

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FOR THE 102nd REPRESENTATIVE DISTRICT, STATE OF ILLINOIS**

Randy D. Pollard)
)
Petitioner-Objector,)
)
vs.)
)
John Warner,)
)
Respondent-Candidate.)

PRINCIPAL OFFICE
STATE BOARD OF ELECTIONS
10 APR 26 AM 11:04

VERIFIED OBJECTOR'S PETITION

Now comes Randy D. Pollard (hereinafter referred to as the "Objector"), and states as follows:

1. Randy D. Pollard resides at 2517 Mabry Lane, Vandalia, IL 62471, Fayette County, in the One Hundred Second Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the One Hundred Second Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of John Warner ("the Nomination Papers") as a candidate for nomination of the Democratic Party to the Office of Representative in the General Assembly from the 102nd Representative District of the

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

3. Your Objector states that in the 102nd Representative District of the State of Illinois the signatures of not less than 500 duly qualified, registered, and legal voters of the said 102nd Representative District of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

4. Your Objector states that the Candidate has filed 89 petition signature sheets containing a total of 1,178 signatures of allegedly duly qualified, legal, and registered voters of the 102nd Representative District of the State of Illinois.

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

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

6. Your Objector states that numerous of the petition sheets were circulated before the Candidate was duly appointed by the Representative Committee for the 102nd Representative District ("the Committee"), and that those sheets were not therefore circulated and collected in accordance with Illinois law. Section 7-61 mandates that the circulation period for the nominating petitions begins on the day that the appropriate committee designates the candidate. 10 ILCS 7-61. The Resolution to Fill a Vacancy in Nomination for the Office of Representative

in the General Assembly (“The Resolution”) was executed by the Democratic Representative District Committee of the 102nd Representative District on April 7, 2010, and purports to appoint and nominate the Candidate to fill the vacancy in nomination and to be the Democratic nominee for the office of Representative in the General Assembly from the 102nd Representative District. On April 16, 2010, however, the Committee apparently executed another Resolution to Fill a Vacancy in Nomination for the Office of Representative in the General Assembly for the 102nd District, replacing the earlier Resolution (“The Replacement Resolution”). The circulator’s affidavit on each of the Candidate’s petition pages falsely swears that “none of the signatures on this sheet were signed prior to the date the 102nd Representative District Committee of the Democratic Party designated the candidate to fill the vacancy in nomination . . .” However, the circulator’s affidavit on each and every petition page filed by the Candidate alleges the actual dates said page was circulated, and each and every page purports to have been circulated *before* The Replacement Resolution was executed. Accordingly, because these petition sheets were not collected in accordance with Illinois law, each and every sheet should be declared null and void.

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

7. The Resolution was apparently signed and notarized on April 7, 2010, and initially filed on April 9, 2010. The Replacement Resolution was apparently executed on April 15, 2010, and filed on April 19, 2010. Section 8-17 of the Election Code, which governs the filling of vacancies in nomination for members of the General Assembly, mandates that vacancies that result after no person runs in the General Primary Election must be filled within 60 days of the General Primary, which was April 5, 2010. 10 ILCS 5/8-17. Neither version of

The Resolution was filed by April 5, 2010, as required by Section 8-17 of the Election Code, and therefore, the Resolutions are of no legal effect, and are null and void.

8. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 1,178 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by 1,178 or to 0, or 500 below the statutory minimum of 500.

WHEREFORE, your Objector prays that the purported nomination papers of John Warner as a candidate of the Democratic Party for nomination to the office of the Representative in the General Assembly from the 102nd Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of John Warner as a candidate of the Democratic Party for nomination to the office of the Representative in the General Assembly from the 102nd Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 2, 2010.



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