield, Illinois**

**Roll call.**

- 1. Call cases and accept appearances - objections to candidate nominating petitions for resolutions to fill vacancies in nomination for the November 8, 2016 General Election;**
  - a. *Hanson v. Smodilla*, 16SOEBGE100;
  - b. *Corneils & Frasz v. Burd*, 16SOEBGE101;
  - c. *Walker v. McGraw, Jr.*, 16SOEBGE500;
  - d. *Imhoff v. Evans*, 16SOEBGE501;
  - e. *Danforth v. Mazeski*, 16SOEBGE502;
  - f. *Shorten v. Coyne*, 16SOEBGE503.
- 2. Approve the Rules of Procedure for the State Officers Electoral Board.**
- 3. Authorize the General Counsel to appoint Hearing Examiners as required.**
- 4. Other business.**
- 5. Recess the State Officers Electoral Board until Monday, July 11, 2016 at 10:30 a.m. in Springfield or until call of the Chairman, whichever occurs first.**

Objection Report

Objection Information

Office and Party

Hearing Information

**16SOEBGE100** PENDING  
06/07/2016 10:31 AM

SBE  
06/13/2016 10:30 AM

Candidates:

TRACY SMODILLA  
645 ASPEN CT.  
BARTLETT, IL 60103

**22ND SENATE**  
REPUBLICAN

Objectors:

EDWARD E. HANSON  
358 JEFFERSON AVE.  
ELGIN, IL 60120

**16SOEBGE101** PENDING  
06/07/2016 02:39 PM

SBE  
06/13/2016 10:30 AM

Candidates:

VALERIE L. BURD  
300 E. HYDRAULIC STREET  
YORKVILLE, IL 60560

**50TH REPRESENTATIVE**  
DEMOCRATIC

Objectors:

RUSSELL AUGUST CORNEILS  
107 N. CONOVER CT.  
YORKVILLE, IL 60560

ANDREW FRASZ  
1N545 BRUNDIGE ROAD  
ELBURN, IL 60019

**16SOEBGE500** PENDING  
06/06/2016 03:05 PM

SBE  
06/13/2016 10:30 AM

Candidates:

KEN L. MCGRAW JR.  
12121 RAMBLING ROAD  
HOMER GLEN, IL 60491

**3RD CONGRESS**  
REPUBLICAN

Objectors:

JOHN WALKER  
9420 S. SAYRE  
OAK LAWN, IL 60453

## Objection Report

## Objection Information

## Office and Party

## Hearing Information

**16SOEBGE501** PENDING  
06/06/2016 03:05 PM

SBE  
06/13/2016 10:30 AM

Candidates:

RICHARD EVANS  
51 S. SPRING STREET  
UNIT 311  
ELGIN, IL 60120

**43RD REPRESENTATIVE**  
REPUBLICAN

Objectors:

FRANK F. IMHOFF  
739 PROSPECT BLVD.  
ELGIN, IL 60120

**16SOEBGE502** PENDING  
06/07/2016 03:16 PM

SBE  
06/13/2016 10:30 AM

Candidates:

KELLY MAZESKI  
254 W. COUNTY LINE ROAD  
BARRINGTON, IL 60010

**26TH SENATE**  
DEMOCRATIC

Objectors:

MICHAEL DANFORTH  
1107 VICTORIA DRIVE  
FOX RIVER GROVE, IL 60021

**16SOEBGE503** PENDING  
06/07/2016 03:18 PM

SBE  
06/13/2016 10:30 AM

Candidates:

MELISSA COYNE  
54 S. HICKORY AVENUE  
FOX LAKE, IL 60020

**32ND SENATE**  
DEMOCRATIC

Objectors:

MICHAEL SHORTEN  
455 MIRA STREET  
CRYSTAL LAKE, IL 60012

# **RULES OF PROCEDURE**

## **ADOPTED BY THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO RESOLUTIONS TO FILL VACANCIES IN NOMINATION SEEKING TO PLACE ESTABLISHED POLITICAL PARTY CANDIDATES ON THE BALLOT FOR THE NOVEMBER 8, 2016 GENERAL ELECTION**

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/10-10), the State Board of Elections, acting in its capacity as the State Officers Electoral Board (the "Board"), a duly constituted electoral board under Section 10-9 of the *Election Code*, hereby adopts the following rules of procedure:

### **1. EXPEDITED PROCEEDINGS**

On all hearing dates set by the Board or its designated hearing examiner, (other than the Initial Hearing of the Board) the objector and the candidate (at times individually referred to as "party" or collectively referred to as the "parties") shall be prepared to proceed with the hearing of their case. Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objections. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown. The parties shall make themselves reasonably available by telephone (including cellular phone) during the day and at least until 7:00 P.M. (or as otherwise directed by the Board or hearing examiner) for receipt of notice from the Board, from the hearing examiner, or from opposing parties during the course of these proceedings. If the Board or hearing examiner has made reasonable attempts to contact a party by telephone, cellular phone, fax or by e-mail at the number(s) or address(s) provided by that party and the party cannot be contacted or fails to respond to such contacts, the party will be deemed to have received constructive notice of the proceedings and the proceedings may go forward without the presence of that party. If a party has received actual or constructive notice of a hearing and fails to appear, the failure to appear shall constitute acquiescence by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing.

At **10:30 a.m.** on **Monday, June 13, 2016**, the Board will conduct an Initial Meeting of the State Officers Electoral Board for the limited purpose of accepting appearances from the parties or their respective counsel, adopting the Rules of Procedure, appointing hearing officers and assigning the cases to them, and conducting case management conferences.

## **2. CASE MANAGEMENT CONFERENCE (Held following the Initial Meeting)**

Following the Initial Meeting, the Board or its designated hearing examiner may conduct a case management conference with the parties for the purpose of considering issues such as scheduling, attendance of witnesses, filing of briefs and motions, discovery matters and any other proceedings intended to aid in the expeditious resolution of the objection. No evidence will be accepted and no argument will be considered at this conference.

In situations where it appears on its face that a candidate's nominating petitions contain fewer than the minimum number of signatures necessary to qualify for the ballot, such candidate will be provided a Board staff produced page and line signature count. Such candidate will be instructed to appear at the next meeting of the State Officers Electoral Board if they wish to challenge the staff's count. Failure to appear, or failure to successfully rebut the staff count will result in the objection being sustained and the candidate will be disqualified from appearing on the ballot.

Additional case management conferences may be called by the Board, the General Counsel or the appointed Hearing Examiner, when necessary. If an objector fails to appear at the initial hearing after having been sent due notice, the Board may dismiss the objection for want of prosecution. If a candidate fails to appear at the initial hearing, he/she will be bound by any decisions made by the Board, the General Counsel or the designated hearing examiner.

## **3. APPEARANCE**

The candidate or objector may appear in person on his or her 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 examiner) 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. A party must file with the Board and other parties of the case a written appearance stating his or her name, address, telephone or cellular phone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

Though every effort will be made by the Board or its designated Hearing Examiner to keep parties informed of upcoming events, parties shall be responsible for periodically checking the Board's website, with the Board's staff or the Board's hearing examiner to keep apprised of scheduled events in their case. The failure of a party to receive actual notice of an event posted on the Board's website regarding their case shall not prevent such event from proceeding as scheduled nor shall it invalidate any action taken at such event.

#### **4. AUTHORITY OF THE BOARD**

The Board itself or through its designated hearing examiner if applicable; (See Part 5 below) shall conduct all hearings and take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. If a Hearing Examiner has been duly appointed, the Hearing Examiner shall preside over all such hearings. At the discretion of the Board or the hearing examiner, hearings may be conducted in two or more locations connected by telephonic or video conference; however, any witness who is going to provide verbal testimony must appear at the same location as the requesting party or its counsel (unless otherwise agreed by such requesting party or their counsel, and the hearing examiner or Board). The Board or its designated hearing examiner shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to:

- (a) Administer oaths and affirmations;
- (b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of these Rules;
- (c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- (d) Rule upon offers of proof and receive relevant evidence;
- (e) Direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Issue subpoenas and rule upon objections to subpoenas (subject to the provisions of paragraph 8 below) and discovery requests;
- (h) Consider and rule upon all motions presented in the course of the proceedings except that a Motion to Strike or Dismiss an Objection or a Motion for Directed Verdict or its administrative equivalent can only be ruled upon by the Board. Unless otherwise directed by the hearing examiner, the hearing of the objection will proceed despite the filing of the above Motions;
- (i) Consider such competent and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and

- (j) Enter any order that further carries out the purpose of these Rules.

The grant of authority listed above to the designated hearing examiner by these Rules shall not be construed to limit the authority of the Board to enter any contravening order.

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.

## **5. HEARING EXAMINERS**

In view of the time limitations and the amount of evidence to be presented, the Board may appoint a hearing examiner in any case which the Board deems such an appointment necessary or expedient. Any hearing examiner so appointed shall have the duties and powers of the Board as set forth in these rules, except that a hearing examiner shall not have the power to rule upon any motion which would be dispositive of the objection or issue a final decision. In addition, any hearing examiner appointed by the Board is authorized and directed (a) to hold a full hearing and receive all evidence and argument, (b) to prepare a record of the hearing including a full transcript of court reporter stenographic notes of the proceedings (where the presence of a court reporter was determined necessary by the hearing examiner), (c) to prepare an outline of all the evidence, issues and argument (Such outline may be incorporated into the written recommendation.) and (d) to prepare recommendations, and proposal for decision for submission to the Board, the General Counsel and the parties. In cases where a hearing examiner is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the Hearing Examiner is served upon the parties and an opportunity is afforded each party to take exceptions, whether written or oral, and, if the Board so permits, oral argument before the Board. The Board will make a final ruling on the objection and may consider the following as part of its consideration and appraisal of the record: the petition and the objection thereto, the hearing transcript, the hearing examiner's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits, offers of proof or arguments presented by the parties.

## **6. SERVICE OF DOCUMENTS**

All briefs, notices, documents, pleadings, answers and correspondence shall be served upon the opposing parties, or their attorneys if represented by counsel, and filed with the General Counsel and the hearing examiner where appropriate. All briefs, notices, documents, pleadings, answers and correspondence may be sent by telefax or e-mail attachment if the other receiving party or his or her representative agrees. In those instances where a telefax or an unsigned e-mail communication is used, a hard copy shall also be sent by regular mail. The failure to send or

receive a hard copy shall not negate or render invalid the contents of the original communication. The date the telefax or e-mail attachment is sent shall be deemed the date notice is given.

## **7. MOTIONS PRACTICE**

### All Motions Generally

- (a) If a hearing examiner has been appointed, motions shall be addressed to the hearing examiner, with copies provided to the General Counsel's office. The hearing examiner will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a hearing examiner has not been appointed, motions will be filed with the General Counsel and will be decided by the Board.
- (b) The Board will decide all motions in cases in which no hearing examiner has been appointed. In accordance with the Open Meetings Act, the Board may meet by video conference call to rule on such motions. The Chairman may appoint a member of the Board or the staff of the Board to hear and decide for the Board all motions except dispositive motions. Motions addressed to the Board shall be thoroughly briefed so as to minimize the time needed for oral argument. Such argument shall be permitted at the Board's discretion.
- (c) Motions for continuance are discouraged and will be granted only in extreme circumstances.

### Dispositive Motions

- (d) The Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/ or the General Counsel.
- (e) Preliminary motions not already ruled upon including motions for summary judgment (or similar motions) and objections to an objector's petition in the nature of a motion to dismiss or strike the objections will be heard prior to the case on the merits if so directed by the Chairman. The Board may, in its discretion, reserve rulings on preliminary motions and objections pending further hearing thereon.
- (f) The Board may, upon its own motion with notice to the parties, dismiss for failure to prosecute an objection in any case where the objector fails to attend the initial meeting of the Board at which the objection is called or repeatedly fails to attend proceedings ordered by the Board or its duly appointed hearing examiner.



## 8. SUBPOENAS

Any party desiring the issuance of a subpoena shall submit a request to the hearing examiner. Such request for subpoena may seek the attendance of witnesses at a deposition (evidentiary or discovery, however all depositions can be used for evidentiary purposes) or hearing and/or subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. The request must be filed no later than **5:00 p.m. on Wednesday, June 15<sup>th</sup>** and shall include a copy of the subpoena itself and a detailed basis upon which the request is based. A copy of the request shall be given to the opposing party at the same time it is submitted to the hearing examiner. The hearing examiner shall submit the same to the Board (via General Counsel) no later than **5:00 p.m. on Thursday, June 16<sup>th</sup>**. The Chairman and Vice Chairman shall consider the request and such request shall only be granted by the Chairman or Vice Chairman. The opposing party may submit a response to the request; however any such response shall be given to the hearing examiner no later than **4:00 p.m. on Thursday, June 16<sup>th</sup>**, who shall then transmit it to the Chairman and Vice Chairman (through the General Counsel's office) with the subpoena request. The hearing examiner shall issue a recommendation on whether or not the subpoena request should be granted no later than **5:00 p.m. on Friday, June 17<sup>th</sup>**. The Chairman or Vice Chairman may limit or modify the subpoena based on the pleadings of the parties or on their own initiative. Any subpoena request received subsequent to **5:00 p.m. on June 15<sup>th</sup>** will NOT be considered unless good cause shown. If approved, the party requesting the subpoena shall be responsible for proper service thereof.

Any party desiring a subpoena *duces tecum* directed to an election authority to produce copies of voter records relating to voter signatures which were ruled upon during a record examination (for purposes of making a motion under Rule 9) may submit a request to the General Counsel, with copies given to the hearing examiner and opposing party. The General Counsel may grant such subpoenas. The party requesting the subpoena shall be responsible for proper service thereof.

In case any person so served shall neglect or refuse to obey a subpoena, or refuse to testify in a hearing before the Board or Hearing Examiner, the Board may, at the request of any party, file a petition in the Circuit Court setting forth the facts of such knowing refusal or neglect. The petition shall be accompanied by a copy of the subpoena, the return of service thereon and the sworn statement of the person before whom the witness was to appear that the witness did not so appear. The petition shall apply for an order of the Court requiring such person to comply with the duly issued subpoena.

## 9. RECORDS EXAMINATION

**NOTE:** Records exams will be scheduled as soon as practicable, and may commence as early as **Thursday, June 16<sup>th</sup>**.

At the direction of the Board or a hearing examiner, the parties may be directed to appear at a "records examination." Notice of same shall be provided by the Board or the hearing examiner. At the records examination, staff assigned by the Board shall, in an orderly and expeditious manner, search for and examine the State Board of Elections' computerized registration records for comparison to the names on the candidate petition that have been objected to. Board staff shall examine each signature based upon the specific objection raised to it and determine, as appropriate, whether 1) if the person who signed the petition is a registered voter at the address corresponding to the person's signature on the petition and if so, 2) if the signature of the person who signed the petition reasonably compares with the signature shown on that person's voter registration record contained in the computerized voter registration database, 3) the person's address is within the requisite district, and/or 4) the person signed the petition more than once.

Board staff shall note their determinations as to the validity of each signature by clicking on the appropriate boxes on the computer screen, which shall indicate whether the objection to each signature is sustained or overruled. Results of the examination shall be provided to the candidate and objector following the completion of the examination on a daily basis, but may not be so provided until the following day. Such results will consist of the page and line number of each signature that has been examined, and will indicate the staff determination of validity as to each signature examined.

The Board's staff shall, based upon their examination of the relevant registration records, make and announce a finding as to whether certain objections in the objector's petition are sustained or overruled. Such computerized voter registration records of the State Board of Elections and the staff findings as to whether the objections are sustained or overruled may be considered as evidence with respect to the objections described above.

The Board or a hearing examiner 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 examiner 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.

Each party shall have the right to have designated and duly authorized representatives ("watchers"), including the party or the party's counsel, present during the records examination. No more than one watcher for each party may be assigned to any given computer terminal at which a records examination is being conducted. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

Watchers are to participate as observers only. The Board's staff shall not be required to solicit the opinion of any watcher as to any matter nor consider such opinions if offered. Arguing with Board staff or other abusive conduct will not be tolerated. By order of the General Counsel or his designee, a watcher may be removed from the records examination proceedings for the conduct specified above and any other conduct that disrupts the orderly conduct of the proceedings and if necessary, this provision will be enforced by appropriate law enforcement. In the event of such removal, the Board may continue with the records examination in the absence of the removed watcher. A party may replace a removed watcher with another watcher; however, the records examination will not be delayed by the absence of a replacement watcher. Photography of any kind, including video recording, is prohibited in the records examination area.

Following the records examination, staff rulings thereon shall be used to create a line by line computer generated report of the results of the records examination. The report shall then be sent via e-mail or facsimile to the parties or their counsel. The report shall be transmitted to both parties or their counsel at the same date and time and such date and time shall serve as the commencement of the three (3) business day time period (aka, the Rule 9 Motion Period) described below.

The parties will be given an opportunity to present all objections to staff findings properly made at the records examination or prior thereto in the nature of a standing objection, to the Board or the hearing examiner at the evidentiary hearing on the merits of the objection scheduled by the Board or the hearing examiner (the Rule 9 Motion Hearing). The party making the objection bears the burden of producing evidence proving that the staff finding was in error. Such evidence offered to refute the staff finding must be submitted to the Board or the hearing examiner no later than 5:00 p.m. on the third business day following the date of the transmittal of the report described in the immediately preceding paragraph unless extended by the Board for good cause shown. Evidence in the form of an affidavit must be sworn to, signed, and notarized before a notary public or other officer authorized to administer oaths in the State of Illinois. Verifications under Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) are not acceptable. If any extension is given to the candidate or objector to rehabilitate or strike any signature then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended.

Section 1A-25 prohibits viewers from printing any records viewed at the records examination and there is no provision requiring the Board to print any such records for the benefit of any party. Therefore, at no time will the Board entertain any requests for printouts of records that were examined during the records examination conducted by the Board except as otherwise ordered by the Board. Lists of registered voters are available for purchase by political committees registered with the Board, pursuant to Article 4, 5 and 6 of the Election Code. Note: Such records do not contain the signatures of the voters. In addition, records of individual voters can be obtained through the office of the election authority in whose jurisdiction the voter is registered. Check with the appropriate election authority as to obtaining such records, and the content of same.

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the

number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were sustained, the Board or the hearing examiner may suspend the records examination and the results of the records examination shall be forwarded to the Board or the hearing examiner, as the case may be. If this is so ordered, the party adversely affected by the order will be afforded an opportunity to present evidence that there exists a sufficient amount of valid or invalid signatures as the case may be, to warrant resumption of the examination. Such evidence must be submitted no later than 5:00 p.m. on the second business day following the order of suspension. The records examination may then be resumed or terminated at the discretion of the Board or the hearing examiner.

(For a detailed description of specific objections and the policies applied to each, please refer to the attached Appendix A.)

## **10. EVIDENCE**

Evidence submitted by either party will be heard by the Board or the designated hearing examiner, including, but not limited to, documentary evidence, depositions, affidavits, and oral testimony. Documentary evidence shall be presented at a hearing, however service of such documentary evidence may be made by facsimile or e-mail. Any affidavits submitted must be original, and any voter registration records must be certified by the election authority that issued them.

Due to the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross examination of witnesses will be subject to the discretion of the Board or its designated hearing examiner, and the Board/hearing examiner will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. Where the Board is hearing the objection itself, the Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where a hearing examiner has been appointed, he or she will receive all evidence and make all evidentiary rulings, subject to review by the entire Board. The Board will not retry issues heard by a hearing examiner unless the hearing examiner has excluded evidence the Board believes should have been admitted. In such cases the Board will hear the excluded evidence and such other evidence as may be appropriate in response to the matter excluded. The Board will not hear evidence that could have been but was not presented to the hearing examiner, nor will the Board or hearing examiner consider objections that could have been, but were not raised in the original written objection.

## **11. ARGUMENT**

All arguments and evidence must be confined to the points raised by the objector's petition and objections, if any, to the objector's petition. The Board reserves the right to limit oral arguments in any particular case and will ordinarily allow not more than ten minutes per side for argument.

With regard to the substance of the objections, generally the objector must bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence (“the burden of proof”) that the objections are true and that the petition is invalid.

## **12. ORDER**

If the objections are sustained in whole or in part, the Board will issue an Order declaring the remedy up to and including invalidation of the Petition. The Board will state its findings in writing noting the objections which have been sustained. If the objection is overruled, the Board will issue the appropriate Order; stating its findings in writing.

## **13. GENERAL PROCEDURES**

For the matters not covered herein, the Board will generally follow the provisions of the Code of Civil Procedure of Illinois and the rules of the Illinois Supreme Court regulating discovery and practice in trial courts, provided however that the Board will not be strictly bound by the Code or rules in all particulars.

## **14. SESSIONS**

After the Board convenes the initial hearing, it will be in continuous session until all objections arising out of that filing period have been considered and disposed of, and, in the discretion of the Board, its session may be extended or recessed for a period to be determined by the Board.

## **15. TRANSCRIPT AND RECORD OF PROCEEDINGS**

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board. If a party aggrieved by the decision of the Board timely files and serves upon the Board a proper petition for judicial review pursuant to Section 10-10.1 of the Election Code, the Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Board. The petitioner or the Court shall designate which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not included in the petitioner’s designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

ADOPTED THIS 13<sup>th</sup> day of June 2016

\_\_\_\_\_)                    CONSTITUTING THE  
\_\_\_\_\_)                    STATE BOARD OF  
\_\_\_\_\_)                    ELECTIONS  
\_\_\_\_\_)                    SITTING AS THE  
\_\_\_\_\_)                    DULY AUTHORIZED  
\_\_\_\_\_)                    STATE OFFICERS  
\_\_\_\_\_)                    ELECTORAL  
\_\_\_\_\_)                    BOARD

## **APPENDIX A.**

Listed below are the most common grounds for objections to petitions and the basis on which the Board will render decisions on objections unless evidence or argument presented at hearing persuade the Board that circumstances require a differing decision.

When the records examination is being conducted, any exceptions to the decision of the examiner must be made to the ruling at the time the ruling is made or the exception to the ruling is waived. Any party may, at the beginning of the records examination issue a general objection to any adverse decision of the records examiner obviating the need for individual objections. If, subsequent to the general objection, a party decides not to take exception to a particular ruling of the records examiner, the party may withdraw the objection as to that particular ruling.

### **Pattern of Fraud**

If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators accompanied by evidence of fraudulent conduct, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion. 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.

#### **I. Objections to Individual Signers**

##### **A. Signer's Signature Not Genuine**

The voter's original signature on his or her registration record shall be examined. If, in the opinion of the records examiner the signature is not genuine, the objection shall be sustained. There is no requirement that a signature be in cursive rather than printed form. Any objection solely on the ground that the signature is printed and not in cursive form or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection. Staff must still perform the above mentioned examination in situations where the signature is printed to determine whether there is a reasonable match.

##### **B. Signer Not Registered at Address Shown**

The voter's registration information shall be examined. If the address on the voter's registration record does not match the address opposite his or her name on the petition,

the objection shall be sustained. **NOTE:** If the candidate can present evidence at the Rule 9 signature rehabilitation/challenge hearing that the voter resided and was registered to vote at the address shown on the petition at any time during the petition circulation period, the objection shall be overruled pending evidence from the objector that the voter did not reside at such address on the date he/she signed the petition.

**C. Signer Resides Outside the State or District**

Any objection to a petition signer whose address is determined by the records examiner to not in fact be located in Illinois or within the applicable district, shall be sustained.

**D. Signer's Address Missing or Incomplete**

In general, if there is enough information in the address for the SBE staff to locate the voter whose name and address is on the petition, this objection will be overruled. If there is no address listed other than a city or village, the objection should be sustained unless in the city, town or village, street addresses either do not exist or are not commonly used. However, if the address line is blank, but the signers surname is the same as the person signing above where an address is listed, indicating that such signer resides at the same address, any objections to missing address shall be overruled. Objections to missing counties or to abbreviated municipalities (eg: FP – Forest Park, OP – Oak Park, etc.) or to streets lacking a direction indicator (eg: North State, S. Main) shall be overruled if in fact the voter resides in that municipality or at the numerical address on that street. In addition, objections to ditto marks in the address column, where such marks indicate that a subsequent signer or signers live at the same address as the signer above, shall be overruled. Where the petition and the registration card both show the same rural route and box number, but no street address, the objection will be overruled. If the petition shows a street and house number and the registration card shows a rural route and box number the objection will be sustained. If however, the voter's place of residence has in fact not changed, but only the designation of it has changed, it is the burden of the candidate to show that only the designation of the residence has changed. (This issue should be presented to the Hearing Examiner at the Rule 9 signature rehabilitation/challenge hearing.) If the address listed next to the voter's signature matches the registration record in pertinent part (eg. the petition lists "John Doe, 1020 South Spring, Springfield" and the registration record lists "John Doe, 1020 South Spring, P.O. Box 4187, Springfield), the objection will be overruled.

**E. Signature is Not Legible**

If the records examiner determines that a signature is not legible, the examiner shall check the address opposite the illegible signature. If none of the signatures of voters listed at that address match, the objection will be sustained. The basis of the objection however, must be that the petition signer is not registered at the address shown on the petition. If the basis of the objection is that the signature is not genuine, the objection will be overruled for the reason that it is impossible to determine genuineness of the signature without a comparison to the signature on the voter registration record. If the address is



also illegible, and the candidate cannot sufficiently, in a reasonably short amount of time, identify the signatory so as to permit the records examiner to check the signature against a specific voter record, then the objection will be sustained. If the illegible signature is located at a single address at which ten or more voters are registered, the examiner shall not be required to examine every signature at that address to find a match, but may instead rule the objection sustained. In the event that the objection is sustained, the candidate at a later time (but in no event later than the expiration of the three (3) business day time period set forth in Section 9 above) will be given an opportunity to present a copy of the signer's voter registration record for a signature comparison. If in the opinion of the records examiner or the Hearing Examiner the signature is genuine and the address on the voter registration record matches that contained on the petition, the objection will be overruled.

**F. Signer Signed Petition More Than Once at Sheet/Line Indicated**

If the signatures on the sheet and line numbers indicated match, the objection shall be sustained and all but the signature appearing on or closest to the first petition sheet shall be invalidated. If the page and line number of the alleged duplicate signature is not listed in the objection, the objection shall be overruled.

**G. Signature Incorporates Initials/Name isn't Identical to Registration Record**

If, for example, the registration record indicates "John E. Jones", 1020 South Spring, Spfld., and the petition lists "J. Jones" at 1020 South Spring, Spfld, the objection will be overruled if the signature on the card and the petition match. An objection that is based solely on the fact that a petition signature differs in form from the signature on the voter's registration card will be denied as failing to state grounds for an objection.

**H. Voter Registration Record of Petition Signer Cannot be Located**

The disposition of the objection depends on the grounds. If the objector is alleging that the person is not registered to vote at the address shown on the petition, the objection will be sustained. If the objection is based on the circumstances set forth in **A**, **D**, **E**, or **G** above, where the only evidence to substantiate the objection is contained on the voter registration card, the objection will be overruled.

**I. Petition Signer's Voter Registration is on Inactive Status**

Any objection solely on the ground that the petition signer's registration status is inactive will be denied as failing to state grounds for an objection. The signature of an inactive voter who remains at the registered address shall be deemed valid; whereas, the signature of an inactive voter who has moved from the registered address may be objected to as "not registered at address shown." At the Rule 9 signature rehabilitation/challenge hearing, the Objector may introduce evidence that the voter in question no longer resides at the address shown on the petition.

## II. Objections to Petition Circulators

The following information is intended as guidance to the Board and its duly appointed hearing officers in considering objections to a circulator's qualifications, the sufficiency of the circulator's affidavit and the method of circulation. It is not intended to establish legal standards for the following enumerated objections nor is it intended as a substitute for statutory or case law to the contrary.

### A. **Circulator did not Sign Petition Sheet**

If the circulator's statement is unsigned, the objection should be sustained, and all the signatures on the petition sheet invalidated.

### B. **Ineligible Circulator**

The fact that a circulator is not 18 years of age, or a United States Citizen or a resident at the place he or she states in the affidavit may be proved by any competent evidence. If the circulator is a registered voter in any state, a certified copy of his or her registration document is competent evidence of age, citizenry and residence. Ineligible circulators may not circulate petitions and a petition page so circulated may be invalid. In addition, if it is shown that an ineligible circulator signed the circulator affidavit, this may constitute perjury and such evidence may be referred by the Board to the appropriate prosecutor's office. The use of more than one ineligible circulator may constitute a pattern of fraud, providing a basis for disqualifying the entire petition.

### C. **Circulator's Signature Not Genuine**

If the circulator is a registered voter in Illinois, his or her original signature on his or her registration card shall be examined by the hearing examiner. NOTE: It is not a requirement that a petition circulator be a registered voter. If, in the opinion of the hearing examiner the signature is not genuine, the objection should be sustained. The validity of a circulator's signature may be proved by any competent evidence. Collateral evidence of the validity of the signature of the circulator is admissible, such as testimony of a person purporting to observe one person signing the name of another circulator. There is no requirement that a signature be in cursive rather than printed form, and an objection solely on the ground that the signature is printed and not in cursive form, or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection.

### D. **Circulator's Address is Incomplete**

The circulator's address must be sufficiently complete so as to easily locate the circulator at the listed address in the event the circulator's qualifications or the method of circulation is challenged.

**E. Purported Circulator Did Not Circulate Sheet**

Upon proof by the objector that the individual who signed as circulator did not circulate the petition sheet or personally witness the signing of the signatures on the petition sheet, the entire sheet may be invalidated. See also II (C) above.

**F. Sheet Not Notarized**

If the petition sheet is not notarized, the entire sheet may be invalidated. Simply missing a notary seal does not necessarily invalidate the sheet, unless the objector establishes that the sheet was not notarized by a qualified notary public.

**G. Purported Notary Did Not Notarize Sheet**

If the petition sheet is not in fact notarized by the notary who purports to notarize it, the entire sheet may be invalidated. See also II(C) above.

**III. Miscellaneous Objections**

**A. Signatures Exceed the Statutory Maximum**

If a petition is filed that contains signatures in excess of the statutory maximum, an objection filed solely on that basis will not result in the petition being invalidated. However, for purposes of determining the total number of valid signatures, the Board will not consider any signatures (or objections thereto) in excess of the statutory maximum, the count of which will commence with page 1.

**APPENDIX B.**

**Schedule of Brief and Motion Filing**

**Candidate's Motion to Strike and/or Dismiss or other similar motion (MTSD)  
Objector's Motion for Summary Judgment or other similar motion (MSJ)**

Must be filed no later than 5:00 p.m. on the second business day (**Wednesday, June 15<sup>th</sup>**) following the date of the Initial Meeting of the Board, unless extended by the Board or hearing examiner for good cause shown.

**Objector's Response to Candidate's MTSD  
Candidate's Response to Objector's MSJ**

Must be filed no later than 5:00 p.m. on the second business day following the due date of the Candidate's MTSD or Objector's MSJ (**Friday, June 17<sup>th</sup>**) unless extended by the Board or hearing examiner for good cause shown.

**Candidate's Reply to Objector's Response to Candidate's MTSD  
Objector's Reply to Candidate's Response to Objector's MSJ**

Must be filed no later than 5:00 p.m. on the second business day following the due date of the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MSJ (**Tuesday, June 21<sup>st</sup>**) unless extended by the Board or hearing examiner for good cause shown.

Any memorandum of law in support of any of the above pleadings shall accompany such pleading. Briefs on any issue or issues shall be filed as directed by the Board or the hearing examiner.

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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Steven S. Sandvoss

BOARD MEMBERS  
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John R. Keith  
William M. McGuffage  
Casandra B. Watson

**TO:** Chairman Charles W. Scholz  
Vice Chairman Ernest L. Gowen  
Members of the Board  
Executive Director Steven S. Sandvoss

**From:** Kenneth R. Menzel, General Counsel

**Re:** Appointment of Hearing Officers

**Date:** June 9, 2016

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I have selected the following persons to serve as hearing officers for the several objections filed with the State Board of Elections following the filing period for candidates seeking to fill vacancies in established party nominations at the November 8, 2016 General Election and propose the following cases be assigned to them for hearing.

**Barbara Goodman**

16 SOEB GE 100 Hanson v. Smodilla  
16 SOEB GE 101 Corneils & Frasz v. Burd

**Philip Krasny**

16 SOEB GE 500 Walker v. McGraw, Jr.  
16 SOEB GE 501 Imhoff v. Evans

**Jim Tenuto**

16 SOEB GE 502 Danforth v. Mazeski  
16 SOEB GE 503 Shorten v. Coyne

I would request of the Board authorization to appoint the above persons to serve as hearing officers and for the above cases to be assigned to them for hearing.

Sincerely

  
Kenneth R. Menzel, General Counsel