

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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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
Thursday, January 7, 2016
10:30 a.m.

James R. Thompson Center – Room 2-025
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of minutes from the December 14 meeting. (pg.1-4)
2. Consideration of objections to candidate nominating petitions for the March 15, 2016 General Primary Election;
 - a. *Pearson v. Pahlke*, 15SOEBGP500; (pgs.5-26)
 - b. *Cramer v. Straw*, 15SOEBGP501; (pgs.27-47)
 - c. *Cramer v. Evans*, 15SOEBGP502; (pgs.48-57)
 - d. *Cramer v. Hantsch*, 15SOEBGP503; (pgs.58-68)
 - e. *Ogunneye v. Hastings*, 15SOEBGP506; (pgs.69-79)
 - f. *Mason v. Jernigan*, 15SOEBGP507; (pgs.80-89)
 - g. *Larson v. Wesa*, 15SOEBGP513; (separate cover)
 - h. *Airido v. Wesa*, 15SOEBGP515; (separate cover)
 - i. *Schmidt v. Moeller*, 15SOEBGP516; (separate cover)
 - j. *Bartlett v. Rush*, 15SOEBGP517; (pgs.90-99)
 - k. *Dobkin & Jacobs v. Sherman*, 15SOEBGP520; (pgs.100-132)
 - l. *Dobkin & Jacobs v. Mayers*, 15SOEBGP521; (pgs.133-162)
 - m. *Lewis v. Rayburn*, 15SOEBGP523; (pgs.163-171)
 - n. *Lewis v. Myrickes*, 15SOEBGP524; (pgs.172-180)
 - o. *Lewis v. Kelly*, 15SOEBGP525. (pgs.181-188)
3. Objections/Candidates withdrawn – informational;
 - a. *Kaye & Kaye v. Phillips*, 15SOEBGP100 – objection withdrawn;
 - b. *Cronauer & Fassnacht v. Carrier*, 15SOEBGP101; objection withdrawn;
 - c. *Sparrow v. Pritchett*, 15SOEBGP102 – objection withdrawn;
 - d. *Riley & Arends v. Pierce*, 15SOEBGP103 – objection withdrawn;
 - e. *Runyon & Lycan v. Kaye*, 15SOEBGP105 – objection withdrawn;
 - f. *Solomon v. Riley*, 15SOEBGP505 – objection withdrawn;
 - g. *Iler v. Hudson*, 15SOEBGP510 – candidacy withdrawn;
 - h. *Gierhahn v. Solomon*, 15SOEBGP511 – objection withdrawn;
 - i. *Palacio v. Rush*, 15SOEBGP519 – objection withdrawn.

- 4. Other business.**
- 5. Recess the State Officers Electoral Board until January 20, 2016 at 10:30 a.m. in Chicago or until call of the Chairman, whichever occurs first.**

STATE OFFICERS ELECTORAL BOARD
Special Meeting
Monday, December 14, 2015

MINUTES

PRESENT: Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
William M. McGuffage, Member
William M. McGuffage, Member
John R. Keith, Member
Casandra B. Watson, Member

VIA TELEPHONE: Betty J. Coffrin, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Darlene Gervase, Admin. Assistant III

Chairman Scholz called the meeting of the State Officers Electoral Board to order at 10:33 a.m.

The Chairman, Members Carruthers and Keith were present in Springfield. Vice Chairman Gowen, Members Cadigan, McGuffage and Watson were present in Chicago. Member Coffrin was absent. Member Gowen held Member Coffrin's proxy.

Mr. Scholz called cases and accepted appearances for objections to candidate nominating petitions for the March 15, 2016 General Primary Election.

In the matters of:

Kaye & Kaye v. Phillips, 15SOEBGP100;
Clair Kaye and Jonathan Kaye, appeared *pro se* for the Objector and John G. Fogarty, Jr. and Matthew O'Shea for the Candidate

Cronauer & Fassnacht v. Carrier, 15SOEBGP101;
Matthew O'Shea and John G. Fogarty, Jr., appeared for the Objector and Michael J. Kasper for the Candidate

Sparrow v. Pritchett, 15SOEBGP102;
John G. Fogarty, Jr. appeared for the Objector and Bobby Pritchett, *pro se*

Riley & Arends v. Pierce, 15SOEBGP103;
John G. Fogarty, Jr. appeared for the Objector and Candidate's attorney (unreadable)

Ochs & Ochs v. Curtis, 15SOEBGP104;
John G. Fogarty, Jr. appeared for the Objector and Candidate Curtis, *pro se*

Runyon & Lycan v. Kaye, 15SOEBGP105;
John G. Fogarty, Jr. appeared for the Objector and Candidate Kaye, *pro se*

Hernandez v. Jones, 15SOEBGP106;
John G. Fogarty, Jr., appeared for the Objector and Arthur J. Jones, *pro se*

Brown & Welter v. McGroarty, 15SOEBGP107;
John G. Fogarty appeared for the Objector and Colin M. McGroarty, *pro se*

Cook v. Haida, 15SOEBGP108;
Dallas B. Cook appeared for the Objector and Michael J. Kasper for the Candidate

Cook v. Baricevic, 15SOEBGP109;
Dallas B. Cook appeared for the Objector and Michael J. Kasper for the Candidate

Cook v. LeChien, 15SOEBGP110;
Dallas B. Cook appeared for the Objector and Michael J. Kasper for the Candidate

Pearson v. Pahlke, 15SOEBGP500;
Edward E. Ronkowski appeared for the Objector. The Candidate is *pro se*.

Cramer v. Straw, 15SOEBGP501;
Mark Cramer appeared for the Objector and Andrew W. Straw, *pro se*

Cramer v. Evans, 15SOEBGP502;
Mark Cramer appeared for the Objector and Eli Bastian for the Candidate

Cramer v. Hantsch, 15SOEBGP503;
Mark Cramer appeared for the Objector and Joseph J. Hantsch, *pro se*

Krucek v. Urlacher, 15SOEBGP504;
Christine Svenson appeared for the Objector and Burton S. Odelson, Luke J. Keller, and Lauren B. Glennon for the Candidate

Solomon v. Riley, 15SOEBGP505;
McStephen O.A. Solomon appeared for the Objector and Michael J. Kasper for the Candidate

Ogunneye v. Hastings, 15SOEBGP506;
McStephen O.A. Solomon appeared for the Objector and Burton S. Odelson, Luke J. Keller, and Lauren B. Glennon for the Candidate

Mason v. Jernigan, 15SOEBGP507;
Michael J. Kasper appeared for the Objector and No one for the Candidate

Simpson v. Aguirre, 15SOEBGP508;
Michael J. Kasper appeared for the Objector and Wladsmiro Aguirre, *pro se*

Simpson v. Jackson, 15SOEBGP509;
Michael J. Kasper appeared for the Objector and Lisa Jackson, *pro se*

Iler v. Hudson, 15SOEBGP510;
Luke J. Keller appeared for the Objector and McStephen O.A. Solomon for the Candidate

Gierhahn v. Solomon, 15SOEBGP511;
Luke J. Keller appeared for the Objector and McStephen O. A. Solomon and Maria M. Barlow for the Candidate

Eck v. Reick, 15SOEBGP512;
Yu appeared for the Objector and John G. Fogarty, Jr. for the Candidate

Larson v. Wesa, 15SOEBGP513;
Michael J. Kasper appeared for the Objector and No one appeared for the Candidate

Stieper v. Urlacher, 15SOEBGP514;
Richard K. Means appeared for the Objector and Burt Odelson and Lauren Glennon for the Candidate

Airido v. Wesa, 15SOEBGP515;
No one appeared for the Objector and Richard K. Means for the Candidate

Schmidt v. Moeller, 15SOEBGP516;
Jeffrey A. Meyer appeared for the Objector and Michael J. Kasper for the Candidate

Bartlett v. Rush, 15SOEBGP517;
Paul E. Lehner and Michael C. Dorf appeared for the Objector and Brendan Schiller and Chris J. Bergin for the Candidate

Palacio v. Bailey, 15SOEBGP518;
Ross D. Secler appeared for the Objector and Harold Bailey, *pro se*

Palacio v. Rush, 15SOEBGP519;
Ross D. Secler appeared for the Objector and Brendan Shiller, Chris J. Bergin for the Candidate

Dobkin & Jacobs v. Sherman, 15SOEBGP520;
Andrew Finko appeared for the Objector and Richard K. Means for the Candidate

Dobkin & Jacobs v. Mayers, 15SOEBGP521;
Andrew Finko appeared for the Objector and Richard B. "Riverview" Mayers, *pro se*

Brown v. Harris, 15SOEBGP522;
Ross D. Seclar appeared for the Objector and Paul E. Lehner and Michael C. Dorf for the Candidate

Lewis v. Rayburn, 15SOEBGP523;
M. L. Lewis, *pro se* for the Objector and Charles Rayburn, *pro se*

Lewis v. Myrickes, 15SOEBGP524;
M. L. Lewis, *pro se* for the Objector and Dorian Myrickes, *pro se*

Lewis v. Kelly, 15SOEBGP525.
M. L. Lewis, *pro se* for the Objector and Paul E. Lehner and Michael C. Dorf for the Candidate

General Counsel Menzel submitted the Rules of Procedure for the State Officers Electoral Board proposing a change to 8. Subpoena Requests.

The first change dealt with Subpoenas directed to election authorities for voting records. Discussion was had among the Board as well as comments from a member of the Election Law Committee. Member Carruthers moved to adopt the addition of the following paragraph. Member Cadigan seconded the motion which passed 8-0 by roll call vote.

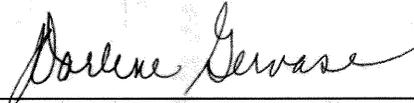
“Any party desiring a *subpoena duces tecum* directed to an election authority to produce copies of voter records relating to voter signatures which were ruled upon during a record examination (for purposes of making a motion under Rule 9) may submit a request to the General Counsel, with copies given 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.”

The second change was a modification to Rule 8 pertaining to other Subpoena requests. Such requests shall be submitted to the Chairman or Vice Chairman, rather than the full board, and either the Chairman or Vice Chairman may grant said requests, or in their discretion, convene a meeting of the full Board. Discussion ensued and Member Keith moved to adopt said change. Member Carruthers seconded the motion which passed 8-0.

Member Cadigan moved and Member Keith seconded a motion to authorize the General Counsel to appoint Hearing Examiners as required. The Motion passed unanimously.

Member Keith moved to recess the State Officers Electoral Board to December 22, 2015 at 10:30 a.m. in Chicago, or until the call of the Chairman, whichever occurs first. The Motion passed 8-0.

Respectfully submitted,



Darlene Gervase, Admin. Asst. III



Steven S. Sandvoss, Executive Director

**Pearson v Pahlke
15 SOEB GP 500**

Candidate: Elizabeth Diane Pahlke

Office: US Senate

Party: Republican

Objector: George Pearson

Attorney For Objector: Edward Ronkowski

Attorney For Candidate: Pro Se

Number of Signatures Required: 5000

Number of Signatures Submitted: Approximately 5,562 signatures (the nomination petition was difficult to process and get a staff count since only the first 18 of the 613 pages are numbered)

Number of Signatures Objected to:

Basis of Objection: 1. The nomination petition sheets do not contain the language in Section 7-10 that requires either: (1) the dates on which the sheets were circulated, or (2) the first and last dates on which the sheet was circulated, or (3) statement that none of the signatures were signed more than 90 days prior to the last day for filing. Only 22 of the 613 pages satisfy the requirement of Section 7-10. The remaining 591 pages do not contain the language required by Section 7-10. 2. The circulator statement is notarized on only 22 of the 613 pages. The 22 pages refer to the "Rep/Dem Party," "Republican Party" or the Party section is blank. 3. The first 18 pages are numbered and contain 119 signatures. The remaining pages are unnumbered in violation of Section 7-10 in the Election Code. 4. Each of the 613 pages state the office is to "be voted upon at the Primary Election to be held on November 8, 2016." 5. Candidate's petition exhibits an overall lack of substantial compliance with the Election Code, such as: A. 52 pages are devoid of human signatures, and B. Approximately 38 pages contain what the Candidate describes on the second page of her nominating petition as containing "mud, grass + leaves + bird signatures."

Dispositive Motions: Candidate's Request for a Live Hearing, Objector's Motion for Summary Judgment/Objector's Memorandum of Law in Support of Motion for Summary Judgment

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Regarding the two circulation issues, the requirement that the language pertaining to the 90 day window appear in the circulator's statement as set forth in Section 7-10 is a mandatory provision. *Simmons v. Dubose*, 742 Ill.App.3d 1077, 492 N.E. 2d 568 at 588, 97 Ill.Dec.150 (1st Dist. 1986). Only 22 of the 613 pages contain the language within the circulator's statement pertaining to the 90 day window. The failure to provide the language in all but 22 of the 613 pages renders the nomination petition invalid as there is not substantial compliance. Similarly, notarizing the circulator's statement as set forth in Section 7-10 is a mandatory provision. *Bowe v. City*

of *Chicago Electoral Board*, 81 Ill.App.146, 37 Ill. Dec. 177, 401 N.E. 2d 1270 (1st Dist. 1980), reversed on other grounds, 79 Ill.2d 469, 38 Ill.Dec.756, 404 N.E. 2d 180. Only 22 of the 613 pages were filled in by the circulator and notarized. The failure to properly notarize all but 22 of the 613 pages renders the nomination petition invalid as there is not substantial compliance.

Regarding the failure to number pages after sheet 18, consecutively numbering the pages as required by Section 7-10 is a mandatory provision. *El Abdoudi v. Thompson*, 293 Ill.App.3d at 1168 (2nd Dist. 1997). Only the first 18 pages are numbered. The failure to number anything beyond the first 18 pages (of 613 pages) renders the remaining pages invalid.

Regarding the dating issue on the Candidate's petition sheets, though the Candidate misstated the date of the Primary Election on 613 pages as "November 8, 2016," it can be ascertained for which election the Candidate was circulating her petition; therefore, the objection on this ground should be dismissed.

Regarding the Objector's allegation of overall insubstantial compliance, the Hearing Officer did not consider the issue other than to comment on the condition of the nomination petition in a separate address to the Board. In examining the state of the Candidate's nomination petition, it was discovered that many of the pages had mud, grass and leaves taped to the pages. The Candidate also indicated to staff a foreign substance appearing on some of the sheets was bird feces. There was also a bird's nest taped to one of the sheets. The people processing the petition had to hand copy each of the first 200 sheets because many of those sheets had the above items taped to them. The hand copies pages were then scanned. Staff processed the petition while wearing gloves due to the health concerns and the petition is currently wrapped in plastic in the storage area of the office. Due to the health concerns associated with processing a petition similar to the one filed by the Candidate, the Hearing Officer suggested that the Board consider adopting a policy that would allow staff to reject any petitions that contain foreign substances and/or materials that may be a health hazard and/or danger to staff.

To demonstrate the overall poor quality of the Candidate's nomination petition, the Hearing Officer noted several deficiencies throughout the petition. First, the Candidate filed a single blanket circulation statement on the second page of her set of nomination petitions, which does not satisfy the requirement that each petition sheet be signed by a circulator and notarized. This circulation statement also states that, at the time of signing, the persons were qualified voters of both the Republican and Democratic Party; therefore, petition signers may have been uncertain if they were participants in the Republican or Democratic Primary.

Also, due to a lack of consecutive numbering, circulator issues, and the absence of notarization on the majority of the petition sheets, the Candidate has arguable submitted less than the minimum number of valid signatures required to be placed on the ballot for the office sought.

Based on the foregoing, the Hearing Officer recommends that (1) the Objector's Motion for Summary Judgment be granted, (2) the objection be sustained, and (3) the Candidate's name not be printed on the ballot as a Republican Party candidate for the office of U.S. Senate to be voted upon at the March 15, 2016, General Primary Election.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:

GEORGE L. PEARSON ,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 500
)	
ELIZABETH DIANE PAHLKE,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A Case Management Conference was held following the calling of the cases. Candidate was not present but had filed a *Pro Se* Appearance when the cases were called. A copy of the Case Management Order was sent by email to her on the same date the cases were called. Edward E. Ronkowski files an Appearance on behalf of the Objector and was given a copy of the Case Management Order.

Issues Presented

The issue presented is whether or not the Objection should be granted. The Objection raises five grounds to strike the Candidate's nomination petition:

1. The nomination petition sheets do not contain the language in Section 7-10 that requires either: (1) the dates on which the sheets were circulated, or (2) the first and last dates on which the sheet was circulated, or (3) statement that none of the signatures were signed more than 90 days prior to the last day for filing. Only 22 of the 613 pages satisfy the requirement of Section 7-10. The remaining 591 pages do not contain the language required by Section 7-10.
2. The circulator statement is notarized on only 22 of the 613 pages. The 22 pages refer to the "Rep/Dem Party," "Republican Party" or the Party section is blank. The requirement that the circulator appear before a notary has been held to be mandatory and not directory. *Bowe v. City of Chicago Electoral*, 401 N.E.2d 1270 (First Dist., 1980), reversed on other grounds, 404 NE.2d 180.
3. The first 18 pages are numbered and contain 119 signatures. The remaining pages are unnumbered. Section 7-10 in the Election Code which requires the pages to be numbered consecutively has been held to be mandatory. *El Abdoudi v. Thompson*, 293 Ill.App.3d 191, 687 N.E. 2d 1166 (Second Dist.1997).
4. Each of the 613 pages state the office is to "be voted upon at the Primary Election to be held on November 8, 2016."
5. In addition to the 4 grounds set forth above, overall lack of substantial compliance with the Election Code, such as:
 - A. 52 pages are devoid of human signatures, and

B. Approximately 38 pages contain what the Candidate describes on the second page of her nominating petition as containing “mud, grass + leaves + bird signatures.”

For the reasons set forth herein, the Hearing Officer recommends both the Objection and Motion for Summary Judgment be GRANTED.

Background

Candidate Elizabeth D. Pahlke timely filed nomination papers seeking the Republican nomination as United States Senator to be voted upon at the March 15, 2016, General Primary Election. The nomination petitions appear to contain 5,562 signatures, 562 signatures above the minimum, assuming all signatures are valid and the petition is not otherwise defective.

The Objection was timely filed alleging the nomination petitions are defective for the reasons set forth above in Issues Presented.

In response to the Objection, the Candidate filed on December 15, 2015, a one-page sheet requesting a “live hearing to respond to Objector’s claim.” The request was denied on December 16, 2015, as not being provided for in the Rules adopted by the State Officers Electoral Board.

The Objector subsequently filed Petitioner’s/Objector’s Motion for Summary Judgment along with Objector’s Memorandum of Law in Support of the Motion for Summary Judgment. The pleading summarizes the defects alleged in the Objection and sets forth supporting case law

Analysis

Section 7-10 of the Election Code (10 ILCS 5/7-10) states in part:

At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

A cursory review of the nomination petitions discloses that only 22 pages containing 219 signatures satisfy the requirement of Section 7-10 that there be a statement affirming the signatures were signed no more than 90 days prior to the last day for filing. The statutory provision that requires the circulator to indicate when the nomination petition was circulated is mandatory, not directory. *Simmons v. Dubase*, 142 Ill.App.3d 1077, 492 N.E. 2d 586 at 588, 97 Ill. Dec 150, (1st Dist., 1986).

Similarly, the requirement that the person who circulated nominating petitions personally appear before a notary public to validate the petition has been held to be mandatory and not directory. *Bowe v. City of Chicago Electoral Board*, 81 Ill. App 146, 37 Ill.Dec 177, 401 N.E. 2d 1270 (1st Dist. 1980), reversed on other grounds, 79 Ill.2d 469, 38 Ill.Dec 756, 404 N.E.2d 180. In the *Pahlke* nominating petitions, only 22 of the 613 pages are notarized.

El Abdoudi v. Thompson, 293 Ill.App.3d at 1168 (2nd Dist., 1997) held that the requirement in Section 7-10 to consecutively number pages was mandatory. The Candidate numbered only 18 of the 613 pages. Numbering only 18 of the 613 pages does not amount to

substantial compliance. The failure to number the pages leads to tampering and makes it impossible to process an Objection.

The fourth issue raised by the Objector is that each of the 613 pages states the office is to “be voted upon at the Primary Election to be held on November 8, 2016”. Though the Candidate misstated the date of the Primary Election, it is apparent in viewing the Statement of Candidacy she is seeking to have her name on the Primary Election ballot which is March 15, 2016.

Finally, the fifth ground is overall insubstantial compliance. The condition of the nomination petitions will be discussed in a separate section.

Findings

1. The Candidate timely filed nomination petitions seeking the Republican nomination for U.S. Senator to be voted upon at the March 15, 2016, General Primary Election.
2. The determination that she was participating in the Republican Primary Election is based on the Statement of Candidacy. There is an inconsistency as to the “Party” within the nomination petition.
3. The signature requirement for that office is a minimum of 5,000 and a maximum of 10,000. (10 ILCS 5-7-10(A)).
4. The Candidate submitted approximately 5,562 signatures over 613 pages. The nomination petition was difficult to process and get a staff count since only the first 18 of the 613 pages are numbered.
5. An Objection was timely filed by George L. Pearson.
6. The 5 grounds raised in the Objection are set forth in detail in the **Analysis** section of this **Recommendation of Hearing Officer**.

7. As to each of the 5 grounds the Hearing Officer finds:

- A. The requirement that the language pertaining to the 90 day window appears in the circulator's statement as set forth in Section 7-10 is a mandatory provision. Only 22 of the 613 pages contain the language within the circulator's statement pertaining to the 90 day window. The failure to provide the language in all but 22 of the 613 pages renders the nomination petition invalid as there is not substantial compliance. *Simmons v. Dubose*, 742 Ill.App.3d 1077, 492 N.E. 2d 568 at 588, 97 Ill.Dec.150 (1st Dist. 1986).
- B. Notarizing the circulator's statement as set forth in Section 7-10 is a mandatory provision. Only 22 of the 613 pages were filled in by the circulator and notarized. The failure to properly notarize all but 22 of the 613 pages renders the nomination petition invalid as there is not substantial compliance. *Bowe v. City of Chicago Electoral Board*, 81 Ill.App.146, 37 Ill. Dec. 177, 401 N.E. 2d 1270 (1st Dist. 1980), reversed on other grounds, 79 Ill.2d 469, 38 Ill.Dec.756, 404 N.E. 2d 180.
- C. Consecutively numbering the pages as required by Section 7-10 is a mandatory provision. Only the first 18 pages are numbered. The failure to number anything beyond the first 18 pages (of 613 pages) renders the nomination invalid. *EI Abdoudi v. Thompson*, 293 Ill.App.3d at 1168 (2nd Dist. 1997)
- D. The fourth ground is that each of the 613 pages states the Office "to be voted upon at the Primary Election to be held on November 8, 2016." Though the Candidate misstated the date of the Primary Election, it can be ascertained which date is correct.
- E. Finally, the fifth ground is overall insubstantial compliance. This will not be addressed except to comment on the condition of the nomination petition in a separate section. (See: Board Consideration)

8. The Candidate supplied the following statement on the second page of her set of nomination petitions:

I, Elizabeth Diane Pahlke, certify that I was the only person that circulated many U.S. Senate Petition forms for the primary on March 15, 2016. I am a citizen and the signatures on this sheet were all signed in my presence. My knowledge and belief the persons were signing at the time were qualified U.S. voters of the Republican and Democratic Party and chose to sign my petition. I am seeking election to U.S. Senate.

Signed by the Candidate and stamped by a notary. This one page blanket submission does not satisfy the requirement that each petition sheet be signed by the circulator.

Furthermore, the signer may have been uncertain if they were participants in the Republican or Democratic Primary.

9. Only the first 18 pages are numbered. Pages 1-6 are not signed by any voters, but have the signature of the circulator/Candidate though the balance of the circulator's statement is blank. Pages 7-18 each contain 10 signatures (120 signatures) and are signed by the circulator/Candidate though the balance of the circulator's statement is blank. None of the 18 pages are notarized. Thus, the 120 signatures on pages 7-18 cannot be counted due to a lack of completed circulator's statement and failure to notarize any of the 18 pages.
10. The 22 (of 613) pages that have a completed circulator's statement and are notarized contain approximately 217 signatures, assuming all signatures are valid. None of these pages, however, are numbered.
11. Arguably, if the requirement to consecutively number sheets is overlooked, the Candidate has submitted no more than 217 signatures, assuming all are valid. I do not suggest the requirement to consecutively number sheets should be overlooked. This is being offered to demonstrate the overall poor quality of the nomination petition.

Board Consideration

Though not directly raised in the Objection, there are concerns with the nomination petition sheets submitted by the Candidate. A brief description will help illustrate the concerns.

The second page of the petition sheet has the following statement from the Candidate: "The mud, grass + leaves and bird signatures represent the bad decisions that were made from developers + politicians that stole from our land."

Upon filing her petition nomination sheets, along with the deficiencies set forth elsewhere in the Recommendation, many of the pages had mud, grass and leafs taped to the pages. The Candidate also indicated to staff there was a foreign substance that was bird feces on some of the sheets. There was also a bird's nest taped to one of the sheets. The people processing the petition had to hand copy each of the first 200 sheets because many of those sheets had the above items taped to them. The hand copies pages were then scanned.

All done while wearing gloves due to the health concerns. The petition is currently wrapped in plastic in the storage area of the office.

I suggest the Board consider adopting a policy that would allow staff to reject any petitions that contain foreign substances and/or materials that may be a health hazard and/or danger to staff.

This is not intended to be viewed as an apparent conformity issue but more a health concern.

Recommendation

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board GRANT the Objection and GRANT the Objector's Motion for Summary Judgment and order that the name of Elizabeth Diane Pahlke NOT be printed on the ballot as a Candidate of the

Republican Party to the Office of U.S. Senate to be voted upon at the March 15, 2016, General Primary Election.

DATED: December 31, 2015

Respectfully submitted,


James Tenuto
Hearing Officer

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:)	
GEORGE L. PEARSON,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 500
)	
ELIZABETH DIANE PAHLKE,)	
Respondent(s) – Candidate(s).)	

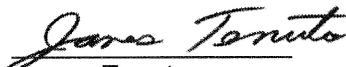
NOTICE OF FILING

TO:	Edward Ronkowski, Attorney for the Objector eronkowski@hotmail.com	Elizabeth Diane Pahlke, <i>Pro Se</i> Candidate Lizpahlke@gmail.com
cc:	Ken Menzel, General Counsel Sue Klos, Springfield Legal Department Darlene Gervase, Administrative Assistant III	

Please be advised that on December 31, 2015, I caused to be sent by email to the addresses set forth above the Recommendation of the Hearing Officer, a copy of which is attached.

This matter will appear on the Agenda of the State Officers Electoral Board on Thursday, January 7, 2016 at 10:30 a.m. in the James R. Thompson Center, 100 West Randolph Street, Shared Conference Room 2-025, Chicago, IL and via videoconference in the Board's principal office at 2329 South MacArthur Blvd., Springfield, IL 62708-4187.

DATED: December 31, 2015


James Tenuto
Hearing Officer

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR
THE HEARING AND PASSING UPON OBJECTIONS TO THE
NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE
OF UNITED STATES SENATOR FOR THE STATE OF ILLINIOS**

George L. Pearson)
)
 Petitioner/Objector)
)
 Elizabeth Diane Pahlke)
)
 Respondent/Candidate)

No.

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 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT 2015 DEC 7 8:41 AM
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VERIFIED OBJECTOR'S PETITION

INTRODUCTION

George L. Pearson, hereinafter referred to as Objector, and states as follows:

1. Objector George L. Pearson resides at 5108 W Roberts Ridge Rd., Monee, IL 60449, in Will County, State of Illinois and is duly qualified, registered and legal voter at such address.

2. The Objector's interest in filing the following objection is that of a citizen desirous of seeing that the laws governing the filing of Nomination Papers for a candidate for election to the Office of United States Senator for the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for that office.

3. Pursuant to state law, (10 ILCS 5/7-10(a)) nomination papers and petitions for a candidate for United States Senator for the State of Illinois to be voted upon in the Primary Election to be held on March 15, 2016 must contain

not fewer than 5,000 valid signatures of duly qualified, registered and legal voters of the State of Illinois collected in a manner prescribed by law.

4. Your Objector makes the following objections to the nomination papers of Elizabeth Diane Pahlke of 1990 N. Stillwater, Arlington Hts, IL. 60004 for the office of "US Senate" to "be voted for at the Primary Election to be held on November 8, 2016". The Objector states that said nominating papers are insufficient in law and in fact for the following reasons:

Objections Based Upon Lack of Dates of Circulation

5. Section 7-10 of the Election Code (10 ILCS 5/7-10) requires that

At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

...

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.
[emphasis added]

6. Of the filed 616 pages of the nomination papers of Elizabeth Diane Pahlke for the office of "US Senate" to "be voted for at the Primary Election to be held on November 8, 2016", only 22 pages (starting at the unnumbered page

with line 1 being

(VOTER'S SIGNATURE)	RR NUMBER	VILLAGE	COUNTY
<i>Sharon Neub</i>	<i>910 Kings Canyon Dr</i>	<i>Streamwood IL</i>	<i>Cook</i>

which was the 158th page of the SBE No P-10 forms for signatures of the voters in the order distributed by the Illinois State Board of Elections to the persons requested copies of this petition and going through 21 more pages ending at the unnumbered page with line 1 being

(VOTER'S SIGNATURE)	RR NUMBER	VILLAGE	COUNTY
<i>Ronald V. Hill</i>	<i>1629 Groton Ct</i>	<i>Wheaton IL</i>	<i>DuPage</i>

which was the 179th page of SBE No. P-10 form for signatures of the voters in the order distributed by the Illinois State Board of Elections to the persons requested copies of this petition) containing 219 signatures beginning at said unnumbered page 158 contain the sworn statement that the signatures on the sheet were signed "not more than 90 days preceding the last day for the filing of the petition".

7. Other than these 22 pages, the each and every remaining 592 pages of Candidate Elizabeth Diane Pahlke's SBE No. P-10 form for signatures of the voters containing 5629 purported printed and signed signatures do not contain any sworn statement at the bottom of the page indicating any dates required by above quoted statute (10 ILCS 5/7-10) as to when that sheet was circulated, or the first and last dates on which the sheet was circulated, or certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition.

8. The statutory provision that requires the circulator to indicate when the nomination petition was circulated is mandatory, not directory. *Simmons v. Dubose*, 142 Ill. App.3d 1077 (1st Dist. 1986). Those sheets of the nomination petitions failing to indicate that the circulation dates on the sheets were circulated fell within the permitted period rendered all the signatures on those sheets invalid. Likewise, the absence of the dates of circulation on 592 pages leaves the Candidate Elizabeth Diane Pahlke with no more than 219 valid signatures, far short of the required 5,000.

Objections Based Upon Lack of Proper Notarizations

9. Section 7-10 of the Election Code (10 ILCS 5/7-10) requires that

At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.
[emphasis added]

10. Of the filed 616 pages of the nomination papers of Elizabeth Diane Pahlke for the office of "US Senate" to "be voted for at the Primary Election to be held on November 8, 2016", only the same 22 pages quoted in the above paragraphs 6 and 7 containing 219 signatures contain said statutory requirement

that the bottom of each sheet shall contain a sworn statement that the signatures were signed in her presence, and certifying the signatures were genuine.

11. Of the filed 616 pages of the nomination papers of Elizabeth Diane Pahlke for the office of "US Senate" to "be voted for at the Primary Election to be held on November 8, 2016", 22 pages described in paragraphs 6 and 7 above contain the following: 15 pages with 149 signatures that contain a sworn statement that the persons at the time of the signing of the petition were qualified voters of the "Republican/Dems party", 6 pages containing 60 signatures indicating the "Republican party", and 1 page containing 10 signatures leaving the name of the party blank.

12. Other than these said 22 pages, each and every of the remaining 592 pages containing 5629 purported printed and signed signatures do not contain any sworn statement at the bottom of the page indicating any of the statutory requirements cited in paragraph 9 above.

13. Compounding this error, the unnumbered page two of the of the nomination papers of Elizabeth Diane Pahlke is a handwritten page signed by Elizabeth Diane Pahlke stating that "My knowledge and belief the persons were signing at the time were qualified US voters of the Republican + Democrat party + chose to sign my petition". [underlining emphasis added]

14. Those sheets of the nomination petitions described above that failed to include the statutory requirement that the bottom of each sheet shall contain a sworn statement that the signatures were signed in her presence, certifying

the signatures were genuine, and that at the time of signing, the persons were of the same political party [Republican] for which the nominations was sought leaves the Candidate Elizabeth Diane Pahlke with no more than 219 valid signatures, far short of the required 5,000.

15. Elizabeth Diane Pahlke's filed statement described in paragraph 13 above stating that "My knowledge and belief the persons were signing at the time were qualified US voters of the Republican + Democrat party + chose to sign my petition" is consistent with her affidavits on 15 unnumbered pages listing her belief that the voters were both "Republican/Dems".

16. Section 7-10 of the Election Code (10 ILCS 5/7-10 (k)) requires that "A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party." Candidate Elizabeth Diane Pahlke's statement described in paragraph 15 above acknowledges that the signers were qualified voters of the Democrat Party.

17. The requirement in the Election Code that the person who circulated nominating petitions personally appear before a notary public to validate the petition has been held to be mandatory and not directory, *Bowe v. City of Chicago Electoral Board*, 81 Ill.App.146, 401 N.E.2d 1270 (First Dist. 1980), rev. on other grounds, 79 Ill.2d 469, 404 N.E.2d 180. The failure to properly notarize 592 pages and the improper notarization of "Republican/Dems" and "Republican and Democrat Party" voters on the remaining pages leaves the candidate without a single valid signature on each and every one of her nominating petition pages.

Objections Based Upon Insufficiencies of Page Numbering

18. The first 18 pages of the Nominating Petition papers of Candidate Elizabeth Diane Pahlke for the office of "US Senate" to "be voted for at the Primary Election to be held on November 8, 2016" bear page numbers 1 through 18 and contain 119 purported signatures. All of the other 589 pages that follow numbered page 18 are unnumbered.

19. Section 7-10 of the Election Code (10 ILCS 5/7-10) requires substantial compliance with:

"Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively." [emphasis supplied]

20. *El Abdoudi v. Thompson*, 293 Ill.App.3d 191, 687 N.E.2d 1166 (Second Dist. 1997) held that the requirement of section 7-10 regarding consecutive page numbering to be mandatory.

21. Candidate Elizabeth Diane Pahlke numbered only 18 pages out of 614 pages (almost 3%) and therefore is not in substantial compliance with the mandatory statutory requirement that petition sheets be numbered consecutively thus invalidating all unnumbered pages. Even if one counts the 119 signatures that appear on the 18 numbered pages, that is less than 2.4% of the require 5,000 valid signatures.

Objections Based Upon Listing the Wrong Primary Date of Election

22. Each and every page of the 614 pages of the SBE No. P-10 form of nomination petitions of Candidate Elizabeth Diane Pahlke for the office of "US Senate" state to signers that the office is to "be voted for at the Primary Election to be held on November 8, 2016".

23. Section 7-10 of the Election Code (10 ILCS 5/7-10) requires substantial compliance with:

"We, the undersigned, members of and affiliated with the party and qualified primary electors of the party, in the of, in the county of and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date)." [emphasis supplied]

24. The Candidate Elizabeth Diane Pahlke misstates the date of the Primary by almost 8 months, listing the date of the General Election on November 8, 2016 which is contradictory, confusing and not in substantial compliance with the Election Code thus invalidating all said pages.

**Objections Based Upon Gross Overall
Insubstantial Compliance With the Election Code.**

25. In addition to the 4 sets of substantial violations of the Election Code detailed in the above 24 paragraphs, Candidate Elizabeth Diane Pahlke additionally violated the Election Code in the following ways:

- a) None of the 614 pages of her nominating petition's first sentence describe the party of the qualified primary electors who are signers as required in Section 7-10 of the Election Code.

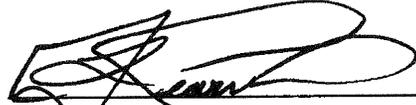
- b) That 52 pages are entirely devoid of any human signatures, a practice criticized in the Chicago Board of Elections decision of *Sanders v. Boyce*, 11-EB-ALD-348.
- c) The content of numbered pages 1 thru 6 and some 32 unnumbered pages were described by Candidate Elizabeth Diane Pahlke on the second page of her nominating petition as containing "mud, Grass + leaves + bird signatures," a practice so bizarre that it has no statutory or precedential authority for inclusion on the nominating papers to be filed as described in Section 7-10 of the Election Code.
- d) Candidate's address is listed as living in "Arlington Hts", an uncommon abbreviation that violates the address of the candidate requirement of Section 7-10 of the Election Code.

26. Cumulatively, all of the above Election Code violations listed in Paragraphs 1 thru 25 result in Candidate Elizabeth Diane Pahlke not being substantially in compliance with Section 7-10, et. al. of the Election Code that must be followed in order to be "printed on the primary ballot".

Conclusion

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein, b) an examination by the aforesaid Electoral Board of the official records relating to the nominating papers filed by Candidate Elizabeth Diane Pahlke and voters in the State of Illinois to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nominating

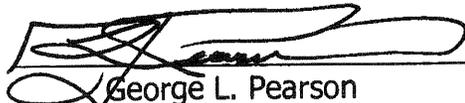
Papers are insufficient in law and fact, and d) a ruling that the name of Candidate Elizabeth Diane Pahlke shall not appear and not be printed on the ballot for the nomination to the office of United States Senator for Illinois to be voted for at the Primary Election to be held on March 15, 2016


George L. Pearson

VERIFICATION

State of Illinois)
) ss.
County of Will)

I, George L. Pearson, being first duly sworn upon oath, depose and say that I have read the above and foregoing Objector's Petition, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.


George L. Pearson

Subscribed and sworn to before me this 6th day of December, 2015.


Notary Public

SEAL

Edward Ronkowski
Attorney at Law
20821 Briarwood Lane
Mokena, Illinois 60448
(708) 479-4417 (office)
(708) 227-5372 (cell)
eronkowski@hotmail.com



Cramer v Straw
15 SOEB GP 501

Candidate: Andrew Straw

Office: 8th Congress

Party: Republican

Objector: Mark Cramer

Attorney For Objector: Mark Cramer

Attorney For Candidate: Pro Se

Number of Signatures Required: 475

Number of Signatures Submitted: 128

Number of Signatures Objected to:

Basis of Objection: The Candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: Candidate's Motion to Strike the Objection, Candidate's Response to the Objection, Candidate's Memorandum of Law, Candidate's Proposed Order Striking the Objection, Candidate's Reply

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The minimum number of signatures required to qualify for the ballot as the Republican candidate for nomination as United States Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016 General Primary Election is 475. Assuming all 128 signatures submitted by the Candidate are valid, he remains 347 signatures below the minimum number of signatures required.

Prior to filing his nomination petition and throughout his various motions, the Candidate suggested that the Americans with Disabilities Act entitled him to certain accommodations as related to signature gathering and petition circulation process. The Candidate also raised certain constitutional challenges to the signature-gathering process and alleged Federal Campaign Finance violations. The Hearing Officer finds that the State Officers Electoral Board cannot grant the requested accommodations, cannot address the constitutional challenges raised and has no jurisdiction over alleged Federal Campaign Finance violations; therefore, the Hearing Officer recommends the Candidate's Motion to Strike the Objection be dismissed.

Based on the Candidate's filing of an insufficient amount of signatures, the Hearing Officer recommends that the objection be sustained and the Candidate's name not be certified to the ballot as a candidate of

the Republican Party to the Office of U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:

Mark Cramer,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 501
)	
Andrew W. Straw,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A Case Management Conference was held following the calling of the cases. Objector filed a *Pro Se* Appearance. Candidate Andrew Straw, an attorney, filed a *Pro Se* Appearance. Each party was given a Case Management Order.

Issue Presented

The issue presented is whether the Objection should be sustained when the sole basis is, assuming all signatures are valid, the Candidate has submitted a total below the statutory minimum.

For the reasons set forth herein, the Hearing Officer recommends the Objection be GRANTED.

Background

Initially, it should be noted that the Candidate had submitted on or about November 1, 2015, a request to Ken Menzel, General Counsel, asking the State Board of Elections to provide an accommodation that would allow the Candidate to submit a number of signatures below the statutory minimum.

The Candidate suggested the Americans with Disabilities Act and his physical and mental disabilities entitled him to an accommodation. Mr. Menzel responded that “the State Board of Elections does not have the discretion to ignore statutory requirements in the electoral board setting (and does not have the power to sustain constitutional challenges to statutes, that being left to the courts on judicial review).” Additionally, the Candidate did not submit any case law that would support his argument that the Americans with Disabilities Act has been interpreted to reduce signature requirements for ballot access purposes.

Mr. Straw timely filed his nomination petitions containing 128 signatures. The Candidate also submitted, along with his nomination petitions, a request for an accommodation under the American with Disabilities Act. The request, in part, asked that the signature requirement be reduced from 475 to 12, to match the signature requirement for Green Party Candidates in the Fifth Congressional District.

An Objection was timely filed. The sole basis for the challenge is the failure of the Candidate to meet the statutory minimum. The Candidate filed 128 signatures, 347 below the minimum of 475.

In response to the Objection, the Candidate filed the following six pleadings:

- 1) Motion to Strike Objection of Mark Cramer (12-14-15)
 - Cramer’s Objection, which is based on the filing of an insufficient number of signatures, is tantamount to an Objection to the Candidate’s disability request.

- The Objector was a circulator for Peter DiCianni, another Candidate for the Republican nomination in the 8th Congressional District.
- Mr. DiCianni has over 50 violations of federal and state law which preclude Cramer from objecting.

2) Response to Mark Cramer's Objection to Andrew Straw's Nominating Papers (12-14-15)

- The Candidate is a person with a disability as defined by the Illinois Election Code.
- Green Party Candidates in the 5th Congressional District are required to only submit 12 signatures.
- Mark Cramer is active in DiCianni's campaign and, thus, is not a disinterested person.
- The Candidate also opposes the Objection against Candidate Richard Evans made by Mr. Cramer.

3) Memorandum of Law (12-15-15)

- Memorandum supporting the Candidate's request for an accommodation for his physical disabilities.

4) Order Striking Mark Cramer Objection to Andrew Shaw's Nominating Papers (12-14-15)

- Order proposed by the Candidate.

5) Reply (12-16-15)

- Candidate requests that his Motion to Strike dated 12-14-15 be granted based on the failure of Mr. Cramer to file a response.

6) Email from Candidate Straw (12-23-15)

- The Candidate sent an email that was characterized as "this message is technically not about the objection to my nominating papers...". Mr. Straw then proceeds to present a summary of the issues.

Analysis

The minimum number of signatures to qualify for the ballot as a Republican Candidate for nomination as U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election is 475 qualified electors.

Assuming all signatures submitted by the Candidate are valid, he remains 347 signatures below the minimum.

Accordingly, the Objection should be GRANTED based on the Candidate submitting less than the minimum number of qualified electors.

Findings

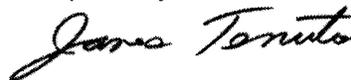
- 1) The Candidate timely filed nomination petitions for the Republican nomination as U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election.
- 2) The signature requirement for that Office is 475 qualified electors.
- 3) The Candidate submitted 128 signatures, assuming all signatures are valid, 347 below the minimum.
- 4) The Objection was timely filed.
- 5) Candidate's Motion to Strike should be DENIED for the following reasons:
 - a) The Illinois State Officers Electoral Board cannot grant the requested accommodation.
 - b) The Illinois State Officers Electoral Board cannot address constitutional challenges; and
 - c) The requested relief can only be addressed by the Circuit Court on judicial review.
- 6) The Illinois State Officers Electoral Board has no jurisdiction over alleged Federal Campaign Financing violations.
- 7) The Illinois State Officers Electoral Board is not the proper forum to raise alleged violations of Article 9 of the Election Code, to wit, Disclosure and Regulation of Campaign Contributions and Expenditures.
- 8) The Objection should be GRANTED.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board GRANT the Objection and order that the name of Andrew Straw NOT be printed on the ballot as a Candidate of the Republican Party to the Office of U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election.

DATED: December 30, 2015

Respectfully submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive style with a large, sweeping initial "J".

James Tenuto
Hearing Officer

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:

Mark Cramer,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 501
)	
Andrew W. Straw,)	
Respondent(s) – Candidate(s).)	

NOTICE OF FILING

TO: Mark Cramer, Objector
Markathome@aol.com

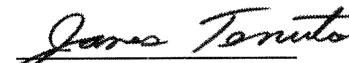
Andrew W. Straw, *Pro Se*
Andrew@AndrewStraw.com

cc: Ken Menzel, General Counsel
Sue Klos, Springfield Legal Department
Darlene Gervase, Administrative Assistant III

Please be advised that on December 30, 2015, I caused to be sent by email to the addresses set forth above the Recommendation of the Hearing Officer, a copy of which is attached.

This matter will appear on the Agenda of the State Officers Electoral Board on Thursday, January 7, 2016 at 10:30 a.m. in the James R. Thompson Center, 100 West Randolph Street, Shared Conference Room 2-025, Chicago, IL and via videoconference in the Board's principal office at 2329 South MacArthur Blvd., Springfield, IL 62708-4187.

DATED: December 30, 2015


James Tenuto
Hearing Officer

IN THE ILLINOIS STATE BOARD OF ELECTIONS

MARK CRAMER)
 Objector,)
v.) Case No. 15 SOEB GP 501
ANDREW STRAW) Hon. Commissioners
 Candidate.)

**MOTION TO RECUSE, WITHDRAW RECOMMENDATION, AND
GRANT MOTION TO STRIKE**

Comes now Andrew Straw, candidate for U.S. House of Representatives, having received notice of the refusal of Hearing Officer James Tenuto to accept my disability accommodation, and having visited James Tenuto’s law office at 1060 E. Lake Street, Suite 103, Hanover Park, IL 60133 on 12/30/2015, and having visited DiCianni Graphics at 421 Addison Road, Addison, IL 60101 on 12/30/2015, hereby make this MOTION:

1. I am a person with severe disabilities due to a car accident and I have requested the disability accommodation under state and federal law and policy that I should only be

required to have the least number of signatures that a non-disabled person needs to get, and this number is **12** in the 5th District, so that should be the requirement on me in the 8th District.

2. My nomination papers were objected to and this was purely an objection based on the numbers of signatures I submitted. But, I was asking for an accommodation precisely on that basis, that 128 was enough given my disabilities, because collecting signatures **causes me pain**.
3. The *objector* provided no objection to my disability accommodation request, and made no pleadings of any kind except for his original objection and appearance.
4. I made a motion to strike based on state and federal disability law arguments. The *objector* **did not make any opposition** to that motion to strike.
5. The Hearing Officer has now, on 12/30/2015, recommended to the Illinois State Board of Elections that my accommodations be denied and that I be excluded from the ballot.

6. I visited the Hearing Officer's law firm, James Tenuto & Associates, at 1060 E. Lake Street, Suite 103, Hanover Park, IL 60133 on or about 8 pm on 12/30/2015.
7. What I found was that there was **snow blocking the access aisle of the handicap parking space** that was closest to the door. This demonstrates discriminatory intent against people with disabilities who may visit James Tenuto's law firm.
8. I have filed a complaint with the Illinois Human Rights Department against Mr. Tenuto on 12/30/2015 because it is **not acceptable for access aisles to be blocked.**

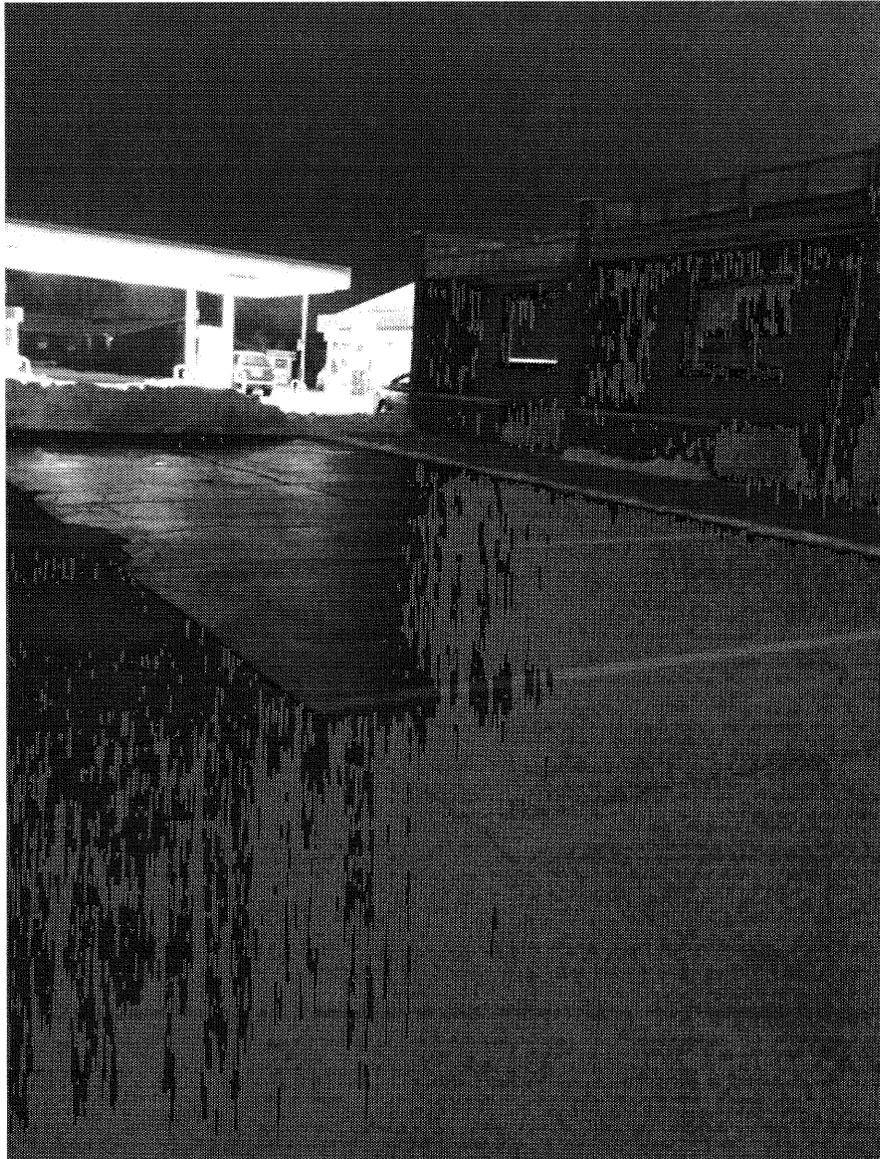
9. This photo shows the snow at the James Tenuto law office:



10. Because I have experienced such consistent and willful violations of access laws in Illinois, I decided also to visit the business run by my opponent in the primary, DiCianni

Graphics, which is located at 421 Addison Road, Addison, IL 60101.

11. The DiCianni Graphics business has **no handicap parking spaces**, as this photo (taken about 8:30 pm on 12/30/2015) shows:



12. See also this photo of the federal campaign signs, overseeing the lack of handicap spaces:



13. It is very reasonable for me as a disabled person to see conspiratorial collusion here and prejudice against people with disabilities when the Hearing Officer's private law firm office allows the handicap space access aisle to be blocked with snow, and my opponent in this race has no handicap parking spaces whatsoever serving his business.

14. While these businesses are holding out to the public that they discriminate based on the snow pile and the total

lack of handicap spaces even 25 years after the ADA was passed, **it is wrong for Hearing Officer Tenuto to continue as the hearing officer**. He has demonstrated through the snow pile in the access aisle at his firm that he is in fact biased against disabled people.

15. It is **reasonable** at a minimum to see him as not being fair or impartial toward people with a disability, and he in fact acted on that prejudice again by denying my disability access accommodation request.

16. He violated the Illinois Human Rights Act and the ADA himself.

17. Given the fact that I have now made an Illinois Human Rights Department complaint against James Tenuto, I ask that his recommendation be stricken and he remove himself as conflicted at this time.

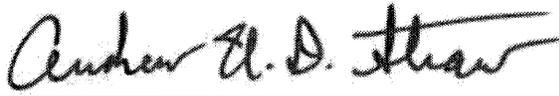
18. It is outrageous that my opponent, who provides **no handicap parking** and violates both the ADA and the IHRA, would be allowed to attack my nomination papers with their disability accommodation request made over and over again.

I have filed a complaint with the IHRD against Peter DiCianni on 12/30/2015.

19. Therefore, I hereby move James Tenuto to recuse himself as Hearing Officer. Before the January 7, 2016 hearing date, he will be the respondent as a violator of the IHRA and the ADA, the same laws under which I am asking my accommodation.
20. Therefore also, I hereby move that his recommendation be withdrawn and stricken for the same reasons as his recusal. He has demonstrated a discriminatory bias against disabled people and he is now in fact conflicted due to my IHRD complaint.
21. The Illinois State Board of Elections must refrain from prejudice based on my disability, and instead must grant my reasonable and non-burdensome accommodation that I have requested multiple times, backed up by a Motion to Strike, an affidavit, and a memorandum of law, *inter alia*.
22. The ISBE should accept my accommodation and allow me to be on the ballot.

I, Andrew U. D. Straw, candidate for Congress in the Republican primary in the 8th Congressional District, verify that the above averments and factual assertions are true and correct to the best of my knowledge, information, and belief, after an inquiry into the law and facts reasonable under the circumstances, under penalty of perjury.

Respectfully submitted,



s/ Andrew U. D. Straw

1900 E. Golf Rd, Suite 950

Schaumburg, IL 60173

Tel. (312) 985-7333

Fax (877) 310-9097

andrew@andrewstraw.com

Congressional candidate, District 8, proceeding pro se

December 31, 2015

CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that I filed the above MOTION with the Commission by Email on December 31, 2015 at the Illinois State Board of Elections hearing in Chicago. I Emailed a copy of this MOTION to the *Objector*, Mark Cramer.

Mr. Mark Cramer, *Objector*
1610 Bedford Road
Hoffman Estates, IL 60169

Illinois State Board of Elections
Hearing Officer James Tenuto
James R. Thompson Center, Room 2-025
100 W. Randolph Street
Chicago, IL 60601-3232
312-814-6440
312-814-6485 (Fax)



s/ Andrew U. D. Straw

1900 E. Golf Rd, Suite 950
Schaumburg, IL 60173
Tel. (312) 985-7333
Fax (877) 310-9097
andrew@andrewstraw.com
Congressional candidate, District 8,
proceeding pro se

December 31, 2015

OBJECTION BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD FOR
THE HEARING OF OBJECTIONS TO THE NOMINATION
PETITIONS OF CANDIDATES FOR THE EIGHTH CONGRESSIONAL
DISTRICT REPRESENTATIVE IN CONGRESS AT THE PRIMARY ELECTION
TO BE HELD MARCH 15, 2016

Mark Cramer,)
)
 Objector,)
)
 Andrew Straw,)
)
 Candidate)

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STATE BD OF ELECTIONS
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OBJECTOR'S OBJECTION PETITION

1. The Objector objects to the nomination papers of Mr. Andrew Straw for Representative of the Eighth Congressional District.

2. The Objector is a qualified and registered voter, residing at 1610 Bedford Road, Hoffman Estates, Illinois 60169, in the Eighth Congressional District.

3. The Objector's interest is to enforce the Illinois Election laws so that only qualified Candidates are placed on the March 15, 2016 Republican Primary Election Ballot for election to the Eighth Congressional District for Representative in Congress.

4. Andrew Straw's nomination petitions do not meet the minimum mandatory requirements to be placed on the March 15, 2016 Republican Primary Ballot.

5. All Republican Primary nomination petitions for Representative in Congress for the Eighth Congressional District at the March 15, 2016 election must contain at least 475 signatures of legal voters residing in the Eighth Congressional District.

6. Andrew Straw's nomination petitions contain a total of only 128 signatures on the 12 nomination petition sheets filed. Andrew Straw's petition sheets contain 347 signatures less than required by Illinois law. The minimum number of signatures required by Illinois law.

Objector Mark Cramer requests that Illinois State Board of Elections Electoral Board rule that Andrew Straw has failed to submit the minimum number of signatures required to have his name placed on the March 15, 2016 Republican Party Primary Ballot for the office of Representative in Congress for the Eighth Congressional District and that a ruling be entered that the name of Andrew Straw not be placed on the March 15, 2016 election ballot.



Mark Cramer

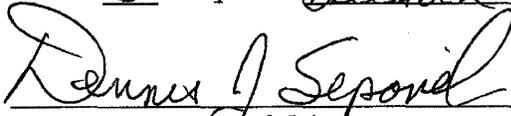
VERIFICATION

I, Mark Cramer, certifies that the facts set forth in my Objection Petition to the Nomination of Andrew Straw are true and correct to the best of my knowledge and belief.



Mark Cramer

Subscribed and Sworn to before me
this 5 day of December, 2015.


Notary Public

**Cramer v Evans
15 SOEB GP 502**

Candidate: Richard Evans

Office: 8th Congress

Party: Republican

Objector: Mark Cramer

Attorney For Objector: Thomas Bastian

Attorney For Candidate: Pro Se

Number of Signatures Required: 475

Number of Signatures Submitted: 434

Number of Signatures Objected to:

Basis of Objection: Candidate filed an insufficient number of signatures to qualify for placement on the ballot.

Dispositive Motions: Candidate's Response to the Objection and Motion to Strike

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the lack of a sufficient number of signatures to qualify for the office being sought, the Hearing Officer recommends that (1) Candidate's Motion to Strike and Dismiss be denied, (2) the objection should be sustained, and (3) the Candidate's name not be certified to the ballot as a Republican Party candidate for the office of United States Representative for the 8th Congressional District.

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

**BEFORE THE STATE BOARD OF ELECTIONS SITTING
AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO ESTABLISHED PARTY
CANDIDATES SEEKING TO APPEAR ON THE BALLOT FOR THE
MARCH 15, 2016 GENERAL PRIMARY ELECTION**

IN THE MATTER OF:)	
)	
MARK CRAMER,)	
Petitioner(s) - Objector(s),)	
)	
v.	)	15 SOEB GP 502
)	
)	
RICHARD EVANS,)	
Respondent(s) - Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A Case Management Conference was held following the calling of the cases. Candidate filed a *Pro Se* Appearance and Thomas Bastian filed an Appearance on behalf of the Objector. Each party was given a Case Management Order.

Issues Presented

The issue presented is whether the Objection should be sustained. The sole basis for the Objection is, assuming all signatures are valid, the Candidate has submitted a total below the statutory minimum.

For the reasons set forth herein, the Hearing Officer recommends the Objection be SUSTAINED.

Background

The Candidate, Richard Evans, timely filed his nomination petitions seeking the Republican nomination as U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary election. The Candidate was required to submit at least 475 qualified electors of the 8th Congressional District of the State of Illinois. Candidate filed a maximum number of 434 valid signatures, 41 below the minimum.

The Objector timely filed an Objection alleging that the Candidate's nomination petitions are defective and the name of Richard Evans should not be printed on the ballot because the Candidate did not submit the statutory minimum of 475 qualified electors, assuming all signatures are valid.

The Candidate filed a response to the Objection wherein he stated: "I am disputing the ballot challenge and will be appealing to the Board regarding my position on the ballot. The process is flawed and may need review." He also filed what he labeled a Motion to Strike stating: "Based on the information at hand, I make a motion to strike the objector, Cramer's ballot challenge."

No further pleadings were submitted by either party.

Analysis

The minimum number of signatures to qualify for the ballot as a Republican Candidate for the nomination as U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election is 475 qualified electors.

Assuming all signatures submitted by the Candidate are valid, he remains 41 signatures below the minimum.

Accordingly, the objection should be GRANTED based on the Candidate submitting less than the minimum number of qualified electors.

Findings

1. The Candidate timely filed nomination petitions for the Republican nomination as U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016, General Primary Election.
2. The signature requirement for that office is 475 qualified electors.

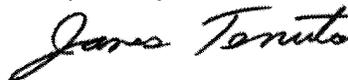
3. The maximum of signatures submitted by the candidate, if all signatures are valid, is 434, which is 41 below the minimum.
4. The Objection was timely filed.
5. The Candidate disputes the election process in general terms but does not provide a basis to dismiss the Objection.
6. Candidate's Motion to Dismiss should be DENIED since it is nothing more than conclusions devoid of any facts or specifics.
7. The Candidate filed an insufficient number of signatures, to wit, 41 below the minimum.
8. Candidate's Motion to Dismiss should be DENIED.
9. The Objection should be GRANTED.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officer's Electoral Board GRANT the Objection and order that the name of Richard Evans NOT BE PRINTED on the ballot as a Candidate of the Republican Party for nomination to the Office of U.S. Representative in Congress for the 8th Congressional District to be voted upon at the March 15, 2016 General Primary Election.

DATED: December 29, 2015

Respectfully submitted,



James Tenuto
Hearing Officer

OBJECTIONS

3. The Objector makes the following objections to the purported Nomination Papers of Richard Evans, as a candidate of the Republican Party for Representative in Congress, 8th Congressional District, Illinois to be voted at the Primary Election to be held March 15, 2016. The Objector states that the Nomination Papers of Richard Evans are insufficient in fact and law for the following reasons.

4. Pursuant to Illinois State law, a Republican candidate's Nomination Petitions for the Office of Representative in Congress for the 8th Congressional District, Illinois to be voted upon at the Primary Election to be held March 15, 2016, must contain the valid signatures of not fewer than four hundred seventy-five (475) duly qualified, registered and legal voters of the Republican Party of the 8th Congressional District, State of Illinois, collected in the manner prescribed by law. In addition, Republican Party Primary Candidate Petitions for Representative in Congress for the 8th Congressional District, Illinois must be gathered and presented in the manner provided for by the Illinois Election Code (10 ILCS 5/1-1 *et. seq.*), and otherwise executed in the form as mandated by law.

5. The Nomination Papers of Richard Evans purport to contain fifty-eight (58) primary petition sheets, each sheet containing ten (10) available signature lines.

6. The primary petition sheets of Richard Evans contain a total of four hundred thirty-four (434) signatures, which is forty-one (41) signatures less than the minimum number of four hundred seventy-five (475) valid signatures required to have the candidate's name placed on the Republican Primary Ballot for the March 15, 2016 Primary Election for the office of Representative in Congress for the 8th Congressional District, Illinois.

7. In addition, The nomination papers of Richard Evans contain petition sheets with the names of persons whose addresses are missing or incomplete as is set forth more specifically in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference under the heading, Column D "Signers' Address Missing or Incomplete," in violation of the Illinois Election Code.

8. After striking those four (4) signatures of signers failing to include their respective addresses, the nomination papers of Richard Evans contain a total of four hundred thirty (430) signatures of legal voters of the Republican Party residing in the 8th Congressional District, Illinois signed by such voters in their own proper person with proper addresses, which number is forty-five (45) less than the number four hundred seventy-five (475) signatures required by Illinois law, to qualify to have the name of Richard Evans placed on the Republican Primary Ballot as a candidate for nomination to the office of Representative in Congress for the 8th Congressional District, Illinois.

WHEREFORE, your Objector, Mark Cramer, respectfully requests:

- A. A hearing on the objections set forth herein;
- B. A ruling that the Nomination Papers of Richard Evans for the office of Representative in Congress for the 8th Congressional District, Illinois are insufficient in law and fact and that Richard Evans has failed to present nomination petitions containing a minimum of four hundred seventy-five (475) valid signatures;
- C. A ruling that the name of Richard Evans shall not appear and shall not be printed on the Republican Ballot for Nomination to the Office of Representative in

Congress for the 8th Congressional District, Illinois to be voted on at the Primary Election to be held March 15, 2016; and

- D. For such and other further relief as this Honorable Board deem appropriate and just.



Mark Cramer, Objector

Thomas M. Bastian
STORINO, RAMELLO & DURKIN
Attorney for Objector
9501 West Devon Avenue, #800
Rosemont, Illinois 60018
(847) 318-9500
Fax: (847) 318-9509
e-mail: tbastian@srd-law.com

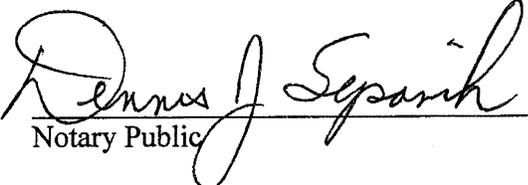
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned, Mark Cramer, certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Mark Cramer, Objector

Subscribed and Sworn to before me
this 5 day of December, 2015



Notary Public



**Cramer v Hantsch
15 SOEB GP 503**

Candidate: Joseph Hantsch

Office: Congress, 8th District

Party: Republican

Objector: Mark Cramer

Attorney For Objector: Thomas Bastian

Attorney For Candidate: Pro Se

Number of Signatures Required: 475

Number of Signatures Submitted: 547

Number of Signatures Objected to: 272

Basis of Objection: The Candidate's nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete" and "Signer Signed Petition More than Once."

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Scott Erdman

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on December 17, 2015. The examiners ruled on objections to 272 signatures. 175 objections were sustained leaving 372 valid signatures, which is 103 signatures less than the required minimum number of 475 signatures. Neither party filed Rule 9 motions.

Based on the results of the record exam, the Hearing Officer recommends that the objection be sustained and the Candidate's name not be certified to the ballot as a Republican Party candidate for the office of Representative in the General Assembly for the 8th Representative District in the State of Illinois.

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

15SOEBGP503 CRAMER V HANTSCH

OBJECTOR(S)

MARK CRAMER
1610 BEDFORD ROAD
HOFFMAN ESTATES, IL 60169

CANDIDATE(S)

JOSEPH J. HANTSCH
143 BRISTOL LANE, UNIT 3
WOOD DALE, IL 60191

REPUBLICAN
8TH CONGRESS

OBJECTION TOTALS

Petition pages	37	Examined	272	
Lines with signatures	547	Valid	97	35.66%
Lines with objections	272	Invalid	175	64.34%
Unchallenged lines	275	Pending	0	0%
Required signatures	475	Over/Under required signatures	-103	

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
 THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
 OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY OF THE 8th
 CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

Mark Cramer,)	
)	
Petitioner-Objector,	)	No. 15 SOEB GP 503
)	
v.)	
)	
Joseph J. Hantsch,)	
)	
Respondent-Candidate.)	

HEARING OFFICER’S REPORT AND RECOMMENDATION

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

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in the General Assembly of the 8th Representative District in the State of Illinois.

2. The Objector’s Verified Petition to the Nomination Papers of the Candidate was timely filed on December 7, 2015. In the Petition, the Objector raised objections including that the nominating papers contained insufficient signatures for the reasons set forth in the Verified Objector’s Petition and the Appendix-Recapitulation attached to the Objector’s Petition.

3. An initial hearing and case management conference on this matter was held on December 14, 2015. The Candidate Joseph J. Hantsch was present. The Objector Mark Cramer was present through counsel, Thomas M. Bastian.

4. An Initial Case Management Order was issued by this Hearing Officer on December 14, 2015. All parties involved were notified that the records examination had been scheduled for December 16, 2015 at 10:00 a.m. in the State Board of Elections’ Chicago office.

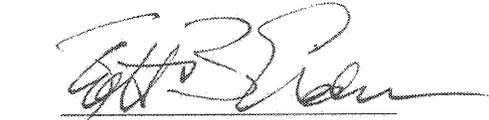
5. On December 17, 2015 the record exam was completed and all parties were notified of the results and the time period for the filing of any Rule 9 Motions began. Both the Candidate and the Objector were notified that the deadline for filing Rule 9 Motions was December 22, 2015 by 5:00 p.m.

6. No Rule 9 Motions were received by the proscribed deadline.

7. The results of the record exam showed that there were 5147 signatures submitted for an office that requires 475 valid signatures. The objector's petition objected to 272 of those signatures. Of that number 175 objections were sustained leaving a total of 372 valid signatures, 103 less than are required.

8. Since there were no Rule 9 Motions filed the results of the record exam show that the Candidate has insufficient signatures to remain on the ballot and I recommend that the objection be sustained.

Dated: December 30, 2015


Scott B. Erdman
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY OF THE 8th
CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

Mark Cramer,)	
)	
Petitioner-Objector,	)	No. 15 SOEB GP 503
)	
v.)	
)	
Joseph J. Hantsch,)	
)	
Respondent-Candidate.)	

NOTICE

A copy of the Hearing Officer's Findings and Recommendation was served upon the parties on December 31, 2015. Exceptions to the Report and Recommendation should be filed with the State Board of Elections within two (2) business days. This matter will be presented to the State Board of Elections as the duly constituted State Officers Electoral Board at a hearing on January 20, 2016 at 10:30 a.m. at the James R. Thompson Center, 100 W. Randolph St., Chicago Illinois, 60601.

Date: December 31, 2015



Scott B. Erdman
Hearing Officer

**BEFORE THE DULY CONSTITUTED STATE OFFICERS
ELECTORAL BOARD FOR THE HEARING AND PASSING UPON
OBJECTIONS TO THE NOMINATION PAPERS OF REPUBLICAN PARTY
PRIMARY CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS
FOR THE 8TH CONGRESSIONAL DISTRICT, ILLINOIS TO BE ELECTED
AT THE MARCH 15, 2016 PRIMARY ELECTION**

Mark Cramer,)
)
 Petitioner-Objector,)
)
 v.)
)
 Joseph J. Hantsch,)
)
 Respondent-Candidate.)

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VERIFIED OBJECTOR'S PETITION

INTRODUCTION

NOW COMES Mark Cramer, hereinafter sometimes referred to as the "Objector," and states as follows:

1. Objector resides at 1610 Bedford Road, Hoffman Estates, Illinois 60169 and Objector is a duly qualified, legal and registered voter at that address, which is located within 8th Congressional District.

2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of Candidate and/or Election Petitions for the Office of Representative in Congress for the 8th Congressional District, Illinois, are properly complied with, and that only qualified candidates appear on the Republican Primary Ballot for Representative in Congress for

the 8th Congressional District, Illinois at the March 15, 2016 primary election for the aforesaid office.

OBJECTIONS

3. The Objector makes the following objections to the purported Nomination Papers of Joseph J. Hantsch, as a candidate of the Republican Party for Representative in Congress, 8th Congressional District, Illinois to be voted at the Primary Election to be held March 15, 2016. The Objector states that the Nomination Papers of Joseph J. Hantsch are insufficient in fact and law for the following reasons.

4. Pursuant to Illinois State law, a Republican candidate's Nomination Petitions for the Office of Representative in Congress for the 8th Congressional District, Illinois to be voted upon at the Primary Election to be held March 15, 2016, must contain the signatures of not fewer than four hundred seventy-five (475) duly qualified, registered and legal voters of the Republican Party of the 8th Congressional District, State of Illinois, collected in the manner prescribed by law. In addition, Republican Party Primary Candidate Petitions for Representative in Congress for the 8th Congressional District, Illinois must be gathered and presented in the manner provided for by the Illinois Election Code (10 ILCS 5/1-1 *et. seq.*), and otherwise executed in the form as mandated by law.

5. The Nomination Papers of Joseph J. Hantsch contain thirty-seven (37) petition sheets with the names of persons who are not registered voters at the address shown opposite their respective names, as and set forth specifically in the Appendix-Recapitulation sheets

attached hereto and incorporated herein by specific reference under the heading, Column A "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers of Joseph J. Hantsch contain petition sheets with the names of persons who reside outside the 8th Congressional District as is set forth more specifically in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference under the heading, Column B "Signer Reside Outside District," in violation of the Illinois Election Code.

7. The Nomination Papers of Joseph J. Hantsch contain petition sheets with the names of persons who did not sign in their own proper persons, and such signatures are not genuine as is set forth specifically in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference under the heading, Column C "Signers' Signatures Not Genuine/Not Signed by Proper Person," in violation of the Illinois Election Code.

8. The Nomination Papers of Joseph J. Hantsch contain petition sheets with the names of persons whose addresses are missing or incomplete as is set forth more specifically in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference under the heading, Column D "Signers' Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers of Joseph J. Hantsch contain Petition sheets with the names of persons whose purported signatures are not valid and should be stricken from the petition sheets for those reasons set forth more specifically in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference under the heading, Column E "Signed Petition Twice" in violation of the Illinois Election Code.

10. The Nomination Papers of Joseph J. Hantsch contain less than four hundred seventy-five (475) validly collected signatures of duly qualified and duly registered legal voters of the Republican Party residing in the 8th Congressional District, Illinois signed by such voters in their own proper person with proper addresses, which number is far below the number required by Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation sheets attached hereto and incorporated herein by specific reference.

11. The Appendix-Recapitulation sheets attached hereto are incorporated herein by specific reference and the objections made therein are a part of this Objector's Petition.

WHEREFORE, your Objector, Mark Cramer, respectfully requests:

- A. A hearing on the objections set forth herein;
- B. An examination by the aforesaid State Officers Electoral Board of the Official Records relating to registered voters of the 8th Congressional District, Illinois to the extent that such examination is pertinent to any and all matters alleged herein;
- C. A ruling that the Nomination Papers of Joseph J. Hantsch for the office of Representative in Congress for the 8th Congressional District, Illinois are insufficient in law and fact;
- D. A ruling that the name of Joseph J. Hantsch shall not appear and shall not be printed on the Republican Ballot for Nomination to the Office of Representative in Congress for the 8th Congressional District, Illinois to be voted on at the Primary Election to be held March 15, 2016; and

E. For such and other further relief as this Honorable Board deem appropriate and just.



Mark Cramer, Objector

Thomas M. Bastian
STORINO, RAMELLO & DURKIN
Attorney for Objector
9501 West Devon Avenue, #800
Rosemont, Illinois 60018
(847) 318-9500
Fax: (847) 318-9509
e-mail: tbastian@srd-law.com

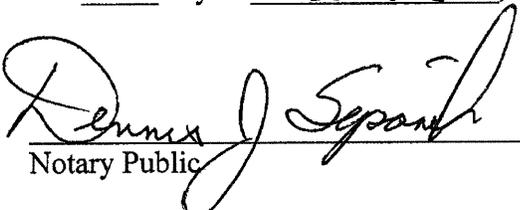
VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned, Mark Cramer, certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Mark Cramer, Objector

Subscribed and Sworn to before me
this 5 day of December, 2015



Notary Public



Ogunneye v Hastings
15 SOEB GP 506

Candidate: Niyi Ogunneye

Office: State Senate, 19th district

Party: Democratic

Objector: Michael Hastings

Attorney For Objector: McStephen Solomon

Attorney For Candidate: Lauren Glennon/Burton Odelson/Luke Keller

Number of Signatures Required: 1,000 - 3,000

Number of Signatures Submitted:

Number of Signatures Objected to:

Basis of Objection: Objector argues that Candidate has filed a false Statement of Candidacy in that he has not met the residency requirement for the office sought. Specifically, Objector contends that Article IV, § 2(c) of the Illinois Constitution requires a candidate for the General Assembly, who is seeking reelection in the general election following redistricting, to reside in the new district he represents for 18 months prior to the filing of his nomination papers, rather than for 18 months prior to the reelection, and Candidate has not resided in the district for that amount of time.

Dispositive Motions: Candidate Motion to Strike and Dismiss, Objector's Response to Candidate's Motion to Strike and Dismiss

Binder Check Necessary: No

Hearing Officer: Michael Tescon

Hearing Officer Findings and Recommendations: The Candidate is the current Illinois State Senator for the 19th Legislative District since his election in 2012. The upcoming 2016 General Election is the first general election for the 19th Legislative District Senate seat following redistricting. The plain and unambiguous language of Article IV, § 2(c) provides that a candidate may be reelected as long as he is a resident of the new district he represents for 18 months prior to reelection, not prior to filing his nomination papers; therefore, the residency requirement for the office at issue is 18 months prior to the November 8, 2016 General Election. Objector argued that certain case law, such as *Goodman v. Ward*, 241 Ill.2d 398 (2011), supports her argument; however, the Hearing Officer found the cases distinguishable and not supportive of the Objector's argument.

Based on the plain language of Article IV, § 2(c), 18 months prior to the General Election is May 8, 2015. The record is undisputed that the Candidate has lived at the Tinley Park Address, within the 19th Legislative District, listed on his Statement of Candidacy since November 14, 2013. The Candidate therefore satisfies the residency requirement to be a candidate for senator.

The Hearing Officer also noted that, even if the Objector was correct in her contention that the Candidate must have moved into the district 18 months prior to the filing of his nomination papers, the Candidate still satisfied the requirement since he has resided at the address since 2013.

For the foregoing reasons, the Hearing Officer recommends that (1) the Candidate's Motion to Strike and Dismiss be granted, (2) the Objector's petition be dismissed in its entirety; and (3) the Candidate's name be certified for the ballot as candidate for the Democratic Party for the office of State Senator for the 19th Legislative District for the State of Illinois.

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

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OBJECTIONS TO
 NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF
 SENATOR IN THE GENERAL ASSEMBLY FROM THE
 19th LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

NIYI OGUNNEYE,)	
)	
Petitioner-Objector,	)	No. 15 SOEB GP 506
)	
v.)	
)	
MICHAEL E. HASTINGS,)	
)	
Respondent-Candidate.)	

HEARING EXAMINER’S FINDINGS AND RECOMMENDATIONS

This matter coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned Hearing Examiner pursuant to Appointment and Notice issued previously, the Hearing Examiner makes the following Findings and Recommendations:

ISSUE PRESENTED

The issue presented here is whether Art. IV, § 2(c) of the Constitution of the State of Illinois requires a candidate for the General Assembly, who is seeking reelection in the general election following a redistricting (as is the case here), to reside in the new district he represents for 18 months prior to the filing of his nomination papers, or for 18 months prior to the reelection. The Objector argues that the residency requirement must be satisfied at the time the Candidate files his nomination papers. The Candidate argues that the residency requirement must be satisfied before the reelection.

For the reasons set forth herein, the hearing examiner recommends that the Candidate’s motion to strike and dismiss be granted.

BACKGROUND

The Candidate Michael E. Hastings (“Candidate”) timely filed his Nomination Papers with the State Board of Elections to qualify as a candidate for Nomination to the Office of State Senator for the 19th Legislative District, State of Illinois, to be voted upon at the Primary Election to be held on March 15, 2016. The Objector Niyi Ogunneye (“Objector”) timely filed a “Verified Objector’s Petition” (“Petition”) objecting to the Candidate’s Nomination Papers. In the Petition, the Objector argues that the Candidate’s Nomination Papers are invalid because the Candidate, “upon [the Objector’s] information and belief,” has not maintained his residence in

the 19th Legislative District for the requisite duration of time as required by Article IV, section 2(c) of the Constitution.

The Candidate filed a Motion to Strike and Dismiss (“Motion to Dismiss”) in which the Candidate stated that he lived at 9341 Kimmel Court, Tinley Park, Illinois 60487 (“Tinley Park Address”), and which the Candidate stated is within the 19th Legislative District of Illinois. The Candidate’s motion is supported by (a) a notarized affidavit in which he states, under oath, that he has lived at the Tinley Park Address since November 14, 2013 and (b) a map and voter records indicating his address is within the 19th Legislative District.

The Objector filed a Response to the Motion to Dismiss (“Response”) arguing that the Constitution required the Candidate to have resided in the 19th Legislative District since May 23, 2014, which is 18 months prior to the date the Candidate filed his Nomination Papers. The Objector’s Response did not contain an affidavit or any other sworn-to statement which counters or refutes the Candidate’s statement in his affidavit that he has lived at the Tinley Park Address since November 14, 2013. The Objector’s Response does not dispute the Candidate’s statement that the Tinley Park Address is located within the boundaries of the 19th Legislative District. Moreover, in the Objector’s Petition, the Objector asserts only, “upon information and belief,” that the Candidate has not maintained residence in the 19th Legislative District for the requisite time period. Neither the Objector’s Response nor Petition asserted any other facts supporting the Objector’s contention that the Candidate has not maintained a residence in the 19th Legislative District for the requisite time period required by the Constitution.

The Candidate waived his reply brief in support of his Motion to Dismiss. The hearing examiner heard oral argument at a hearing on December 17, 2015. The Objector was given an opportunity to submit, and did submit, additional case law in support of her position. The Candidate addressed the Objector’s additional cases in an e-mail to both the hearing examiner and the Objector’s counsel.

ANALYSIS

During the hearing on the Motion to Dismiss, the Objector argued that the Candidate must meet all the qualifications for the office he is seeking candidacy at the time the Candidate filed his Nomination Papers. The Objector argues the Constitution requires the Candidate to have been a resident of the 19th Legislative District for 18 months prior to the filing of his Nomination Papers. The Objector relies on the holdings in *Goodman v. Ward*, 241 Ill.2d 398 (2011) and *Cinkus v. Vill. Of Stickney Mun. Offcers. Elect. Bd.*, 229 Ill.2d 200 (2008) to support her position. These cases are distinguishable from the instant matter and do not support the Objector’s argument. Moreover, the *Goodman* case actually refutes the Objector’s argument.

In *Goodman*, the Illinois Supreme Court determined that candidates for judge “must be residents of the unit from which they seek election *before* they may cause their names to appear on the ballot for the primary election.” *Goodman*, 229 Ill.2d at 412 (emphasis added). This determination was based upon the Court’s reading of Section 7-10 of the Illinois Election Code (“Code”) in conjunction with the residency requirements for judges set forth in Article VI, sections 11 and 12 of the Constitution. Section 7-10 of the Code requires a candidate to submit a

statement of candidacy in which the candidate states that he “is qualified for the office specified.” 10 ILCS 5/7-10. Section 7-10’s sample statement of candidacy includes the proposed statement from the candidate that, “I am legally qualified ... to hold such office... .” *Id.* (emphasis added). Sections 11 and 12 of Article VI of the Constitution, which relate only to candidates for the *judiciary*, provide as follows:

Section 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this state, and a resident of the unit which selects him. [...]

Section 12. ELECTION AND RETENTION

Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

ILL. CONST. art. VI, §§ 11 and 12 (emphasis added). The *Goodman* Court found that Section 7-10 of the Code is a “present tense” requirement that, when read in conjunction with the clear and unambiguous language of Article VI, Section 12 of the Constitution, requires that a person “must be eligible for the office of Judge” at the time he files his nomination papers in order have his name printed on a primary ballot. *Goodman*, 241 Ill.2d at 412.

The *Goodman* Court, however, specifically recognized that the Constitution’s substantive eligibility requirements for judges is different for legislators and executive branch officers. *Goodman*, 241 Ill.2d at 415. For judges, the framers required residency requirements prior to having a candidate’s name appear on a primary ballot. *Id.*; ILL. CONST. art. VI, §§ 11, 12. For legislators and executive branch officers, on the other hand, the framers of the Constitution “found it appropriate to impose significant and specific minimum state residency periods prior to the election.” *Id.* (emphasis added). The instant matter demonstrates the distinction recognized in *Goodman*. Article IV of the Constitution has a different residency requirement for members of the General Assembly than Article VI does for candidates seeking judicial office. Article IV of the Constitution provides in relevant part:

Section 2. LEGISLATIVE COMPOSITION.

...

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district

which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

ILL. CONST. art. IV, § 2(c) (emphasis added).

The Candidate is the current Illinois State Senator for the 19th Legislative District, and he was elected in 2012. The upcoming 2016 general election is the general election for the 19th Legislative District Senate seat following a redistricting. The plain and unambiguous language of Article IV, Section 2(c) of the Constitution provides that the Candidate may be reelected so long as he is a resident of the new district he represents for 18 months prior to reelection, not prior to filing nomination papers or having his name appear on a primary ballot. In this matter, the “present tense” residency determination to make at the time the Candidate files his nomination papers is whether he will have been a resident of his legislative district for 18 months if he is reelected at the general election on November 8, 2016.

Based on the plain language of Article IV, section 2(c) of the Constitution, 18 months prior to the general election is May 8, 2015. The record is undisputed that the Candidate has lived at the Tinley Park Address, within the 19th Legislative District, since November 14, 2013. The Candidate satisfies the eligibility requirements to be a candidate for senator to the General Assembly.

Notably, even if the Objector were correct, that the Constitution requires the Candidate to have moved into the legislative district 18 months prior to the filing of his Nomination Papers, the Candidate still satisfies the requirement. The Candidate filed his Nomination Papers on November 23, 2015. Eighteen (18) months prior to November 23, 2015 is May 23, 2014. The Candidate has resided at the Tinley Park Address, within the 19th Legislative District, since November 14, 2013.

The other cases cited by the Objector are inapplicable to the facts here. *Cinkus* involved the specific requirements for eligibility for a municipal office under the Illinois Municipal Code. *Schumann v. Fleming*, 261 Ill.App.3d 1062 (2nd Dist. 1994) dealt with the eligibility requirements for Township assessor under the then-current Township code.

RECOMMENDATION

For the foregoing reasons, I recommend that the Board: (a) grant the Candidate’s Motion to Strike and Dismiss; (b) dismiss the Objector’s Petition in its entirety, and (c) order that the name Michael E. Hastings be certified for the ballot as candidate for the Democratic Party for the office of State Senator in the General Assembly for the 19th Legislative District for the State of Illinois.

Dated: December 23, 2015



J. Michael Tecson
Hearing Examiner

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF
SENATOR IN THE GENERAL ASSEMBLY FROM THE
19th LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

NIYI OGUNNEYE,)
)
Petitioner-Objector,) No. 15 SOEB GP 506
)
v.)
)
MICHAEL E. HASTINGS,)
)
Respondent-Candidate.)

NOTICE OF FILING

To: McStephen Solomon (mcstephen.solomon@gmail.com)
Maria M. Barlow: (maria.m.barlow@gmail.com);
Counsel for Objector

Burton S. Odelson (attyburt@aol.com)
Luke Keller (lkeller@odelsonsterk.com)
Lauren Glennon (lglennon@odelsonsterk.com)
Counsel for Candidate

Please be advised that on December 23, 2015, I caused to be sent by email to the addresses set forth above the Hearing Examiner's Findings and Recommendations, a copy of which is attached hereto. This matter will appear on the Agenda of the State Officers Electoral Board on Thursday, January 7, 2016 at 10:30 a.m. in the James R. Thompson Center, 100 West Randolph Street, Shared Conference Room 2-025, Chicago, IL and via videoconference in the Board's principal office at 2329 South MacArthur Blvd., Springfield, IL 62708-4187.

DATED: December 28, 2015



J. Michael Tecson
Hearing Examiner

**BEFORE THE DULY CONSTITUTED
ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF SENATOR IN
THE GENERAL ASSEMBLY FROM 19TH LEGISLATIVE DISTRICT OF THE STATE
OF ILLINOIS.**

IN THE MATTER OF THE OBJECTIONS OF)
 NIYI OGUNNEYE TO THE NOMINATION)
 PAPERS OF MICHAEL E. HASTINGS OF)
 9341 KIMMEL COURT, TINLEY PARK,)
 ILLINOIS 60487, AS A CANDIDATE FOR)
 NOMINATION OF THE DEMOCRATIC PARTY)
 TO THE OFFICE OF SENATOR IN THE)
 GENERAL ASSEMBLY FROM THE 19TH)
 LEGISLATIVE DISTRICT OF THE STATE OF)
 ILLINOIS TO BE VOTED ON AT THE)
 MARCH 15, 2016 PRIMARY ELECTION.)

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 No. ORIGINAL TIME STAMPED
 AT 2015 Dec. 7 12:19 pm
 HUK

VERIFIED OBJECTOR'S PETITION

NOW COMES, Niyi Ogunneye, hereinafter referred to as the "Objector," and respectfully represents that Objector resides at 17005 Albany Avenue, # 101, Hazel Crest, Illinois 60429, in the 19th Legislative District of the State of Illinois; that Objector is a duly qualified, registered, and legal voter at such address; that Objector's interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for nomination of the Democratic Party to the office of Senator in the General Assembly from the 19th Legislative District of the State of Illinois are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for the said office; and therefore your Objector makes the following objections to the nomination papers of MICHAEL E. HASTINGS, hereinafter referred to as the "Candidate," as a candidate for nomination of the DEMOCRATIC Party to the office of Senator in the General Assembly from the 19th Legislative District of the State of Illinois, and files the same herewith,

and states that the said nomination papers are insufficient in law and in fact for the following reasons:

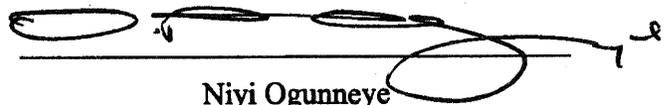
1. Nominating petitions for nomination to the office of Senator “shall be signed by at least 1,000 but not more than 3,000 of the qualified primary electors of the candidate’s party in his legislative district.” 10 ILCS 5/8-8. Such nominating petitions must then be collected and filed in a proper and legal form and manner, together with various supporting documents as required by law.

2. The Candidate has filed his nominating petitions representing to the public, swearing under oath, and certifying that he is a duly (and legally) qualified, registered, and legal voter from the 19th Legislative District of the State of Illinois, when, in fact, upon information and belief, he is not a duly and legally qualified resident of the 19th Legislative District of the State of Illinois.

3. On November 23, 2015, the Candidate filed a false, fraudulent, and perjurious Statement of Candidacy in which he swears under oath that he is “legally qualified to hold such office ...” (Candidate’s Statement of Candidacy); when, in fact, upon information and belief, he is not “legally qualified to hold such office.” Therefore, his Statement of Candidacy is defective and insufficient in law and in fact; having the consequence of fatality to his candidacy by rendering **all his nominating petitions, including each and every one of the petition signatures null and void.** Specifically, the Candidate, upon information and belief, has **not** maintained residence within the 19th Legislative District of the State of Illinois for the requisite duration of time – for the purpose of being “legally qualified to hold” the office he seeks – as provided in Art. IV, Section 2(c) of the Illinois State Constitution.

WHEREFORE, your Objector prays that the purported Statement of Candidacy, and the entire nomination papers of **MICHAEL E. HASTINGS** as a candidate of the **DEMOCRATIC** Party for nomination to the office of Senator in the General Assembly from the 19th Legislative 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 **MICHAEL E. HASTINGS** as a candidate of the **DEMOCRATIC** Party for nomination to the office of Senator in the General Assembly from the 19th Legislative District of the State of Illinois **BE NOT PRINTED** on the **OFFICIAL BALLOT** for the **DEMOCRATIC** Party at the Primary Election to be held on March 15, 2016.

Dated: ⁰⁵ December 2 2015

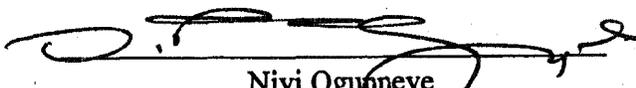


Niyi Ogunneye
Objector

Niyi Ogunneye
17005 Albany Avenue, # 101
Hazel Crest, IL 60429
Phone: 708.717.0766
Email: babaniyi@gmail.com

VERIFICATION

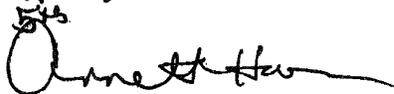
The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies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


Niyi Ogunneye
Objector

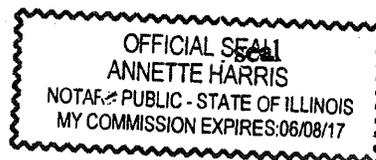
Niyi Ogunneye
17005 Albany Avenue, # 101
Hazel Crest, IL 60429
Phone: 708.717.0766
Email: babaniyi@gmail.com

State of Illinois)
) ss.
County of Cook)

Subscribed to and Sworn before me, a Notary Public, by Niyi Ogunneye, the Objector, on this the Xth day of December, 2015, at Hazel Crest, Illinois.



NOTARY PUBLIC



My Commission Expires: 6-8, 2017.

Mason v Jernigan
15 SOEB GP 507

Candidate: Linda Jernigan

Office: State Representative, 38th district

Party: Democratic

Objector: Mark Mason

Attorney For Objector: Michael Kasper

Attorney For Candidate: No appearance

Number of Signatures Required: 500

Number of Signatures Submitted: 524

Number of Signatures Objected to: 295

Basis of Objection: The Candidate's nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete" and "Signer Signed Petition More than Once."

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Scott Erdman

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on December 28, 2015. The examiners ruled on objections to 295 signatures. 244 objections were sustained leaving 280 valid signatures, which is 220 signatures less than the required minimum number of 500 signatures. Neither party filed Rule 9 motions.

Based on the results of the record exam, the Hearing Officer recommends that the objection be sustained and the Candidate's name not be certified to the ballot as a Democratic Party candidate for the office of Representative in the General Assembly for the 38th Representative District in the State of Illinois.

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

15SOEBGP507 MASON V JERNIGAN

OBJECTOR(S)

MARK MASON
 20218 CRAWFORD AVE
 MATTESON, IL 60443

CANDIDATE(S)

LINDA D. JERNIGAN
 3823 CANTERBURY CT-1A
 RICHTON PARK, IL 60471

DEMOCRATIC
 38TH REPRESENTATIVE

OBJECTION TOTALS

Petition pages	47	Examined	295	
Lines with signatures	524	Valid	51	17.29%
Lines with objections	295 56.3%	Invalid	244	82.71%
Unchallenged lines	229 43.7%	Pending	0	0%
Required signatures	500	Over/Under required signatures	-220	

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY OF THE 38th
CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

Mark Mason,)	
)	
Petitioner-Objector,	)	No. 15 SOEB GP 507
)	
v.)	
)	
Linda Jernigan,)	
)	
Respondent-Candidate.)	

HEARING OFFICER’S REPORT AND RECOMMENDATION

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

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in the General Assembly of the 38th Representative District in the State of Illinois.
2. The Objector’s Verified Petition to the Nomination Papers of the Candidate was timely filed on December 7, 2015. In the Petition, the Objector raised objections including that the nominating papers contained insufficient signatures for the reasons set forth in the Verified Objector’s Petition and the Appendix-Recapitulation attached to the Objector’s Petition.
3. An initial hearing and case management conference on this matter was held on December 14, 2015. The Candidate Linda Jernigan was not present. The Objector Mark Mason was present through counsel, Michael J. Kasper.
4. An Initial Case Management Order was issued by this Hearing Officer on December 14, 2015. All parties who appeared were notified that the records examination had been scheduled for December 16, 2015 at 1:00 p.m. in the State Board of Elections’ Chicago office.
5. Since Candidate did not appear at the initial case management conference, the Board rescheduled the records examination for December 28, 2015 at 1:00 p.m. in the State Board of Election’s Chicago office.
6. On December 28, 2015 the record exam was completed and all appearing parties were notified of the results and the time period for the filing of any Rule 9 Motions began. The

Objector was notified that the deadline for filing Rule 9 Motions was December 31, 2015 by 5:00 p.m.

7. No Rule 9 Motions were received by the proscribed deadline.

8. The results of the record exam showed that there were 524 signatures submitted for an office that requires 500 valid signatures. The objector's petition objected to 295 of those signatures. Of that number 244 objections were sustained leaving a total of 280 valid signatures, 220 less than are required.

9. Since there were no Rule 9 Motions filed the results of the record exam show that the Candidate has insufficient signatures to remain on the ballot and I recommend that the objection be sustained.

Dated: December 31, 2015



Scott B. Erdman
Hearing Officer

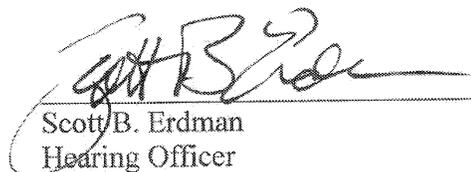
BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY OF THE 38th
CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS

Mark Mason,)	
)	
Petitioner-Objector,	)	No. 15 SOEB GP 507
)	
v.)	
)	
Linda Jernigan,)	
)	
Respondent-Candidate.)	

NOTICE

A copy of the Hearing Officer's Findings and Recommendation was served upon the parties on December 31, 2015. Exceptions to the Report and Recommendation should be filed with the State Board of Elections within two (2) business days. This matter will be presented to the State Board of Elections as the duly constituted State Officers Electoral Board at a hearing on January 7, 2016 at 10:30 a.m. at the James R. Thompson Center, 100 W. Randolph St., Chicago Illinois, 60601.

Date: December 31, 2015


Scott B. Erdman
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
 NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
 OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
 38th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Mark Mason,)
)
 Petitioner-Objector,)
)
 v.)
)
 Linda Jernigan,)
)
 Respondent-Candidate.)

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT 2015, Dec. 7, 1:35 PM
 WK

OBJECTOR'S PETITION

INTRODUCTION

Mark Mason, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 20218 Crawford Ave., Matteson, Illinois, Zip Code 60443, in the 38th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 38th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Linda Jernigan as a candidate for the office of Representative in the General Assembly for the 38th Representative District of the State of Illinois ("Office") to be voted for at the Primary Election on March 15, 2016 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 500 duly qualified, registered and legal voters of the 38th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 500 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 38th Representative District of the State of Illinois, and such persons are not registered voters in the 38th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet Indicated," in violation of the Illinois Election Code.

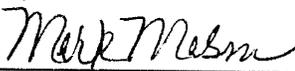
10. The Nomination Papers contain petition sheets which bear a circulator's affidavit which is not signed by the circulator, and every signature on such sheets is invalid, as is set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, "Circulator Did Not Sign Petition Sheet."

11. The Nomination Papers contain petition sheets which bear a circulator's affidavit which is not signed by the circulator in his/her own proper person, and such signatures are not genuine and are forgeries, and every signature on such sheets is invalid, as is set forth in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, "Circulator's Signature Not Genuine."

13. The Nomination Papers contain less than 500 validly collected signatures of qualified and duly registered legal voters of the 38th Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

14. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 38th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Linda Jernigan shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 38th Representative District of the State of Illinois, to be voted for at the Primary Election to be held March 15, 2016.



OBJECTOR
Mark Mason
20218 Crawford Ave.,
Matteson, Illinois 60443

VERIFICATION

STATE OF ILLINOIS)
COUNTY OF COOK) SS.
)

I, Mark Mason, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Mark Mason

Subscribed and sworn to before me
by Mark Mason
this 6 day of December, 2015.

Tiffany Moy
Notary Public



Bartlett v Rush
15 SOEB GP 517

Candidate: Bobby Rush

Office: 1st Congress

Party: Democratic

Objector: Joseph Bartlett

Attorney For Objector: Paul Lehner/Michael Dorf

Attorney For Candidate: Brendan Shiller

Number of Signatures Required: 1,314

Number of Signatures Submitted: 3,067

Number of Signatures Objected to: 2,334

Basis of Objection: 1. The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer’s Address Missing or Incomplete” and “Signer Signed Petition More than Once.” 2. The Nomination papers contain three sheets with a circulator’s affidavit not signed by the named circulator in violation of Section 7-10 so that such sheets are invalid and all signatures should be stricken. 3. Sheet 151 of Candidate’s petition fails to comply with Section 7-10 of the Election Code in that the page is not properly notarized and should be stricken in its entirety.

Dispositive Motions: Candidate’s Motion to Strike and Dismiss, Objector’s Response to Candidate’s Motion to Strike and Dismiss, Candidate’s Reply to Objector’s Response to Motion to Strike and Dismiss, Candidate’s Rule 9 Motion, Objector’s Rule 9 Motion

Binder Check Necessary: Yes

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on December 17, 2015. The examiners ruled on objections to 2334 signatures. 1,660 objections were sustained leaving 1,407 valid signatures, which is 93 signatures more than the required 1,314 minimum number of signatures. Both parties filed Rule 9 motions; however, prior to the hearing on the motions, Objector advised that he would not present further evidence and would rest his case. Accordingly, all motions and pleadings filed in the case were rendered moot in light of the results of the records examination and the Objector’s decision not to present further evidence.

On this basis, the Hearing Officer's recommendation is that (1) the objections to Candidate's nomination papers be overruled, (2) Candidate's nomination papers be deemed valid, and (3) Candidate's name be certified for the ballot as candidate for the Democratic Party for the office of United States Representative for the 1st Congressional District for the State of Illinois.

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

15SOEBGP517 BARTLETT V RUSH

OBJECTOR(S)

JOSEPH J BARTLETT
9301 S JUSTINE STREET
CHICAGO, IL 60620

CANDIDATE(S)

BOBBY L. RUSH
3534 SOUTH CALUMET AVENUE
CHICAGO, IL 60653

DEMOCRATIC
1ST CONGRESS

OBJECTION TOTALS

Petition pages	162		Examined	2,334	
Lines with signatures	3,067		Valid	674	28.88%
Lines with objections	2,334	76.1%	Invalid	1,660	71.12%
Unchallenged lines	733	23.9%	Pending	0	0%
Required signatures	1,314		Over/Under required signatures	+93	

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

Joseph J. Bartlett)
)
 Objector)
) 15 SOEB GP 517
 -v-)
)
 Bobby L. Rush)
)
)
 Candidate)

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 14, 2015. The Candidate appeared through counsel Brendan Shiller and Chris J. Bergin. The Objector appeared through counsel Michael Dorf and Paul E. Lehner.¹

THE RECORDS EXAMINATION

A records examination was ordered and the results of the records examination were as follows:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 1,314.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 3,067.
- C. The number of signatures deemed invalid because of objections sustained in the records examination total 1,660.
- D. The remaining number of signatures deemed valid as a result of the records examination total 1,407.

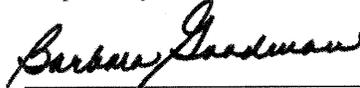
¹ Various motions and pleadings were filed including Candidate’s Motion to Strike and Dismiss, Objector’s Response and Candidate’s Reply as well as requests for subpoenas and modified requests for subpoenas. All of said motions and pleadings were rendered moot in light of the results of the records examination and the Objector’s decision not to present further evidence.

The results of the records examination indicated that the candidate had 93 signatures more than the statutory minimum. The matter was continued for further hearing on December 29, 2015. Both parties filed motions pursuant to Rule 9 of the Board's Rules of Procedure. On December 28, 2015 Michael Dorf, counsel for the Objector, advised via email and in a subsequent telephone conference that he would not present further evidence and that he would rest his case. Accordingly, the hearing on December 29, 2015 was cancelled.

CONCLUSION

In light of the foregoing, it is my recommendation that the objections of Joseph J. Bartlett to the nominating papers of Bobby L. Rush be **overruled** and that the nominating papers of Bobby L. Rush for the Democratic nomination to the office of Representative in Congress of the State of Illinois for the 1st Congressional District be deemed **valid** and that the name of Bobby L. Rush for said office **be** printed on the ballot at the March 15, 2016 General Primary Election.

Respectfully submitted,



Barbara Goodman, Hearing Officer
12/29/15

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
 THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
 OFFICE OF REPRESENTATIVE IN CONGRESS OF THE STATE OF ILLINOIS FOR THE
 1ST CONGRESSIONAL DISTRICT

JOSEPH J. BARTLETT,)
)
 Petitioner-Objector,)
)
 vs.)
)
 BOBBY L. RUSH,)
)
 Respondent-Candidate)

No.

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT 2015, Dec. 7, 3:53 pm
 HK

VERIFIED OBJECTOR'S PETITION

Joseph J. Bartlett, hereinafter referred to as the "Objector", states as follows:

1. Objector Joseph J. Bartlett resides at 9301 S. Justine Street, Chicago, Illinois 60620, and is a duly qualified, legal and registered voter at that address in the 1st Congressional District of the State of Illinois.

2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Representative in Congress of the State of Illinois for the 1st Congressional District are properly complied with, and that only qualified candidates appear on the ballot for said office.

3. The Objector makes the following objections to the purported nomination papers (herein referred to as the "Nomination Papers") of Bobby L. Rush (hereinafter referred to as "Respondent-Candidate") as a candidate of the Democratic Party for the nomination for the office of Representative in Congress of the State of Illinois for the 1st Congressional District to be voted on at the Primary Election on March 15, 2016. The Objector states that the Nomination Papers are insufficient in fact and law for the reasons stated below.

4. Pursuant to state law, nomination papers for the office of Representative in Congress of the State of Illinois for the 1st Congressional District, to be voted for at the Primary Election to be held March 15, 2016, must contain the signatures of not fewer than 1314 duly qualified primary electors, registered and legal voters of the 1st Congressional District of the State of Illinois collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in

the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain a sufficient number of the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column A, "Signer Not Registered at Address Shown", in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column B, "Signer's Signature Not Genuine", in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons whose addresses are not within the 1st Congressional District of the State of Illinois and the persons so signing reside outside the 1st Congressional District of the State of Illinois, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column C, "Signer Resides Outside District", in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete", in violation of the Illinois Election Code.

9. The Nomination Papers contain the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column F, "Signer Signed Petition More Than Once at Sheet/Line Indicated", in violation of the Illinois Election Code. All such objections to duplicate signatures reference the sheet and line number of the duplicate signatures.

10. The Nomination Papers contain petition sheets which were not properly notarized, and therefore such petition sheets are invalid and every signature on such petition sheets should be invalidated in order to protect the integrity of the electoral process. Such petition sheets are: sheet number 151.

11. The Nomination Papers contain petition sheets which bear a circulator's affidavit which is not signed by the named circulator, in violation of the Illinois Election Code, and therefore such

petition sheets are invalid and every signature on such petition sheets should be invalidated in order to protect the integrity of the electoral process. Such petition sheets are : sheet numbers 4, 17, 90.

12. The Nomination Papers contain fewer than 1314 validly collected signatures of qualified and duly registered legal voters of the 1st Congressional District of the State of Illinois, signed by such voters in their own proper person with proper addresses, far below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

13. The Nomination Papers contain sheets circulated by persons (circulators) whose sheets contained an affidavit in which the Circulator certifies and swears to false assertions of signers being registered and signatures being genuine and demonstrate a pattern of fraud and disregard of the Illinois Election Code to such a degree that every sheet circulated by each such Circulator is invalid, and every signature on such petition sheet should be invalidated in order to protect the integrity of the electoral process. Such petition sheet numbers are: all.

14. The Appendix-Recapitulation is incorporated herein and the objections made therein are a part of this Objector's Petition.

15. The Appendix-Recapitulation sheets are referenced to the petition sheet number at the top of each sheet of the Appendix-Recapitulation. An "X" placed on a line of the Appendix-Recapitulation sheet indicates that an objection is made to the corresponding signature line of the referenced petition sheet for the reasons stated above. An "X" placed at the bottom of the Appendix-Recapitulation sheet indicates that an objection is made to all the signatures on the referenced petition sheet for the reason specified next to the "X". Each sheet of the Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

16. Because of the above-listed irregularities in the Nomination Papers, the Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Bobby L. Rush shall not appear and be not printed on the ballot for nomination to the office of Representative in Congress of the State of Illinois for the 1st Congressional District, to be voted for at the Primary Election to be held March 15, 2016.

Respectfully submitted,


OBJECTOR

Michael C. Dorf
Adducci, Dorf, Lehner, Mitchell
and Blankenship, P.C.
Attorneys for Objectors
150 N. Michigan Avenue, Suite 2130
Chicago, Illinois 60601
(312) 781-2800
(312) 781-2811 - fax
mdorf@adlmb.com

Dobkin/Jacobs v Sherman
15 SOEB GP 520

Candidate: Rob Sherman

Office: 5th Congress

Party: Green

Objector: David Dobkin/Jane Jacobs

Attorney For Objector: Andrew Finko

Attorney For Candidate: Richard Means

Number of Signatures Required: 12

Number of Signatures Submitted: 71

Number of Signatures Objected to: 63

Basis of Objection: 1. Candidate's Statement of Candidacy is incomplete and therefore not in compliance with Section 7-10 of the Election Code. 2. Candidate's Statement of Candidacy is false and fraudulent because Candidate is not a registered voter in the 5th or 12th Congressional District, which are the two districts where the Green Party will hold 2016 Primary Elections. 3. Candidate's Statement of Candidacy is false and fraudulent as Candidate is not a member of, or in any way affiliated with, the Green Party.

4. The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete" "Signer Signed Petition More than Once" and "Signer Signed Petition of Another Established Party."

5. The circulators' affidavits contain various deficiencies that render several sheets invalid and amount to a pattern of fraud.

Dispositive Motions: Candidate's Motion to Strike and Dismiss Portions of Objector's Petition

Binder Check Necessary: Yes

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on December 16, 2015. The examiners ruled on objections to 63 signatures. 49 objections were sustained leaving 22 valid signatures, which is 10 signatures more than the required minimum number of 12 signatures. Neither party filed Rule 9 motions; therefore, the Candidate was found to have filed a sufficient number of valid signatures to qualify him to appear as a Green Party candidate for the office of United States Representative in the 5th Congressional District.

Regarding the argument that the Candidate is not a qualified primary voter of the Green Party because it is unlikely that the Candidate will vote in a Green Party Primary in Chicago, the Hearing Officer found

the argument that it is unlikely that Candidate could vote in the Green Party Primary because the current number of 3 Green Party candidates for the Water Reclamation District of Greater Chicago does not exceed the number of commissioners to be elected to be speculative since there is the possibility that other Green Party candidates may end up on the primary ballot; therefore, it is recommended that the argument be dismissed.

Similarly, the Hearing Officer found that the Objectors' claim that the Candidate is not sufficiently affiliated with the Green Party to be a Green Party candidate should also be dismissed because, according to Illinois statute, Candidate would only be barred from seeking the Green Party nomination if he signed petitions for candidates of another established party or if he already voted in a different established party's primary, which is not the case here.

The Hearing Officer addressed the other issues raised by the Objectors and determined that insufficient evidence was submitted to sustain such objections because the technical and scrivener's errors within the petition do not affect their validity.

Regarding the Objectors' argument that the failure of the Candidate to reside in the 5th Congressional District precludes him from running for the office of United States Representative in that district, the Hearing Officer found that the residency requirement for the office at issue is simply that the candidate reside within the State of Illinois, not within the particular district for which he is seeking nomination. Relying on case law, the Hearing Officer concluded that requiring the Candidate to reside within the 5th Congressional District would be one of the many type of additional restrictions that courts have found impermissible regarding members of Congress. Accordingly, the Hearing Officer recommended that the Objectors' argument on this issue be rejected.

Based on the foregoing, the Hearing Officer recommends that the objection be overruled and the Candidate's name be certified to the ballot as a Green Party candidate for the office of United States Representative for the 5th Congressional District.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation. As a clarifying note, the General Counsel takes the position that a "qualified primary elector" for purposes of running in a primary election is a person who is properly registered to vote and who has not taken prior action to affiliate with a different political party for the current election cycle (such as signing the nominating petition of a candidate of a different political party). Whether a particular political party will, or will not, conduct a primary election regarding any office or offices for which the candidate would be eligible to vote does not impact whether the candidate would be a "qualified primary elector" of the political party.

15SOEBGP520 DOBKIN, JACOBS V SHERMAN

OBJECTOR(S)

DAVID DOBKIN
 1116 W BARRY AVE
 CHICAGO, IL 60657
 JANE JACOBS
 1116 W BARRY AVE
 CHICAGO, IL 60657

CANDIDATE(S)

ROB SHERMAN
 778 STONEBRIDGE LANE
 BUFFALO GROVE, IL 60089

GREEN
 5TH CONGRESS

OBJECTION TOTALS

Petition pages	5		Examined	63	
Lines with signatures	71		Valid	14	22.22%
Lines with objections	63	88.73%	Invalid	49	77.78%
Unchallenged lines	8	11.27%	Pending	0	0%
Required signatures	12		Over/Under required signatures	+10	

**BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL
BOARD**

DAVID DOBKIN and JANE JACOBS)	
)	
Petitioners/Objectors,)	
)	
Vs.)	
)	
ROBERT SHERMAN)	
	)	No. 2015-S0EB 520
Respondent/Candidate.)	
)	

FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Respondent/Candidate seeks the Green Party nomination for the office of U.S. Representative in the 5th Congressional District. To be placed on the primary ballot, the Candidate must submit nominating petitions containing 12 “qualified primary electors residing in the political division for which the nomination is sought” (10 ILCS 5/7-10)

The Candidate has filed petitions containing 71 signatures.

The Petitioners/Objectors filed an objection to the nominating petitions alleging legal and factual deficiencies in the submitted nominating petitions.

On December 14, 2015, the Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board.

An initial case management conference was held on December 14, 2015, which was attended by Andrew Finko, attorney for Objectors. The Candidate was represented by Richard Means. At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

The Candidate filed a Motion to Strike and Dismiss Portions of Objector's Petition.

A record examination was completed on December 17, 2015 at which time it was found that the Candidate had 8 unchallenged signatures and 14 valid signatures; thereby resulting in 22 valid signatures, 10 more than required by statute.

No Rule 9 material was filed by any party

A hearing was held on December 23, 2015, at SBE office in Chicago. The Objector was represented by Andrew Finko. The Candidate appeared at the hearing. His attorney, Richard Means, appeared via telephone.

ISSUES RAISED IN THE OBJECTOR'S PETITION

At the December 23, 2015 hearing the Objectors' attorney argued the legal and factual deficiencies set forth in their petition. Mr. Means contested Objector's arguments and relied, in part, on his Motion to Dismiss.

Suffice as to say, many of the "deficiencies" raised by the Objector were nothing more than scrivener errors and/or technical mistakes which did not affect the validity of the petitions (Courts have generally excused clerical errors in notarial jurats where the affiant is otherwise correctly identified. *Brennan v. Kolman*, 335 Ill. App. 3d 716, 722, 781 N.E.2d 644, 269 Ill. Dec. 847 (2002); *Cintuc, Inc., v. Kozubowski*, 230 Ill. App. 3d 969, 974, 596 N.E.2d 101, 172 Ill. Dec. 822 (1992). "[S]ubstantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation." *Madden v. Schumann*, 105 Ill. App. 3d at 903. "

For example, Objectors claimed that Sheet 1 of the petitions submitted by the candidate revealed that the notary had signed the line intended for the circulator. The notary's signature was crossed off and the circulator's signature inserted. Objectors posit that crossing off the circulator's signature and the insertion of the notary's signature on sheet 1

demonstrates that the notary had signed the sheet before the circulator, thereby resulting in the entire sheet being void. He also claims that the notary signing the sheet before the circulator demonstrates a "pattern of fraud", which should result in all the remaining pages (which were notarized by the same notary) being stricken.

The Candidate contends that the Objector's argument is speculative and unsupported by any evidence.

Your hearing officer agrees with the Candidate. In the absence of any evidence that the notary signed any petition sheet before the circulator signed it, the Candidate's argument is speculative and should be rejected. Likewise, the aforementioned "deficiency", individually, and in conjunction with other "deficiencies" raised by Objectors, do not establish a "pattern of fraud" as set forth in *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1987), and *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988)

More significant, however, was the Objectors' argument that the Candidate was not truthful when signing the Oath of his Statement of Candidacy on November 24, 2015, namely, the Candidate falsely swore under oath that he was a qualified voter of the Green Party.

The general purpose of section 7-10 and related provisions of the Election Code is to provide an orderly procedure whereby qualified persons seeking public office may enter primary elections. Section 7-10 provides that nominating petitions shall include a statement of candidacy 'as a part thereof.'" *Lewis v. Dunne*, 63 Ill. 2d 48, 53-54, 344 N.E.2d 443 (1976). Accordingly, a Candidate seeking to have his/her name placed on a primary ballot must include with his/her nominating petitions a verified statement in the

following format:

I,, being first duly sworn, say that I reside at Street in the city (or village) of, in the county of, State of Illinois; **that I am a qualified voter therein and am a qualified primary voter of the party**; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed [***6] upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office. (Emphasis added)

The Illinois Supreme Court has acknowledged that substantial compliance can satisfy mandatory statutory requirements governing statements of candidacy. *Goodman v. Ward*, 241 Ill. 2d 398, 409-10, 948 N.E.2d 580, 350 Ill. Dec. 300 (2011 (noting that "[t]he statutory requirements governing statements of candidacy and oaths are mandatory" and that "[i]f a candidate's statement of candidacy does not *substantially comply with* the statute, the candidate is not entitled to have his or her name appear on the primary ballot" (emphasis added))).

Therefore, the substantive issues raised by the Objectors is whether the Candidate, who did not reside in the 5th Congressional District, was a qualified primary voter of the Green party at the time he executed his Statement of Candidacy.

As regards whether the Candidate was a qualified primary voter of the Green Party, the Objectors argue that the Candidate has not established that he is affiliated with the Green Party. Additionally, they posit that since the Candidates only nexus with the Green Party is his alleged residence within Water Reclamation District of Greater Chicago), and since only 3 candidates for the Green Party were listed as primary candidates for the election of 3 Commissioner positions for the Water Reclamation

District of Greater Chicago, it is unlikely that the Candidate would vote in the Green Party primary.¹ In other words, Objectors contend that the Candidate could never be a "qualified voter of the Green Party" because there will be no March 15, 2016 Green Party primary election held at which the Candidate would be permitted to vote.

The Candidate contests Objectors' argument and contends that, even if it is unlikely that the Candidate could vote in the Green Party primary because the current number of Green Party nominees does not exceed the number of Commissioners to be elected, there remains the possibility that other Green Party candidates may end up on the primary ballot. Accordingly, the Candidate argues that the Objector's argument is speculative and does not undermine the Candidate's claim that he is a "qualified voter of the Green Party".

Your hearing officer agrees with the Candidate and recommends that, since the Candidate may have the opportunity to vote for the Green Party nominees for the position of Commissioner in the Water Reclamation District of Greater Chicago (which incorporates the Candidate's residence), the Objector's argument is conjecture and should be rejected.

Likewise, it is recommended that the Objectors' claim that the Candidate has not established that he is affiliated with the Green Party should be rejected as well.

Party affiliation and party switching has been the subject of litigation for several years. Illinois statutes imposes only one requirement on qualified primary electors who sign nominating petitions, specifically, that they may not sign nominating petitions for

¹ In support of this position, the Objector introduced a Candidate's guide from the SBOE indicating that 3 commissioners of a 9 member board were to be elected for the Water Reclamation District of Greater Chicago, and a Document from the Cook County Clerk indicating that that only 3 candidates for the Green Party were listed as candidates for the position on the Water Reclamation District of Greater Chicago.

candidates of more than one party. 10 ILCS 5/7-10. Beyond this, Illinois statutes do not limit who is a qualified primary elector. Illinois courts have held that a qualified primary elector for a party need only be someone who could vote in a party's primary if one were held. *Cullerton v. Du Page Cnty. Officers Electoral Bd.*, 384 Ill. App. 3d 989, 996, 984 N.E.2d 774, 779, 323 Ill. Dec. 748 (2008). A voter need not register for a particular party to vote in its primary, and in fact one can vote in a party's primary even if she voted in a different party's primary in previous election cycles. 10 ILCS 5/7-44; *Hossfeld v. Ill. State Bd. of Elections*, 238 Ill. 2d 418, 429, 939 N.E.2d 368, 374, 345 Ill. Dec. 525 (2010). Thus, the only voters in a district who are not qualified primary electors able to sign a Green Party candidate's petition would be those who signed petitions for candidates of another party or who already voted in a different party's primary in the current election cycle. Accordingly, the Candidate would be barred from seeking the Green Party nomination only if he signed petitions for candidates of another party or if he already voted in a different party's primary in the current election cycle. That does not appear to be the case here.

As noted above, the Statement of Candidacy requires the Candidate to attest that he is "a qualified voter therein". While both the Candidate and Objector acknowledge that the Candidate is a qualified voter in the district where he lives, both sides agree that the Candidate does not reside in the 5th Congressional District. Accordingly, since 10 ILCS 5/7-10 requires that only persons residing in the 5th Congressional District are "qualified voters" that could sign the Candidate's petition, that same section precludes the Candidate from signing his own nominating petition. Thus, the remaining issue is whether 10 ILCS 5/7-10, which precludes the Candidate from signing his own nominating petition, precludes him from seeking the nomination of the Green Party in a

District in which he does not reside.

The Candidate argues that to the extent that there is an internal inconsistency or paradox in 10 ILCS 5/7-10, allowing a registered voter to run for a congressional position in a district he does not reside in is mandated by in Article I, Section 2 of the United States Constitution, which pertains to the qualifications to run for the House of Representatives². Section 2 provides, in pertinent part, as follows:

No person shall be a representative who shall have not have attained to the age of twenty five years, and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

In his supplemental brief, the Objector argues that each state has the primary responsibility over the administration of elections and broad authority to regulate their own elections. The Objector contends that requiring the Candidate to reside in the 5th Congressional District is not an "additional qualifications," but a routine provisions of Section 7-10 the Election Code, which defines the requirements for seeking elected federal office, as well as other state, county, local and other offices where a political party is "established" under the Election Code. In other words, the Objector is not seeking to add qualifications to the office of US Representative, but merely seeking to enforce the Election Code, as it has historically been enforced.

The United States Constitution, which grants to each House of Congress the power to judge the "Qualifications of its own Members" Art. I, § 5, cl. 1, does not

² The Candidate has submitted a supplemental brief wherein he posits that the question has been addressed in numerous other State and Federal courts with the uniform answer that States may not require qualifications for a Member of Congress in conflict with or additional to those prescribed in the U.S. Constitution Article 1. Section 2, clause 2.

include the power to alter or add to the qualifications set forth in the Constitution's text. *Powell v. McCormack*, 395 U.S. 486, 540, 23 L. Ed. 2d 491, 89 S. Ct. 1944.

In *Powell*, the Court, after reviewing the "Qualifications Clause" history and text, (*id.*, at 518-548), and after articulating the "basic principles of our democratic system," (*id.*, at 548), concluded that the constitutional qualifications for congressional service are "fixed," at least in the sense that they may not be supplemented by Congress. Thus, *Powell* establishes two important propositions: first, that the "relevant historical materials" compel the conclusion that, at least with respect to qualifications imposed by Congress, the Framers intended the qualifications listed in the Constitution to be exclusive; and second, that the conclusion is equally compelled by an understanding of the "fundamental principle of our representative democracy . . . 'that the people should choose whom they please to govern them.'" 395 U.S. at 547.

Relying on *Powell*, the Court in *U.S. Term Limits, Inc. v. Thornton*, 514 U. S 779, 838-839, 131 L. Ed. 2d 881, 115 S. Ct. 1842 (1995), found that the Constitution prohibits States from imposing congressional qualifications additional to those specifically enumerated in its text.

In *U.S. Term Limits*, Arkansas adopted a state constitutional amendment which included a ballot-access restriction that prohibited (1) the appearance on the ballot for election to the United States House of Representatives from Arkansas of the name of anyone who had been elected to three or more terms as a member of the House from Arkansas, and (2) the appearance on the ballot for election to the United States Senate from Arkansas of the name of anyone who had been elected to two or more terms as a member of the Senate from Arkansas.

Before the amendment became effective, an Arkansas resident sought a declaratory judgment that the ballot-access restriction violated the Federal Constitution. An Arkansas Circuit Court County, entered a judgment to the effect that the ballot-access restriction violated the Federal Constitution's Article I, which contains qualifications clauses that provide age, United States citizenship, and state residency qualifications for (1) United States Representatives in Art I, 2, cl 2, and (2) United States Senators in Art I, 3, cl 3. The Arkansas Supreme Court affirmed the judgment of the Circuit Court and the Supreme Court granted certiorari.

On certiorari, the United States Supreme Court, relying on *Powell*, affirmed. In its opinion the Court held that the ballot-access restriction violated the qualifications clauses, because (1) the Constitution forbade states from adding to or altering the qualifications specifically enumerated in the Constitution, since (a) the power to add qualifications was not within the original powers of the states and thus was not reserved to the states by the Constitution's Tenth Amendment, and (b) even if states possessed some original power in this area, the Constitution's framers had divested states of any power to add qualifications. Additionally, the fact that the Arkansas constitutional amendment was formulated as a ballot-access restriction rather than as an outright disqualification from membership in Congress was not of constitutional significance, since the amendment was an indirect attempt to disqualify congressional incumbents from further service, which the Constitution prohibited Arkansas from accomplishing directly.

In the instant case, requiring the Candidate to reside in the 5th Congressional District, appears to be one of many type "restrictions" which courts have found

impermissible regarding Members of Congress³

It should be noted that the Court in *U.S Term Limits*, addressed the issue raised by Objector in this case; i.e.; that the term limit requirements were not really

³ We find it appropriate to take note of the striking unanimity among the courts that have considered the issue. None of the overwhelming array of briefs submitted by the parties and amici has called to our attention even a single case in which a state court or federal court has approved of a State's addition of qualifications for a Member of Congress. To the contrary, an impressive number of courts have determined that States lack the authority to add qualifications. See, e. g., *Chandler v. Howell*, 104 Wash. 99, 175 P. 569 (1918); *Eckwall v. Stadelman*, 146 Ore. 439, [**1853] 446, 30 P.2d 1037, 1040 (1934); *Stockton v. McFarland*, 56 Ariz. 138, 144, 106 P.2d 328, 330 (1940); *State ex rel. Johnson v. Crane*, 65 Wyo. 189, 197 P.2d 864 (1948); *Dillon v. Fiorina*, 340 F. Supp. 729, 731 (N. M. 1972); *Stack v. Adams*, 315 F. Supp. 1295, 1297-1298 (ND Fla. 1970); *Buckingham v. State*, 42 Del. 405, 35 A.2d 903, 905 (1944); *Stumpf v. Lau*, 108 Nev. 826, 830, 839 P.2d 120, 123 (1992); *Danielson v. Fitzsimmons*, 232 Minn. 149, 151, 44 N.W.2d 484, 486 (1950); *In re Opinion of Judges*, 79 S.D. 585, 587, 116 N.W.2d 233, [*799] [***898] 116 N.W.2d 233, 234 (1962). Courts have struck down state-imposed qualifications in the form of term limits, see, e. g., *Thorsted v. Gregoire*, 841 F. Supp. 1068, 1081 (WD Wash. 1994); *Stumpf v. Lau*, 108 Nev. at 830, 839 P.2d at 123, *district residency requirements*, see, e. g., *Hellmann v. Collier*, 217 Md. 93, 100, 141 A.2d 908, 911 (1958); *Dillon v. Fiorina*, 340 F. Supp. at 731; *Exon v. Tiemann*, 279 F. Supp. 609, 613 (Neb. 1968); *State ex rel. Chavez v. Evans*, 79 N.M. 578, 581, 446 P.2d 445, 448 (1968) (per curiam), loyalty oath requirements, see, e. g., *Shub v. Simpson*, 196 Md. 177, 199, 76 A.2d 332, 341, appeal dism'd, 340 U.S. 881 (1950); *In re O'Connor*, 173 Misc. 419, 421, 17 N.Y.S.2d 758, 760 (Super. Ct. 1940), and restrictions on those convicted of felonies, see, e. g., *Application of Ferguson*, 57 Misc. 2d 1041, 1043, 294 N.Y.S.2d 174, 176 (Super. Ct. 1968); *Danielson v. Fitzsimmons*, 232 Minn. at 151, 44 N.W.2d at 486; *State ex rel. Eaton v. Schmah*, 140 Minn. 219, 220, 167 N.W. 481 (1918) (per curiam). Prior to *Powell*, the commentators were similarly unanimous. See, e. g., 1 W. Blackstone, *Commentaries*, Appendix 213 (S. Tucker ed. 1803) ("These provisions, as they require qualifications which the constitution does not, may possibly be found to be nugatory"); 1 Story § 627 (each Member of Congress is "an officer of the union, deriving his powers and qualifications from the constitution, and neither created by, dependent upon, nor controllable by, the states"); 1 J. Kent, *Commentaries on American Law* 228, n. a (3d ed. 1836) ("The objections to the existence of any such power [on the part of the States to add qualifications are] . . . too palpable and weighty to admit of any discussion"); G. McCrary, *American Law of Elections* § 322 (4th ed. 1897) ("It is not competent for any State to add to or in any manner change the qualifications for a Federal office, as prescribed by the Constitution or laws of the United States"); T. Cooley, *General Principles of Constitutional Law* 268 (2d ed. 1891) ("The Constitution and laws of the United States determine what shall be the qualifications for federal offices, and state [*800] constitutions and laws can neither add to nor take away from them"); C. Burdick, *Law of the American Constitution* 160 (1922) ("It is clearly the intention of the Constitution that all persons not disqualified by the terms of that instrument should be eligible to the federal office of Representative"); *id.*, at 165 ("It is as clear that States have no more right to add to the constitutional qualifications of Senators than they have to add to those for Representatives"); Warren 422 ("The elimination of all power in Congress to fix qualifications clearly left the provisions of the Constitution itself as the sole source of qualifications"). 14 This impressive and uniform body of judicial decisions and learned commentary indicates that the obstacles confronting petitioners are formidable indeed. *U.S. Term Limits*, 514 U. S 799-800

restrictions, but was merely regulating the "Manner" of elections, and that the amendment is therefore a permissible exercise of state power under Article I, § 4, cl. 1 (the Elections Clause), to regulate the "Times, Places and Manner" of elections.

In rejecting this argument the Court stated:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."Petitioners argue that, even if States may not add qualifications, Amendment 73 is constitutional because it is not such a qualification, and because Amendment 73 is a permissible exercise of state power to regulate the "Times, Places and Manner of holding Elections." We reject these contentions.

Unlike §§ 1 and 2 of Amendment 73, which create absolute bars to service for long-term incumbents running for state office, § 3 merely provides that certain Senators and Representatives shall not be certified as candidates and shall not have their names appear on the ballot. They may run as write-in candidates and, if elected, they may serve. Petitioners contend that only a legal bar to service creates an impermissible qualification, and that Amendment 73 is therefore consistent with the Constitution.

Petitioners support their restrictive definition of qualifications with language from *Storer v. Brown*, 415 U.S. 724, 39 L. Ed. 2d 714, 94 S. Ct. 1274 (1974), in which we faced a constitutional challenge to provisions of the California Elections Code that regulated the procedures by which both independent candidates and candidates affiliated with qualified political parties could obtain ballot position in general elections. The code required candidates affiliated with a qualified party to win a primary election, and required independents to make timely filing of nomination papers signed by at least 5% of the entire vote cast in the last general election. The code also denied ballot position to independents who had voted in the most recent primary election or who had registered their affiliation with a qualified party during the previous year.

In *Storer*, we rejected the argument that the challenged procedures created additional qualifications as "wholly without merit." *Id.*, at 746, n. 16. We noted that petitioners "would not have been disqualified had they been nominated at a party primary or by an adequately supported independent petition and then elected at the general election." *Ibid.* We concluded that the California Code "no more establishes an additional requirement for the office of Representative than the requirement that the candidate win the primary to secure a place on the

general ballot or otherwise demonstrate substantial community [***916] support." Ibid....Petitioners maintain that, under *Storer*, Amendment 73 is not a qualification.

We need not decide whether petitioners' narrow understanding of qualifications is correct because, even if it is, Amendment 73 may not stand. As we have often noted, "constitutional rights would be of little value if they could be . . . indirectly denied." *Harman v. Forssenius*, 380 U.S. 528, 540, 14 L. Ed. 2d 50, 85 S. Ct. 1177 (1965), quoting *Smith v. Allwright*, 321 U.S. 649, 664, 88 L. Ed. 987, 64 S. Ct. 757 (1944). The Constitution "nullifies sophisticated as well as simple-minded modes" of infringing on constitutional protections. *Lane v. Wilson*, 307 U.S. 268, 275, 83 L. Ed. 1281, 59 S. Ct. 872 (1939); *Harman v. Forssenius*, 380 U.S. at 540-541.

US Term Limits; 514 U. S 828-830

Accordingly, it is recommended that the ^{Petitioner's}~~Candidate's~~ argument that the failure of the Candidate to reside in 5th Congressional District precludes him from running for the office of U.S. Representative in the 5th Congressional District be rejected.

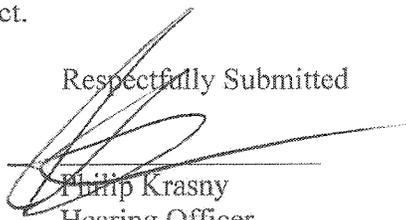
SUMMARY OF FINDINGS AND RECOMMENDATIONS

- 1) Candidate has submitted a sufficient number of signatures to appear as nominee on Green Party primary Ballot for the office of U.S. Representative in the 5th Congressional District.
- 2) That technical and scrivener's errors do not affect the validity of the petitions filed by the Candidate.
- 3) That Objectors' claim that the Candidate has not established that he is affiliated with the Green Party should be rejected.
- 4) That the Candidate's failure to reside in the in the 5th Congressional District does not preclude him being a Green Party nominee for that district.

Wherefore, it is recommended that the Candidate's name should appear on the primary ballot of the Green Party for nomination to the office of U.S. Representative for the

5th Congressional District.

Respectfully Submitted



Philip Krasny
Hearing Officer

12/29/15

BEFORE THE STATE OFFICERS ELECTORAL BOARD

David Dobkin and Jane Jacobs,)
)
 Objectors,)
v.)
)
Robert Sherman,)
)
 Candidate.)

No 15 – SOEB – GP – 520

Objectors' Exceptions to Hearing Examiner's Recommendation

Objectors, through counsel, file their exceptions to hearing examiner's recommendation, and request that their objectors' petition be granted.

A. Board Errors in Records Exam.

The Candidate herein submitted five pages of signatures, each page of which contained 15 signature lines. Four had lines through the signatures, but no Certification of Deletions was filed with the nomination papers. Objections were lodged to signatures that had a line through them, because no Certification of Deletions was filed.

The Election Code, at Section 7-10 provides a two part process for deletions of signatures, as follows:

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

- (1) the person striking the signature shall initial the petition at the place where the signature is struck; **and**
- (2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

The Electoral Board should have reviewed these additional four signatures, and stricken them from the final results. It was inappropriate for the Electoral Board to allow a strike out, which (a) did not comply with the Election Code, and (b) which had an objection lodged against that line, but was not ruled upon.

In addition, all signatures from Page 1 should be stricken (or six signatures Lines #2, 3, 7, 10, 13, and 14), because it was not properly notarized. As a matter of law, the signature page was signed by the notary, on the line for the circulator, before the circulator had signed. Effectively, the notary signed a blank circulator's affidavit, in violation of the Illinois Notary Public Act.

If Page 1 is omitted, and the four signature that were improperly removed by the Board were ruled upon, then Candidate Sherman should have a final valid signature count of 16, out of 75 signatures lines submitted, or 21% validity rate. The trammeling of the Election Code is particularly evident, because the Candidate and circulator are one and the same. The Candidate/Circulator herein flaunted the Election Code to such a degree, that 79% of his signatures were forgeries, and were not genuine, or out of the district.

In reality, the percentage of invalid signatures exceeds 80%, because two additional signatures are well outside of the 5th Congressional District¹. As such, Mr. Sherman in actuality had only 15 valid signatures, out of 75 signature submitted.

B. Pattern of Fraud – inordinately large number of invalid signatures.

The Candidate herein barely had a sufficient number of valid signatures, despite submitting five sheets with 15 signatures on each sheet, or 75 signatures, at the end of the records examination. The hurried, and careless, manner of signature gathering, confirms the reckless disregard for the Election Code that Candidate Sherman as the sole circulator demonstrated in preparing his nomination papers. The same cavalier disregard for the Election Code was demonstrated in the Candidate's Oath.

¹ Two additional signatures are clearly out of the 5th District, Sheet 4/Line 4 is in the 4th District, Sheet 1/Line 3 is in the 7th District. If these two voters are disregarded, along with Sheet #1, Mr. Sherman may have only 15 valid signatures, out of 75 submitted, or a validity rate of only 20%. This is hardly the support from the community contemplated by the Election Code, when 80% of his signatures are not valid.

The Record Examination, which was undertaken and created by the Electoral Board, is part of the record and was relied upon by the Board's hearing examiner in making his recommendation. The Records examination confirms that at least 77% of the signatures reviewed were not genuine (i.e. someone else, other than the voter, signed the name), or the person was not registered or outside of the 5th Congressional District.

The court in *Huskey* discussed the signature gathering process as follows:

The general purpose of the Election Code's signature requirements is to provide an orderly procedure by which qualified persons seeking public office may enter elections. (See *Lewis v. Dunne* (1976), 63 Ill.2d 48.) The petitions signed by electors are intended to serve a particular purpose. The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. (*Merz v. Volberding* (1981), 94 Ill. App.3d 1111.) The obvious purpose of the requirement that each person may only sign his or her own name is to provide an accurate showing of the candidate's support in the community.

Huskey v. Mun. Officers Elect. Bd. for Vill. of Oak Lawn, 156 Ill.App.3d 201 (1st Dist. 1987).

In *Huskey*, the Candidate submitted over 400 signatures, where 125 were necessary. The Board found that there was a pattern of fraud. The candidate in *Huskey* argued that he had more than enough, the objector said the candidate had only 124 signatures. An inordinate number of signatures being stricken and voters allowed to sign, who were signing in their own proper persons, in large part because the circulators in *Huskey* recklessly disregarded the Election Code. *Id.* A similar fact pattern has emerged in the matter before this Board, in which the Board's own Records Exam revealed that nearly all signatures submitted were invalid. The significance of this 80% invalidity is even more striking, because the circulator for all of Candidate Sherman's sheet was the Candidate, himself.

The appellate court in *Huskey v. Mun. Officers Elect. Bd. for Vill. of Oak Lawn*, 156 Ill.App.3d 201 (1st Dist. 1987), the appellate court expanded the holding of the *Fortas* court and ruled that even if the clear “pattern of disregard for the mandatory requirements of the Election Code” occurred *without* fraudulent intent, a board would be justified in looking beyond the allegations of the objector’s petition and would likewise be compelled to take the appropriate action.

The reckless disregard for the circulator's oath, as exemplified by the Records Exam results, confirms a pattern of fraud.

Wherefore, Objectors, through counsel, respectfully request that their objectors' petition be sustained and granted.

By: /s/ Andrew Finko
Attorney for Objectors

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Suite 514
Chicago, IL 60603
Tel (773) 480-0616
FinkoLaw@fastmail.FM

BEFORE THE STATE OFFICERS ELECTORAL BOARD

David Dobkin and Jane Jacobs)	
Objectors)	
)	
vs.	)	No. 15 SOEB GP 520
)	
Robert (sic) Sherman)	
Candidate)	

Candidate’s Response to Objectors’ Exceptions

NOW COMES Rob Sherman, Candidate herein, by and through his attorney, Richard K. Means, and hereby responds to Objectors’ Exceptions:

- A. Two and a half weeks after registration records examination on December 17, 2015, the Objectors’ now complain of errors in the registration records examination;
 - a. The Objectors waived their right to complain of errors by failing and refusing to file a Rule 9 Motion when they had the opportunity to do so;
 - b. The Objectors complain that signatures lined through by the Candidate were not ruled invalid in the registration records examination however the most cursory review of the registration records examination results shows that those signatures were not counted at all. Thus, the Objectors were not aggrieved by the rulings since the Candidate did not get the benefit of them and therefore the Objectors’ complaint would not have been heard even if it had been timely; and
 - c. The Objectors seek to trick this Board into subtracting these lined-through out-of-district signatures twice and fundamental Due Process requires that defective signatures should be dishonored once and only once.
- B. The Objectors complain of a pattern of fraud that somehow should infect this candidate and render all of the signatures he gathered for himself to be invalid. However there is no evidence whatever of any fraud or any pattern of fraud. It is sad to say but our districts are so Gerrymandered that a

relatively few voters know which districts into which their residence falls. Even the most diligent of circulators can not prevent collecting a few out-of-district signatures and a few signatures of voters who have neglected to re-register at their current address. There is no evidence in the record (and no rulings in the records examination) of any behavior which could be fairly characterized as fraudulent.

Conclusion

WHEREFORE, the recommendations of the Hearing officer should be adopted by the Board and the objection case against the Candidate must be overruled and this State Board must order that the Candidate's name shall appear on the March 15, 2016 General Primary Election ballot for the office he seeks.

Respectfully submitted,

Rob Sherman
By his attorney:



Richard K. Means

January 3, 2016

Contact information for service and notices pursuant to Board Rules:

Richard K. Means

ARDC Attorney #01874098
Cook County Attorney #27351
24 hour 7 day contact information:
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806 Fair Oaks Avenue
Oak Park, Illinois 60302
Telephone: (708) 386-1122
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Cellular (312) 391-8808

BEFORE THE STATE OFFICERS ELECTORAL BOARD

David Dobkin and Jane Jacobs)	
Objectors)	
)	
vs.	)	No. 15 SOEB GP 520
)	
Robert (sic) Sherman)	
Candidate)	

Notice of Filing and Proof of Service

TO: Philip Krasny, Hearing Officer	Andy Finko
PhilipKrasny@yahoo.com	Attorney for Candidate
	finkolaw@fastmail.fm
Kenneth Menzel, General Counsel	
kmenzel@elections.il.gov	

PLEASE TAKE NOTICE that on January 3, 2016, the undersigned filed with the State Officers Electoral Board, Candidate's Response to Objectors' Exceptions, a copy of which is attached hereto and herewith served upon you.

By: 

Richard K. Means, Candidate's Attorney

January 3, 2016

Richard K. Means
 ARDC Attorney #01874098
 Cook County Attorney # 27351
 24 hour 7 day contact information:
 Email: Rmeans@RichardMeans.com
 Web site: www.RichardMeans.com

806 Fair Oaks Avenue
 Oak Park, Illinois 60302
 Telephone: (708) 386-1122
 Facsimile: (708) 383-2987
 Mobile: (312) 391-8808

Proof of Service

I, Richard K. Means, an attorney, hereby certify that I caused a copy of the above to be served on the aforementioned parties via electronic mail before 7:00 p.m. on January 3, 2016.

A handwritten signature in black ink, appearing to read "Richard K. Means", written in a cursive style.

Richard K. Means

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD

In the matter of:

David Dobkin and Jane Jacobs,)

Petitioners – Objectors,)

v.) No.

ROBERT SHERMAN,)

US Representative, 5th Cong. Dist. (G))

Respondent – Candidate.)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2015, Dec. 7, 4:43 pm
HK

OBJECTOR'S PETITION

Objectors, David Dobkin and Jane Jacobs, referred to as “Objectors” file their Objectors' Petition challenging the legal and factual sufficiency and petition signers contained within the Nomination Papers submitted by Robert Sherman (“Candidate”), as follows.

1. Objector, David Dobkin, resides at 1116 W. Barry Ave., Chicago, Cook County, Illinois, and is a duly qualified, legal and registered voter at this same address. Objector Jane Jacobs resides at 1116 W. Barry Ave., Chicago, Cook County, Illinois, and is a duly qualified, legal and registered voter at this same address. Objectors are qualified voters in the 5th Congressional District in Illinois.

2. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 5th Congressional District in Illinois are properly complied with, and that only duly qualified candidates appear on the ballot for this office at the general primary election to be held on March 15, 2016.

3. The Objectors makes the following objections to purported nomination paper (“Nomination Papers”) of Candidate seeking the Green Party nomination for the office of U.S. Representative for the 5th Congressional District in Illinois (“Office”)

to be voted for at the general primary election to be held on March 15, 2016 (“Election”). The Objectors state that the Nomination Papers are insufficient in the fact and law for the reasons stated herein and on the attached Appendix-Recapitulation sheets, which are incorporated herein.

4. Candidate's Statement of Candidacy is deficient, because it is incomplete and not in compliance with the Election Code, 10 ILCS 5/7-10, which provides that the Statement of Candidacy contain at the top, the following information (by way of excerpt from Section 7-10):

Name	Address	Statement of Candidacy		Party
		Office	District	
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

5. Candidate's Statement of Candidacy is further false and fraudulent as to Candidate's alleged assertion that he is a qualified primary voter of the Green Party. The Green Party will only hold two Congressional primary elections on March 15, 2016 – in the 5th and the 12th U.S. Congressional Districts. When his Oath was given, Candidate was not a registered voter in either the 5th or the 12th U.S. Congressional District in Illinois, and therefore, was not “a qualified voter of the Green Party.” The Candidate's Oath must be true when signed. Because Candidate's Oath is not true, Candidate gave a false oath in his Statement of Candidacy, in violation of the Election Code, and he has failed to submit nomination papers that comply with the requirements of the Election Code.

6. As such, Candidate's Statement of Candidacy is not in compliance with the Election Code, and Candidate has failed to submit nomination papers that comply with the requirements of the Election Code.

7. Pursuant to Illinois law, nomination papers for the office of must contain the signatures and addresses at least 12 duly qualified, registered and legal Green Party voters in the 5th Congressional District in Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate and be gathered and presented in the manner provided for in the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Papers in their own proper person, and that such signatures are not genuine signatures, but are forgeries, as is set forth specifically in the Appendix- Recapitulation attached and incorporated herein under the heading, **Column A. "Signer's Signature Not Genuine,"** in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, **Column B. "Signer Not Registered at Address Shown,"** in violation of the Illinois Election Code.

10. The Nomination Papers contain petition sheets with the names of persons who are registered outside of the applicable political division at issue, namely outside of 5th Congressional District in Illinois as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, **Column C. "Signer Resides Outside District,"** [REDACTED] in violation of the Illinois Election Code.

11. The Nomination Papers contain petitions sheets with the names of

persons who have not provided their address, or their address is incomplete or illegible, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column D**. "Signer's Address missing or incomplete," in violation of the Illinois Election Code.

12. The Nomination Papers contain petitions sheets with the names of persons who have signed the Candidate's petition sheet more than one time, at the sheet/line listed, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column E**. "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

13. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column F**. "Signed Petition More Than Once," in violation of the Illinois Election Code.

14. The Nomination Papers contain petitions sheets with with purportedly printed names of persons, rather than being written out, and/or was printed by someone else, other than the purported signer, and such printed names are not the genuine signatures of the purported signers, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column G**. "Signer's Signature Printed Not Written, Not Genuine," in violation of the Illinois Election Code.

15. The Nomination Papers contain petitions sheets with the signatures, names and addresses of persons who are deceased or not otherwise capable, authorized, or qualified to sign the Nomination Papers, or the line is illegible, incomplete, or stricken, or otherwise defective and insufficient as more fully set forth

in the Appendix-Recapitulation attached and incorporated herein, under the heading Column H. "Other" in violation of the Illinois Election Code.

16. The Appendix-Recapitulation, attached hereto, is incorporated herein, as fully stated and set forth in the Objectors' petition.

17. The Nomination Papers are insufficient because they contain fewer than 12 validly collected signatures of duly qualified and registered legal voters of 5th U.S. Congressional District in Illinois, signed by such voters in their own proper person with proper addresses, as is set forth by the objections recorded in the Appendix-Recapitulation attached and incorporated herein.

18. The Circulator's name of Candidate's Sheet #1 was stricken out and the notary apparently signed the page, *before* and *in place of* the circulator, evincing a pattern of fraud that pervades the entire nomination papers. A notary public should never sign a circulator's affidavit, unless the notary public was the circulator. If the notary public was not a circulator, then only through fraud or deception, could the notary public's name appear on the line for the circulator (Candidate herein) – that is, the notary was allegedly notarizing a blank line, that was later filled out by the Candidate-Circulator. In the alternative, the Circulator's residence address (Jackie Baggett) is not stated in the Circulator's affidavit. As such, all signatures on Sheet #1 should be stricken, along with all sheets notarized by Jackie Baggett.

19. The notarial impropriety of Sheets #1 so taints the Candidate's nomination papers as to demonstrate a pattern of fraud by the Circulator-Candidate as to warrant invalidation and striking of all sheets circulated by Candidate.

20. The Nomination Papers contain the names of persons who already previously signed an established party candidate petition, and could not sign a petition for Candidate, since the prior signature would be the only one that could count,

10 ILCS 5/7-10. See Appendix-Recapitulation, Column F.

21. The Candidate's Nomination Papers contain five signature sheets, all purportedly circulated by Candidate, that together demonstrate a pattern of fraud and disregard for the Election Code to such a degree, that every sheet circulated by Candidate should be invalidated in order to protect the integrity of the election process. Such circulators that have disregarded the Election Code are those that circulated sheets in which objections are made under Column A, B, C and G of the Appendix-Recapitulation, attached. The disregard of the Election Code is demonstrated by the wanton circulation in which there was no regard for whether the voter's signature was placed upon the sheets in their own proper person, or were in the district, or were registered voters, or otherwise not valid signers. The significant number of false and improper signatures upon Candidate's nomination papers also confirms that the Candidate-Circulator did not recognize the circulator's oath, rendering it false, and not true on each and every page circulated.

WHEREFORE, the Objectors request the following: (a) a hearing on the objections set forth herein; (b) an examination by the Electoral Board of the official records relating to voters; (c) a determination that the Nomination Papers are legally and factually insufficient; (d) a decision that the name of ROBERT SHERMAN shall not be printed upon the official ballot for the office of U.S. Representative for the 5th Congressional District in Illinois, to be voted upon at the general primary election to be held on March 15, 2016.

By: _____



A. Finko
PO Box 2249
Chicago, IL 60690-2249

County of COOK)
) ss.
State of ILLINOIS)

VERIFICATION

The undersigned, having been first duly sworn, certifies or affirms that he/she is registered voter at the address shown below and is a voter who desires to see the election laws enforced so that only duly qualified candidates are printed upon the ballot for the Green Party general primary election, and that the contents of the foregoing Objector's Petition are true and correct to the best of his/her knowledge, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

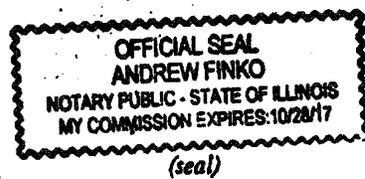
Jane D Jacobs
Objector signature

Name: JANE D JACOBS

Address: 1116 W BARRY AVENUE
CHICAGO IL 60657

Subscribed and sworn to by the above-identified
Objector before me on December 6, 2015.

Andrew Finko
Notary Public



Dobkin/Jacobs v Mayers
15 SOEB GP 521

Candidate: Richard B “Riverview” Mayers

Office: 5th Congress

Party: Green

Objectors: David Dobkin/Jane Jacobs

Attorney For Objectors: Andrew Finko

Attorney For Candidate: Pro Se

Number of Signatures Required: 12

Number of Signatures Submitted: 38

Number of Signatures Objected to: 31

Basis of Objection: 1. Candidate’s Statement of Candidacy is false and fraudulent as Candidate is not a member of, or in any way affiliated with, the Green Party. 2. Candidate’s Statement of Candidacy is false as Candidate is not a registered voter and therefore is not a “qualified primary elector” of the Green Party. 3. The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer’s Address Missing or Incomplete” “Signer Signed Petition More than Once” and “Signer Signed Petition of Another Established Party.”

4. The circulators’ affidavits contain various deficiencies that render several sheets invalid and amount to a pattern of fraud. 5. Candidate’s petition was not securely bound in violation of Section 7-10 of the Election Code. 6. Candidate’s petition contains photocopied sheets in violation of Section 7-10 of the Election Code.

7. Candidate did not properly designate the office being sought on his Statement of Candidacy by only stating he was running in the “Fifth” district.

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on December 16, 2015. The examiners ruled on objections to 31 signatures. 21 objections were sustained leaving 17 valid signatures, which is 5 signatures more than the required minimum number of 12 signatures. Neither party filed Rule 9 motions; therefore, the Candidate

was found to have filed a sufficient number of valid signatures to qualify him to appear as a Green Party candidate for the office of United States Representative in the 5th Congressional District.

Regarding the argument that the Candidate is not a qualified primary voter of the Green Party because it is unlikely that the Candidate will vote in a Green Party Primary in Chicago, the Hearing Officer found the argument that it is unlikely that Candidate could vote in the Green Party Primary because the current number of 3 Green Party candidates for the Water Reclamation District of Greater Chicago does not exceed the number of commissioners to be elected to be speculative since there is the possibility that other Green Party candidates may end up on the primary ballot; therefore, it is recommended that the argument be dismissed.

Similarly, the Hearing Officer found that the Objectors' claim that the Candidate is not sufficiently affiliated with the Green Party to be a Green Party candidate should also be dismissed because, according to Illinois statute, Candidate would only be barred from seeking the Green Party nomination if he signed petitions for candidates of another established party or if he already voted in a different established party's primary, which is not the case here.

The Hearing Officer addressed the other issues raised by the Objectors and determined that insufficient evidence was submitted to sustain such objections because the technical and scrivener's errors within the petition do not affect their validity.

Regarding whether the Candidate is a qualified voter, the Objectors introduced a certified copy from the Chicago Board of Election Commissioners indicating that the Candidate cancelled his voter registration on April 9, 2015. The Candidate testified that he had cancelled his voter registration prior to signing the Oath of his Statement of Candidacy on November 29, 2015 but that his registration was reinstated sometime after that date.

In his original recommendation to the Board, the Hearing Officer determined that, because being a "qualified voter" at the time a candidate files his Statement of Candidacy is a mandatory requirement, the Candidate's cancellation of his voter registration prior to signing the Statement of Candidacy violated Section 7-10 of the Election Code. Accordingly, the Hearing Officer recommended that, unless the Candidate presents proof before the Board that he was a registered voter at the time of signing his Statement of Candidacy, the objection be sustained and the Candidate's name not be certified to the ballot as a Green Party candidate for the office of United States Representative for the 5th Congressional District.

The Hearing Officer then issued Amended Findings and Recommendations after researching a related issue in the case *Dobkin and Jenkins v. Sherman*, 15 SOEB GP 520. In *Sherman*, the Objector argued that the Candidate should be precluded from running for the same office at issue because he, at the time he filed his Statement of Candidacy, was not residing within the 5th Congressional District. The Hearing Officer found that the residency requirement for the office at issue is simply that the candidate reside within the State of Illinois, not within the particular district for which he is seeking nomination. Relying on case law, the Hearing Officer concluded that requiring the Candidate to reside within the 5th Congressional District would be one of the many type of additional restrictions that courts have found impermissible regarding members of

Congress. Accordingly, the Hearing Officer recommended that the Objectors' argument on this issue be rejected and Candidate Sherman's name be certified to the ballot.

Considering his Sherman findings and recommendation, the Hearing Officer amended his findings to state that, while being a "qualified voter" at the time a candidate files his Statement of Candidacy is a mandatory requirement under the Election Code, such a requirement *may* violate the Qualification Clause of the United States Constitution by adding an additional restriction on individuals running for Congress. In other words, being unable to vote in Illinois when the Candidate filed his Statement of Candidacy and being unable to vote in the 5th Congressional District when Sherman filed his Statement of Candidacy, may be too subtle of a distinction to pass Constitutional muster; therefore, the Hearing Officer recommends that the Candidate need not present proof before the Board that he was a registered voter at the time of signing his Statement of Candidacy and further recommends that the Candidate's name be certified to the ballot as a Green Party candidate for the office of United States Representative for the 5th Congressional District.

Recommendation of the General Counsel: The General Counsel does not concur in the Hearing Officer's ultimate recommendation. The General Counsel takes the position that a "qualified primary elector" for purposes of running in a primary election is a person who is properly registered to vote and who has not taken prior action to affiliate with a different political party for the current election cycle (such as signing the nominating petition of a candidate of a different political party). In this particular matter, the candidate cancelled his voter registration, so as to no longer be a properly registered voter. For that reason, the General Counsel would find that the candidate is not a "qualified primary elector" of any political party and his name should not be certified as a candidate for the 2016 General Primary Election for the office of US Representative for the 5th Congressional District on the Green Party's primary ballot.

15SOEBGP521 DOBKIN, JACOBS V MAYERS

OBJECTOR(S)

DAVID DOBKIN
1116 W BARRY AVE
CHICAGO, IL 60657
JANE JACOBS
1116 W BARRY AVE
CHICAGO, IL 60657

CANDIDATE(S)

RICHARD B. "RIVERVIEW" MAYERS
6159 W. 64TH PLACE, #6
CHICAGO, IL 60638
GREEN
5TH CONGRESS

OBJECTION TOTALS

Petition pages	3	Examined	31	
Lines with signatures	38	Valid	10	32.26%
Lines with objections	31 81.58%	Invalid	21	67.74%
Unchallenged lines	7 18.42%	Pending	0	0%
Required signatures	12	Over/Under required signatures	+5	

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD

DAVID DOBKIN and JANE JACOBS)
)
 Petitioners/Objectors,)
)
 Vs.)
)
 RICHARD B. "RIVERVIEW" MAYERS) No. 2015-S0EB 521
)
 Respondent/Candidate.)
)

FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Respondent/Candidate seeks the Green Party nomination for the office of U.S. Representative in the 5th Congressional District. To be placed on the primary ballot, the Candidate must submit nominating petitions containing 12 "qualified primary electors residing in the political division for which the nomination is sought" (10 ILCS 5/7-10)

The Candidate has filed 3 petition pages containing 38 signatures.

The Petitioners/Objectors filed an objection to the nominating petitions alleging legal and factual deficiencies in the submitted nominating petitions.

On December 14, 2015, the Electoral Board appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board

An initial case management conference was held on December 14, 2015, which was attended by Andrew Finko, attorney for Objectors. The Candidate appeared pro se. At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

Neither the Candidates nor Objector filed any motions or requested subpoenas.

A record examination was completed on December 17, 2015 at which time it was found that the Candidate had 7 unchallenged signatures and 10 valid signatures; thereby resulting in 17 valid signatures, 5 more than required by statute.

No Rule 9 material was filed by any party

A hearing was held on December 23, 2015, at SBE office in Chicago. The Objector was represented by Andrew Finko, attorney for Objectors. The Candidate appeared via telephone.

ISSUES RAISED IN THE OBJECTOR'S PETITION

At the December 23, 2015 hearing the Objectors' attorney argued the legal and factual deficiencies set forth in their petition.

Suffice as to say, many of the "deficiencies" raised by the Objector were nothing more than scrivener errors and technical mistakes which did not affect the validity of the petitions (Courts have generally excused clerical errors in notarial jurats where the affiant is otherwise correctly identified. *Brennan v. Kolman*, 335 Ill. App. 3d 716, 722, 781 N.E.2d 644, 269 Ill. Dec. 847 (2002); *Cintuc, Inc., v. Kozubowski*, 230 Ill. App. 3d 969, 974, 596 N.E.2d 101, 172 Ill. Dec. 822 (1992). "[S]ubstantial compliance with the Election Code is acceptable when the invalidating charge concerns a technical violation." *Madden v. Schumann*, 105 Ill. App. 3d at 903. "

Nor did the deficiencies raised by Objector establish a "pattern of fraud" as set forth in *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1987), and *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988)

More significant, however, was the Objectors' argument that the Candidate was not truthful when signing the Oath of his Statement of Candidacy on November 29, 2015,

namely, the Candidate falsely swore under oath that (a) he was a member of the Green Party, (b) he was a qualified voter, (c) he was a qualified primary voter of the Green Party, and (d) that he resides at 6159 W. 64th Place #6, Chicago, IL.

The general purpose of section 7-10 and related provisions of the Election Code is to provide an orderly procedure whereby qualified persons seeking public office may enter primary elections. Section 7-10 provides that nominating petitions shall include a statement of candidacy 'as a part thereof.'" *Lewis v. Dunne*, 63 Ill. 2d 48, 53-54, 344 N.E.2d 443 (1976). Accordingly, a Candidate seeking to have his/her name placed on a primary ballot must include with his/her nominating petitions a verified statement in the following format:

I, ..., being first duly sworn, say that I reside at Street in the city (or village) of, in the county of ..., State of Illinois; **that I am a qualified voter therein and am a qualified primary voter of the ... party**; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed [***6] upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office. (emphasis added)

The Illinois Supreme Court has acknowledged that substantial compliance can satisfy mandatory statutory requirements governing statements of candidacy. *Goodman v. Ward*, 241 Ill. 2d 398, 409-10, 948 N.E.2d 580, 350 Ill. Dec. 300 (2011) (noting that "[t]he statutory requirements governing statements of candidacy and oaths are mandatory" and that "[i]f a candidate's statement of candidacy does not substantially comply with the statute, the candidate is not entitled to have his or her name appear on the primary ballot" (emphasis added)).

Therefore, the substantive issues raised by the Objectors are whether the Candidate was a qualified voter and whether he was a qualified primary voter of the Green party at the time he executed his Statement of Candidacy.

As regards whether the Candidate was a qualified primary voter of the Green Party, the Objector argues that the Candidate has not established that he is affiliated with the Green Party. Additionally, he posits that since the Candidates only nexus with the Green Party is his alleged residence at 6159 W. 64th Place #6, Chicago, Ill¹, (which is within Water Reclamation District of Greater Chicago), and since only 3 candidates for the Green Party were listed as primary candidates for the election of 3 Commissioner positions for the Water Reclamation District of Greater Chicago, it is unlikely that the Candidate would vote in the Green Party primary.² In other words, Objectors contend that even if Candidate's purported address in Chicago is correct, he is not, and could never be a "qualified voter of the Green Party" because there will be no Green Party primary election held at which the Candidate would be permitted to vote on March 15, 2016.

The Objectors' argument that it is unlikely that the Candidate could vote in the Green Party primary because the current number of Green Party nominees do not exceed the number of Commissioners to be elected is speculative, since there is the possibility that other Green Party candidates may end up on the primary ballot.

¹ Objector has submitted a criminal complaint naming Richard B Mayers as a defendant and showing his address as 3745 S. Wisconsin, Berwyn, Illinois. The Candidate testified under oath that he did not reside at 3745 S. Wisconsin, Berwyn, Illinois. Rather, he testified that his address at the time he filed his Statement of Candidacy was 6159 W. 64th Place #6, Chicago, Ill.

² In support of this position, the Objector introduced a Candidate's guide from the SBOE indicating that 3 commissioners of a 9 member board were to be elected for the Water Reclamation District of Greater Chicago, and a Document from the Cook County Clerk indicating that that only 3 candidates for the Green Party were listed as candidates for the position on the Water Reclamation District of Greater Chicago.

Accordingly, it is recommended that the argument be dismissed.

Likewise, it is recommended that the Objectors' claim that the Candidate has not established that he is affiliated with the Green Party should be rejected as well.

Party affiliation and party switching has been the subject of litigation for several years. Illinois statute imposes only one requirement on qualified primary electors who sign nominating petitions, specifically, that they may not sign nominating petitions for candidates of more than one party. 10 ILCS 5/7-10. Beyond this, Illinois statutes do not limit who is a qualified primary elector. Illinois courts have held that a qualified primary elector for a party need only be someone who could vote in a party's primary if one were held. *Cullerton v. Du Page Cnty. Officers Electoral Bd.*, 384 Ill. App. 3d 989, 996, 984 N.E.2d 774, 779, 323 Ill. Dec. 748 (2008). A voter need not register for a particular party to vote in its primary, and in fact one can vote in a party's primary even if she voted in a different party's primary in previous election cycles. 10 ILCS 5/7-44; *Hossfeld v. Ill. State Bd. of Elections*, 238 Ill. 2d 418, 429, 939 N.E.2d 368, 374, 345 Ill. Dec. 525 (2010). Thus, the only voters in a district who are not qualified primary electors able to sign a Green Party candidate's petition would be those who signed petitions for candidates of another party or who already voted in a different party's primary in the current election cycle. Accordingly, the Candidate would be barred from seeking the Green Party nomination only if he signed petitions for candidates of another party or if he already voted in a different party's primary in the current election cycle. That does not appear to be the case here.

As regards whether the Candidate was a qualified voter, Objector introduced a certified copy from the Board of Elections Commission indicating that Richard Mayers, who resided at 6159 W. 64th Pl. 6, Chicago, Illinois 60638, had cancelled his voter registration on 4/9/15.

The Candidate testified that he had indeed cancelled his voter registration prior to signing the Oath of his Statement of Candidacy on November 29, 2015, but that his voter registration was reinstated sometime after November 29, 2015.

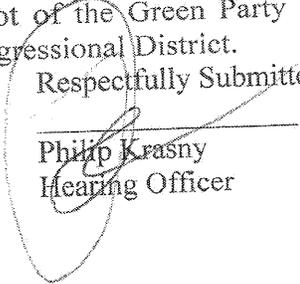
It appears that being "a qualified voter" at the time the Candidate filed his Statement of Candidacy is a mandatory requirement and that since the Candidate had cancelled his voter registration prior to signing the Oath of his Statement of Candidacy on November 29, 2015 would substantially violate section 10 ILCS 5/7-10.

As noted above, "[i]f a candidate's statement of candidacy does not substantially comply with the statute, the candidate is not entitled to have his or her name appear on the primary ballot" *Goodman v. Ward*, supra. Accordingly, unless Candidate presents proof before the Board that he was a registered voter on November 29, 2015, it is recommended that the Candidate's name not appear on the primary ballot of the Green Party for nomination for the office of U.S. Representative for the 5th Congressional District.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

- 1) Candidate has submitted a sufficient number of signatures to appear as nominee on Green Party primary Ballot for the office of U.S. Representative in the 5th Congressional District.
- 2) That technical and scrivener's errors do not affect the validity of the petitions file.
- 3) That Objectors' claim that the Candidate has not established that he is affiliated with the Green Party should be rejected.
- 4) That unless the Candidate presents proof before the Board that he was a registered voter on November 29, 2015, the Candidate's name should not appear on the primary ballot of the Green Party for nomination to the office of U.S. Representative for the 5th Congressional District.

Respectfully Submitted


Philip Krasny
Hearing Officer

12/24/15

BEFORE THE STATE OFFICERS ELECTORAL BOARD

David Dobkin and Jane Jacobs,)
)
 Objectors,)
v.)
)
Richard B. "Riverview" Mayers,)
)
 Candidate.)

No 15 – SOEB – GP – 521

Objectors' Exceptions to Hearing Examiner's Recommendation

Objectors, through counsel, file their exceptions to hearing examiner's recommendation, and request that their objectors' petition be granted.

A. False Oath, Not Registered Voter.

The Candidate herein was not a registered voter on the date of giving his Oath in the Statement of Candidacy. Therefore, he was not a qualified primary elector of the Green Party on the date he signed – essentially, making a false statement under oath.

Candidate herein is not a Green Party elector additionally, because he is neither in the 5th Congressional District, nor is he eligible to vote in any Green Party primary election on March 15, 2016. On the date he signed his statement of candidacy, Candidate was not going to be able to vote in any Green Party primary.

B. Pattern of Fraud.

The Candidate herein submitted 38 signature lines, of which 21 signatures were found to be invalid, or 67.74% of the objections were sustained. The Candidate was also the purported circulator for all three sheets submitted.

The Candidate herein barely had a sufficient number of valid signatures at the end of the records examination. The hurried, and careless, manner of signature gathering, confirms the reckless disregard for the Election Code that Candidate

Mayers as the sole circulator demonstrated in preparing his nomination papers. The same cavalier disregard for the Election Code was demonstrated in the Candidate's Oath.

The Record Examination, which was undertaken and created by the Electoral Board, is part of the record and was relied upon by the Board's hearing examiner in making his recommendation. The Records examination confirms that a majority of the signatures submitted were not genuine (i.e. someone else, other than the voter, signed the name), or the person was not registered or outside of the 5th Congressional District.

The court in *Huskey* discussed the signature gathering process as follows:

The general purpose of the Election Code's signature requirements is to provide an orderly procedure by which qualified persons seeking public office may enter elections. (See *Lewis v. Dunne* (1976), 63 Ill.2d 48.) The petitions signed by electors are intended to serve a particular purpose. The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. (*Merz v. Volberding* (1981), 94 Ill. App.3d 1111.) The obvious purpose of the requirement that each person may only sign his or her own name is to provide an accurate showing of the candidate's support in the community.

Huskey v. Mun. Officers Elect. Bd. for Vill. of Oak Lawn, 156 Ill.App.3d 201 (1st Dist. 1987).

In *Huskey*, the Candidate submitted over 400 signatures, where 125 were necessary. The Board found that there was a pattern of fraud. The candidate in *Huskey* argued that he had more than enough, the objector said the candidate had only 124 signatures. An inordinate number of signatures being stricken and voters allowed to sign, who were signing in their own proper persons, in large part because the circulators in *Huskey* recklessly disregarded the Election Code. *Id.* A similar fact pattern has emerged in the matter before this Board, in which the Board's own

Records Exam revealed that nearly all signatures submitted were invalid. The significance of this invalidity rate is even more striking, because the circulator for all of Candidate's sheet was the Candidate, himself.

The appellate court in *Huskey v. Mun. Officers Elect. Bd. for Vill. of Oak Lawn*, 156 Ill.App.3d 201 (1st Dist. 1987), the appellate court expanded the holding of the *Fortas* court and ruled that even if the clear “pattern of disregard for the mandatory requirements of the Election Code” occurred *without* fraudulent intent, a board would be justified in looking beyond the allegations of the objector’s petition and would likewise be compelled to take the appropriate action.

The reckless disregard for the circulator's oath, as exemplified by the Records Exam results, confirms a pattern of fraud.

Wherefore, Objectors, through counsel, respectfully request that their objectors' petition be sustained and granted.

By: /s/ Andrew Finko
Attorney for Objectors

Andrew Finko
73 W. Monroe St.
Suite 514
Chicago, IL 60603
Tel (773) 480-0616
FinkoLaw@fastmail.FM

BEFORE THE STATE OFFICERS ELECTORAL BOARD

David Dobkin and Jane Jacobs,)
)
)
)
v.)
)
Richard B. "Riverview" Mayers,)
)
)
)
)
)
)
Candidate.)

No 15 – SOEB – GP – 521

Notice of Filing & Certificate of Service

To: Richard Benedict Mayers
 * via mail because Candidate refused to provide email or working fax #)
 Electoral Board (via email)

Please take notice that on January 3, 2016, the undersigned filed the foregoing Exceptions to Hearing Officer's Recommendation with the State Officers Electoral Board via email delivery, and copies were served upon Candidate by regular mail delivery.

/s/Andrew Finko
Andrew Finko

73 W. Monroe St.
Chicago, IL 60603
Tel (773) 480-0616
Finkolaw@fastmail.fm

STATEMENT OF CANDIDACY

NAME	ADDRESS-ZIP CODE	OFFICE	DISTRICT	PARTY
Richard B. "Riverview" MAYERS	6159 W. 64th PLACE #6	CONGRESSMAN	Fifth	GREEN

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

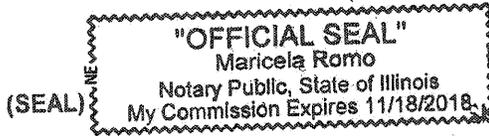
FORMERLY KNOWN AS _____ UNTIL NAME CHANGED ON _____
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
County of Cook) SS.

I, Richard B. "Riverview" MAYERS (Name of Candidate) being first duly sworn (or affirmed), say that I reside at 6159 W. 64th PLACE #6 in the City Village, Unincorporated Area (circle one) of Chicago (if unincorporated, list municipality that provides postal service) Zip Code 60638 in the County of COOK State of Illinois; that I am a qualified voter therein and am a qualified Primary voter of the GREEN Party; that I am a candidate for Nomination Election to the office of CONGRESSMAN in the 5th District, to be voted upon at the primary election to be held on MARCH 15, 2016 (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official GREEN (Name of Party) Primary ballot for Nomination Election for such office.

Richard B. Mayers
(Signature of Candidate)

Signed and sworn to (or affirmed) by Richard B. Mayers before me, on 11/29/15
(Name of Candidate) (insert month, day, year)



[Signature]
(Notary Public's Signature)
PRINCIPAL OFFICE
STATE BOARD OF ELECTIONS
NOV 30 PM 2:38

Commissioners
LANGDON D. NEAL
Chairman
RICHARD A. COWEN
Secretary
MARISEL A. HERNANDEZ
LANCE GOUGH
Executive Director



69 WEST WASHINGTON STREET
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FAX (312)263 - 3649
TTY (312)269 - 0027
WWW.CHICAGOELECTIONS.COM
E-mail Address: CBOE@CHICAGOELECTIONS.NET

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Lance Gough, Executive Director of the Board of Election Commissioners in the County and State aforesaid and keeper of the records and files of said Board, do hereby certify that the following named person was a registered voter in the City of Chicago, but that his/her registration was canceled on 4/9/2015.

NAME: RICHARD B MAYERS
ADDRESS: 6159 W 64TH PL 6
 CHICAGO, ILLINOIS 60638
REGISTRATION NO: 10199BI

and that a copy of the original registration card and voter change information(if any) is attached, all of which appears from the records and files of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board at my office in the City of Chicago, this 3rd day of December A. D. 2015

A handwritten signature in cursive script that reads "Lance Gough". The signature is written in black ink and is positioned above a horizontal line.

LANCE GOUGH
Executive Director



**BOARD OF ELECTION COMMISSIONERS
For The City of Chicago**

BOARD OF ELECTIONS

2015 APR 22 P 4:57

Authorization For Cancellation of Registration

To Registration Officer:

This form must be completed for every person who wants to cancel his or her voter registration

I hereby authorize the cancellation of my registration under the name of
Por esta autorizo la cancelacion de mi previa inscripcion bajo el nombre de

Richard Benedict MAYERS

(Please Print) (Letra de Molde)

Address
Previa direccion

6159 W. 64th place #6

Signature
Firma

[Redacted Signature]

Registration Number

20199BE 427.00

Attach this form to the registration form

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD

DAVID DOBKIN and JANE JACOBS)
)
 Petitioners/Objectors,)
)
 Vs.)
)
 RICHARD B. "RIVERVIEW" MAYERS)
) No. 2015-S0EB 521
 Respondent/Candidate.)
)

AMENDED FINDINGS AND RECOMMENDATIONS

On December 24, 2015, I issued my initial "FINDINGS AND RECOMMENDATIONS", which stated, inter alia,:

4) That unless the Candidate presents proof before the Board that he was a registered voter on November 29, 2015, the Candidate's name should not appear on the primary ballot of the Green Party for nomination to the office of U.S. Representative for the 5th Congressional District.

That the aforementioned recommendation was based, in part, on the evidence presented by the Objector in this case indicating that the Candidate violated the Statement of Candidacy in that he was not a registered voter in the state of Illinois on the date he filed his sworn statement of Candidacy, November 29, 2015.

Subsequent to December 24, 2015, I had the opportunity to research a related issue in *Dobkin v. Sherman* 15 SOEB 520 ("Sherman"), a case in which a Candidate was also seeking to be placed on the primary ballot of the Green Party for nomination to the office of U.S. Representative for the 5th Congressional District.

In *Sherman*, the Objector argued that the Candidate in that case should not be placed on the primary ballot because he, at the time that he filed his Statement of Candidacy, was not residing in the 5th Congressional District, in violation of the Election Code.

In researching that issue I concluded that

The United States Constitution, which grants to each House of Congress the power to judge the "Qualifications of its own Members" Art. I, § 5, cl. 1, does not include the power to alter or add to the qualifications set forth in the Constitution's text. *Powell v. McCormack*, 395 U.S. 486, 540, 23 L. Ed. 2d 491, 89 S. Ct. 1944.

In *Powell*, the Court, after reviewing the "Qualifications Clause" history

and text, (*id.*, at 518-548), and after articulating the "basic principles of our democratic system," (*id.*, at 548), concluded that the constitutional qualifications for congressional service are "fixed," at least in the sense that they may not be supplemented by Congress. Thus, *Powell* establishes two important propositions: first, that the "relevant historical materials" compel the conclusion that, at least with respect to qualifications imposed by Congress, the Framers intended the qualifications listed in the Constitution to be exclusive; and second, that the conclusion is equally compelled by an understanding of the "fundamental principle of our representative democracy . . . 'that the people should choose whom they please to govern them.'" 395 U.S. at 547.

Relying on *Powell*, the Court in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 838-839, 131 L. Ed. 2d 881, 115 S. Ct. 1842 (1995), found that the Constitution prohibits States from imposing congressional qualifications additional to those specifically enumerated in its text.

In *U.S. Term Limits*, Arkansas adopted a state constitutional amendment which included a ballot-access restriction that prohibited (1) the appearance on the ballot for election to the United States House of Representatives from Arkansas of the name of anyone who had been elected to three or more terms as a member of the House from Arkansas, and (2) the appearance on the ballot for election to the United States Senate from Arkansas of the name of anyone who had been elected to two or more terms as a member of the Senate from Arkansas.

Before the amendment became effective, an Arkansas resident sought a declaratory judgment that the ballot-access restriction violated the Federal Constitution. An Arkansas Circuit Court County, entered a judgment to the effect that the ballot-access restriction violated the Federal Constitution's Article I, which contains qualifications clauses that provide age, United States citizenship, and state residency qualifications for (1) United States Representatives in Art I, 2, cl 2, and (2) United States Senators in Art I, 3, cl 3. The Arkansas Supreme Court affirmed the judgment of the Circuit Court and the Supreme Court granted certiorari.

On certiorari, the United States Supreme Court, relying on *Powell*, affirmed. In its opinion the Court held that the ballot-access restriction violated the qualifications clauses, because (1) the Constitution forbade states from adding to or altering the qualifications specifically enumerated in the Constitution, since (a) the power to add qualifications was not within the original powers of the states and thus was not reserved to the states by the Constitution's Tenth Amendment, and (b) even if states possessed some original power in this area, the Constitution's framers had divested states of any power to add qualifications. Additionally, the fact that the Arkansas constitutional amendment was formulated as a ballot-

access restriction rather than as an outright disqualification from membership in Congress was not of constitutional significance, since the amendment was an indirect attempt to disqualify congressional incumbents from further service, which the Constitution prohibited Arkansas from accomplishing directly.

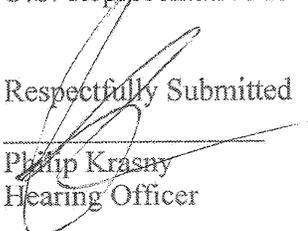
Based upon the aforementioned case law, I concluded that requiring Sherman to live in the 5th Congressional District as a precursor to running for nomination to the office of U.S. Representative in the 5th Congressional District, violated the "Qualification Clause" of the US Constitution.

Accordingly, while being "a qualified voter" at the time a Candidate filed his Statement of Candidacy is a mandatory requirement under the Election Code, such a requirement *may* violate the "Qualification Clause" of the United States Constitution, even though the "requirement" is not onerous and assures that a Candidate can vote in the primary in which he seeks his party's nomination.

In other words, being unable to vote in Illinois when the Candidate in the instant case filed his Statement of Candidacy and being unable to vote in the 5th district at the time Sherman filed his Certificate of Candidacy, may be a distinction without a difference. As such, requiring the Candidate in this case to be a registered voter on November 29, 2015, but, at the same time, not requiring Sherman to reside in the district in which he intends to represent his constituents when he filed his statement of Candidacy, is too subtle of a distinction to pass Constitutional muster. It seems that if one violates the "Qualification Clause" of the United States Constitution, so too does the other.

Accordingly, since I have recommended that Sherman's failure to reside in the 5th district did not preclude him from running in the primary, I am amending my previous Findings and Recommendations to reflect that the Candidate in the instant case need not present proof before the Board that he was a registered voter on November 29, 2015. Further, it is recommended that the Candidate's name ~~appear~~ appear on the primary ballot of the Green Party for nomination for the office of U.S. Representative for the 5th Congressional District.

OK
Respectfully Submitted


Philip Krasny
Hearing Officer

12/30/15

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD

In the matter of:

David Dobkin and Jane Jacobs,)

Petitioners – Objectors,)

v.) No.

RICHARD B. "RIVERVIEW" MAYERS,)

US Representative, 5th Cong. Dist. (G))

Respondent – Candidate.)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2015, Dec 7, 4:43 pm
HK

OBJECTOR'S PETITION

Objectors, David Dobkin and Jane Jacobs, referred to as "Objectors" file their Objectors' Petition challenging the legal and factual sufficiency and petition signers contained within the Nomination Papers submitted by Richard B. "Riverview" Mayers ("Candidate"), as follows.

1. Objector, David Dobkin, resides at 1116 W. Barry Ave., Chicago, Cook County, Illinois, and is a duly qualified, legal and registered voter at this same address. Objector Jane Jacobs resides at 1116 W. Barry Ave., Chicago, Cook County, Illinois, and is a duly qualified, legal and registered voter at this same address. Objectors are qualified voters in the 5th Congressional District in Illinois.

2. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of U.S. Representative for the 5th Congressional District in Illinois are properly complied with, and that only duly qualified candidates appear on the ballot for this office at the general primary election to be held on March 15, 2016.

3. The Objectors makes the following objections to purported nomination paper ("Nomination Papers") of Candidate seeking the Green Party nomination for the office of U.S. Representative for the 5th Congressional District in Illinois ("Office")

to be voted for at the general primary election to be held on March 15, 2016 ("Election"). The Objectors state that the Nomination Papers are insufficient in the fact and law for the reasons stated herein and on the attached Appendix-Recapitulation sheets, which are incorporated herein.

4. Candidate herein is NOT a member of, or in any way, affiliated with the Illinois Green Party, has never voted in a Green Party primary election, and he holds and demonstrates viewpoints that are antithetical to the platform of the Green Party.

5. As such, Candidate's Statement of Candidacy is false and fraudulent as to Candidate's alleged affiliation with the Green Party, and his assertion that he is a qualified primary voter of the Green Party is not true. Candidate is not a registered voter, and could not be a voter of the Illinois Green Party in the 5th Congressional District, because his stated address at 6159 W. 64th Place, Chicago, Illinois is not located in the 5th Congressional District in Illinois. As such, if Candidate's purported address in Chicago is correct, he is not, and could never be a "qualified voter of the Green Party" because there will be no Green Party primary election held at which Candidate would be permitted to vote on March 15, 2016, even if he were to register to vote. The Candidate's Oath must be true when signed. Because Candidate's Oath is not true, Candidate gave a false oath in his Statement of Candidacy, in violation of the Election Code, and he has failed to submit nomination papers that comply with the requirements of the Election Code.

6. Pursuant to Illinois law, nomination papers for the office of must contain the signatures and addresses at least 12 duly qualified, registered and legal Green Party voters in the 5th Congressional District in Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate and be gathered and presented in the manner

provided for in the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Papers in their own proper person, and that such signatures are not genuine signatures, but are forgeries, as is set forth specifically in the Appendix- Recapitulation attached and incorporated herein under the heading, **Column A. "Signer's Signature Not Genuine,"** in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, **Column B. "Signer Not Registered at Address Shown,"** in violation of the Illinois Election Code.

9. The Nomination Papers contain petition sheets with the names of persons who are registered outside of the applicable political division at issue, namely outside of 5th Congressional District in Illinois as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, **Column C. "Signer Resides Outside District,"** [REDACTED], in violation of the Illinois Election Code.

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

11. The Nomination Papers contain petitions sheets with the names of

persons who have signed the Candidate's petition sheet more than one time, at the sheet/line listed, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column E**. "Signer Signed Petition More Than Once at Sheet/Line Indicated," in violation of the Illinois Election Code.

12. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column F**. "Signed Petition More Than Once," in violation of the Illinois Election Code.

13. The Nomination Papers contain petitions sheets with with purportedly printed names of persons, rather than being written out, and/or was printed by someone else, other than the purported signer, and such printed names are not the genuine signatures of the purported signers, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column G**. "Signer's Signature Printed Not Written, Not Genuine," in violation of the Illinois Election Code.

14. The Nomination Papers contain petitions sheets with the signatures, names and addresses of persons who are deceased or not otherwise capable, authorized, or qualified to sign the Nomination Papers, or the line is illegible, incomplete, or stricken, or otherwise defective and insufficient as more fully set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading **Column H**. "Other" in violation of the Illinois Election Code.

15. The Nomination Papers are insufficient because they contain fewer than 12 validly collected signatures of duly qualified and registered legal voters of 5th U.S. Congressional District in Illinois, signed by such voters in their own proper person

with proper addresses, as is set forth by the objections recorded in the Appendix-Recapitulation attached and incorporated herein.

16. The Circulator of Candidate's Sheet #1 did not write his full name within the body of the Circulator's Oath, rendering the entire sheet void, and which should not be counted as valid signatures, since the circulator of each sheet must state his/her name and residence address in the circulator's affidavit. Candidate's Sheet #1 is factually and legally insufficient, and should be stricken.

17. A circulator must state his/her name and residence address in the circulator's affidavit. Candidate herein failed to state his residence address on Sheets #1, #2 or #3 upon the signature petitions that he submitted. Candidate's residence address is in Berwyn, IL, and not at the address listed.

18. Sheets #1, #2 and #3 demonstrate a pattern of fraud by the circulator who did not in his own person circulate the petition sheets, but rather, signatures were signed outside of the circulator's presence, were written by persons who were not the voters, were "round-tabled," and otherwise improperly obtained upon the signature petitions. All signatures upon all sheets (#1, #2, #3) circulated by Candidates should accordingly be stricken and not counted.

19. The attached Appendix Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition, as if fully stated herein.

20. The Nomination Papers contain the names of persons who already previously signed an established party candidate petition, and could not sign a petition for Candidate, since the prior signature would be the only one that could count, 10 ILCS 5/7-10. See Appendix-Recapitulation, **Column F**.

21. Candidate has identified himself with the designation "Riverview" on all of his Nomination Papers, and his "Loyalist Oath," in violation of the Illinois Election

Code. Candidate has previously sought elected office, but has never used such designation in his prior candidacies, or elsewhere.

22. The Election Code, 10 ILCS 5/7-10, requires that only original statements of candidacy and petition sheets may be filed, and all such original sheets must be neatly fastened together in book form by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner.

23. Candidate's Nomination Papers were not submitted in a neatly fastened together in book form and were not fastened together at one edge in a secure and suitable manner, in violation of the Election Code.

24. Candidate also submitted photocopies of his nomination papers, rather than original pages, and all such pages that are copies, including the Statement of Candidacy and signature petition sheets #1-#3, should be inspected, and all photocopies should be stricken from the nomination papers, such that signatures contained thereon should not be counted as valid signatures.

25. Candidate was not truthful in signing the Oath in his Statement of Candidacy, namely, Candidate swore under oath that (a) he was a member of the Green Party, (b) he was a qualified voter, (c) qualified primary voter of the Green Party, and (d) that he resides at 6159 W. 64th Place #6, Chicago, IL. All of the foregoing statements are false and perjurious, specifically, that (a) Candidate is not, nor ever was, nor ever would be a member of the Green Party, (b) candidate is not a qualified voter, in fact, Candidate canceled his own voter registration, and (c) he is not a qualified primary voter of the Green Party, and (d) he does not reside at the address he listed.

26. The Oath within the Statement of Candidacy had to be true and correct at the time it was signed.

27. Since the Oath, when signed, was false and was not true or correct,

Candidate's statement of candidacy is factually and legally defective and not in compliance with the Election Code, rendering Candidate's Nomination Papers insufficient as a matter of law.

28. Candidate's Statement of Candidacy is further deceptive, confusing and misleading, since Candidate wrote a different office upon the Statement of Candidacy than upon other papers, and referred to the office as "Congressman" and his address at the upper portion of the Statement of Candidacy does not identify the city, town or village for Candidate. Similarly Candidate has not identified the District with sufficient specificity. Stating "Fifth" with nothing else, is hardly appropriate, or sufficient. There are "Fifth" office districts in the Illinois General Assembly, including the House and Senate, as well as a Fifth Ward in Chicago, among other districts designated by the number "5."

29. The Candidate's Nomination Papers contain three signature sheets, all purportedly circulated by Candidate, that together demonstrate a pattern of fraud and disregard (or contempt) for the Election Code to such a degree, that every sheet circulated by Candidate should be invalidated in order to protect the integrity of our democratic representative form of government and the election process. Such circulators that have disregarded the Election Code are those that circulated sheets in which objections are made under Column A, B, C and G of the Appendix-Recapitulation, attached. The disregard of the Election Code is demonstrated by the wanton circulation in which there was no regard for whether the voter's signature was placed upon the sheets in their own proper person, or were forged, or "round-tabled." The significant number of false and improper signatures upon Candidate's nomination papers also confirms that the Candidate-Circulator did not recognize the circulator's oath, which was false, and was not true.

WHEREFORE, the Objectors request the following: (a) a hearing on the objections set forth herein; (b) an examination by the Electoral Board of the official records relating to voters; (c) a determination that the Nomination Papers are legally and factually insufficient; (d) a decision that the name of RICHARD B. "RIVERVIEW" MAYERS shall not be printed upon the official ballot for the office of U.S. Representative for the 5th Congressional District in Illinois, to be voted upon at the general primary election to be held on March 15, 2016.

By:  _____

A. Finko
PO Box 2249
Chicago, IL 60690-2249

**Lewis v Rayburn
15 SOEB GP 523**

Candidate: Charles Rayburn

Office: 2nd Congress

Party: Democratic

Objector: Marcus Lewis

Attorney For Objector: Pro Se

Attorney For Candidate: Pro Se

Number of Signatures Required: 1,256

Number of Signatures Submitted: 2,075

Number of Signatures Objected to:

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer’s Address Missing or Incomplete” and “Signer Signed Petition More than Once.”

Dispositive Motions: Candidate’s Motion to Overrule/Strike Objector’s Petition, Objector’s Response to Candidate’s Motion to Overrule/Strike Objector’s Petition

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Objector filed an objection alleging that the Candidate’s nomination petition contained an insufficient number of valid signatures and references an Appendix-Recapitulation which purportedly details line-by-line objection to individual signatures; however, no such Appendix-Recapitulation was filed with the objector’s petition.

The Candidate filed a Motion to Overrule/Strike the Objector’s Petition on the basis that the Objector failed to include the Appendix-Recapitulation as well as other grounds seeking dismissal of the objection. The Objector filed his Response wherein it is stated that the Appendix/Recapitulation sheets were left in transit and further alleges that the Objector’s petition satisfies the requirements of Section 10-8 and 10-9.

Section 10-8 of the Election Code requires that the objector’s petition fully state the nature of the objections so that a candidate can prepare a defense to the alleged deficiencies within his or her nominating petitions. The failure to include an Appendix/Recapitulation violates the mandatory requirement of Section 10-8; therefore, the Hearing Officer recommends that the Candidate’s Motion to Overrule/Strike the Objector’s Petition be granted and the Candidate’s name be certified to the ballot as

a Democratic Party candidate for the office of United States Representative for the 2nd Congressional District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY**

In the Matter of:

MARCUS LEWIS,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 523
)	
CHARLES RAYBURN,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A Case Management Conference was held following the calling of the cases. Objector and the Candidate each filed *Pro Se* Appearances. Each party was given a Case Management Order.

Issue Presented

The issue presented is whether or not Candidate's Motion to Overrule/Strike the Objector's Petition should be granted. The primary ground to grant the Candidate's Motion to Overrule/Strike the Objector's Petition is the failure of the Objector to attach an Appendix-Recapitulation which purportedly contains the details of line by line objections as well as other grounds seeking dismissal of the objection. Additional grounds are also raised.

For the reasons set forth herein, the Hearing Officer recommends the Candidate's Motion to Overrule/Strike the Objector's Petition be GRANTED.

Background

The Candidate, CHARLES RAYBURN, (Candidate) timely filed his nomination petitions seeking the Democratic nomination as U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016 General Primary Election. The Candidate was required to submit the signatures of at least 1,256 qualified electors of the Second Congressional District of the State of Illinois. Candidate filed 140 consecutively numbered petition sheets containing 2,075 signatures.

Objector filed a two-page objection alleging that the nomination petition of CHARLES RAYBURN contained signatures of persons who are not registered voters, signatures which are not genuine, signatures of voters who reside out of district and other objections. The Objection references an Appendix-Recapitulation which purportedly details line by line objections. However, no such Appendix-Recapitulation was filed with the Objection.

The Objector, in response to the Candidate's Motion to Overrule/Strike the Objector's Petition, filed Petitioner's/Objector's Response wherein it is stated the Appendix/Recapitulation sheets "were left in transit." Furthermore, Objector alleges the Objections satisfies the provisions of 10 ILCS 5/10-8 and 10-9 and the Candidate's petitions contain only 855 verified signatures on the 140 pages submitted.

The Candidate thereafter filed a MOTION TO OVERRULE/STRIKE THE OBJECTOR'S PETITION AND LIST THE OBJECTOR/CANDIDATE ON THE MARCH 15, 2016 GENERAL PRIMARY BALLOT AS, "MARCUS LEWIS, WITH HIS STATUS AS UNDOCUMENTED NOT ELECTABLE TO BE ELECTED TO THE OFFICE THAT HE SEEKS;" BENEATH HIS NAME. [Candidate's Motion appears to seek relief against Marcus Lewis. The Hearing Officer does not address or make any recommendations as to the candidacy of Marcus Lewis.] This subsequent motion raises the same issues as set forth in his initial Candidate's Motion to Overrule/Strike the Objector's Petition.

Analysis

Section 10-8 of the Illinois Election Code states, *inter alia*, “the objector’s petition shall state fully the nature of the objections.” As set forth in the Candidate’s Motion to Overrule/Strike the Objector’s Petition, each requirement in Section 10-8 is mandatory. *Pochie v. Cook County Officers Electoral Board*, 682 N.E. 2d 258 (Ill.App.1st Dist. 1997).

The Objection does not contain any specification as to which lines are alleged to be deficient and the reason the signature is invalid.

Accordingly, the Candidate cannot prepare a defense and staff cannot conduct a record examination without the Appendix/Recapitulation.

Recommendation

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board GRANT the Candidate’s Motion to Overrule/Strike the Objector’s Petition, and order that the name of CHARLES RAYBURN be printed on the ballot as a Candidate of the Democratic Party for nomination to the Office of U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016, General Primary Election.

DATED: December 28, 2015

Respectfully submitted,


James Tenuto
Hearing Officer

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:

MARCUS LEWIS,)
Petitioner(s) – Objector(s),)

v.) **15 SOEB GP 523**

CHARLES RAYBURN,)
Respondent(s) – Candidate(s).)

NOTICE OF FILING

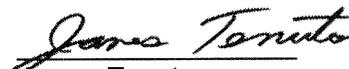
TO: Marcus Lewis, Objector MarLew7@aol.com Charles Rayburn, Candidate getinsured1@live.com

cc: Ken Menzel, General Counsel
Sue Klos, Springfield Legal Department
Darlene Gervase, Administrative Assistant III

Please be advised that on December 28, 2015, I caused to be sent by email to the addresses set forth above the Recommendation of the Hearing Officer, a copy of which is attached.

This matter will appear on the Agenda of the State Officers Electoral Board on Thursday, January 7, 2016 at 10:30 a.m. in the James R. Thompson Center, 100 West Randolph Street, Shared Conference Room 2-025, Chicago, IL and via videoconference in the Board's principal office at 2329 South MacArthur Blvd., Springfield, IL 62708-4187.

DATED: December 28, 2015


James Tenuto
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS

Marcus Lewis
Petitioner-Objector,

v.

Charles Rayburn
Respondent.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2015, Dec. 7, 4:58 pm
HK

OBJECTOR'S PETITION

Marcus Lewis, herein referred to as the "Objector", states the following:

INTRODUCTION

1. The Objector resides at 3146 Holden Circle, Matteson, Illinois, Zip Code 60443 in the County of Cook, in the State of Illinois, and is a duly qualified, legally registered voter at that address.
2. The Objector's interest in the filing of this objection is that of a citizen desirous of seeing that the election laws governing the the filing of nomination papers for U.S. Representative 2nd District of Illinois, are properly compiled with, and that only qualified candidates appear on the March 15, 2016, General Primary Election ballot for this office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers filed by Charles Rayburn ("Candidate") for the office of U.S. Representative 2nd District of Illinois ("Nomination Papers"), to be voted on at the General Primary Election to be held on March 15, 2016 (the "Election"); specifically the Objector states that the Nomination Papers filed by the Candidate are insufficient in fact and law as follows:
4. Pursuant to State Law, the Nomination Papers submitted herein for the office sought, must contain the signatures of no less than 1,256 duly qualified registered voters of the 2nd Congressional District of Illinois collected in the manner as prescribed by law. In addition, such Nomination Papers ("Petition Sheets") must be gathered and presented in the manner as provided for, in the Illinois Election Code, and otherwise executed in the form prescribed by law. Said Nomination Papers purports to contain the signatures of in excess of the minimum required by law, and further purports to have been gathered, presented and executed in the manner as set forth by the Illinois Election Code.
5. In general, said Nomination Papers submitted for the General Primary Election March 15, 2016, herein, was filed with a insufficient amount of valid signatures signatures, as required by Law, and as hereinafter set forth.

6. The Nomination Papers contains petitions with the names of persons who are not registered voters, or who are not registered at the addresses shown opposite their names, as set forth specifically in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer Not Registered (at Address Shown)", in violation of the Illinois Election Code.
7. The Nomination Papers contains petitions sheets with the names of persons who did not sign the papers in their own proper persons, and as such, are not genuine and are forgeries as set forth specifically in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer's Signature Not Proper or Genuine", in violation of the Illinois Election Code.
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the District, (2nd Congressional District of Illinois), as set forth in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer Resides Outside District", in violation of the Illinois Election Code.
9. The Nomination Papers contains petition sheets with the names of persons for whom the addresses given are either missing entirely, or are incomplete, printed signatures, persons signed more than once, candidate struck voter's signature, etc., as set forth in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "D", "E", or "Other", in violation of the Illinois Election Code.
10. Overall, the Nomination Papers, as initially filed, contains far less than 1,256 validly collected signatures of qualified and duly registered voters of the 2nd Congressional District of Illinois, signed by such voters in their own proper persons with proper addresses, below the statutory minimum required under Illinois law, as is set forth by the objections recorded herein.
11. The aforesaid Appendix-Recapitulation Sheets are incorporated herein , and the Objection made therein are a part of this Objector's Petition.

CONCLUSIONS

WHEREFORE, the Objector, Marcus Lewis, requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official voter registration records relating to voters of the 2nd Congressional District of Illinois, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name Charles Rayburn shall not appear on the ballot for the office of U.S. Representative 2nd Congressional District of Illinois to be voted upon at the General Primary Election to be held on March 15, 2016.


Petitioner-Objector

County of Cook)
)ss
State of Illinois)

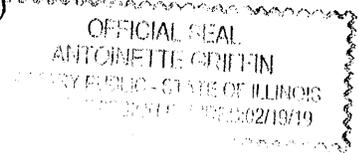
VERIFICATION

The undersigned, having been first duly sworn, certifies and affirms that he has read the contents of the foregoing Objector's Petition, and based upon his personal knowledge, the statements set forth in this instrument are true and correct, except as to matters therein stated to be on informational and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

[Handwritten Signature]

Subscribed and sworn to by *Matthew E. Lewis*, before me, a Notary Public, on December 7, 2015.

Antonette Griffin (seal)
Notary Public



Petitioner-Objector-Pro Se
Matteson, Illinois

Lewis v Myrickes
15 SOEB GP 524

Candidate: Dorian C L Myrickes

Office: 2nd Congress

Party: Democratic

Objector: Marcus Lewis

Attorney For Objector: Pro Se

Attorney For Candidate: Pro Se

Number of Signatures Required: 1,256

Number of Signatures Submitted:

Number of Signatures Objected to:

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer’s Address Missing or Incomplete” and “Signer Signed Petition More than Once.”

Dispositive Motions: Candidate’s Motion to Strike and Dismiss, Objector’s Response to Candidate’s Motion to Strike and Dismiss, Candidate’s Response to Objector’s Answer and Request to Have the Objector’s Petition Stricken and Dismissed

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Objector filed an objection alleging that the Candidate’s nomination petition contained an insufficient number of valid signatures and references an Appendix-Recapitulation which purportedly details line-by-line objection to individual signatures; however, no such Appendix-Recapitulation was filed with the objector’s petition.

The Candidate filed a Motion to Strike and Dismiss on the basis that the Objector failed to include the Appendix-Recapitulation. The Objector filed his Response wherein it is stated that the Appendix/Recapitulation sheets were left in transit and further alleges that the Objector’s petition satisfies the requirements of Section 10-8 and 10-9.

Section 10-8 of the Election Code requires that the objector’s petition fully state the nature of the objections so that a candidate can prepare a defense to the alleged deficiencies within his or her nominating petitions. The failure to include an Appendix/Recapitulation violates the mandatory requirement of Section 10-8; therefore, the Hearing Officer recommends that the Candidate’s Motion to

Strike and Dismiss be granted and the Candidate's name be certified to the ballot as a Democratic Party candidate for the office of United States Representative for the 2nd Congressional District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
 SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OBJECTIONS TO
 ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
 ON THE BALLOT FOR THE MARCH 15, 2016
 GENERAL PRIMARY ELECTION**

In the Matter of:

MARCUS LEWIS,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 524
)	
DORIAN C.L. MYRICKES,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A case management conference was held immediately following the calling of the cases. Objector and Candidate filed *Pro Se* Appearances. Each party was given a Case Management Order.

Issue Presented

The issue presented is whether or not Candidate’s Motion to Strike and Dismiss should be granted. The Candidate’s Motion to Strike and Dismiss points out the failure of the Objector to attach an Appendix-Recapitulation which purportedly contains the details of line by line objections as well as other grounds seeking dismissal of the objection.

For the reasons set forth herein, the Hearing Officer recommends the Candidate’s Motion to Strike and Dismiss be GRANTED.

Background

The Candidate, DORIAN C.L. MYRICKES, (Candidate) timely filed his nomination petitions seeking the Democratic nomination as U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016 General Primary Election. The Candidate was required to submit the signatures of at least 1,256 qualified electors of the Second Congressional District of the State of Illinois. Candidate filed 207 consecutively numbered petition sheets.

Objector filed a two-page objection alleging that the nomination petition of DORIAN C.L. MYRICKES contained signatures of persons who are not registered voters, signatures which are not genuine, signatures of voters who reside out of district and other objections. The Objection references an Appendix-Recapitulation which purportedly details line by line objections. However, no such Appendix-Recapitulation was filed with the Objection.

The Objector, in response to the Candidate's Motion to Strike and Dismiss, filed Petitioner's/Objector's Response wherein it is stated the Appendix/Recapitulation sheets "were left in transit." Furthermore, Objector alleges the Objections satisfies the provisions of 10 ILCS 5/10-8 and 10-9 and the Candidate's petitions do not contain 1,256 verified signatures.

Candidate thereafter filed a Response to Objector's Answer and Request to Have the Objector's Petition Stricken and Dismissed.

Analysis

Section 10-8 of the Illinois Election Code states, *inter alia*, "the objector's petition shall state fully the nature of the objections." As set forth in the Candidate's Motion to Strike and Dismiss, each requirement in Section 10-8 is mandatory. *Pochie v. Cook County Officers Electoral Board*, 682 N.E. 2d 258 (Ill.App.1st Dist. 1997).

The Objection does not contain any specification as to which lines are alleged to be deficient and the reason the signature is invalid.

Accordingly, the Candidate cannot prepare a defense and staff cannot conduct a record examination without the Appendix/Recapitulation.

Recommendation

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board GRANT the Candidate's Motion to Strike and Dismiss the Objection and order that the name of DORIAN C.L. MYRICKES be printed on the ballot as a Candidate of the Democratic Party for nomination to the Office of U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016, General Primary Election.

DATED: December 28, 2015

Respectfully submitted,


James Tenuto
Hearing Officer

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:
MARCUS LEWIS,)
Petitioner(s) – Objector(s),)
)
v.) **15 SOEB GP 524**
)
DORIAN C.L. MYRICKES,)
Respondent(s) – Candidate(s).)

NOTICE OF FILING

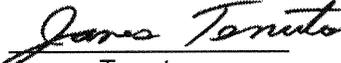
TO: Marcus Lewis, Objector Dorian C. L. Myrickes
MarLew7@aol.com dorian.myrickes1@aol.com
Charon.bryson@gmail.com

cc: Ken Menzel, General Counsel
Sue Klos, Springfield Legal Department
Darlene Gervase, Administrative Assistant III

Please be advised that on December 28, 2015, I caused to be sent by email to the addresses set forth above the Recommendation of the Hearing Officer, a copy of which is attached.

This matter will appear on the Agenda of the State Officers Electoral Board on Thursday, January 7, 2016 at 10:30 a.m. in the James R. Thompson Center, 100 West Randolph Street, Shared Conference Room 2-025, Chicago, IL and via videoconference in the Board's principal office at 2329 South MacArthur Blvd., Springfield, IL 62708-4187.

DATED: December 28, 2015


James Tenuto
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS

Marcus Lewis
Petitioner-Objector,

v.

Dorian C. L. Myrick
Respondent.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2015, Dec. 7, 4:59 PM
HK

OBJECTOR'S PETITION

Marcus Lewis, herein referred to as the "Objector", states the following:

INTRODUCTION

1. The Objector resides at 3146 Holden Circle, Matteson, Illinois, Zip Code 60443 in the County of Cook, in the State of Illinois, and is a duly qualified, legally registered voter at that address.
2. The Objector's interest in the filing of this objection is that of a citizen desirous of seeing that the election laws governing the the filing of nomination papers for U.S. Representative 2nd District of Illinois, are properly compiled with, and that only qualified candidates appear on the March 15, 2016, General Primary Election ballot for this office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers filed by *Dorian C. L. Myrick* ("Candidate") for the office of U.S. Representative 2nd District of Illinois ("Nomination Papers"), to be voted on at the General Primary Election to be held on March 15, 2016 (the "Election"); specifically the Objector states that the Nomination Papers filed by the Candidate are insufficient in fact and law as follows:
4. Pursuant to State Law, the Nomination Papers submitted herein for the office sought, must contain the signatures of no less than 1,256 duly qualified registered voters of the 2nd Congressional District of Illinois collected in the manner as prescribed by law. In addition, such Nomination Papers ("Petition Sheets") must be gathered and presented in the manner as provided for, in the Illinois Election Code, and otherwise executed in the form prescribed by law. Said Nomination Papers purports to contain the signatures of in excess of the minimum required by law, and further purports to have been gathered, presented and executed in the manner as set forth by the Illinois Election Code.
5. In general, said Nomination Papers submitted for the General Primary Election March 15, 2016, herein, was filed with a insufficient amount of valid signatures signatures, as required by Law, and as hereinafter set forth.

6. The Nomination Papers contains petitions with the names of persons who are not registered voters, or who are not registered at the addresses shown opposite their names, as set forth specifically in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer Not Registered (at Address Shown)", in violation of the Illinois Election Code.

7. The Nomination Papers contains petitions sheets with the names of persons who did not sign the papers in their own proper persons, and as such, are not genuine and are forgeries as set forth specifically in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer's Signature Not Proper or Genuine", in violation of the Illinois Election Code.

8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the District, (2nd Congressional District of Illinois), as set forth in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "Signer Resides Outside District", in violation of the Illinois Election Code.

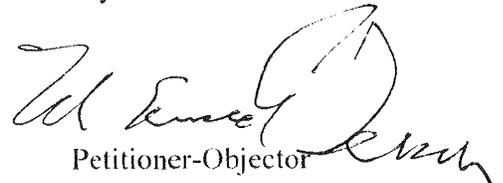
9. The Nomination Papers contains petition sheets with the names of persons for whom the addresses given are either missing entirely, or are incomplete, printed signatures, persons signed more than once, candidate struck voter's signature, etc., as set forth in the attached Appendix-Recapitulation Sheets incorporated herein, under the heading (column) marked "D", "E", or "Other", in violation of the Illinois Election Code.

10. Overall, the Nomination Papers, as initially filed, contains far less than 1,256 validly collected signatures of qualified and duly registered voters of the 2nd Congressional District of Illinois, signed by such voters in their own proper persons with proper addresses, below the statutory minimum required under Illinois law, as is set forth by the objections recorded herein.

11. The aforesaid Appendix-Recapitulation Sheets are incorporated herein, and the Objection made therein are a part of this Objector's Petition.

CONCLUSIONS

WHEREFORE, the Objector, Marcus Lewis, requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official voter registration records relating to voters of the 2nd Congressional District of Illinois, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of ~~Dorian C. Marshall~~ shall not appear on the ballot for the office of U.S. Representative 2nd Congressional District of Illinois to be voted upon at the General Primary Election to be held on March 15, 2016.


Petitioner-Objector

County of Cook)
)ss
State of Illinois)

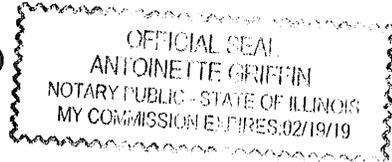
VERIFICATION

The undersigned, having been first duly sworn, certifies and affirms that he has read the contents of the foregoing Objector's Petition, and based upon his personal knowledge, the statements set forth in this instrument are true and correct, except as to matters therein stated to be on informational and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Manuel...

Subscribed and sworn to by *M. J. ...*, before me, a Notary Public, on December 7, 2015.

Antoinette Griffin (seal)
Notary Public



Petitioner-Objector-Pro Se

Matteson, Illinois

Lewis v Kelly
15 SOEB GP 525

Candidate: Robin Kelly

Office: 2nd Congress

Party: Democratic

Objector: Marcus Lewis

Attorney For Objector: Pro Se

Attorney For Candidate: Paul Lehner/Michael Dorf

Number of Signatures Required: 1,256

Number of Signatures Submitted:

Number of Signatures Objected to:

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer’s Address Missing or Incomplete” and “Signer Signed Petition More than Once.”

Dispositive Motions: Candidate’s Motion to Dismiss, Objector’s Response to Motion to Dismiss

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Objector filed an objection alleging that the Candidate’s nomination petition contained an insufficient number of valid signatures and references an Appendix-Recapitulation which purportedly details line-by-line objection to individual signatures; however, no such Appendix-Recapitulation was filed with the objector’s petition.

The Candidate filed a Motion to Dismiss on the basis that the Objector failed to include the Appendix-Recapitulation. The Objector filed his Response wherein it is stated that the Appendix/Recapitulation sheets were left in transit and further alleges that the Objector’s petition satisfies the requirements of Section 10-8 and 10-9.

Section 10-8 of the Election Code requires that the objector’s petition fully state the nature of the objections so that a candidate can prepare a defense to the alleged deficiencies within his or her nominating petitions. The failure to include an Appendix/Recapitulation violates the mandatory requirement of Section 10-8; therefore, the Hearing Officer recommends that the Candidate’s Motion to Dismiss be granted and the Candidate’s name be certified to the ballot as a Democratic Party candidate for the office of United States Representative for the 2nd Congressional District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
ESTABLISHED PARTY CANDIDATES SEEKING TO APPEAR
ON THE BALLOT FOR THE MARCH 15, 2016
GENERAL PRIMARY ELECTION**

In the Matter of:

MARCUS LEWIS,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	15 SOEB GP 525
)	
ROBIN KELLY,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Case Management Conference

A Case Management Conference was held following the calling of the cases. Objector filed a *Pro Se* Appearance, and Michael C. Dorf filed an Appearance for the Candidate. Each party was given a Case Management Order.

Issue Presented

The issue presented is whether or not Candidate’s Motion to Dismiss should be granted. The basis for the Candidate’s Motion to Dismiss is the failure of the Objector to attach an Appendix-Recapitulation which purportedly contains the details of line by line objections.

For the reasons set forth herein, the Hearing Officer recommends the Candidate’s Motion to Dismiss be GRANTED.

Background

The Candidate, Robin Kelly, (Candidate) timely filed her nomination petitions seeking the Democratic nomination as U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016 General Primary Election. The Candidate was required to submit the signatures of at least 1,256 qualified electors of the Second Congressional District of the State of Illinois. Candidate filed 313 consecutively numbered petition sheets.

Objector filed a two-page objection alleging that the nomination petition of Robin Kelly contained signatures of persons who are not registered voters, signatures which are not genuine, signatures of voters who reside out of district and other objections. The Objection references an Appendix-Recapitulation which purportedly details line by line objections. However, no such Appendix-Recapitulation was filed with the Objection.

The Objector, in response to the Candidate's Motion to Dismiss, filed Petitioner's Objection's Response wherein it is stated the Appendix/Recapitulation sheets "were left in transit." Furthermore, Objector alleges the Objections satisfies the provisions of 10 ILCS 5/10-8 and 10-9 and the Candidate's petitions contain only 1,134 verified signatures of the 313 pages submitted.

Analysis

Section 10-8 of the Illinois Election Code states, *inter alia*, "the objector's petition shall state fully the nature of the objections." As set forth in the Motion to Dismiss, each requirement in Section 10-8 is mandatory. *Pochie v. Cook County Officers Electoral Board*, 682 N.E. 2d 258 (Ill.App.1st Dist. 1997).

The Objection does not contain any specification as to which lines are alleged to be deficient and the reason the signature is invalid.

Accordingly, the Candidate cannot prepare a defense and the staff cannot conduct a record examination without the Appendix/Recapitulation.

Recommendation

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board GRANT the Candidate's Motion to Dismiss the Objection and order that the name of ROBIN KELLY be printed on the ballot as a Candidate of the Democratic Party for nomination to the Office of U.S. Representative in Congress for the Second Congressional District to be voted upon at the March 15, 2016, General Primary Election.

DATED: December 28, 2015

Respectfully submitted,


James Tenuto
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS

Marcus Lewis
Petitioner-Objector,

v.

Robin Kelly,
Respondent.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2015, Dec. 7, 5:00 pm HK

OBJECTOR'S PETITION

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OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers filed by Robin Kelly ("Candidate") for the office of U.S. Representative 2nd District of Illinois ("Nomination Papers"), to be voted on at the General Primary Election to be held on March 15, 2016 (the "Election"); specifically the Objector states that the Nomination Papers filed by the Candidate are insufficient in fact and law as follows:
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WHEREFORE, the Objector, Marcus Lewis, requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official voter registration records relating to voters of the 2nd Congressional District of Illinois, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Robin Kelly shall not appear on the ballot for the office of U.S. Representative 2nd Congressional District of Illinois to be voted upon at the General Primary Election to be held on March 15, 2016.


Petitioner-Objector

County of Cook)
)ss
State of Illinois)

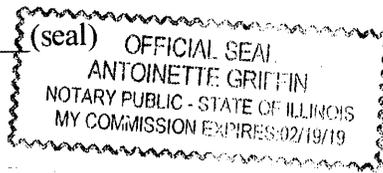
VERIFICATION

The undersigned, having been first duly sworn, certifies and affirms that he has read the contents of the foregoing Objector's Petition, and based upon his personal knowledge, the statements set forth in this instrument are true and correct, except as to matters therein stated to be on informational and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Moncus B. Lewis

Subscribed and sworn to by *Moncus B. Lewis*, before me, a Notary Public, on December 7, 2015.

Antoinette Griffin
Notary Public



Petitioner-Objector-Pro Se

Matteson, Illinois