

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 INDEPENDENT AND NEW POLITICAL PARTY CANDIDATES SEEKING TO APPEAR ON THE BALLOT FOR THE NOVEMBER 6, 2018 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 Officer, (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 Officer) for receipt of notice from the Board, from the Hearing Officer, or from opposing parties during the course of these proceedings. If the Board or Hearing Officer 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 **Tuesday, July 10, 2018**, 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 Officer 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 page and line signature count produced by Board staff. Such candidate will be instructed to appear at the next meeting of the State Officers Electoral Board if he or she wishes 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 Officer, when necessary. If an objector fails to appear after having been sent due notice, the Board may dismiss the objection for want of prosecution. If a candidate fails to appear, he/she will be bound by any decisions made by the Board, the General Counsel, or the designated Hearing Officer.

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 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. 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. Due to the expedited nature of objection proceedings generally, preference will be given to the following means of communication and transmission of documentation, in the following order: (1) e-mail; (2) fax; (3) such other means as may be approved by the Hearing Officer at the Case Management conference.

Though every effort will be made by the Board or its designated Hearing Officer to keep parties informed of upcoming events, parties shall be responsible for periodically checking the Board's website, to keep fully 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 Officer 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 Officer has been duly appointed, the Hearing Officer shall preside over all such hearings. At the discretion of the Board or the Hearing Officer, hearings may be conducted in two or more locations connected by telephonic or video conference; however, any witness who will 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 Officer or Board. The Board or its designated Hearing Officer shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to the following powers:

- (a) To administer oaths and affirmations;
- (b) To 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) To 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) To rule upon offers of proof and receive relevant evidence;
- (e) To direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;
- (f) To dispose of procedural requests or similar matters;
- (g) To issue subpoenas and rule upon objections to subpoenas (subject to the provisions of paragraph 8 below) and discovery requests;
- (h) To 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 may be ruled upon only by the Board. Unless otherwise directed by the Hearing Officer, the hearing of an objection will proceed despite the filing of any of the above Motions;

- (i) To consider such competent and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and
- (j) To enter any order that further carries out the purpose of these Rules.

The grant of authority listed above to the designated Hearing Officer 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 OFFICERS

In view of the time limitations and the amount of evidence to be presented, the Board may, and in most instances will, appoint a Hearing Officer in any case which the Board deems such an appointment necessary or expedient. Any Hearing Officer so appointed shall have the duties and powers of the Board as set forth in these rules, except that a Hearing Officer shall not have the power to rule upon any motion which would be dispositive of the objection, or to issue a final decision. In addition, any Hearing Officer 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 is determined necessary by the Hearing Officer), (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 Officer is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the Hearing Officer 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 Officer'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, pleadings, answers, correspondence and other documents shall be served upon the opposing parties or their attorneys, if represented by counsel, and filed with the General Counsel and the Hearing Officer. All briefs, notices, documents, pleadings, answers, and correspondence may, and preferably shall, be sent by e-mail attachment or fax if available to the receiving party or his or her representative. Due to the expedited nature of objection proceedings

generally, preference will be given to the following means of communication and transmission of documentation, in the following order: (1) e-mail; (2) fax; (3) such other means as may be approved by the Hearing Officer at the Case Management Conference. The date the e-mail or fax is sent shall be deemed the date notice is given.

7. MOTIONS PRACTICE

All Motions Generally

- (a) If a Hearing Officer has been appointed, motions shall be directed to the Hearing Officer, with copies provided to the General Counsel's office by email to GeneralCounsel@elections.il.gov, by fax to 312-814-1863, or by personal service. The Hearing Officer will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a Hearing Officer 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 Officer 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 Officer 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 an objection for failure to prosecute 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 Officer.

8. SUBPOENAS

Any party desiring the issuance of a subpoena shall submit a written request to the Hearing Officer. Such request for subpoena may seek the attendance of witnesses at a deposition (evidentiary or discovery, however in objection proceedings all depositions may 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 Thursday, July 12th** 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 Officer. The Hearing Officer shall submit the same to the Board (via General Counsel) no later than **5:00 p.m. on Friday, July 13th**. 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 Officer no later than **4:00 p.m. on Friday, July 13th**, who shall then transmit it to the Chairman and Vice Chairman (through the General Counsel's office) with the subpoena request. The Hearing Officer shall issue a recommendation on whether or not the subpoena request should be granted no later than **5:00 p.m. on Monday, July 16th**. 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 Thursday, July 12th** 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 written request to the General Counsel in person, by fax to 312-814-1863, or by email to GeneralCounsel@elections.il.gov, with copies given to the Hearing Officer and opposing party. The General Counsel may grant or deny 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 Officer, 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, July 12**.

At the direction of the Board or a Hearing Officer, the parties may be directed to appear at a “records examination.” Notice of same shall be provided by the Board or the Hearing Officer. 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’ electronic registration records for comparison to the names on the candidate petition that are subject to an objection(s).

Prior to the commencement of the records examination, Board staff will calculate the total number of signatures submitted with the candidate’s nominating petition. If there is a certificate of deletions attached to the candidate’s petition, any signers contained on the page and line number(s) contained on such certificate shall not be included in the total signature count. Signatures that are stricken, but do not appear on the certificate of deletions or are not initialed, will also not be included in the total signature count. Staff will consider an affirmative mark, such as a line or scribble, over the signature and/or address, to strike the signature.

Board staff shall examine each signature based upon the specific objection raised to it and determine, as appropriate, whether (1) 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) 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 electronic 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 electronic 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 Officer may, in his/her or its 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.

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. General Counsel or his/her designee will provide advance notice to each party of the number of terminals allocated to that examination with the proviso and understanding that this number may be increased or decreased at the examination as circumstances may warrant. (General Counsel or his/her designee may provide each party with an initial number of terminals, and a specific number of additional terminals that may be added during the course of the examination if other examinations are completed early). 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. In the discretion of the General Counsel or his/her designee, in order to expedite a record exam, additional record examiners and computer terminals as may become available in the course of an exam may be utilized, provided that verbal notice is given to the party’s representatives who are present. 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 Hearing Officer and the parties or their counsel, if represented. The report shall be so 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”) for taking exception described below.

The parties will be given an opportunity to present all exceptions 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 Officer at the evidentiary hearing on the merits of the objection scheduled by the Board or the Hearing Officer (the “Rule 9 Motion Hearing”). The party taking exception bears the burden of producing evidence proving that the staff finding was in error. Such evidence offered to refute the staff finding, including affidavits, but excluding oral testimony that will be presented at a hearing after the evidentiary deadline, must be submitted to the Board or the Hearing Officer with a copy provided to the opposing party 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 a party intends to call a handwriting expert to testify at a Rule 9 hearing, that party must provide to the Hearing Officer and opposing party, by the close of the deadline to submit evidence, the following: (1) an organized listing of all signatures the expert will review and (2) the name of the expert and copies of all relevant professional certifications or other credentials possessed or obtained by the expert. 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 of the Election Code 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 Articles 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 may 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 Officer may suspend the records examination and the results of the records examination shall be forwarded to the Board or the Hearing Officer, 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 Officer.

(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 Officer, 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 Officer, and the Board/Hearing Officer will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. Where the Board is hearing the objection, the Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where a Hearing Officer 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 Officer unless the Hearing Officer 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 Officer, nor will the Board or Hearing Officer 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 that 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.

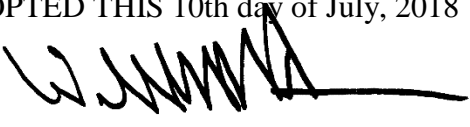

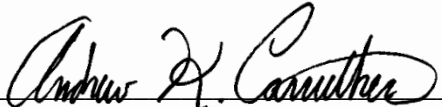



14. SESSIONS

After the Board convenes the initial hearing, it will remain 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 10th day of July, 2018

 _____)	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 Officer, 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. In order for a Hearing Officer to overturn the initial ruling on genuineness of a signature, the moving party must present the following evidence: (1) a signed and notarized affidavit of the voter attesting that the signature at issue is or is not his or her signature, (2) testimony from the voter attesting that the signature at issue is or is not his or her signature, or (3) testimony or a signed and notarized affidavit of a

professionally-credentialed handwriting expert. Hearing Officers shall not overturn an initial ruling on genuineness of a signature on his or her own opinion.

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:** To the extent a voter may have moved during the period of time between the beginning of petition circulation and the close of petition filing, the programming used by the SBE will note all addresses at which the voter was registered during the time period in question. If the address opposite the voter's name on the petition matches any one of the addresses noted, the objection will be overruled, and the burden placed upon the objector at the Rule 9 signature rehabilitation/challenge hearing to prove 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 Officer 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 Officer 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 17 years of age who will be 18 years of age on the date of the general election and otherwise qualified to vote, 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 Officer. NOTE: It is not a requirement that a petition circulator be a registered voter. If, in the opinion of the Hearing Officer 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 (**Thursday, July 12**) following the date of the Initial Meeting of the Board, unless extended by the Board or Hearing Officer 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 (**Tuesday, July 17**) unless extended by the Board or Hearing Officer 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 (**Thursday, July 19**) unless extended by the Board or Hearing Officer 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 Officer.