

STATE BOARD OF ELECTIONS

STATE OF ILLINOIS



EXECUTIVE DIRECTOR  
Steven S. Sandvoss

2329 S. MacArthur Blvd.  
Springfield, Illinois 62704-4503  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 W. Randolph St., Ste. 14-100  
Chicago, Illinois 60601-3232  
312/814-6440  
Fax: 312/814-6485

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  
Wednesday, January 20, 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 22 & January 7 meetings. 1
2. Recess the State Board of Elections and convene as the State Officers Electoral Board.
3. Approval of the SOEB minutes from the January 7 meeting.
4. Call cases and accept appearances - objections to presidential and delegate/alternate delegate candidate nominating petitions for the March 15, 2016 General Primary Election;
  - a. *Joyce v. Cruz*, 16SOEBGP526;
  - b. *Graham v. Cruz*, 16SOEBGP527;
  - c. *Graham v. Rubio*, 16SOEBGP528;
  - d. *Hendon & Shaw v. Cohen*, 16SOEBGP529;
  - e. *Hendon & Shaw v. O'Malley*, 16SOEBGP530;
  - f. *Hendon & Shaw v. Sanders*, 16SOEBGP531;
  - g. *Hendon & Shaw v. De La Fuente*, 16SOEBGP532;
  - h. *Davis v. Clinton*, 16SOEBGP533.
5. Approve the Rules of Procedure for the State Officers Electoral Board.
6. Authorize the General Counsel to appoint Hearing Examiners as required.
7. Consideration of objections to established political party candidate nominating petitions for the March 15, 2016 General Primary Election;
  - a. *Ochs & Ochs v. Curtis*, 15SOEBGP104;
  - b. *\*Hernandez v. Jones*, 15SOEBGP106;
  - c. *Brown & Welter v. McGroarty*, 15SOEBGP107;
  - d. *\*Cook v. Haida*, 15SOEBGP108;
  - e. *\*Cook v. Baricevic*, 15SOEBGP109;
  - f. *\*Cook v. LeChien*, 15SOEBGP110;
  - g. *Krueck v. Urlacher*, 15SOEBGP504;

- h. *Simpson v. Aguirre*, 15SOEBGP508;
  - i. *Simpson v. Jackson*, 15SOEBGP509;
  - j. *\*Eck v. Reick*, 15SOEBGP512;
  - k. *Stieper v. Urlacher*, 15SOEBGP514;
  - l. *Palacio v. Bailey*, 15SOEBGP518.
- 8. **Objections/Candidates withdrawn – informational;**
  - 9. **Other business.**
  - 10. **Recess the State Officers Electoral Board until February 17, 2016 at 10:30 a.m. In Chicago or until call of the Chairman, whichever occurs first.**
  - 11. **Reconvene as the State Board of Elections.**
  - 12. **Executive Session.**
  - 13. **Other business.**
  - 14. **Adjourn until February 17, 2016 at 10:30 a.m. in Chicago or until call of the Chairman, whichever occurs first.**

\* **The summary sheets and hearing examiner reports for these cases will be sent out under separate cover prior to the January 20 meeting.**

STATE BOARD OF ELECTIONS  
Regular Meeting.  
Tuesday, December 22, 2015

MINUTES

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

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

---

The Chairman called the meeting to order at 10:30 a.m. Vice Chairman Gowen, at the request of the Chairman, chaired the meeting. All members of the Board participate as set forth above.

Mr. Gowen led everyone in the Pledge of Allegiance.

Executive Director Sandvoss presented the minutes from the November 16, 2015. Member Keith offered a correction to the last sentence in the second paragraph of the second page of the packet to change "passed y roll call vote of 8-0" to "passed by roll call vote of 8-0". Member Keith moved and Member Carruthers seconded the motion to adopt the minutes as amended. The Motion passed unanimously by roll call vote.

On behalf of the State Board of Elections, Mr. Sandvoss was asked to give recognition and honor Mary Lou Aagaard of the League of Women Voters. He read the Resolution to thank her for her many years of dedication and distinguished public service in the administration of elections and her tireless and professional efforts to improve the efficiency and integrity of the electoral process in the State of Illinois. Further, for her observation of the Board's monthly meetings for over thirty-two years.

The General Counsel began his Campaign Disclosure report with 10 requests for settlement offers. As to 2.a.1) *SBE v. Citizens to Elect Benjamin Owens*, 15295. 13MA086, the committee offered 50%, \$5,637.50, to settle his outstanding fines. Because the offer complies with the Board's Settlement Policy, Mr. Menzel recommended acceptance. Mr. Owens was present in the Springfield office and confirmed his settlement offer. Member Keith moved to adopt the General Counsel's Recommendation and Member Cadigan seconded the Motion. The Motion passed 8-0 by roll call vote.

After discussion regarding payment of civil penalties when candidates are subject to ballot forfeiture, Member Keith moved and Member Coffrin seconded a Motion to have candidates, subject to ballot forfeiture issues for the March 15, 2016 primary, that no one will be removed for ballot forfeiture, unless their payment is made by certified funds, cash, cashier's check or credit card prior to the deadline. The Motion passed unanimously.

Item 3.a.2) *SBE v. Committee to Elect Howard B. Brookins, Jr.*, 17003, 15AM071, was summarized by General Counsel Menzel. The committee offered \$1,000 to settle the \$3,000 in outstanding civil fines. Mr. Menzel concluded that since the committee's average fund balance ratio has been more than \$65,000 for four quarters, it does not comply with the Board's Settlement Policy. Mr. Menzel did not recommend acceptance of the offer. Respondent offered \$1,500. Member McGuffage did not agree with the General Counsel's recommendation and moved to accept the offer of \$1,500. Chairman Scholz seconded the motion which failed 5 against, 2 yeas and Member Watson abstained from the vote. Mr. Brookins offered \$2,000. Member McGuffage moved to accept the offer and Chairman Scholz seconded the motion which failed 4 against, 3 yeas and Member Watson abstained. As the majority of the Board did not want to approve a lesser number than \$3,000, no further action was taken.

As to 3.a.3), Mr. Warren Dixon was present in Chicago for his committee in *SBE v. Friends for Warren Dixon*, 24528, 15MQ117. Mr. Dixon offered \$5,100 - 50% of the outstanding civil penalty to comply with the Board's Settlement Policy. The General Counsel recommended accepting the offer. Member Keith so moved and Member Cadigan seconded the Motion which passed 8-0 by roll call vote.

3.a.4) The committee offered 50% to settle their outstanding fines. Since the offer fully complied with the Board's policy, Mr. Menzel recommended the Board accept the 50% offer of \$2,225 offer in *SBE v. Citizens for Vasquez*, 27239, 15MQ206. Member Keith so moved and Member Cadigan seconded the motion. The Motion passed unanimously by roll call vote.

The Respondent in Item 3.a.5) *SBE v. Citizens for Joe Vito*, 29504 offered a 50% settlement of their fine. General Counsel Menzel recommended accepting \$387.50 as offered by the committee because the offer fully complies with the Board's Settlement Policy. Member Keith moved to accept the offer and Member Carruthers seconded the Motion which passed 8-0.

Mr. Menzel indicated that additional Settlement Offers were submitted due to ballot forfeiture. They are following:

As to the Citizens for Mary Burress, their offer of 50% of the civil fines fully complies with the Board's Settlement Policy and the General Counsel recommended accepting their offer. Member Coffrin moved to accept the settlement offer. Member McGuffage seconded the Motion which passed unanimously.

Mr. Kent Gray, present in the Springfield office, offered 50% of the fines, but the settlement offer did not meet the Board's policy. Mr. Menzel did not recommend accepting the offer. Mr. Gray offered \$3,000. Member McGuffage moved to accept the \$3,000 offer. Chairman Scholz seconded the motion which failed with 6 against and 2 yeas.

Friends to Elect Ed Schniers Coroner offered a little over 50% to settle outstanding fines. The offer does not comply with the Board's policy as the outstanding fine is below \$500. Mr. Menzel did not recommend accepting their offer. To be consistent with the Board's policy, Member Keith moved to deny the offer and Member Carruthers seconded the Motion. The Motion to deny was passed 7-0-1 with Member Coffrin abstaining.

Mr. Rosenfeld appeared for The Friends of Paul Rosenfeld. He initially paid 50% of a \$12,548 fine and intended to close out his committee. But, recently, Mr. Rosenthal was asked to run for Democratic Committeeman. To be able to run for that office, he must be in compliance with the law. Therefore, he offered \$6,274, the other 50% of the \$12,548 fine to be in compliance to run

for Ward Committeeman in the 47<sup>th</sup> Ward. Member Keith moved to accept the offer, Vice Chairman Gowen moved to accept the settlement offer by member Keith and Member Cadigan seconded the Motion. The Motion passed unanimously.

Mary Childers, a Respondent in a matter against the Friends for Mary C. Childers, appeared requesting a settlement hearing. Mr. Menzel indicated that this matter came up late in the day of December 21<sup>st</sup> and he was unable to have printed documents ready for the Board. He said that her committee had been notified many times about the \$10,350 in fines; \$350 violations of late filings, and two \$5,000 fines for a Failure to Comply with a Board Orders and finally, the committee was administratively terminated on August 15, 2015. Ms. Childers wishes to run as an Alternate Delegate and indicated that her committee is closed, but she has \$700 left from the committee in her bank account which she offered as a settlement. Member Cadigan moved to accept the offer, Vice Chairman Gowen seconded the motion which failed 4-4 with Members Keith, McGuffage, Watson and Chairman Scholz voting against the Motion. Ms. Childers offered \$3,000 and to "promise to take all these letters seriously". Chairman Scholz so moved and Member Cadigan seconded the Motion which passed 5-3 with Members Keith, McGuffage and Watson voting No.

3.a.6) An Appeal, continued from September and October in the matter of *SBE v. Garcia for Chicago*, 26214, 15MA083, wherein the hearing officer recommended the appeal be granted & denied was summarized by Mr. Menzel. As to the multiple in-kind contribution violations that took place and deposited in the same quarter, the result would have been the same whether those nine in-kind contributions were treated as a single violation or as multiple violations in this matter. The excess contribution was returned to the Garcia for Chicago committee within 30 days after the Board sent notification to the Friends of Chuy Garcia and the contribution limit violation issue was addressed. The General Counsel agreed with the hearing officer. Member Keith moved to adopt the Hearing Officer's and General Counsel's recommendations and impose a fine of \$6,610. Member Watson seconded the matter which passed 8-0 by roll call vote.

3.a.7) The General Counsel concurred with the Hearing Officer to Grant the Appeal in *SBE v. Team D230*, 29566, 15AM093 as the contribution was reported to the Board within 5 business days of its deemed receipt date. Further, the stay will remain on the previously assessed \$75 civil penalty; the Committee to be ordered to amend it's March, 2015 Quarterly Report and its Final Report to report the deemed receipt date of the in-kind contribution in question; and the amendment to be filed within 30 days of the date of the Final Board Order in this matter. Member Carruthers moved to Grant the Appeal and to order the committee to amend the 3 reports and finalize within 30 days. Member Coffrin seconded the Motion which passed unanimously.

3.a.8) *SBE v. LaSalle County Republican Century Club*, 1219, 15MA090. The actions of the Chairman of the Respondent committee in was an internal matter of the Committee and has no bearing on the Committee's responsibility to file timely reports. Mr. Menzel concurred with the Hearing Officer to deny the appeal for lack of an adequate defense. Further, that the civil penalty of \$7,475 is now due and owing. Carla Margis and James Matthews were present for the Respondent Committee. They spoke to the problems they had with the Chairman. Discussion ensued among the Board. The Respondents waived the right to appeal and offered a settlement at 50%. After discussion, Member Keith moved to adopt the General Counsel's Recommendation to waive the Appeal and accept \$3,737.50. Member Watson seconded the Motion which passed 8-0 by roll call vote.

3 a.9) *SBE v. Clean Slate for College of DuPage Committee*, 29468, 15AJ041. The \$20,000 and \$10,000 loans are a contribution and the treasurer not knowing that fact is not a valid defense.

The Hearing Officer recommended the appeal be denied for lack of an adequate defense, but since the violations were inadvertent and unintentional he recommended a reduction of 50% or \$7,500. Mr. Menzel concurred. Member Coffrin so moved and Member Cadigan seconded the motion which passed unanimously.

Campaign Disclosure Assistant Director, Andy Nauman, submitted a summary of the audit in the matter of 3.a.10) *SBE v. Friends of Sherman Jones*, 22764, 14CD113. The last bank statement in his possession is for December, 2014 and he cannot comment on the reporting periods after this time. It seems that the Committee accounted for the majority of their financial transactions, although not in the correct reporting periods. Outstanding at this time are three payments to Klein, Thorpe, and Jenkins that were made in the 4<sup>th</sup> quarter of 2014. A payment of \$5,801.89 was paid from a trust, although the funds did not go through their bank account. Mr. Menzel recommended to find that the committee has failed to fully comply with the December and June Board Orders due to inadequate past recordkeeping and that a reasonable find to be imposed. Attorney Scarlato appeared for the Respondent and Judy Brown Marino stepped forward as she was the initial Complainant in this matter. Ms. Brown Marino commented on the deficiencies in the audit. Mr. Scarlato made an offer of \$2,000 and waived the right to appeal. Member Keith moved to find the committee has failed to fully comply with the December issued Board orders and it cannot because of past inadequate recordkeeping and a fine be imposed in the amount of \$2500. Member Cadigan seconded the Motion which passed unanimously.

Tom Newman, Director of Campaign Disclosure, submitted Revisions to Settlement Offer Guidelines in particular for smaller committees unfairly affected by fines of \$500 or more; and including the committee's average cash receipts and balances over the past 4 quarters. Discussion was had among the Board. Members Keith and McGuffage asked the General Counsel to look at balances the committees have in federal committees and moving money between state and federal committees.

Mr. Newman asked for a Motion to issue a Final Board Order and assess a civil penalty against Committee No. 25823, Illinois Unity PAC, for violation of contribution limits. The violation were not appealed. Member Keith moved for the fine of contribution limits in the amount of \$1,003.56. Member McGuffage seconded the Motion which passed unanimously.

Potential ballot forfeiture for 2016 and payment of civil penalties were submitted for informational purposes.

The Board recessed to Executive Session at 12:22 p.m. and returned at 12:52 p.m. with 7 members present. Member McGuffage held Member Watson's proxy.

Member Keith moved to ratify the action taken in executive session on Case 15 CE 104, *Sereno v. Citizens to Elect Charles Bernstein*, finding the complaint was filed on justifiable grounds, subsequent reports have been filed and no further action is taken at this time except as may arise in the future from filings by staff after review of reports. Member Cadigan seconded the Motion which passed 8-0.

As to *Purduski v. Friends of Frank Napolitano*, 15CD105, Member Keith moved to find the complaint was filed on justifiable grounds, subsequent reports have been file, no further action to be taken at this time except as may arise in the future from filings by staff after review of reports. Member McGuffage seconded the motion which passed unanimously.

Executive Director Sandvoss began his report with resolutions to retiring staff members Mike Roate, Director of Administrative Services and Kay Walker, who has served 40 years with the agency.

He continued with the Presentation of Staff Service Awards. Jim Tenuto presented a 15 year award to Walter Blakney. Mr. Sandvoss continued and presented a 15 year award to Andy Nauman, Assistant Director of Campaign Disclosure. Jim Tenuto presented Rick Fulle with an award for 40 years of service.

Executive Director Sandvoss continued with Item C, Preparations for the march 15, 2016 General Primary Election with a petition filing update. He indicated the filing was a resounding success. All 323 opening hour filers were complete by 9:30 that morning. All orders for copies were filed and processed by 7:30 p.m. that night and all scanning was completed by 9:30 p.m. that night. He indicated that not charging for emailing or copying to a disc was a welcome development as it reduced the administrative tasks that in previous years were associated with the processing of payments. .

For informational purposes a report on Judges Training Schools in different jurisdictions was available on pages 88 and 89 of the packet.

Mr. Sandvoss summarized the five Items in the Legislative package - First, the SBE is asking for clarification as to which election judges we are obligated to reimburse the election authorities for, since the addition of more early and grace period voting days requires the hiring of more judges. Second, clean up language is being sought to substitute the term "vote by mail" for "absentee voting" in SB 172. Third, language in Article 28 relating to Statewide advisory referendum needs revising to make it consistent with changes made by SB 172. Fourth is eliminating or extending the 7-day calendar for campaign disclosure complaints and finally the fifth item to assist Champaign County's efforts to establish voting centers for clustered precincts within the County.

Gordy Hulten, Champaign County Clerk, spoke about his dealings with the Department of Justice regarding the very strict standards for accessibility requirements with the Americans with Disabilities Act. He would like the Legislature to consider a pilot program to be passed in 2016 and the program to be effective in 2017. Further the county would go from 100 polling places to 20 or 25 voting locations. Any voter could go to any location and not be limited by geography. He asked the Board to support the legislation. Ms. Cray, Legislative Liaison, added that Saint Clair County was chosen by the DOJ also and both counties had to enter into consent decrees. Clerk Hulten indicated that they met with local disability advocacy organizations and thought they were exceeding the ADA's requirements, but the DOJ said 60 per cent of the voting locations require millions of dollars of construction work and said locations are not owned by the county. Vote by mail and early voting is popular, but the DOJ wants the disabled to have the same election day experience as non-disabled voters. Member Keith moved to adopt the legislative agenda on page 90, with Item number 5 being modified, in accordance with the explanation given by the Champaign County Clerk. Member Cadigan seconded the motion which passed unanimously.

Ms. Cray asked the Board for Authorization to not publish the internet voters' guide for the upcoming March Primary, as most candidates do not participate, and the production uses a large amount of IT staff resources. Member Coffrin so moved and Member Cadigan seconded the Motion. The motion passed 8-0.

Kyle Thomas, Director of Voting Registration and Systems, asked the Board for two-year interim approval of the Unisys Open Elect 1.3.3 for use in Illinois. This new, additional, system has never

been used before and is an option for election authorities. He added that he is impressed with the service performed by Unisys in the past several years. Member Coffrin so moved and Chairman Scholz seconded the Motion which passed unanimously.

Not on the agenda, but of concern to the Board is the Electronic Registration Information Center, ERIC. We signed an agreement on December 2<sup>nd</sup> and chose the delayed payment schedule that was offered. January 1, 2016 we will be members in ERIC. Discussions with the Secretary of State's office for the data sharing agreement continue. Also, Mr. Thomas stated that if the Secretary of State timely uploads their data that would bring the SBE into compliance with a major portion of ERIC.

Kevin Turner, Director of Information Technology acknowledge the status of progress on SB172 as "going as best as we can." His concern is that two contractual employees have not been paid since July 1<sup>st</sup>.

Mr. Sandvoss admitted consideration of the FY17 appropriation request is challenging considering we don't have a FY16 budget. Funding of SB 172, maintenance, as well as upgrades necessary as a result of SB 172 are of concern. The Operations portion will decrease approximately \$206,000 due to retirements and replacing division directors with people at a lesser salary. Also, the deputy director in campaign disclosure was eliminated and there will be fewer copies printed of the Election Code which gives us a small decrease as well.

There will be 3 elections next year as opposed to one which will increase the reimbursement amounts to the election authorities. The County Clerk's stipend is included in the budget as well as an increase in IT and IVRS staff. Lastly, IVRS grant assistance has increased and been put into the budget as a result of SB 172. Member McGuffage cautioned that Illinois is deep in the hole and we should plan for up to 3 percent decreases across the board, and to be prepared for what happens in the coming months. Chairman Scholz moved to adopt the FY17 budget request and Member Coffrin seconded the motion. The motion passed 8-0.

Member Keith asked if we received any withdrawals of objections or candidates. Mr. Menzel indicated that four objections were withdrawn: 100, *Kay v. Phillips*; 105 *Runyon v. Kay*; and 519 *Palacio v. Rush*. The Candidate withdrew in 510, *Iler v. Hudson*.

The handling of Subpoena requests were discussed and agreed that the process of contacting the Chairman and Vice Chairman has worked well.

Member Keith moved to adjourn into executive session for personnel matters at 1:50 p.m. and returned to open session at 2:13 p.m. with 7 members present. Member McGuffage held Member Watson's proxy.

Member Keith moved to extend the General Counsel's contract for 18 months to December 31, 2017 and defer any compensation adjustments to when the budget is complete. The General Counsel waives his evaluation in writing. Member Coffrin seconded the Motion which passed unanimously.

As to the Executive Director, Member Keith moved to defer any compensation adjustments to when the budget is complete. Mr. Sandvoss waives his evaluation in writing. Member Coffrin seconded the motion which passed unanimously.

There being nothing further before the Board and no comments from the general public, the next board meeting is scheduled for Thursday, January 7, 2016 at 10:30 a.m. or until the call of the Chair, whichever is sooner. Member Keith so moved and Member Coffrin seconded the motion which passed unanimously by 8 voices in unison.

Respectfully submitted,



---

Darlene Gervase, Administrative Assistant III



---

Steven S. Sandvoss, Executive Director

STATE BOARD OF ELECTIONS  
Regular Meeting  
Thursday, January 7, 2016

MINUTES

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

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

---

The Chairman called the State Board of Elections meeting to order at 10:30 a.m. All members of the State Board of Elections were present.

Chairman Scholz led everyone in the Pledge of Allegiance.

The Chairman asked for a Motion to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Coffrin so moved and Member Cadigan seconded the motion which passed by 8 voices in unison.

The State Board of Elections recessed at 10:30 a.m. and returned to open session at 12:39 p.m. with all members present.

Executive Director Sandvoss reported on the potential ballot forfeiture for 2016 General Primary Election and payment of civil penalties. One committee, The Friends of Andre Smith, candidate for the 5<sup>th</sup> Representative District, owes an outstanding \$275 civil fine and cannot be certified to the ballot by the Board. Director of Campaign Disclosure, Tom Newman, advised the Board that 3 delegate candidates, Dan Balanoff, Don Castella and David Howard also have outstanding civil penalties. Mr. Sandvoss asked for authority to remove those names, as well as the names of candidates who withdraw, by issuing an Amended Certification. Staff will consult with the Election Authorities to ensure there is not an undue burden imposed if an Amended Certification is issued. There is a provision in the statute to ensure no votes will be counted for candidates removed after the ballot is printed.

Director Sandvoss presented the Certification of the March 15, 2016 General Primary Election. Member Keith moved to Certify the Ballot for the March 15, 2016 General Primary Election with the Authorization for staff to issue amended certifications in the event of withdrawals, ballot forfeiture and excess delegates. Member Cadigan seconded the motion which passed 7-0 by roll call vote. Member Carruthers recused himself.

Minutes from the December 14<sup>th</sup> meeting were presented and Member Coffrin moved to adopt the minutes. Member Watson seconded the motion which passed unanimously by 8 voices in unison.

Mr. Sandvoss discussed staff preparations for the March 15, 2016 General Primary Election. The petition filing for delegates and alternate delegates went very smooth and resulted in a total number of 1,217 filers.

Election judge training schools was submitted for informational purposes.

Kyle Thomas and Kevin Turner gave an update of SB 172. Although the SBE is required to submit reports to ERIC, we will not receive reports from ERIC until May 1<sup>st</sup>. Meetings with the Secretary of State's IT department continue to clarify details relating to data they will submit to staff.

The two-year plan of staff activity was submitted for information.

Member Cadigan asked about the threats of candidate Andrew Straw who intended to sue the Assistant Executive Director, the General Counsel and the entire Board if he was not certified to the ballot. Mr. Menzel indicated that he has been in contact with the Attorney General and that type of action would be covered by the State Indemnification Act and the Attorney General would represent those parties.

There being nothing further before the State Board of Elections, Member Keith moved to recess to January 20, 2016 or the call of the Chairman, whichever occurs first. Member Watson seconded the motion which passed unanimously by 8 voices in unison.

The State Board of Elections recessed at 1:42 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Darlene Gervase, Admin. Asst. III

  
\_\_\_\_\_  
Steven S. Sandvoss, Executive Director

STATE OFFICERS ELECTORAL BOARD  
Special Meeting  
Thursday, January 7, 2016

MINUTES

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

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

---

The Chairman called the State Officers Electoral Board meeting to order at 10:31 a.m. All members of the State Officers Electoral Board were present.

Executive Director Sandvoss presented the minutes of the December 14, 2015 meeting for approval. Member Cadigan so moved and Member Carruthers seconded the Motion which passed 8-0.

The following objections to established political party candidate nominating petitions for the March 15, 2016 General Primary Election were considered.

**Pearson v. Pahlke, 15SOEBGP500.** Attorney Edward Ronkowski filed an appearance and was present at the meeting. Elizabeth Diane Pahlke had filed a *Pro Se* Appearance but was not present at the meeting. Five thousand valid signatures are required to be submitted by the Republican candidate for the Office of U.S. Senate. Respondent submitted approximately 5,562 signatures. Objection alleged violations of Section 7-10 involving circulation, notarization, 90 day circulation requirement, both party and blanks for party references, unnumbered petition pages violations; 52 pages devoid of human signatures and approximately 38 pages of mud, grass, leaves and bird feces. Candidate numbered only 18 pages of the 613 submitted. The Hearing Officer found that the Candidate's petition lacked overall substantial compliance with Section 7-10 of the Election Code and recommended (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. The General Counsel concurred. Member Cadigan so moved and Member Carruthers seconded the Motion. The Motion passed unanimously by roll call vote.

**Cramer v. Straw, 15SOEBGP501.** Both parties submitted *Pro Se* Appearances and were present at the meeting. Basis of the Objection was an insufficient number of valid signatures. Candidate filed 128 signatures. Valid signatures required for a Republican Candidate for Representative in the 8<sup>th</sup> Congressional District is 475. Candidate submitted 128 signatures. Candidate argued that the Americans with Disabilities Act entitled him to an accommodation

related to gathering and petition circulation. The Hearing Officer found that the State Officers Electoral Board cannot grant the requested accommodations, cannot address constitutional challenges raised and has no jurisdiction over alleged Federal Campaign Finance violations involving an opposing candidate. The Hearing Officer recommended the Candidate's Motion to Strike the Objection be dismissed. Further, by filing an insufficient number of signatures, the Candidate's name not be certified to the ballot as a Republican Candidate for Representative from the 8<sup>th</sup> Congressional District. The General Counsel concurred. Vice Chairman Gowen so moved and Member Watson seconded the Motion. The Motion passed unanimously by roll call vote.

**Cramer v. Evans, 15SOEBGP502.** Thomas Bastian appeared for the Objector and Candidate filed a *Pro Se* Appearance. Both were present at the meeting. The candidate filed 434 signatures to run for the office of Representative in Congress from the 8<sup>th</sup> District for the Republican Party. The required number of valid signatures is 475. The Hearing Officer recommended that Candidate's Motion to Strike and Dismiss be denied; 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 Congress from the 8<sup>th</sup> District for the Republican Party. The General Counsel concurred. Member McGuffage so moved and Member Watson seconded the Motion. The Motion passed 8-0 by roll call vote.

**Cramer v. Hantsch, 15SOEBGP503.** Thomas Basitian appeared for the Objector and the Objector, Mark Cramer, filed a *Pro Se* Appearance. Both were present at the hearing. Candidate had filed a *Pro Se* Appearance but was not present at the meeting. Candidate filed 547 signatures. The required number of valid signatures for a Republican Candidate for the Office of Representative in the 8<sup>th</sup> Congressional District is 475. An Objection was timely filed to the validity of signatures and a binder check was performed. 175 objections were Sustained, leaving 372 valid signatures; 103 less than the requirement. The Hearing Officer recommends the objection be Sustained and the Candidate's name not certified to the ballot as a Republican Party candidate for the Office of Representative in the General Assembly for the 8<sup>th</sup> Representative District. The General Counsel concurred. Member Carruthers so moved and Member Cadigan seconded the Motion which passed unanimously by roll call vote.

**Ogunneye v. Hastings, 15SOEBGP506.** McStephen Solomon filed an Appearance for the Objector. Burton Odelson, Lauren Glennon and Luke Keller filed an Appearance for the Candidate but did not appear at the meeting. An Objection to residency requirement was filed against Michael Hastings, a Democratic candidate for the Office of State Senate in the 19<sup>th</sup> District. The Hearing Officer found that the Candidate satisfies the residency requirement to be a candidate for State Senate and Recommends 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 19<sup>th</sup> Legislative District for the State of Illinois. The General Counsel concurred. Member Keith so moved and Member Watson seconded the Motion. The Motion passed unanimously.

**Mason v. Jernigan, 15SOEBGP507.** Michael Kasper filed an Appearance for the Objector and appeared at the meeting. No one appeared for the Candidate. Linda Jernigan filed 524 signatures to run for the Office of State Representative from the 38<sup>th</sup> District for the Democratic Party. An Objection was filed to the validity of 295 signatures and a binder check was ordered. Objections to the validity of 244 signatures were sustained resulting in 284 valid signatures, 220 less than the minimum of 500. The Hearing Officer recommended 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 38<sup>th</sup> Representative District in the State

of Illinois. The General Counsel concurred. Member Keith moved to adopt the Hearing Officer and General Counsel's recommendations. Member Watson seconded the Motion. The Motion passed unanimously by roll call vote.

**Larson v. Wesa, 15SOEBGP513 and Airdo v. Wesa, 15SOEBGP515.** Michael Kasper and Kevin M. Morphew filed Appearances for the Objector Larson in 513. Rich Means filed an Appearance for Objector Airdo in 515. Attorneys Kasper and Means appeared at the meeting. No one appeared for the Candidate. The objections similarly alleged that the Candidate's Statement of Candidacy was false and were consolidated for the Board Meeting only. Objector Airdo argued that the Candidate failed to satisfy the two year residency requirement prior to filing her nomination papers. The matters were consolidated. Evidence proving the candidate did not reside at the address on the nomination papers was presented at the hearing. A binder check resulted in 503 valid signatures, 3 over the minimum. The Hearing Officer recommended that the Objection to Candidate's nomination papers be Sustained and the Candidate's name not be certified for the ballot as candidate for the Republican Party for the Office of Representative in the General Assembly for the 77<sup>th</sup> Representative District for the State of Illinois. The General Counsel concurred and added that the Candidate faxed a signed and notarized Withdrawal of Candidacy. The Board cannot process her withdrawal until it receives an original signed document. Member Keith moved to Sustain the Objection and Candidate's name not appear on the ballot. Member Cadigan seconded the Motion which passed 8-0 by roll call vote.

**Schmidt v. Moeller, 15SOEBGP516.** Anna Moeller, candidate for State Representative from the 43<sup>rd</sup> District for the Democratic Party signed her petition; the petition of a Republican Party candidate; and her Statement of Candidacy as a Democratic Party candidate, in that order. The Objector was represented by Jeffrey Meyer and Michael Kasper represented the Candidate. Both were present at the meeting. The timing of the signatures and sequence of events were undisputed and supported by affidavits submitted by the Candidate. Relying on case law, the Hearing Officer found that the candidate's signature on her own Democratic petition is valid and the subsequent signatures should be stricken. Further that the candidate aligned herself with the Democratic Party when she signed her own petition and the Statement of Candidacy. The Hearing Officer recommended that the Board (1) grant the Candidate's Motion for Summary Judgment, (2) overrule the Objection in its entirety, and (3) order that the Candidate's name be certified for the ballot as Democratic Party candidate for the Office of Representative in the General Assembly for the 43<sup>rd</sup> Legislative District. The General Counsel concurred. Member Cadigan moved to accept Attorney Meyer's request for Leave to File Exceptions to Include in the Record. Member Carruthers seconded the Motion which passed unanimously by 8 voices in unison. Member Keith moved to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot. Member Watson seconded the motion which passed 6-2 with Members Cadigan and Carruthers dissenting.

**Bartlett v. Rush, 15SOEBGP517.** Objections were filed to the validity of signatures and circulators filed on the candidate's petition. A binder check was ordered. The Objector was represented by Michael Dorf; and Brendan Shiller represented the Candidate. Attorneys for both parties were present at the meeting. Candidate Bobby Rush filed 3,067 to run for the Office of Representative in Congress from the 1<sup>st</sup> Congressional District for the Democratic Party. 1,314 valid signatures are required. The binder check showed 93 valid signatures more than required. All motions and pleadings filed in the case were rendered moot in light of the results of the binder check. The Hearing Officer recommended (1) that objections to Candidate's nomination papers be overruled, (2) Candidate's nomination papers be deemed valid and (3) Candidate's name certified for the ballot as candidate for the Democratic Party for the Office of United States Representative for the 1<sup>st</sup> Congressional District for the State of Illinois. The General Counsel

concurrent. Member Cadigan so moved and Vice Chairman Gowen seconded the Motion which passed unanimously.

***Dobkin & Jacobs v. Sherman, 15SOEBGP520.*** Objections were filed to the candidacy of Rob Sherman as candidate for the Office of Representative in Congress for the 5<sup>th</sup> Congressional District for the Green Party. Andrew Finko represented the Objector and Richard Means represented the Candidate. Attorneys for both parties were present at the meeting. Twelve valid signatures are required for the office. Objections included an incomplete Statement of Candidacy, insufficient number of valid signatures, circulators issues and candidate is not a registered voter in the district. A binder check was ordered and resulted in 22 valid signatures, 10 more than required. The Hearing Officer recommended the Objection be Overruled and dismissed arguments that the Candidate is not sufficiently affiliated with the Green Party to be their candidate, and ruled that candidate must reside within the State of Illinois, not the 5<sup>th</sup> Congressional District, to run for office. The General Counsel agreed and takes the position that a “qualified primary elector” to run 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. Member Coffrin so moved and Vice Chairman Gowen seconded the Motion to adopt the Hearing Officer and General Counsel’s recommendations and the Candidate’s name be certified for the ballot. The Motion passed unanimously by roll call vote.

***Dobkin & Jacobs v. Mayers, 15SOEBGP521.*** An Objection to the candidate’s Statement of Candidacy, various invalid signers, a pattern of fraud, candidate is not a qualified voter, petition not bound and photocopied sheets in violation of Section 7-10 of the Election Code was timely filed. Andrew Finko represented the Objectors. Candidate Mayers filed a *Pro Se* Appearance. Mr. Finko was present at the meeting. Mr. Mayers was not present. A binder check was ordered and examiners ruled on objections to 31 signatures. The binder check yielded 17 valid signatures, 5 more than the required minimum 12. The Hearing Officer recommended the claim the Candidate is not affiliated with the Green Party, and that the Candidate must be a resident of the 5<sup>th</sup> Congressional District be dismissed as in Case # 15 SOEB GP520. The Hearing Officer originally recommended the objection the Candidate is not a qualified voter be sustained because Mr. Mayers did not provide proof he was a registered voter at the time of signing his Statement of Candidacy was reconsidered. He amended that recommendation because being unable to vote in Illinois when the Candidate filed his Statement of Candidacy and being unable to vote in the 5<sup>th</sup> Congressional District may be too subtle of a distinction to pass Constitutional muster. Therefore, the Hearing Officer recommended the Candidate need not present proof to the Board that he was a registered voter of signing his Statement of Candidacy and recommended the Candidate be certified to the ballot. General Counsel Menzel did not concur with the Hearing Officer’s ultimate recommendation as he take the position a “qualified primary elector” for the purpose of running in a primary election is a person properly registered to vote and who has not taken prior action to affiliate with a different political party for the current election cycle. Mr. Mayers chose to cancel his voter registration so as to no longer be a properly registered voter. For that reason, Mr. Menzel found he is not a “qualified primary elector” of any political party. Member Keith moved to adopt the General Counsel’s Recommendation to sustain the election and find the Candidate’s name not be certified as a candidate for the 2016 General Primary Election for the Office of U.S. Representative for the 5<sup>th</sup> Congressional District on the Green Party’s primary ballot. Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote.

Objections were filed by the same person to Candidates in cases 15SOEBGP523; 524; and 525 which were summarized together. The Objection to all cases involved validity of signatures and referenced an Appendix-Recapitulation sheet which should detail line-by-line objections. However no such Appendix-Recapitulation sheet was filed with any of the Objections.

**Lewis v. Rayburn, 15SOEBGP523.** Objector and candidate filed *Pro Se* Appearances. Only Mr. Rayburn was present at the meeting. The Candidate filed a Motion to Overrule/Strike the Objector's Petition on the basis Objector failed to include the Appendix-Recapitulation. Objector filed his response alleging his petition satisfies the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Vice Chairman Gowen seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2<sup>nd</sup> Congressional District. The Motion passed unanimously by roll call vote.

**Lewis v. Myrickes, 15SOEBGP524.** Objector and candidate filed *Pro Se* Appearances. Neither was present at the meeting. The Candidate filed a Motion to Overrule/Strike the Objector's Petition on the basis Objector failed to include the Appendix-Recapitulation. Objector filed his response alleging his petition satisfies the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Member Watson seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2<sup>nd</sup> Congressional District. The Motion passed unanimously by roll call vote.

**Lewis v. Kelly, 15SOEBGP525.** Objector a filed *Pro Se* Appearance and the candidate was represented by Michael Dorf. Only Mr. Dorf was present at the meeting. The Candidate filed a Motion to Dismiss on the basis Objector failed to include the Appendix-Recapitulation. Objector's Response to Motion to Dismiss alleged his petition satisfied the requirements of 10-8 and 10-9. The Hearing Officer recommended granting the Candidate's Motion to Overrule/Strike the Objector's petition and the General Counsel concurred. Member Keith so moved and Member Watson seconded the motion to adopt the Hearing Officer and General Counsel's recommendations and the Candidate's name be certified for the ballot as the Democratic candidate for the Office of Representative in Congress from the 2<sup>nd</sup> Congressional District. The Motion passed unanimously by roll call vote.

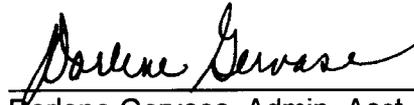
The following Objections/Candidates withdrawn were presented for informational purposes:

- 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; and
- i. *Palacio v. Rush*, 15SOEBGP519 – objection withdrawn.
- j. *Brown v. Harris*, 15SOEBGP522 – objection withdrawn.

There being nothing further before the State Officers Electoral Board, Member Keith moved to recess to January 20, 2016 or the call of the Chairman, whichever occurs first. Member Carruthers seconded the motion which passed unanimously by 8 voices in unison.

The State Officers Electoral Board recessed at 12:22 p.m.

Respectfully submitted,



---

Darlene Gervase, Admin. Asst. III



---

Steven S. Sandvoss, Executive Director

## Objection Report

Objection Information	Office and Party	Hearing Information
<b>16SOEBGP526</b> PENDING 01/06/2016 04:06 PM		SBE 01/20/2016 10:30 AM
<u>Candidates:</u> TED CRUZ 3333 ALLEN PKWY APT. #1906 HOUSTON, TX 77019	<b>PRESIDENT REPUBLICAN</b>	
<u>Objectors:</u> LAWRENCE J JOYCE 115 SEMINOLE PL NW POPLAR GROVE, IL 61065		
<b>16SOEBGP527</b> PENDING 01/08/2016 02:40 PM		SBE 01/20/2016 10:30 AM
<u>Candidates:</u> TED CRUZ 3333 ALLEN PKWY APT. #1906 HOUSTON, TX 77019	<b>PRESIDENT REPUBLICAN</b>	
<u>Objectors:</u> WILLIAM K. GRAHAM 3S351 JUNIPER LANE GLEN ELLYN, IL 60137		
<b>16SOEBGP528</b> PENDING 01/08/2016 02:40 PM		SBE 01/20/2016 10:30 AM
<u>Candidates:</u> MARCO RUBIO 6060 SW 13TH STREET WEST MIAMI, FL 33144	<b>PRESIDENT REPUBLICAN</b>	
<u>Objectors:</u> WILLIAM K. GRAHAM 3S351 JUNIPER LANE GLEN ELLYN, IL 60137		

Objection Report

Objection Information	Office and Party	Hearing Information
-----------------------	------------------	---------------------

**16SOEBGP529** PENDING  
01/13/2016 02:40 PM

SBE  
01/20/2016 10:30 AM

Candidates:

LARRY (LAWRENCE) COHEN  
5700 N. SHERIDAN RD.  
APT. #714  
CHICAGO, IL 60660

**PRESIDENT**  
**DEMOCRATIC**

Objectors:

ELAINE SHAW  
4046 W. JACKSON ST.  
CHICAGO, IL 60624

RICKEY R HENDON  
2800 WEST WASHINGTON  
APARTMENT 202  
CHICAGO, IL 60612

**16SOEBGP530** PENDING  
01/13/2016 02:41 PM

SBE  
01/20/2016 10:30 AM

Candidates:

MARTIN J. O'MALLEY  
5304 TILBURY WAY  
BALTIMORE, MD 21212

**PRESIDENT**  
**DEMOCRATIC**

Objectors:

ELAINE SHAW  
4046 W. JACKSON ST.  
CHICAGO, IL 60624

RICKEY R HENDON  
2800 WEST WASHINGTON  
APARTMENT 202  
CHICAGO, IL 60612

## Objection Report

Objection Information	Office and Party	Hearing Information
<b>16SOEBGP531</b> PENDING 01/13/2016 02:42 PM	<b>PRESIDENT</b> <b>DEMOCRATIC</b>	<b>SBE</b> 01/20/2016 10:30 AM
<u>Candidates:</u>		
BERNIE SANDERS 221 VAN PATTEN PKWY BURLINGTON, VT 05408		
<u>Objectors:</u>		
ELAINE SHAW 4046 W. JACKSON ST. CHICAGO, IL 60624		
RICKEY R HENDON 2800 WEST WASHINGTON APARTMENT 202 CHICAGO, IL 60612		
<b>16SOEBGP532</b> PENDING 01/13/2016 02:43 PM	<b>PRESIDENT</b> <b>DEMOCRATIC</b>	<b>SBE</b> 01/20/2016 10:30 AM
<u>Candidates:</u>		
ROQUE "ROCKY" DE LA FUENTE 5440 MOREHOUSE DRIVE #45 SAN DIEGO, CA 92121		
<u>Objectors:</u>		
ELAINE SHAW 4046 W. JACKSON ST. CHICAGO, IL 60624		
RICKEY R HENDON 2800 WEST WASHINGTON APARTMENT 202 CHICAGO, IL 60612		
<b>16SOEBGP533</b> PENDING 01/13/2016 04:38 PM	<b>PRESIDENT</b> <b>DEMOCRATIC</b>	<b>SBE</b> 01/20/2016 10:30 AM
<u>Candidates:</u>		
HILLARY CLINTON 15 OLD HOUSE LANE CHAPPAQUA, NY 10514		
<u>Objectors:</u>		
BRANT DAVIS 1635 WEST BEACH, UNIT 2 CHICAGO, IL 60622		

# RULES OF PROCEDURE

## ADOPTED BY THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATING PAPERS SEEKING TO PLACE ESTABLISHED POLITICAL PARTY PRESIDENTIAL AND DELEGATE CANDIDATES ON THE BALLOT FOR THE MARCH 15, 2016 PRIMARY ELECTION

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

### 1. EXPEDITED PROCEEDINGS

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

At 10:30 a.m. on Wednesday, January 20, 2016, the Board will conduct an Initial Meeting of the State Officers Electoral Board for the limited purpose of accepting appearances from the parties or their respective counsel, adopting the Rules of Procedure, appointing hearing officers and assigning the cases to them, and conducting case management conferences.

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

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

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

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

## **3. APPEARANCE**

The candidate or objector may appear in person on his or her own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, any counsel to the Board or the Board's appointed Hearing examiner) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party. Out of state attorneys may appear subject to Part 125.60(b) of the Rules and Regulations of the State Board of Elections. A party must file with the Board and other parties of the case a written appearance stating his or her name, address, telephone or cellular phone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

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

#### 4. AUTHORITY OF THE BOARD

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

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

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

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

The Board may on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. Objections to individual signers and/or circulators must consist of a specific objection or objections to that particular signer or circulator. In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law.

## 5. HEARING EXAMINERS

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

## 6. SERVICE OF DOCUMENTS

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

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

## 7. MOTIONS PRACTICE

### All Motions Generally

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

### Dispositive Motions

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

## 8. SUBPOENAS

Any party desiring the issuance of a subpoena shall submit a request to the hearing examiner. Such request for subpoena may seek the attendance of witnesses at a deposition (evidentiary or discovery, however all depositions can be used for evidentiary purposes) or hearing and/or subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. The request must be filed no later than **5:00 p.m. on Friday, January 22<sup>nd</sup>** and shall include a copy of the subpoena itself and a detailed basis upon which the request is based. A copy of the request shall be given to the opposing party at the same time it is submitted to the hearing examiner. The hearing examiner shall submit the same to the Chairman and Vice Chairman (via General Counsel) no later than **5:00 p.m. on Monday, January 25<sup>th</sup>**. The Chairman and Vice Chairman shall consider the request and such request shall only be granted by the Chairman or Vice Chairman. The opposing party may submit a response to the request; however any such response shall be given to the hearing examiner no later than **4:00 p.m. on Monday, January 25<sup>th</sup>**, who shall then transmit it to the Chairman and Vice Chairman (through the General Counsel's office) with the subpoena request. The hearing examiner shall issue a recommendation on whether or not the subpoena request should be granted no later than **5:00 p.m. on Tuesday, January 26<sup>th</sup>**. The Chairman or Vice Chairman may limit or modify the subpoena based on the pleadings of the parties or on their own initiative. Any subpoena request received subsequent to **5:00 p.m. on January 22<sup>nd</sup>** will NOT be considered unless good cause shown. If approved, the party requesting the subpoena shall be responsible for proper service thereof.

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

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

## 9. RECORDS EXAMINATION

**NOTE:** Records exams will be scheduled as soon as practicable, and may commence as early as **Friday, January 22<sup>nd</sup>**.

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

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

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

The Board or a hearing examiner may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the Objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were not made in good faith. In the alternative, the Board or hearing examiner may order, on its own motion or upon motion of the candidate, that the objector show cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection.

Each party shall have the right to have designated and duly authorized representatives ("watchers"), including the party or the party's counsel, present during the records examination. No more than one watcher for each party may be assigned to any given computer terminal at which a records

examination is being conducted. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

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

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

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

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

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

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

## 10. EVIDENCE

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

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

## **11. ARGUMENT**

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

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

## **12. ORDER**

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

## **13. GENERAL PROCEDURES**

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

## **14. SESSIONS**

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

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

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board. If a party aggrieved by the decision of the Board timely files and serves upon the Board a proper petition for judicial review pursuant to Section 10-10.1 of the Election Code, the Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Board. The petitioner or the Court shall designate which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not

included in the petitioner's designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

ADOPTED THIS 20<sup>th</sup> day of January, 2016

\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )

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

## APPENDIX A.

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

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

### Pattern of Fraud

If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators accompanied by evidence of fraudulent conduct, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion. To make a valid claim of a pattern of fraud, an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. In addition, the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.

#### I. Objections to Individual Signers

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

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

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

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

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

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

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

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

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

**E. Signature is Not Legible**

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

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

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

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

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

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

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

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

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

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

## II. Objections to Petition Circulators

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

### A. Circulator did not Sign Petition Sheet

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

### B. Ineligible Circulator

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

### C. Circulator's Signature Not Genuine

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

### D. Circulator's Address is Incomplete

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

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

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

**F. Sheet Not Notarized**

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

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

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

**III. Miscellaneous Objections**

**A. Signatures Exceed the Statutory Maximum**

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

**APPENDIX B.**

**Schedule of Brief and Motion Filing**

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

Must be filed no later than 5:00 p.m. on the second business day (**Friday, January 22<sup>nd</sup>**) following the date of the Initial Meeting of the Board, unless extended by the Board or hearing examiner for good cause shown.

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

Must be filed no later than 5:00 p.m. on the first business day following the due date of the Candidate's MTSD or Objector's MSJ (**Monday, January 25<sup>th</sup>**) unless extended by the Board or hearing examiner for good cause shown.

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

Must be filed no later than 5:00 p.m. on the first business day following the due date of the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MSJ (**Tuesday, January 26<sup>th</sup>**) unless extended by the Board or hearing examiner for good cause shown.

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

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS



EXECUTIVE DIRECTOR  
Steven S. Sandvoss

2329 S. MacArthur Blvd.  
Springfield, Illinois 62704-4503  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 W. Randolph St., Ste. 14-100  
Chicago, Illinois 60601-3232  
312/814-6440  
Fax: 312/814-6485

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

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

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

**Re:** Appointment of Hearing Officers

**Date:** January 14, 2016

---

I have selected the following persons to serve as hearing officers for the several objections filed with the State Board of Elections following the filing period for presidential candidates seeking nomination at the March 15, 2015 General Primary Election and propose the following cases be assigned to them for hearing.

**Barbara Goodman**

16 SOEB GP 530 Hendon & Shaw v. O'Malley  
16 SOEB GP 531 Hendon & Shaw v. Sanders

**Philip Krasny**

16 SOEB GP 532 Hendon & Shaw v. De La Fuente  
16 SOEB GP 533 Davis v. Clinton

**Jim Tenuto**

16 SOEB GP 526 Joyce v. Cruz  
16 SOEB GP 527 Graham v. Cruz  
16 SOEB GP 528 Graham v. Rubio  
16 SOEB GP 529 Hendon & Shaw v. Cohen

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

Sincerely

  
Kenneth R. Menzel, General Counsel

**Ochs v Curtis**  
**15 SOEB GP 104**

**Candidate:** John Curtis

**Office:** State Representative, 109<sup>th</sup> District

**Party:** Republican

**Objector:** James Ochs/Carolyn Ochs

**Attorney For Objector:** John Fogarty

**Attorney For Candidate:** Pro Se

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 642

**Number of Signatures Objected to:** 254

**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." Additionally, Objector alleges that the petition contains signatures which are legally defective and deficient in that those individuals so signing signed a nominating petition for another established party candidate prior to signing Candidate's petition.

**Dispositive Motions:** Candidate's Motion to Strike and Dismiss

**Binder Check Necessary:** Yes

**Hearing Officer:** David Herman

**Hearing Officer Findings and Recommendations:** A records examination commenced and was completed on December 16, 2015. The examiners ruled on objections to 254 signatures. 133 objections were sustained, leaving 509 signatures considered valid, 9 signatures more than the required minimum number of 500 signatures.

The Candidate's Motion to Strike sought to strike and dismiss the Objector's petition as filed and asserted that paragraphs 10 and 11 should be stricken as there were no allegations that any voters signed the nomination papers more than once or that they signed the nomination papers for another established party prior to signing the Candidate's papers.

The Candidate filed his Objections to Staff Findings, but did not attempt to rehabilitate any signatures. The Objector filed his Response to Candidate's Motion to Dismiss with pretrial submissions. The Hearing Officer recommends that the Candidate's Motion to Dismiss be denied, as there is no legal basis presented in the motion to allow for a summary disposition.

On December 22, 2015, the Objector filed a Rule 9 Motion. Hearing was held on January 4, 2016. The Objector argued several bases as follow: (1) that the Board incorrectly counted the number of total signatures gathered by the Candidate; (2) that the Board erred in overruling specified objections that the signer was not registered at the address noted; (3) that the Board incorrectly overruled objections to the genuineness of specified signatures and (4) that the Board incorrectly overruled specified objections that the signers reside outside the 109<sup>th</sup> Representative District.

With regard to the signature count, after the Hearing Officer's and Board staff's review, it was determined that the Candidate had collected 641 total signatures and not the 642 signatures noted on the December 16<sup>th</sup> record examination report. The hearing officer recommends that one signature be subtracted from the Candidate's total number of signatures considered to be valid, making that number 508.

With regard to the Objector's objections to the Board's findings that 3 specified signers were registered at the addresses noted on the petition, the hearing examiner, in reviewing the statewide voter database, found the Board had erred in overruling 1 objection that the signer was not registered at the address noted on the petition. The Objector conceded that the other 2 Board determinations were not in error. The Hearing Officer recommends that 2 of the rulings made by the Board upon records examination be sustained, and 1 be overruled, which would result in 1 signature being subtracted from the Candidate's total number of valid signatures.

The Objector argued that the Board erred in overruling objections to the genuineness of 13 voter signatures. The Objector submitted registration records in support of his argument, but did not provide expert witness testimony or voter affidavits. The Candidate provided personal testimony. The Hearing Officer independently recommends that 8 of the rulings made by the Board upon records examination be sustained, and 5 of the rulings be overruled, which would result in an additional 5 signatures being subtracted from the Candidate's total number of valid signatures.

The Objector argued that 2 of the signatures considered valid by the Board upon record examination were in error, as those signers reside outside the 109<sup>th</sup> Representative District. The Objectors presented no evidence that the addresses stated on the petition were outside of the district (although the Hearing Officer noted that the evidence did demonstrate that the signers were not registered at the addresses shown on the petition). Because that was not the basis of objection, however, the Hearing Officer recommends that the rulings by the Board staff be sustained.

At the conclusion of the Rule 9 Hearing, Objector asserted an objection for pattern and practice of fraud based upon the Candidate's testimony (Candidate served as his own circulator) that he may not have witnessed all of the "mom and pop" type signatures in his petition. The Objector sought to have all of the petitions circulated by the Candidate stricken, or, in the alternative, to have one page of the petition (page 22) stricken. No other evidence of pattern of fraud was presented by the Objector, and upon further inquiry, the Candidate admitted that he did not personally witness one

signature and conceded the objection to that specific signature, which resulted in the Hearing Officer's recommendation that that one signature be removed from the signature count. Accordingly, the Hearing Officer believes that the remedies sought by the Objector are too broad and would result in too harsh a penalty to Candidate, and recommends that the Board find that no pattern and practice of fraud has been established by the evidence.

Accordingly, the Hearing Officer recommends that: (1) the Board deny the Candidate's Motion to Strike and Dismiss; (2) the Board find that the Candidate needed 500 valid signatures to be on the ballot, and the Candidate had 508 valid signatures after the record examination; (3) the Board order that 6 of the signature objections that were previously overruled at record examination be sustained and excluded; (4) that the Board grant in part and deny in part the Objector's Rule 9 Motion, recommending that a total of 6 signatures found to be valid from the records examination be overruled, and that those 6 signatures be subtracted from the total number of valid signatures on the Candidate's nominating petition; (5) that the Board find that after subtracting 6 signatures from the Candidate's 508 valid signatures, the Candidate has 2 valid signatures remaining; (6) the Board order that there has been no establishment of a pattern and practice of fraud by the Candidate; and (7) that the Board order that the Candidate's name be certified to the ballot as a Democratic Party candidate for the office of State Representative for the 109th Representative District of 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 OF CANDIDATES FOR ELECTION TO THE OFFICE OF  
REPRESENTATIVE IN THE GENERAL ASSEMBLY FROM THE 109<sup>th</sup>  
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS TO BE VOTED FOR  
AT THE PRIMARY ELECTION TO BE HELD ON MARCH 15, 2016**

JAMES OCHS AND CAROLYN OCHS, )  
 )  
 Petitioners-Objectors, )  
 )  
 vs. )  
 )  
 JOHN CURTIS, )  
 )  
 Respondent-Candidate. )

Case No. 15-SOEB-GP-104

**RECOMMENDATION**

TO: James Ochs and Carolyn Ochs  
c/o John G. Fogarty, Jr.  
4043 N. Ravenswood  
Suite 226  
Chicago, IL 60613  
[john@fogartylawoffice.com](mailto:john@fogartylawoffice.com)

John Curtis  
16683 E 2140<sup>th</sup> Ave.  
Hidalgo, IL 62432  
[curtiscrew99@yahoo.com](mailto:curtiscrew99@yahoo.com)

Ken Menzel  
Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704  
[kmenzel@elections.il.gov](mailto:kmenzel@elections.il.gov)

This matter commenced on December 7, 2015, when the Objectors, James Ochs and Carolyn Ochs, (hereinafter "Objectors") filed their Verified Objectors' Petition (hereinafter "Objector's Petition") (Exhibit A to this Recommendation) with the Illinois State Board of Elections. The Objector's Petition alleged that the nomination papers of John Curtis for the Office of Representative in the General Assembly for the 109<sup>th</sup> Representative District in the State of Illinois (hereinafter "Candidate"), were insufficient in that they were not in conformance with certain provisions of the Illinois Election Code. Specifically, Objectors alleged that:

1. That Candidate's Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered and legal voters at the addresses shown opposite their names in the 109<sup>th</sup> Representative District;
2. That Candidate's Nomination Papers contain the names of numerous persons who have signed said petition but are not, in fact, duly qualified, registered and legal

voters at addresses that are located within the boundaries of the 109<sup>th</sup> Representative District;

3. That Candidate's Nomination Papers contain the names of numerous persons who did not sign the said Nomination Papers in their own proper persons, and that the said signatures are not genuine;
4. That Candidate's Nomination Papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, and;
5. That Candidate's Nomination Papers contain various purported signatures that are legally defective and deficient in that those individuals so signing signed a nominating petition for a candidate of another established political party prior to signing Candidate's petition.

Candidate filed a Motion to Dismiss (Exhibit B) on December 15, 2015 challenging the Objector's Petition as filed. The Motion also asserts that paragraphs 10 and 11 of the Objector's Petition should be stricken as there are no allegations that any voters signed the nomination papers more than once or that they signed the nomination papers for another established party prior to signing Candidate's nomination papers.

On December 16, 2015, a records examination was conducted by staff of the State Board of Elections. The records review revealed that Candidate had collected a total of 642 signatures. There were 254 objections reviewed at the records examination. At the conclusion of the records examination, there were 509 signatures considered valid (133 objections were sustained, while 121 objections were overruled). The Objection Summary Report reflecting the results of the staff records exam is attached to this Recommendation as Exhibit C. After the records review, Candidate did have the required statutory minimum of not fewer than 500 signatures to be placed on the ballot.

Candidate filed his Objections to Staff Findings (Exhibit D) on December 18, 2015 but has not attempted to rehabilitate any signatures in that he has provided no evidence to the Hearing Examiner.

Objectors filed their Response to Candidate's Motion to Dismiss on December 18, 2015 (Exhibit E). Objectors presented their Pretrial Submissions to the Hearing Examiner on December 18, 2015 (Exhibit F).

On December 22, 2015, Objectors filed their Rule 9 Motion (Exhibit G). That Motion takes issue with the staff's rulings to numerous signatures that were declared to have been valid and asserts a reduction of the number of valid signatures is required. The Motion also argues that the total number of signatures submitted by Candidate is 641, not the 642 noted by the State Board of Elections on the Objection Detail Report.

Candidate filed with the Hearing Examiner a Rule 9 Objection Exhibit A and Rule 9 Objection Exhibit B as his reply to the Response to Motion to Dismiss filed by Objectors

(Exhibit H). Candidate states that he will have affidavits from the signers of the petition sheets. The Hearing Examiner has not received any such affidavits from Candidate.

A Rule 9 Motion Hearing was held on January 4, 2015, at 3:00 p.m. at the offices of the Illinois State Board of Elections in Springfield Illinois. Attorney John Fogarty was present for Objectors and Candidate, John Curtis, was present along with his wife, Erin Curtis. During the proceedings, both Candidate and his wife were sworn in and presented testimony. The transcript of the hearing is attached to this Recommendation as Exhibit I.

### ANALYSIS

#### Candidate's Motion to Dismiss

The Hearing Officer recommends that Candidate's Motion to Dismiss be denied as there is no legal basis presented in the Motion to allow for a summary disposition of the objections.

#### Objectors' Rule 9 Motion Arguments

The Hearing Examiner offers the following recommendations to the Illinois State Board of Elections with reference to the arguments presented in Objectors' Rule 9 Motion. The Hearing Examiner addresses each argument separately. The specific petition sheets and evidence referenced below are attached to this Recommendation as Group Exhibit J.

1. According to the Objection Detail Report, Candidate herein has submitted 642 signatures with his petitions. However, a count of the signatures submitted on Candidate's petitions reveals that the Candidate has submitted only 641 signatures with his petitions.

**Hearing Examiner Recommendation** – After receiving Objectors' assertions as to the incorrect number of total signatures submitted by Candidate, the State Board of Elections ("SBOE") staff reexamined the signatures totals collected by Candidate and determined that Candidate collected 641 total signatures and not the 642 signatures previously noted in the Objection Detail Report. The error in the signature totals occurred because page 38 of the petitions was originally deemed to have contained 15 signatures and upon review it only contained 14 signatures. This information was reviewed at the Rule 9 Hearing by the Hearing Examiner, Objector's counsel and by Candidate, and Candidate acknowledged that he submitted 641 signatures and not 642. At the record examination, 133 objections were sustained (641-133 = 508). **Therefore, the recommendation of the Hearing Examiner is that Candidate should currently have 508 valid signatures.**

2. Page 1, line 10. Objectors objected to this signature on the ground that the signer was not registered at the address shown. The signer purports to be "Zachary Caress", purporting to reside at "5542 N. IL-130, Olney, Illinois". SBOE staff overruled. On the Objection Detail Report, the voter found by the SBOE at Page 1, line 10 and purporting to be Zachary Caress, is "Kyler Ewald West, 5038 E. North View Lane, Olney, IL 62450." Mr. West appears to be the signer at Page 1, line 15 of Candidate's petitions.

**Hearing Examiner Recommendation** – During the Rule 9 Hearing, a review of the statewide voter database information revealed that Zachary Caress was registered at the address shown on the petition and based upon a review of that information Objectors, through their counsel, conceded this specific objection. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

3. Page 8, line 3. Objectors objected to this signature on the ground that the signer was not registered at the address shown. The signer purports to be “Andy Ridgeway”, purporting to reside at “601 West 3<sup>rd</sup>, Flora, Illinois”. SBOE staff overruled. On the Objection Detail Report, the voter found by the SBOE at Page 3, line 8 and purporting to be Andy Ridgeway, is “Whitney N. Ruger, 120 W 6<sup>th</sup>, Flora, IL 62839.” As this name and address appear to be completely different than that shown on Candidate's petitions, this ruling therefore is in error.

**Hearing Examiner Recommendation** - During the Rule 9 Hearing, a review of the statewide voter database information revealed that Andy Ridgeway was not registered at the address shown on the petition. **Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 507 valid signatures).**

4. Page 41, line 2. Objectors objected to this signature on the ground that the signer was not registered at the address shown. The signer purports to be “Cynthia Grein” purporting to reside at “10850 E 200 Rd., Browns, Illinois”. SBOE staff overruled. On the Objection Detail Report, the voter found by the SBOE at Page 41, line 2 and purporting to be Cynthia Grein is “Kathy Reeves, 5764 E. Antioch Ln, Olney, IL 62839.” As this name and address appear to be completely different than that shown on Candidate's petitions, this ruling therefore is in error.

**Hearing Examiner Recommendation** – During the Rule 9 Hearing, a review of the statewide voter data base information revealed that Cynthia Grein was registered at the address shown on the petition and based upon a review of that information Objectors, through their counsel, conceded this specific objection. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

5. Page 1, line 12. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. The name of the signer on Page 1, line 12 appears to be “Levi Foster”, purporting to reside at “136 S. First Street, Lawrenceville, Illinois”. Objectors now ask this Board to take judicial notice of the fact that there exists no First Street in Lawrenceville, Illinois. Accordingly, the signature at Page 1, line 12 cannot be genuine.

**Hearing Examiner Recommendation** - Objectors submit evidence that there is no First Street in the City of Lawrenceville, Illinois and, therefore, the signature on Page 1, line 12 is not genuine. It is Objectors’ burden to produce evidence to

have the overruled objection sustained. Objectors did not produce evidence that Levi Foster's signature is not genuine as they alleged in their objection. Instead, they have produced evidence that the signer was not registered at the address shown, which is not the basis for their objection. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

6. Page 3, line 8. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled, apparently because the voter's record could not be found. Objectors now present the registration record of Rachel Seals demonstrating that the signature on Page 3, line 8 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any other evidence. (He does not personally know Ms. Seals.). Objectors reference the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains no information in the "Voter Information" column relating to the alleged signer on Page 3, line 8 and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled. This genuineness objection was overruled with no voter record referenced by the SBOE staff in ruling on the initial objection. Objector submitted the voter registration card for a change of name form for a "Rachel Cunningham" (as signed on the petition) to change her name to "Rachel Seals" that contains her signature as "Rachel Seals". Accordingly, the Hearing Examiner conducted an independent evaluation of the voter record that was introduced to evaluate the signatures on the voter record and the signature on the petition to determine if they matched or had similar characteristics. The Hearing Examiner's review revealed that the two signatures did not match or have similar characteristics and the objection should have been sustained. **Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 506 valid signatures).**

7. Page 7, line 7. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Kelly Bloemer demonstrating that the signature on Page 7, line 7 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Ms. Bloemer.). Objectors submit evidence consisting of the voter registration record and petition signed by Kelly Bloemer. Objectors reference the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains no information in the "Voter Information" column relating to the alleged signer on Page 7, line 7 and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled. This genuineness objection was overruled with no voter record referenced by the SBOE staff in ruling on the initial objection. Accordingly, the Hearing Examiner conducted an independent evaluation of the

voter record that was introduced to evaluate the signature on the voter record and the signature on the petition to determine if they matched or had similar characteristics. The Hearing Examiner's review revealed that the two signatures did not match or have similar characteristics and the objection should have been sustained. **Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 505 valid signatures).**

8. Page 7, line 9. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Molly Warfel, and Lisa Warfel, the signer at Page 7, Line 8, demonstrating that the signature on Page 7, line 9 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know the Warfels.). Objectors submit evidence consisting of the voter registration records and petition signed by Molly Warfel and Lisa Warfel. Objector asserts that Lisa Warfel who signed on line 8 of the petition also signed for Molly Warfel on line 9. However, the Objection Detail Report compiled by the SBOE staff in conducting its initial records review reveals that the SBOE staff did review the voter registration information for Molly Warfel and therefore, the proper voter records were reviewed by SBOE staff prior to the objection being overruled. It is Objectors' burden to produce evidence to have the overruled objection sustained. Since the SBOE staff conducted an independent review of the petition signature and compared it to the signature contained on the voter registration and Objectors did not submit any evidence other than the voter registration card (no testimony or affidavits), the Hearing Examiner will not second guess the initial review of the SBOE staff. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

9. Page 7, line 11. Objectors objected to the signature on the ground that the signature was not genuine. The name of the signer on line 12 appears to be "Charles Martin" and the name on line 11 appears to be another person (illegible) in the Martin family, at that same address. The SBOE staff overruled the signature not genuine objection. However, according to the Objection Detail Report, the purported signer on both lines is recorded as "Charles R. Martin, 314 E. Section St., Dieterich, IL 62424" and the State Voter ID for both purported signers is "2452458." Because the signer of Page 7, line 11 is not also Charles Martin, the SBOE staff ruling on Page 7, line 11 is in error.

**Hearing Examiner Recommendation** – Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know the Martins.). Objectors submit no evidence other than the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains the same information in the "Voter Information" column relating to the alleged signor on Page 7, line 11 and 12" and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled relating to line 11. It is asserted that this

genuineness objection was overruled with a wrong voter record referenced by the SBOE staff in ruling on the initial objection (same voter registration for both lines). Objector submitted no voter registration cards nor any affidavit or proof of any voter registration at 314 E. Section St. It is Objectors' burden to produce evidence to have the overruled objection sustained; they have failed to do so (no signature cards of others registered at 314 E. Section St., affidavit or testimony). Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

10. Page 10, line 6. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Stephanie Ervin, demonstrating that the signature on Page 10, line 6 is not genuine.

**Hearing Examiner Recommendation** – Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Ms. Ervin.). Objectors submit evidence consisting of the voter registration records and petition signed by Stephanie Ervin at page 10, line 6. However, the Objection Detail Report compiled by the SBOE staff in conducting its initial records review reveals that the SBOE staff did review the voter registration information for Stephanie Ervin, and therefore, the proper voter records were reviewed by SBOE staff prior to the objection being overruled. It is Objectors' burden to produce evidence to have the overruled objection sustained. Since the SBOE staff conducted an independent review of the petition signature and compared it to the signature contained on the voter registration and Objectors did not submit any evidence other than the voter registration card (no testimony or affidavits), the Hearing Examiner will not second guess the initial review of the SBOE staff. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

11. Page 10, line 15. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Jordan Heuerman, demonstrating that the signature on Page 10, line 15 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Mr. Heuerman.). Objectors submit evidence consisting of the voter registration records and petition signed by Jordan Heuerman. However, the Objection Detail Report compiled by the SBOE staff in conducting its initial records review reveals that the SBOE staff did review the voter registration information for Jordan Heuerman, and therefore, the proper voter records were reviewed by SBOE staff prior to the objection being overruled. It is Objectors' burden to produce evidence to have the overruled objection sustained. Since the SBOE staff conducted an independent review of the petition signature and compared it to the signature contained on the voter registration and Objectors did not submit any evidence other than the voter registration card (no

testimony or affidavits), the Hearing Examiner will not second guess the initial review of the SBOE staff. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

12. Page 18, line 12. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Daniel Gill, demonstrating that the signature on Page 18, line 12 is not genuine.

**Hearing Examiner Recommendation** – Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Mr. Gill.). Objectors submit evidence consisting of the voter registration record and petition signed by Daniel Gill. Objectors reference the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains no information in the “Voter Information” column relating to the alleged signer on Page 18, line 12 and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled. This genuineness objection was overruled with no voter record referenced by the SBOE staff in ruling on the initial objection. Accordingly, the Hearing Examiner conducted an independent evaluation of the voter record that was introduced to evaluate the signatures on the voter record and the signature on the petition to determine if they matched or had similar characteristics. The Hearing Examiner’s review revealed that the two signatures did not match or have similar characteristics and the objection should have been sustained. **Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 504 valid signatures).**

13. Page 22, line 9. Objectors objected to the signatures appearing on line 9 on the ground that the signature was not genuine. The name of the signer on line 8 appears to be "Marilyn Fain" and the name on line 9 appears to be "Michael Fain," both at that same address. The SBOE staff overruled the signature not genuine objection. According to the Objection Detail Report, the SBOE staff could not locate the registration record of Michael Fain, and therefore denied the objection to that signature at Page 22, line 9. Objectors now present the registration records of Marilyn and Michael Fain, both of whom are registered 16508 E. 2050<sup>th</sup> Ave., Hidalgo, IL 62432. Objectors assert that these records demonstrate conclusively that Michael Fain was not the true signer of the signature at Page 22, line 9 and therefore the SBOE staff ruling on Page 22, line 9 is in error.

**Hearing Examiner Recommendation** – Candidate concedes this objection. (See Pattern and Practice of Fraud section, herein.) **Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 503 valid signatures).**

14. Page 23, line 13. Objectors objected to the signature appearing on Page 23, line 13 on the ground that the signature is not genuine. The name of the signer on line 13

appears to be "Butch Sharp" at 732 W. Maple, Flora, Illinois. The SBOE staff overruled the signature not genuine objection. According to the Objection Detail Report, the SBOE staff compared the signature to that of "Raymond Sharp, 544 E 3rd, Flora, IL 62839." Objectors contend that an incorrect record was reviewed for this signature line, and therefore the SBOE staff ruling on Page 23, line 13 is in error.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid. He and his wife, Erin Curtis, both presented testimony as to the collection of this signature and the entry of the name "Raymond Sharp" in the column by a woman accompanying Mr. Sharp at a restaurant at the time of the execution of the petition. (He does not personally know Mr. Sharp). Objectors submit evidence consisting of the voter registration records signed by "Raymond Sharp" and the petition signed by "Butch Sharp" with Raymond Sharp written in the side column. However, the Detail Report compiled by the SBOE staff in conducting its initial records review reveals that the SBOE staff did review the voter registration information for Raymond Sharp, and therefore, the proper voter records were reviewed by SBOE staff prior to the objection being overruled. It is Objectors' burden to produce evidence to have the overruled objection sustained. Since the SBOE staff conducted an independent review of the petition signature to the signature contained on the voter registration and Objectors did not submit any evidence other than the voter registration card (no testimony or affidavit), the Hearing Examiner will not second guess the initial review of the SBOE staff. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

15. Page 26, line 2. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Diane Harmon, demonstrating that the signature on Page 26, line 2 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Ms. Harmon.). Objectors submit evidence consisting of the voter registration record and petition signed by Diane Harmon. Objectors reference the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains no information in the "Voter Information" column relating to the alleged signer on Page 26, line 2 and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled. This genuineness objection was overruled with no voter record referenced by the SBOE staff in ruling on the initial objection. Accordingly, the Hearing Examiner conducted an independent evaluation of the voter record that was introduced to evaluate the signatures on the voter record and the signature on the petition to determine if they matched or had similar characteristics. The Hearing Examiner's review revealed that the two signatures did not match or have similar characteristics and the objection should have been sustained. **Accordingly, the recommendation of the Hearing Examiner is that**

**the ruling by the SBOE staff as to this objection should not stand and should be reversed (resulting in 502 valid signatures).**

16. Page 35, line 10. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Adolph Will, demonstrating that the signature on Page 35, line 10 is not genuine.

**Hearing Examiner Recommendation** - Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Mr. Will.). Objectors submit evidence consisting of the registration record signed "Adolph Will" and the petition signed by "Sonny Will". Objectors reference the Objection Detail Report compiled by the SBOE staff in conducting its records review and asserts that the Report contains no information in the "Voter Information" column relating to the alleged signer on Page 35, line 10 and, therefore, the proper voter records were not reviewed by SBOE staff prior to the objection being overruled. This genuineness objection was overruled with no voter record referenced by the SBOE staff in ruling on the initial objection. Objector submitted the voter registration card for "Adolph Will" that contains his signature at the same address as the address of "Sonny Will" on the petition. However, no evidence was produced to connect "Sonny Will" to Adolph Will" other than being registered at the same address. No evidence or testimony was submitted that this was the only signature card for this specific address, nor was there any evidence demonstrating that "Sonny" is actually "Adolph". It is Objectors' burden to produce evidence to have the overruled objection sustained; they have failed to do so. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

17. Page 42, line 4. Objectors objected to this signature on the ground that the signature was not genuine. SBOE staff overruled. Objectors now present the registration record of Jessie Smith, demonstrating that the signature on Page 42, line 4 is not genuine.

**Hearing Examiner Recommendation** – Candidate argues that he collected the signatures and that the signatures are valid, but did not submit any evidence. (He does not personally know Ms. Smith.). Objectors submit evidence consisting of the voter registration records and petition signed by Jessie Smith. The Objection Detail Report compiled by the SBOE staff in conducting its initial records review reveals that the SBOE staff did review the voter registration information for Jessie Smith, and therefore, the proper voter records were reviewed by SBOE staff prior to the objection being overruled. It is Objectors' burden to produce evidence to have the overruled objection sustained. Since the SBOE staff conducted an independent review of the petition signature to the signature contained on the voter registration and Objectors did not submit any evidence other than the voter registration card (no testimony or affidavits), the Hearing Examiner will not second guess the initial review of the SBOE staff. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

18. Page 32, line 10. Objectors objected to this signature on the ground that the signer, George Mette, resides out of the district. SBOE staff overruled. Objectors now provide the registration record for George Mette, demonstrating his current registration at 600 E. Market Avenue, Douglas, Illinois. Objector asks this body to take judicial notice of the legislative map signed into law on June 24, 2011, and to specifically rule that nowhere within the 109<sup>th</sup> Representative District does there exist the address of "600 E. Market Avenue, Douglas, Illinois." Rather, that address appears to be within the 107<sup>th</sup> Representative District, as illustrated by the attached print screen from the State Board of Elections' Interactive GIS Map.

**Hearing Examiner Recommendation** - Objectors submit evidence that there is a George Mette that resides outside the district at 600 E. Market Avenue, Douglas, Illinois. There is no evidence that the address as stated on the petition on page 32, line 10 is outside of the district. It is Objectors' burden to produce evidence to have the overruled objection sustained. Objectors did not produce evidence that the address stated on the petition was not within the district, as they alleged in their objection. Instead, they have produced evidence that the signer was not registered at the address shown on the petition, which is not the basis for their objection (There is a question as to the correct first name on petition page 32, line 10.). Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

19. Page 33, line 11. Objectors objected to this signature on the ground that the signer, Aaron Bloemer, resides out of the district. SBOE staff overruled. Objectors now provide the registration record for Aaron Bloemer, demonstrating his current registration at 13770 E. 1800<sup>th</sup> Ave., Effingham, Illinois. Objector asks this body to take judicial notice of the legislative map signed into law on June 24, 2011, and to specifically rule that nowhere within the 109<sup>th</sup> Representative District does there exist the address of "13770 E. 1800<sup>th</sup> Ave., Effingham, Illinois." Rather, that address appears to be within the 107<sup>th</sup> Representative District, as illustrated by the attached print screen from the State Board of Elections' Interactive GIS Map.

**Hearing Examiner Recommendation** - Objectors submit evidence that there is an Aaron Bloemer that resides outside the district at 13770 E. 1800<sup>th</sup> Ave., Effingham, Illinois. There is no evidence that the address as stated on the petition on page 33, line 11 is outside of the district. It is Objectors' burden to produce evidence to have the overruled objection sustained. Objectors did not produce evidence that the address stated on the petition was not within the district, as they alleged in their objection. Instead, they have produced evidence that the signer was not registered at the address shown on the petition, which is not the basis for their objection. Accordingly, the recommendation of the Hearing Examiner is that the ruling by the SBOE staff as to this objection should stand and should not be reversed.

### Pattern and Practice of Fraud

As stated in *Fortas*, “when in the course of hearing objections to nominating papers, evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process.” *Fortas v. Dixon*, 122 Ill. App. 3d 697, 701, 462 N.E.2d 615, 618 (1<sup>st</sup> Dist. 1984). A board may also be justified in looking beyond an objection and taking action where “a pattern of disregard for the mandatory requirements of the Election Code” occurred without fraudulent intent. *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn*, 156 Ill. App. 3d 201, 509 N.E.2d 555, 556-557 (1<sup>st</sup> Dist. 1987).

During the Rule 9 Hearings, Candidate testified that despite his execution of an affidavit that the signatures on his petitions “were signed in his presence” that he may not have personally witnessed all of the “mom and pop” type signatures contained on his petitions. (Transcript pgs. 43-45). Originally, Candidate stated in response to an argument from Objectors’ counsel about signatures that: “I didn’t follow them through the house, you know what I’m saying. So I don’t know- I cannot say for sure that they both signed it. . .” (Transcript pg. 43, lines 22-24). He further stated “I did not see everybody specifically put their names to it, but I – I do not recall anybody signing for somebody else in that area at all.” (Transcript pg. 45, lines 3-6).

At the conclusion of the Rule 9 Hearing, Objectors’ counsel asserted an objection for pattern and practice of fraud based upon the Candidate’s statements relating to the “mom and pop” type signature objections that had been discussed during the hearing. In response, Candidate retreated from his previous statement and restated “there maybe once or twice that I did not witness the person actually penning it...” (Transcript pg. 91, lines 8-10). Candidate later stated he “couldn’t quite remember exactly” (Transcript pg. 92, lines 9-10). He then further clarified: “I don’t remember exactly if every single one of them – the only one that I know for sure is the Michael and Marilyn thing. That’s why I – I did not hold true to that.” (Transcript pg. 93, lines 7-11). Candidate indicated that is why he conceded to having the objection related to Michael Fain’s signature sustained and that his previous statement was too broad. (Transcript pg. 93, lines 12-14 and pg. 94, lines 15-22). After further discussion, the Candidate stated that the Mr. Fain signature was the “sole one” that was signed outside of his presence. (Transcript pg. 95, lines 3-9).

Objectors argue, given the admission by the Candidate involving him not personally witnessing the signature of Mr. Fain, that Candidate’s veracity is called into question as a circulator and that all of the petitions circulated by the Candidate should be stricken. In the alternative, Objectors seek to strike at least petition page 22, which contains Mr. Fain’s signature, because of the admitted false swearing contained in the affidavit on that specific petition page.

Other than Candidate’s own admissions relating to the “mom and pop” type signature issue, no other evidence was submitted that Candidate did not personally witness the petitions being signed. Upon further inquiry on that issue, Candidate admitted that he did not witness one signature and conceded the objection to that specific signature, which resulted in that signature being removed from his signature count. Although it is true, as asserted by Objectors, that Candidate’s affidavit on petition page 22 has been shown to be false, it has only been shown to

be false as to one specific signature on that petition page. The Hearing Examiner believes that the remedies sought by Objectors are too broad (striking all petitions circulated by Candidate or striking petition page 22) and would result in too harsh of a penalty. Accordingly, the recommendation of the Hearing Examiner is that no pattern and practice of fraud has been established by the evidence and that the remedies sought by Objectors be denied.

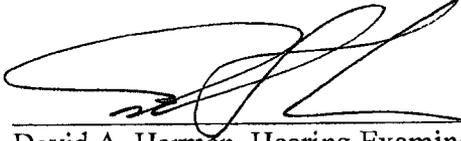
### CONCLUSION

In summary, the Hearing Examiner recommends that the Board order that six of the signatures that were previously overruled be sustained and excluded. Accordingly, the Hearing Officer recommends that the Board order that these six signatures not be included in Candidate's total number of signatures submitted in his nominating papers. After the records exam, the Candidate had 508 valid signatures. With the exclusion of the six signatures as noted above, the Candidate will have 502 signatures. As the minimum numbers of signatures required for nomination is not less than 500, Candidate **DOES** meet the signature requirement for nomination.

It is further recommended that the Board order there has been no establishment of a pattern and practice of fraud by Candidate relating to the collection of "mom and pop" type signatures and that the remedies sought by Objectors be denied.

Because Candidate has met the minimum signature requirement set forth in the Election Code, the Hearing Examiner recommends that Candidate's name be placed on the ballot as a candidate of the Republican Party to the Office of Representative in the General Assembly from the 109<sup>th</sup> Representative District of the State of Illinois to be voted for at the Primary Election to be held on March 15, 2016.

DATED: 1/13/16

  
\_\_\_\_\_  
David A. Herman, Hearing Examiner

## CERTIFICATE OF SERVICE

Service of the foregoing document was made by electronic transmission, where indicated, and by mailing a true and exact copy thereof in a sealed envelope, postage fully prepaid, addressed to:

James Ochs and Carolyn Ochs  
c/o John G. Fogarty, Jr.  
4043 N. Ravenswood  
Suite 226  
Chicago, IL 60613  
[john@fogartylawoffice.com](mailto:john@fogartylawoffice.com)

John Curtis  
16683 E 2140<sup>th</sup> Ave.  
Hidalgo, IL 62432  
[curtiscREW99@yahoo.com](mailto:curtiscREW99@yahoo.com)

Ken Menzel  
Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704  
[kmenzel@elections.il.gov](mailto:kmenzel@elections.il.gov)

and by depositing same in the United States Mail from the office of the undersigned this 13<sup>th</sup> day of January, 2016.



David A. Herman, Hearing Examiner

David A. Herman, Reg. No. 6211060  
GIFFIN, WINNING, COHEN & BODEWES, P.C.  
One West Old State Capitol Plaza  
Myers Building - Suite 600  
Springfield, Illinois 62701  
Phone: (217) 525-1571  
Fax: (217) 525-1710  
[dherman@giffinwinning.com](mailto:dherman@giffinwinning.com)

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR  
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL  
ASSEMBLY FOR THE 109<sup>th</sup> REPRESENTATIVE DISTRICT IN THE STATE OF  
ILLINOIS**

**James Ochs and Carolyn Ochs,** )  
 )  
 **Petitioner-Objectors,** )  
 )  
 vs. )  
 )  
 **John Curtis,** )  
 )  
 **Respondent-Candidate.** )

**VERIFIED OBJECTORS' PETITION**

Now come James Ochs and Carolyn Ochs (hereinafter referred to as the "Objectors"), and state as follows:

1. James Ochs resides at 2465 N. Prairieton Road, Claremont, Illinois 62421, in the 109<sup>th</sup> Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Nomination and Election to the Office of Representative in the General Assembly from the 109<sup>th</sup> Representative District of the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Carolyn Ochs resides at 7830 E. Ebenezer Lane, Claremont, Illinois 62421, in the 109<sup>th</sup> Representative District of the State of Illinois; that she is duly qualified, registered and a legal voter at such address; that her interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Nomination and Election to the Office of Representative in the General Assembly from the

ORIGINAL ON FILE AT  
STATE BD OF ELECTIONS  
ORIGINAL TIME STAMPED  
AT 12/7/15 3:33pm ak

109<sup>th</sup> Representative District of the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

3. Your Objectors makes the following objections to the nomination papers of John Curtis ("the Nomination Papers") as a candidate for the Office of Representative in the General Assembly from the 109<sup>th</sup> Representative District of the State of Illinois, and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 109<sup>th</sup> Representative District of the State of Illinois the signatures of not less than 500 duly qualified, registered, and legal voters of the said 109<sup>th</sup> Representative District of the State of Illinois are required to be duly filed as part of a candidate's nomination papers. In addition, said nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

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

5. Your Objectors state that the Candidate has filed 43 petition signature sheets containing 671 signatures of allegedly duly qualified, legal, and registered voters of the 109<sup>th</sup> Representative District of the State of Illinois.

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

7. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 109<sup>th</sup> Representative District of the State of Illinois

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

8. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 109<sup>th</sup> Representative District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNER RESIDES OUTSIDE DISTRICT" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

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

10. Your Objectors further state that said Nominating Papers contain the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under Column D designated "SIGNED PETITION TWICE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objectors state that the Nomination Papers contain various purported signatures that are legally defective and deficient in that those individuals so signing signed a nominating petition for a candidate of another established political party prior to signing the Candidate's petition, as more fully set forth in the Appendix-Recapitulation, under Column F designated "SIGNER PREVIOUSLY SIGNED PETITION OF ANOTHER ESTABLISHED PARTY" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

12. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 671 individuals. The individual objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 500.

WHEREFORE, your Objector prays that the purported Nomination Papers of John Curtis as a candidate for the Office of Representative in the General Assembly for the 109<sup>th</sup> Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of John Curtis as a candidate for the Office of Representative in the General Assembly for the 109<sup>th</sup> Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on March 15, 2016.

Respectfully submitted,

  
\_\_\_\_\_  
OBJECTOR

  
\_\_\_\_\_  
OBJECTOR





**Brown/Welter v McGroarty**  
**15 SOEB GP 107**

**Candidate:** Colin McGroarty

**Office:** 16<sup>th</sup> Congress

**Party:** Republican

**Objector:** Suzy Brown/David Welter

**Attorney For Objector:** John Fogarty

**Attorney For Candidate:** Pro Se

**Number of Signatures Required:** 804

**Number of Signatures Submitted:** 893

**Number of Signatures Objected to:** 291

**Basis of Objection:** The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signature Not Genuine”, “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer Signed Petition Twice” and “Signer Previously Signed Petition of Another Established Party.”

**Dispositive Motions:** Candidate’s Response to Objection and Move to Strike, Objectors’ Response to Motion to Dismiss

**Binder Check Necessary:** Yes

**Hearing Officer:** Scott Erdman

**Hearing Officer Findings and Recommendations:** A records examination commenced and was completed on December 21, 2015. The examiners ruled on objections to 291 signatures. 194 objections were sustained, leaving a total of 699 signatures considered to be valid, which is 105 signatures less than the required 804 minimum number of signatures.

The Candidate’s Response to Objection and Move to Strike alleged the Objector’s objections are invalid based upon his belief that the objection does not “originate” with Suzy J. Brown and David Welter. The Objectors argue that the motion was not properly filed as a copy was not served upon the General Counsel of the State Board of Elections and that the Candidate identities no grounds upon which a dismissal of the objection could lie. The Hearing Officer recommends that the motion be denied, as the Objectors need not prove their interest in an objection.

Neither party filed Rule 9 motions within the proscribed deadline (December 24, 2015) or otherwise. A status telephone conference on December 31, 2015 was held, and the Hearing Officer at that time confirmed the same with both parties.

Based on the results of the record examination and the failure of either party to file a Rule 9 Motion, the Hearing Officer recommends that (1) Candidate's Response to Objection and Move to Strike be denied, (2) the objection be sustained, and (3) the Candidate's name not be certified to the ballot as a Republican Party candidate for the office of State Representative for the 16<sup>th</sup> Representative District.

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

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO  
THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE  
OFFICE OF REPRESENTATIVE IN CONGRESS OF THE 16<sup>TH</sup> CONGRESSIONAL  
DISTRICT OF THE STATE OF ILLINOIS

SUZY J. BROWN and	)	
DAVID WELTER	)	
	)	
Petitioner-Objector,	)	No. 15 SOEB GP 107
	)	
v.	)	
	)	
COLIN M. MCGROARTY	)	
	)	
Respondent-Candidate.	)	

**HEARING OFFICER'S REPORT AND RECOMMENDATION**

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

1. The Candidate timely filed with the State Board of Elections Nomination Papers to qualify as a candidate for the office of Representative in Congress of the 16<sup>th</sup> Congressional 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, 2016. The Candidate Colin M. McGroarty was present. The Objectors Suzy J. Brown and David Welter, were present through counsel, John A. Fogarty, Jr.
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 21, 2015 at 9:00 a.m. in the State Board of Elections' Springfield office.
5. On December 18, 2015, the Candidate filed his "Response to Objection and Move to Strike" in the body of an email. On December 18, 2015, the Objectors filed their "Response to Motion to Dismiss". On December 20, 2015, this Hearing Officer served both parties with his "Recommendation Regarding Candidate's Motion to Strike and Dismiss" wherein the Candidate's motion was denied.

6. On December 21, 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 24, 2015 by 5:00 p.m.

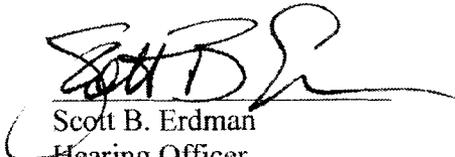
7. No Rule 9 Motions were received by the proscribed deadline.

8. On December 31, 2015, a status phone conference was held at which the Hearing Officer confirmed with the parties that there had been no timely filed Rule 9 Motions

9. The results of the record exam showed that there were 893 signatures submitted for an office that requires 804 valid signatures. The objection petition objected to 291 of those signatures. Of that number 194 objections were sustained leaving a total of 699 valid signatures, 105 fewer than are required.

10. 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: January 14, 2016

  
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 CONGRESS OF THE 16<sup>TH</sup> CONGRESSIONAL  
DISTRICT OF THE STATE OF ILLINOIS

SUZY J. BROWN and	)	
DAVID WELTER	)	
	)	
Petitioner-Objector,	)	No. 15 SOEB GP 107
	)	
v.	)	
	)	
COLIN M. MCGROARTY	)	
	)	
Respondent-Candidate.	)	

**NOTICE**

A copy of the Hearing Officer's Findings and Recommendation was served upon the parties on January 14, 2016. 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: January 14, 2016

  
\_\_\_\_\_  
Scott B. Erdman  
Hearing Officer



of the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

3. Your Objectors make the following objections to the nomination papers of Colin M. McGroarty ("the Nomination Papers") as a candidate for nomination of the Republican Party to the Office of Representative in Congress for the 16<sup>th</sup> Congressional District for 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:

4. Your Objectors state that in the 16<sup>th</sup> Congressional District of the State of Illinois the signatures of not less than 804 duly qualified, registered, and legal voters of the said 16<sup>th</sup> Congressional District of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

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

5. Your Objectors state that the Candidate has filed 60 petition signature sheets containing a total of 892 signatures of allegedly duly qualified, legal, and registered voters of the 16<sup>th</sup> Congressional District of the State of Illinois.

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

7. Your Objectors further state that the aforesaid Nomination Papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 16<sup>th</sup> Congressional District of the State of Illinois

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

8. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 16<sup>th</sup> Congressional District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under Column B designated "SIGNER RESIDES OUTSIDE DISTRICT" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

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

10. Your Objectors further state that said Nominating Papers contains the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under column D designated "SIGNED PETITION TWICE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objectors state that various purported signatures contained in the Nomination Papers are legally defective and deficient in that those individuals so signing signed a nominating petition for a candidate of another established political party prior to signing the Candidate's nominating petition, as more fully set forth in the Appendix-Recapitulation, under column E designated "SIGNER PREVIOUSLY SIGNED PETITION OF ANOTHER ESTABLISHED PARTY" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases.

12. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 892 individuals. The individual objections cited herein with specificity reduce the number of valid signatures to below the statutory minimum of 804.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Colin M. McGroarty as a candidate for nomination of the Republican Party to the Office of Representative in Congress for the 16<sup>th</sup> Congressional District for the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Colin M. McGroarty as a candidate of the Republican Party for nomination to the Office of Representative in Congress for the 16<sup>th</sup> Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on March 15, 2016.

Respectfully submitted,

  
\_\_\_\_\_  
OBJECTOR  
Suzy J. Brown

  
\_\_\_\_\_  
OBJECTOR  
David A. Welter





**Krucek v Erlacher  
15 SOEB GP 504**

**Candidate:** Casey Urlacher

**Office:** State Senate, 26<sup>th</sup> district

**Party:** Republican

**Objector:** Daniel Krucek

**Attorney For Objector:** A. Christine Svenson

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

**Number of Signatures Required:** 1,000

**Number of Signatures Submitted:** 2,184

**Number of Signatures Objected to:** 1,515

**Basis of Objection:** 1. 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." 2. Various objections were made to circulators. 3. The Candidate's petition exhibits a pattern of fraud and false swearing.

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

**Binder Check Necessary:** No

**Hearing Officer:** Barb Goodman

**Hearing Officer Findings and Recommendations:** Candidate's Motion to Strike and Dismiss sought to strike paragraphs 6, 9, 10, 11, 13, 14, 15, 16, and 17(b)(c) and (d).

Paragraph 6 of the objection states that the petition is fatally flawed because it asks the signer to enter their name under the column "Name of Qualified Voter" which resulted in an unusually high number of printed signatures which cannot be verified against the voter registration file and that such design of the form indicates an intent to commit fraud. The Hearing Officer found that there is no law requiring a signature to be in cursive writing and no prohibition against printed signatures; therefore, the Hearing Officer recommends that paragraph 6 of the Objector's petition be stricken.

Paragraph 9 of the objection states that the nomination papers contain the names of numerous person who did not sign in their own proper persons and/or that the signatures are not genuine. The Candidate argued that this paragraph pleads in the alternative and does not give the Candidate sufficient notice of the objection. The Hearing Officer found that a simple reading of the paragraph establishes that the Objector alleges that the signature is not the genuine signature of the purported signer; therefore, the Hearing Officer recommends that Candidate's Motion to Strike paragraph 9 be denied.

Paragraph 10 of the objection states that the petition contains the signatures of various individuals who have signed the petition more than once and such duplicate signatures are invalid. The Candidate alleged that this paragraph is defective because it would require all of the signatures of signers who signed more than once to be stricken. The Hearing Officer found that a clear reading of the paragraph establishes that the Objector is asking that the duplicate signatures be stricken (and the Board's procedures establish that when duplicate signatures are found the first signature is valid and the remaining signatures that are duplicates are stricken); therefore, the Hearing Officer recommends that Candidate's Motion to Strike paragraph 10 be denied.

Paragraph 11 of the objection states that the petition contains the names of numerous persons whom the signature does not match what is on their voter registration card. The Candidate argued that there is no statute that requires a signature on a petition to match a signature on the registration record. The Hearing Officer found that the allegation that signatures do not match states no cognizable basis upon which a signature could be invalidated (the Objector should have alleged that the signature is not genuine); therefore, the Hearing Officer recommends that paragraph 11 be stricken.

Paragraph 13 of the objection states that various purported signatures are legally defective and deficient for a variety of reasons further explained in column G of the recapitulation sheets attached to the Objector's petition. The Candidate argued that the reasons given do not present legally sufficient or clear bases to strike any signatures. The Hearing Officer reviewed column G and found that the objections include "not legible/can't read," "address does not exist," "address information incorrect," and "not appropriate strike out;" therefore, the Hearing Officer recommends that paragraph 13 be stricken.

Paragraph 14 of the objection states that certain signature sheets were circulated by certain named individuals whose sheets demonstrate a pattern of fraud and disregard of the Election to such a degree that every sheet circulated by said individuals is invalid. The Candidate argued that a general allegation of a pattern of fraud does not adequately give the Candidate notice of the objection presented and noted that the Board's Appendix A states "A general claim of a pattern of fraud without specific examples is insufficient to establish such claim." The Hearing Officer found that paragraph 14 contains no specificity as to specific acts of the circulators that exhibit a pattern of fraud; therefore, the Hearing Officer recommends that paragraph 14 be stricken.

Paragraph 15 of the objection states that various petition sheets are defective and void in its entirety and all signatures thereon are invalid because they were circulated by circulators who circulated for Democratic candidates as well as the Candidate, who is a Republican. The Candidate argued that the Objector's argument is legally incorrect because the Objector cited to Section 10-4 of the

Election Code and, moreover, the paragraph is lacking specificity because the other candidate and party for whom the circulator purportedly circulated is not identified. The Hearing Officer found that the provision of Article 7 control, not Article 10, and there is no prohibition in Article 7 against circulating for more than one established party. Additionally, the recapitulation sheets fail to identify the other candidate and party for whom the circulator purportedly circulated making it impossible for the Candidate to prepare a defense; therefore, the Hearing Officer recommends that paragraph 15 be stricken.

Paragraph 16 states that certain signature sheets are defective and void in their entirety because the sheets have not been properly signed by the Notary Public. The Candidate argued that this paragraph fails to provide sufficient notice to the Candidate in that it is unclear as to what is meant by "not properly signed by the Notary Public." The Hearing Officer found that a reasonable interpretation of the objection is that the notary signature is missing on the specified sheets (and counsel for the Objector confirmed said interpretation at the hearing); therefore, the Hearing Officer recommends that Candidate's Motion to Strike paragraph 16 be denied but review of the issue should be limited to whether or not a notary signature exists on the sheets specified.

Paragraph 17(b)(c) and (d) states that, following an examination of certain specified sheets and a records examination, there will be presented evidence that establishes a pattern of fraud and false swearing amounting to an utter and contemptuous disregard for the mandatory provisions of the Election Code. The paragraph further states that the Objector will produce documentary and testimonial evidence of various improprieties committed by circulators. The Hearing Officer found that paragraph 17 provides specificity as to some of the allegedly improper acts of the circulators but fails to identify which alleged improprieties apply to which circulators; therefore, the Hearing Officer recommends that paragraph 17(b)(c) and (d) be stricken.

After all recommendations were made relative to Candidate's Motion to Strike and Dismiss, it was agreed by counsel for both parties that there were insufficient allegations remaining in the Objector's Petition to invalidate the nominating petitions.

Accordingly, the Hearing Officer recommends that: (1) the Candidate's Motion to Strike and Dismiss be granted in relation to paragraphs 6, 11, 13, 14, 15, and 17(b)(c) and (d); (2) the Candidate's Motion to Strike and Dismiss be denied in relation to paragraphs 10 and 16; (3) the objection be overruled; and (4) the Candidate's name be certified to the ballot as a Republican Party candidate for the office of State Senator for the 26<sup>th</sup> Legislative District of the State of Illinois.

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

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

DANIEL J. KRUCEK	)	
	)	
Objector	)	
	)	
-v-	)	15 SOEB GP 504
	)	(rel. case 15 SOEB GP 514)
	)	
CASEY URLACHER	)	
	)	
	)	
Candidate	)	

**HEARING OFFICER’S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 14, 2015. The Candidate appeared through counsel Luke J. Keller and Lauren B. Glennon. At a subsequent hearing, Candidate also appeared through counsel Burton S. Odelson. The Objector appeared through counsel Christine Svenson. Subsequent thereto, the Candidate timely file a Motion to Strike and Dismiss and the Objector filed a Response.

**Candidate’s Motion To Strike And Dismiss**

Candidate’s Motion to Strike and Dismiss (“Candidate’s Motion”) seeks to strike several paragraphs of the Objector’s Petition.

Paragraph 1 of the Candidate’s Motion: The Candidate first moves to strike paragraph 6 of the Objector’s Petition. Paragraph 6 provides: “*Objector states that the petition itself is fatally flawed by asking the signer to enter their name under the column “Name of Qualified Voter” which resulted in an unusually high number of printed signatures which cannot be verified against the voter registration file and that such design of the form indicates an intent to commit fraud.*” Essentially, the Objector argues that because the petition specifies the word “name” rather than “signature”, the Candidate was somehow attempting to commit fraud by inducing voters to print rather than sign their names. However, as Candidate correctly points

out, there is no law that requires a signature to be in cursive writing and no prohibition against printed signatures. As such, paragraph 6 of the Objector's Petition should be stricken.

Paragraph 2 of the Candidate's Motion: Candidate next asks that paragraph 9 of the Objector's Petition be stricken. Paragraph 9 provides as follows: "***The Objector further states that the said nomination papers contain the names of numerous persons who did not sign the same nomination papers in their own proper persons, and that the said signatures are not genuine as more fully set forth in the Appendix-Recapitulation under the column designated "C: SIGNER NOT PROPER PERSON AND/OR SIGNATURE NOT GENUINE," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.***" Candidate argues that this paragraph pleads in the alternative and does not give the Candidate sufficient notice of the objection. Objector argues generally that alternative pleading is permitted. A simple reading of the paragraph establishes that the Objector alleges that the signature is not the genuine signature of the purported signer. Accordingly, Candidate's motion to strike paragraph 9 should be denied.

Paragraph 3 of the Candidate's Motion: Candidate next asks that paragraph 10 of the Objector's Petition be stricken. Paragraph 10 provides as follows: "***The Objector further states that said nominating petition contains the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid as more fully set forth in the Appendix-Recapitulation, under the column designated "D SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.***" Candidate alleges that this paragraph is fatally defective because it would require all of the signatures of signers who signed more than once to be stricken. However, a clear reading

of the paragraph establishes that the Objector is asking that the duplicate signatures be stricken. Moreover, the Board's own procedures establish that when duplicate signatures are found, the first signature is valid and the remaining signatures that are duplicates are stricken. Accordingly, Candidate's request to strike paragraph 10 should be denied.

Paragraph 4 of the Candidate's Motion: Candidate next asks that paragraph 11 of the Objector's Petition be stricken. Paragraph 11 of the Objector's Petition provides as follows: ***"The Objector further states that the nomination papers contain the names of numerous persons whom the signature does not match what is on their voter registration card, as is set forth specifically in the Appendix-Recapitulation, under the column designated "E: SIGNATURE DOES NOT MATCH VOTER REGISTRATION CARD," attached hereto and made a part hereof, all of said names being in violation of the statutes in such cases made and provided."*** Candidate argues that there is no statute that requires a signature on a petition to match a signature on the nominating papers. Objector argues that the candidate's argument is simply a "semantics game" (page 3 of Objector's Response to Motion to Strike and Dismiss). As the Candidate correctly points out, there is no law requiring signatures to match. If the signature on the petition does not match the signature on the registration record, the Objector could allege that the signature is not genuine. The allegation that the signatures do not "match" states no cognizable basis upon which a signature could be invalidated. Accordingly, paragraph 11 of the Objector's Petition should be stricken.

Paragraph 5 of the Candidate's Motion: Candidate next asks to strike paragraph 13 of the Objector's Petition. Paragraph 13 provides as follows: ***"The Objector states that various purported signatures are legally defective and deficient for a variety of reasons, as more fully set forth in the Appendix-Recapitulation, under the column designated "G: OTHER"***

*(together with an appropriate further reason) attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. These objections include, but are not limited to names stricken or crossed out from the sheets; use of only a partial name; and improper use of name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signatures being in violation of the statutes in such cases made and provided.*” Candidate contends that paragraph 13 does not cite a specific objection but rather states at least 8 different reasons and that the reasons given do not present legally sufficient or clear bases to strike any signatures. Objector argues that the paragraph does in fact provide legally sufficient and clear allegations and that the paragraph should be read in conjunction with the explanation in column G of the Objector’s Petition. A review of column G indicates the further explanations to be

- 50- Not Legible/can't read
- 54- Not Legible/can't read
- 64- Not Legible/can't read
- 99- Not Legible/can't read (stated twice)
- 100- Not Legible/can't read
- 113- Address does not exist
- 143-Not legible/ can't read
- 151-Not Legible/can't read
- 152- Not Legible/can't read (stated twice)
- 153- Not Legible/can't read
- 156-Not Legible/can't read
- 164-Not Legible/can't read
- 174- Not Legible/can't read
- 176- Not Legible
- 179- Address information incorrect
- 259-Not Legible/can't read
- 331- Not Appropriate strike out

Accordingly, Candidate’s argument in support of striking paragraph 13 is correct and paragraph 13 should be stricken.

Paragraph 6 of the Candidate's Motion: Candidate next asks that paragraph 14 of the Objector's Petition. Paragraph 14 provides as follows: "*The Objector states that petition signatures sheets number(s) 4,8,10,11,15,29,30,32, 35,36,38,39,43,46,47,48,49,50,51,52,53,54, 55,56,57,58,60, 60,68,69,70,71,72,73,74,75,76,77,78,80,81,82,83,84,85,86,87,88,90,91,92, 98,100,111,112,118,121,122,123,126,127,133,137,138,139,143,144,149,150,152,153,154,155, 159,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,1 81,182,183,184,185,189,190,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,21 5,216,224,225,226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,241,242,243,244 ,245,246,247,248,249,250,251,252,255,258,259,260,261,264,265,268,269,270,271,273,275,279, 281,283,284,286,287,292,293,298,302,305,311, and 316 were circulated by individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated in order to protect the integrity of the electoral process. Such circulators are: Anya Rose McInerney, 437 E Rockland, Libertyville, IL 60048; Takeyoshi Kaneko, 28784 Spyglass Circle, Evanhoe, IL 60060; Guillermo Martinez, 3250 W 115th Street, Chicago, IL 60655; Tom Mannix, 112 Rockford, Forest Park, IL, 60130; Christopher Donahue, 10200 S. Tripp, Oak Lawn, IL 60453; Sam Rehder, 3624 S 52nd Ct, Cicero, IL 60804; Mark Kalamaris, 7610 W. Addison, Chicago, IL 60634.* Candidate argues that a general allegation of a pattern of fraud does not adequately apprise the candidate of the issue presented. Candidate points to the Board's Rule A-12 contained in the Board's Appendix A which states, "A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim." In the Objector's Response to the Motion to Strike and Dismiss, Objector asks that paragraphs 14 and 17 be read together

and that while the paragraphs are admittedly duplicative, the specific instances of fraud are clearly laid out in paragraph 17. The Objector's argument is unpersuasive. Paragraph 14 contains no specificity as to the specific acts of the circulators and as further indicated below in relation to paragraph 17, paragraph 17 fails at subparagraphs b, c and d to identify which circulators purportedly engaged in which acts. Accordingly, paragraph 14 should be stricken.

Paragraph 7 of the Candidate's Motion: Candidate next asks that paragraph 15 of the Objector's Petition be stricken. Paragraph 15 provides: "***The Objector states that the various petition sheets are defective and void in its entirety and all signatures thereon are invalid because they were circulated by circulators who circulated for Democratic candidates as well as Republican Candidate Urlacher, as more fully set forth in the Appendix-Recapitulation at the bottom of the sheet (together with checkmark at "circulator circulated for a candidate of another party) attached hereto and made a part hereof. [N]o person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election. 10 ILCS 5/10-4. A circulator may circulate for only candidates of one political party in any given election. Schober v. Young, 322 Ill.App.3d 996, 751 N.E.2d 610, 256 Ill.Dec.220 (4<sup>th</sup> Dist. 2001)***". Candidate contends that paragraph 15 of the Objector's petition is legally incorrect and, moreover, that said paragraph is lacking in specificity because the recapitulation sheets do not specify the other candidate and party for whom the circulator purportedly circulated. Candidate argues that paragraph 10-4 of the Election Code does not apply to legislative candidates running at a primary election and that the provisions of Article 7 of the Election Code control. Candidate is correct. There is no prohibition in Article 7 against

circulating for more than one established party. See e.g., *Hendon v. Davis*, 02-EB-SS-10, CBEC, January 31, 2002, holding that there is no prohibition against circulators for legislative candidates circulating for more than one established political party, citing *Walsh v. Connors*, 90 CO 31, February 15, 1990. Additionally, Candidate's contention that the allegation lacks specificity is also correct. The recapitulation sheets fail to identify the other candidate and party for whom the circulator purportedly circulated making it impossible for the Candidate to prepare a defense. For the foregoing reasons, paragraph 15 of the Objector's petition should be stricken.<sup>1</sup>

Paragraph 8 of the Candidate's Motion: Candidate next asks that paragraph 16 of the Objector's Petition be stricken. Paragraph 16 provides: *The objector states that various petition signature sheet(s) are defective and void in its entirety and all signatures thereon are invalid because the sheet has not been properly signed by the Notary Public, the absence of such signatures being fatal defect, as is set forth in the Appendix- Recapitulation at the bottom of the sheet attached hereto and made a part hereof. THESE PAGES ARE:*

*40,90,92,122,207,208,209,210,254,255,266,267,283,295,306,330, AND 331.* Candidate alleges that this paragraph fails to provide sufficient notice to the Candidate in that it is unclear as to what is meant by "not properly signed by the Notary Public". While paragraph 16 is admittedly lacking in clarity, a reasonable interpretation of the objection is that the Objector is alleging that the notary signature is missing on the specified sheets. At hearing, counsel for the Objector confirmed that said interpretation was correct and what was intended by the Objector. Accordingly, while the paragraph should not be stricken, the review of the issue should be limited to whether or not a notary signature exists on the sheets specified.

---

<sup>1</sup> At the conclusion of the hearing, this paragraph was taken under advisement. It was agreed by counsel for both parties that a determination regarding this paragraph did not impact the ultimate outcome of the Candidate's Motion to Strike and Dismiss. In other words, even if the paragraph was not stricken, the Objector would still have insufficient remaining allegations to invalidate the nominating papers.

Paragraph 9 of the Objector's Motion: Candidate next asks that paragraphs 17(b)(c) and (d) be stricken. Paragraph 17 provides as follows: *The Objector states that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with the "utter and contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the nominating petition as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety under the principles set forth in Cunningham v. Schaefflein, 2012 IL App (1st) 120529, Par. 32-42, 969 N.E.2d 861, 360 Ill. Dec. 816; Harmon v. Town of Cicero Municipal Officers Electoral Board, 371 Ill.App3d 1111, 864 N.E.2d 996, 309 Ill. Dec. 755 (1st Dist. 2007); Cantor v Cook County Officers Electoral Board, 170 Ill. App. 3d 364, 523 N.E.2s 1299, 1300-1301, 120 Ill. Dec. 388 (1<sup>st</sup> Dist. 1988); Huskey v Municipal Officers Electoral Board for Village of Oak Lawn, 156 Ill. App.3d 2101, 509 N.E.2d 555, 556-558, 108 Ill. Dec. 859 (1<sup>st</sup> Dist. 1987); and Fortas v Dixson, 122 Ill. App. 3d 697, 462 N.E.2d 615, 617, 78 Ill. Dec. 496 (1<sup>st</sup> Dist. 1984). This allegation is made with specific reference to petition signature sheets numbers 4,8,10,11,15,29,30,32,35,36,38,39, 43,46,47,48,49, 50,51,52,53,54,55,56,57,58,60,68,69,70,71,72,73,74,75,76, 77,78,80,81,82,83,83,85,86,87,88,90,91,92,98,100,111,112, 118,121,122,123,126,127,133, 137,138,139,143,144,149,150,152,153,154,155,159,160,161,162,163,164,165,166, 167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,185, 189,190,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,215,216,224,225,226, 227,228,229,230,231,232,233,234,235,235,236,237,238,239,240,241,242,243,244,245,246,247,*

**248,249,250,251,252,255,258,259,260,261,264,265,268,269,270,271,273,275,279,281,283,284, 286,287,292,293,298,302,305,311 and 316 with investigation continuing to, portions of other petition signature sheets. Your Objector will produce documentary and testimonial evidence that will establish inter alia that:**

- (a) The purported circulator of the following enumerated petition signature sheets was not, in fact, the actual circulator: 192,193,194,195,196, 97,198,199,200,201,202,203,204,205, 206,229,230,231,232,233,234,235, and 271.**
- (b) Several circulators gave instructions to petition signer to not sign the form but to instead print their name thus creating an extensive number of records that cannot be certified with voter registration information.**
- (c) Several signatures were not placed on the petitions by the voters in their own proper persons but were signed by other individuals and family members.**
- (d) Several signatures were written by the same hand and are not genuine and are forgeries.**

As previously indicated above in relation to paragraph 14, paragraph 17 provides specificity as to some of the allegedly improper acts of the circulators but fails to identify which alleged improprieties apply to which circulators. Indeed as evidenced by the Objector's own words in paragraph 17(b), "several circulators gave instructions to petition signers..." There is no possible way for the candidate to know to which circulators this allegation or the other allegations in 17(c) and 17(d) relate as only the general allegation of fraud in paragraph 17 specifies sheet numbers. Accordingly, paragraphs 17(b)(c) and (d) fail to provide sufficient notice to the Candidate and should be stricken.

### CONCLUSION

After all recommendations were made relative to Candidate's Motion to Strike and Dismiss, it was agreed by counsel for both parties that there were insufficient allegations remaining in the Objector's Petition to invalidate the nominating papers.

### RECOMMENDATION

In light of the foregoing and in accordance with the above recommendations as to each of the allegations, it is my recommendation that the objections of Daniel J. Krucek to the nominating papers of Casey Urlacher be **stricken and dismissed** in their entirety and that the nominating papers of Carey Urlacher for the Republican nomination to the office of State Senator for the 26<sup>th</sup> Legislative District be deemed **valid** and that the name of Casey Urlacher for said office **be** printed on the ballot at the March 15, 2016 General Primary Election.

Respectfully submitted,



---

Barbara Goodman, Hearing Officer

1/6/16

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND  
 PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF  
 CANDIDATES FOR ELECTION TO THE OFFICE OF STATE SENATOR FOR THE 26<sup>TH</sup>  
 LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

DANIEL J. KRUCEK )  
 )  
 Petitioner-Objector, )  
 )  
 -and- )  
 )  
 CASEY URLACHER, )  
 )  
 Respondent-Candidate. )

No. ORIGINAL ON FILE AT  
 STATE BD OF ELECTIONS  
 ORIGINAL TIME STAMPED  
 AT 2015 DEC 7 11:01 AM  
 /han

**VERIFIED OBJECTOR'S PETITION**

**INTRODUCTION**

Daniel J. Krucek, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 20835 North Country Lane, Deer Park IL 60010, in the 26<sup>th</sup> legislative 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 State Senator for the 26<sup>th</sup> legislative district of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.
3. The Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided. Violation of a mandatory requirement of the Election Code renders the petition fatally defective. *Bolger v. Electoral Board of City of McHenry*, 210 Ill.App.3d 958, 569 N.E.2d 628, 155 Ill.Dec. 447 (2d Dist. 1991); *Powell v. East St. Louis Electoral Board*, 337 Ill.App.3d 334, 785 N.E.2d 1014, 271 Ill.Dec. 820 (5th Dist. 2003). The nomination papers and petitions are, therefore, not in compliance with the statutes in such cases made and provided.

**OBJECTIONS**

4. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Casey Urlacher as a candidate for the office of State Senator for

the 26<sup>th</sup> Legislative 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:

5. The Objector states that in the 26<sup>th</sup> Legislative District of the State of Illinois the signatures of not less than 1000 and no more than 3000 duly qualified, registered, and legal voters of the said 26<sup>th</sup> Legislative District of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law. The Nomination Papers purport to contain the signatures of in excess of 1000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

6. The Objector states that the petition itself is fatally flawed by asking the signer to enter their name under the column "Name of Qualified Voter," which resulted in an unusually high number of printed signatures which cannot be verified against the voter registration file and that such design of the form indicates an intent to commit fraud.

7. The Objector further states that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 26th Legislative District of the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix-Recapitulation under the column designated "A; SIGNER NOT REGISTERED AT ADDRESS SHOWN," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. The Objector further states that the said nomination papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 26<sup>th</sup> Legislative District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "B: SIGNER RESIDES OUTSIDE DISTRICT," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

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

10. The Objector further states that said nominating petition contains the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "D: SIGNER SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
11. The Objector further states that the said nomination papers contain the names of numerous persons whom the signature does not match what is on their voter registration card, as is set forth specifically in the Appendix-Recapitulation, under the column designated "E: SIGNATURE DOES NOT MATCH VOTER REGISTRATION CARD," attached hereto and made a part hereof, all of said names being in violation of the statutes in such cases made and provided.
12. The Objector further states that the said nomination papers contain the names of numerous persons whom the address given are improper, missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation, under the column designated "F: SIGNER'S ADDRESS MISSING OR INCOMPLETE," attached hereto and made a part hereof, all of said addresses being in violation of the statutes in such cases made and provided.
13. The Objector states that various purported signatures are legally defective and deficient for a variety of reasons, as more fully set forth in the Appendix-Recapitulation, under the column designated "G: OTHER" (together with an appropriate further reason) attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. These objections include, but are not limited to names stricken or crossed out from the sheets; use of only a partial name; and improper use of name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signatures being in violation of the statutes in such cases made and provided.
14. The Objector states that petition signature sheets number(s) 4,8,10,11,15,29,30,32,35, 36,38,39,43,46,47,48,49,50,51,52,53,54,55,56,57,58,60,68,69,70,71,72,73,74,75,76, 77,78,80,81,82,83,84,85,86,87,88,90,91,92,98,100,111,112,118,121,122,123,126,127, 133,137,138,139,143,144,149,150,152,153,154,155,159,160,161,162,163,164,165,166, 167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,185,189, 190,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,215,216,224,225, 226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,241,242,243,244, 245,246,247,248,249,250,251,252,255,258,259,260,261,264,265,268,269,270,271,273, 275,279,281,283,284,286,287,292,293,298,302,305,311 and 316 were circulated by individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated in order to protect the integrity of the electoral process. Such circulators are: Anya Rose McInerney, 437 E Rockland, Libertyville, IL 60048; Takeyoshi Kaneko, 28784 Spyglass Circle, Ivanhoe, IL 60060; Guillermo Martinez, 3250 W 115th Street, Chicago, IL 60655; Tom Mannix, 112 Rockford, Forest Park, IL, 60130; Christopher

Donahue, 10200 S. Tripp, Oak Lawn, IL 60453; Sam Rehder, 3624 S 52nd Ct, Cicero, IL 60804; Mark Kalamaris, 7610 W. Addison, Chicago, IL 60634.

15. The Objector states that various petition sheets are defective and void in its entirety and all signatures thereon are invalid because they were circulated by circulators who circulated for Democratic candidates as well as Republican Candidate Urlacher, as more fully set forth in the Appendix-Recapitulation at the bottom of the sheet (together with a checkmark at "circulator circulated for a candidate of another party) attached hereto and made a part hereof. [N]o person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election. 10 ILCS 5/10-4. A circulator may circulate for only candidates of one political party in any given election. *Schober v. Young*, 322 Ill.App.3d 996, 751 N.E.2d 610, 256 Ill.Dec. 220 (4th Dist. 2001)
16. The Objector states that various petition signature sheet(s) are defective and void in its entirety and all signatures thereon are invalid because the sheet has not been properly signed by the Notary Public, the absence of such signature being a fatal defect, as is set forth in the Appendix-Recapitulation at the bottom of the sheet attached hereto and made a part hereof. THESE PAGES ARE: 40, 90, 92, 122, 207, 208, 209, 210, 254, 255, 266, 267, 283, 295, 306, 330, AND 331.
17. The Objector states that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with and "utter and contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the nominating petition as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety under the principles set forth in *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶¶32 – 42, 969 N.E.2d 861, 360 Ill.Dec. 816; *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill.App.3d 1111, 864 N.E.2d 996, 309 Ill.Dec. 755 (1st Dist. 2007); *Canter v. Cook County Officers Electoral Board*, 170 Ill.App.3d 364, 523 N.E.2d 1299, 1300 – 1301, 120 Ill.Dec. 388 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555, 556 – 558, 108 Ill.Dec. 859 (1st Dist. 1987); and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 617, 78 Ill.Dec. 496 (1st Dist. 1984). This allegation is made with specific reference to petition signature sheets numbers 4,8,10,11,15,29,30,32,35,36,38,39,43,46,47,48,49,50,51,52,53,54,55,56,57,58, 60,68,69,70,71,72,73,74,75,76,77,78,80,81,82,83,84,85,86,87,88,90,91,92,98,100,111, 112,118,121,122,123,126,127,133,137,138,139,143,144,149,150,152,153,154,155,159, 160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179, 180,181,182,183,184,185,189,190,192,193,194,195,196,197,198,199,200,201,202,203, 204,205,206,215,216,224,225,226,227,228,229,230,231,232,233,234,235,235,236,237, 238,239,240,241,242,243,244,245,246,247,248,249,250,251,252,255,258,259,260,261, 264,265,268,269,270,271,273,275,279,281,283,284,286,287,292,293,298,302,305,311 and 316 with investigation continuing to, portions of other petition signature sheets. Your

Objector will produce documentary and testimonial evidence that will establish inter alia that:

- (a) The purported circulator of the following enumerated petition signature sheets was not, in fact, the actual circulator: 192,193,194,195,196,197,198,199,200,201,202, 203,204,205,206,229, 230,231,232,233,234,235, and 271.
- (b) Several circulators gave instructions to petition signers to not sign the form but to instead print their name thus creating an extensive number of records that cannot be verified with voter registration information.
- (c) Several signatures were not placed on the petitions by the voters in their own proper persons but were signed by other individuals and family members.
- (d) Several signatures were written by the same hand and are not genuine and are forgeries.

18. The Objector states that the nomination papers herein contested consist of various sheets containing the valid and legal signatures of less than 1000 qualified and duly registered legal voters of the 26<sup>th</sup> legislative district, below the number required under Illinois law. In addition, the allegations contained in paragraphs 1 through 17 of this Objector's Petition render the entire nominating petition null and void.

19. 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 26<sup>th</sup> State Senate 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 Casey Urlacher shall not appear and not be printed on the ballot for nomination to the office of State Senator of the 26<sup>th</sup> Legislative District of the State of Illinois to be voted for at the primary election of March 15, 2016.

*Daniel J. Krucek*

OBJECTOR

Daniel J. Krucek  
20835 North Country Lane  
Deer Park IL 60010

**VERIFICATION**

STATE OF ILLINOIS

COUNTY OF Cook

I, Daniel J. Krucek, 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.

*Daniel J. Krucek*

Subscribed and sworn to before me

By Daniel J. Krucek

This 5<sup>th</sup> day of December 2015

*Alice Christine Svenson*

Notary Public



**Simpson v Aguirre**  
**15 SOEB GP 508**

**Candidate:** Wladimiro Aguirre

**Office:** State Representative, 67<sup>th</sup> district

**Party:** Democratic

**Objector:** Dion Simpson

**Attorney For Objector:** Michael Kasper

**Attorney For Candidate:** Pro Se

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 1090

**Number of Signatures Objected to:** 706

**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." Additionally, Objector alleges that the petition contains sheets which are not signed by the circulator and/or not signed by the circulator in his own proper person

**Dispositive Motions:** Candidate's Motion to Strike

**Binder Check Necessary:** Yes

**Hearing Officer:** Michael Tecson

**Hearing Officer Findings and Recommendations:** A records examination commenced and was completed on December 21, 2015. The examiners ruled on objections to 706 signatures. 579 objections were sustained, leaving 511 valid signatures, which is 11 signatures more than the required minimum number of 500 signatures.

The Candidate's Motion to Strike sought to strike dismiss the Objector's petition as a "shotgun objection." The Hearing Officer noted that the record exam summary report indicated that the Board sustained objections to 579 of 706 signatures examined, an 82.01% sustain rate. Based on the high rate of objections sustained during the records examination and the lack of additional legal or factual argument from Candidate in support of his motion, the Hearing Officer recommends that the Candidate's Motion to Strike be denied.

The Objector filed a Rule 9 Motion. Upon consideration of the motion, which alleged in part that complete rulings were not made upon three specified signature lines, the Hearing Officer recommended a partial records examination of these three signatures; this examination was held and completed on December 30, 2015. After the partial records examination, 2 additional objections were sustained, for a total of 581 total objections sustained, leaving 509 valid signatures, 9 signatures more than the required number.

Hearing was held on January 7, 2016. The Objector argued several bases as follow: (1) that the Board incorrectly included as valid 13 signatures which were identified in the Candidate's Certificate of Deletion; (2) that the Board incorrectly overruled objections to the genuineness of specified signatures and (3) that the Board erred on specified record examination determinations that the signer was registered at the address noted and/or that the address noted was within the 67<sup>th</sup> District.

With regard to signatures from the Certificate of Deletion, after Hearing Officer's review, it was determined that the Board had not included 3 of the 13 signatures as valid signatures, and Objector's argument as to these 3 signatures was incorrect. With regard to the other 10 signatures identified by the Objector, 9 of 10 were objected to, and those objections sustained. One signature which was listed on the Certificate of Deletion was overruled at the records examination. The hearing officer recommends that this one additional signature be subtracted from the Candidate's total number of valid signatures.

The Objector submitted evidence in the form of testimony from James Hayes, a forensic records examiner, as well as certified voter records from the Rockford Board of Election Commissioners and the Winnebago County Clerk, regarding the genuineness of voter signatures to which objections were overruled at the records examination. The Objector's expert witness testified that in his opinion, 47 signatures on the Candidate's petition, the majority of which were printed on the petition sheets but cursive on the voter registration records, were not signed by the same writer. In light of the testimony, the Hearing Officer examined all 47 signatures and recommends that 12 of the rulings made by the Board upon records examination be sustained, and 35 of the rulings be overruled, which would result in 35 signatures being subtracted from the Candidate's total number of valid signatures.

Finally, the Objector submitted evidence from the Rockford County Board of Election Commissioners and the Winnebago County Clerk supporting its argument that 24 signatures asserting either that the signer is not registered at the address listed or that the signer's address is outside of the 67<sup>th</sup> District were incorrectly overruled by the Board upon record examination. The Hearing Examiner examined all 24 signatures and the submitted documentation and recommends that 18 signatures from the records examination be overruled as requested by the Objectors, and these 18 signatures be subtracted from the Candidate's total number of valid signatures.

Accordingly, the Hearing Officer recommends that: (1) the Board deny the Candidate's Motion to Strike and Dismiss; (2) the Board find that the Candidate needed 500 valid signatures to be on the ballot, and the Candidate had 509 valid signatures after the record examination; (3) that the Board grant in part and deny in part the Objector's Rule 9 Motion, recommending that a total of 54 signatures found to be valid from the records examination be overruled, and that those 54

signatures be subtracted from the total number of valid signatures on the Candidate's nominating petition; (4) that the Board find that after subtracting 54 signatures from the Candidate's 509 valid signatures, the Candidate has only 455 valid signatures remaining, which is 45 less than the required number of signatures; and (5) that the Board order that the Candidate's name NOT certified to the ballot as a Democratic Party candidate for the office of State Representative for the 67<sup>th</sup> Representative District of 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 OF OBJECTIONS TO  
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF  
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 67<sup>th</sup>  
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

DION SIMPSON,	)	
	)	
Petitioner-Objector,	)	No. 15 SOEB GP 508
	)	
v.	)	
	)	
WLADIMIRO AGUIRRE,	)	
	)	
Respondent-Candidate.	)	

**HEARING EXAMINER’S FINDINGS AND RECOMMENDATION**

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:

I. BACKGROUND

Nature of Objections

The Candidate Wladimiro Aguirre (“Candidate”) timely filed his Nomination Papers with the State Board of Elections to qualify as a candidate for nomination of the Democratic Party to the Office of State Representative for the 67<sup>th</sup> Representative District for the State of Illinois to be voted upon at the Primary Election to be held on March 15, 2016. The Objector Dion Simpson (“Objector”) timely filed a Verified Objector’s Petition (“Petition”) to the Candidate’s Nomination Papers. In her Petition, the Objector argued that the Candidate’s Nomination Papers contained less than 500 validly collected signatures and attached an Appendix-Recapitulation to her objection. Specifically, the Objector stated that the Nomination Papers contained the following deficiencies: a) names of persons who are not registered voters or who are not registered voters at the addresses shown opposite their respective names; b) names of persons who did not sign the papers in their own proper person and such signatures are not genuine; c) names of persons for whom the addresses stated are not in the 67<sup>th</sup> District; d) names of persons for whom the addresses given are either missing or incomplete; e) names of persons who signed the Nomination Papers more than once; f) contains petition sheets with are not signed by the circulator; and g) contains petition sheets which have a circulators’ affidavit which is not signed by the circulator in his own proper person and such signatures are not genuine.

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### A. Candidate's Motion to Strike

At the December 23, 2015 telephonic case management and hearing, the Candidate was present. No one appeared on behalf of the Objector. The hearing examiner conducted a hearing on the Candidate's motion to dismiss. The hearing examiner asked the Candidate if he had any additional argument other than in his motion, and he said he did not. The Candidate's motion is one page and argues one sentence that the Objector's Petition should be dismissed because it is a "shotgun objection." The hearing examiner noted that the record exam summary report indicated that the Board sustained objections to 579 of 706 signatures examined, which is 82.01% of the signatures objected to. Based on the high number of objections sustained during the records examination, and the lack of additional legal or factual argument from Candidate in support of his motion, the Candidate's motion to strike should be denied.

### B. Records Examination and Rule 9 Motion Hearing

#### 1. Records Exam Results

The Records Examination commenced and was completed on December 21, 2015. Both parties were present at the Records Examination, and the results of the records examination were transmitted to the parties on December 21, 2015. The Candidate needs 500 signatures to be on the ballot. The Candidate submitted 1,090 signatures. The examiners ruled on objections to 706 signatures. 579 objections were sustained, leaving 511 valid signatures, which was 11 signatures more than the required number of signatures.

On December 24, 2015, the Objector timely submitted her Rule 9 Motion to both the hearing officer and the Objector by e-mail. Based on consideration of the Objector's Rule 9 motion, on December 28, 2015, the hearing examiner ordered a partial records examination on three signatures. The partial Records Examination commenced and was completed on December 30, 2015. The Candidate did not appear, but the Objector was present. After the partial Records Examination, 2 additional objections were sustained for a total of 581 total objections sustained, leaving 509 valid signatures, which is 9 signatures more than the required number of signatures.

#### 2. Rule 9 Hearing

Pursuant to a case management order, and by agreement of the parties, the matter was set for a Rule 9 Motion Hearing on January 7, 2016. The parties were ordered to submit any rebuttal documents or evidence with regard to Rule 9 submissions by December 30, 2015, as well as a list of any witnesses the party intended to call. The Candidate did not submit any documents or witness lists on December 30, 2015.

The Rule 9 Motion Hearing was conducted on January 7, 2016 at 9:00 a.m. at the Illinois State Board of Elections' offices located at 100 W. Randolph Street, Suite 14-100, Chicago, Illinois 60601. The Candidate appeared *pro se*. Also appearing with Candidate was Thomas Estergard, who is not an attorney. The Objector appeared via attorneys Michael J. Kasper and

Kevin Morpew. Also present with Mr. Kasper and Mr. Morpew were Tiffany Moy and Shaw Decremer.

For the reasons set forth below, I recommend that a total of 54 signatures from the Records Examination should be overruled as requested by the Objector in her Rule 9 Motion, and these 54 signatures should be subtracted from the Candidate's total valid signatures.

a. Objector's Case

i. Signatures from Certificate of Deletion

At the hearing, I preliminarily ruled on the issue raised in paragraph 8 of the Objector's Motion, wherein the Objector argued that the Board incorrectly included as valid 13 signatures which were identified on the Candidate's Certificate of Deletion. After review of these 13 signatures, the Board did not include as part of the Candidate's valid signatures the following 3 signatures, as they were crossed out on the Candidate's petition sheets: Page 67, Line 12; Page 73, Line 8; Page 74, Line 5. Therefore, the Objector's argument as to those 3 signatures was incorrect.

As to the other 10 signatures identified by the Objector, the Objector objected to all 10 of those signatures anyway, and 9 of those objections were sustained at the Records Examination. The only objection that was overruled was Page 68, Line 5. Since this signature was listed on the Candidate's Certificate of Deletion, this signature was incorrectly included as part of the Candidate's valid signatures. Therefore, I recommend that this 1 additional signature should be subtracted from the Candidate's total number of valid signatures.

ii. Signatures Not Genuine

For the Objector's case-in-chief on her Rule 9 Motion, she submitted evidence in the form of (1) testimony from James Hayes, a forensic document examiner, regarding the genuineness of voter signatures to which objections were overruled at the Records Examination, and (2) certified voter records from the Rockford Board of Election Commissioners and the Clerk of the County of Winnebago. The Objector's Rule 9 Motion and all the exhibits attached thereto were offered and accepted into evidence as the Objector's Exhibit 1.<sup>1</sup> The Candidate objected to the admission of Objector's Exhibit 1, as the Candidate stated he did not receive a copy of it. In overruling the Candidate's objection, I note that the Objector's Rule 9 Motion was sent to the hearing examiner and the Candidate by e-mail on December 24, 2015 at 3:47 p.m. (CST).

Mr. Hayes was identified as a witness in the Objector's Rule 9 Motion. Mr. Hayes testified that he has been a forensic document examiner for 30 years, he has a B.S. in criminal justice, he has worked as an expert for the Chicago police department, the First National Bank of Chicago, he has testified as an expert over 100 times in court and election board proceedings, and that he has never been denied qualification as an expert. The Candidate asked if he could

---

<sup>1</sup> The Objector submitted the original Certifications, with raised seals, from these entities to me at the hearing, and I have submitted these originals to the Board to remain in its files.

bring in his own expert witness. I denied the request as untimely. The Candidate agreed that Mr. Hayes should be qualified as an expert. Based upon his training, experience, and that he has previously testified over 100 times as an expert, I found Mr. Hayes to be a qualified expert with regard to handwriting analysis.

Mr. Hayes provided his opinion as to 47 signatures on the Candidate's petition sheets. Mr. Hayes compared the signature on the petition sheet to that voter's signature on the Certified Voter Registration information as provided by the Objector from the City of Rockford. The majority of the signatures about which Mr. Hayes testified were printed on the petition sheets, but cursive on the voter registration records. The voter registration documents were included as Exhibit B to the Objector's Rule 9 Motion. Mr. Hayes testified that, in his opinion, and to a reasonable degree of scientific certainty, that all 47 signatures on which he gave testimony were not signed by the same writer. Beyond the fact that most signatures were printed on the petition sheet and in cursive on the voter registration information, Mr. Hayes based his opinion on differences in: letter forms, letter shapes, letter styles, letter movements, letter size and proportion, and level of skill in the signatures.

On cross-examination, the Candidate asked about certain signatures, and asked if Mr. Hayes' opinion was based upon a comparison of a printed signature to a cursive signature. Mr. Hayes stated that he had no doubt that of the 47 signatures on which he testified, none of them were signed by the same writer.

The sheet and line number of the signatures as to which Mr. Hayes testified are listed in the Chart attached hereto as Hearing Examiner's Exhibit A. The 4<sup>th</sup> column on Exhibit A labeled "Ruling" identifies my ruling on the signature. "O" means I recommend that the ruling at the Records Examination be overruled. "S" means I recommend that the ruling at the records examination be sustained.

Based upon the evidence submitted by the Objector, and as set forth in my rulings on the attached Exhibit A, I recommend that 35 signatures from the Records Examination should be overruled as requested by the Objector in her Rule 9 Motion, and these 35 signatures should be subtracted from the Candidate's total valid signatures.

### iii. Signer Not At Address or Address out of District

The Objector also presented evidence at the hearing regarding the 24 signatures identified on the chart attached hereto as Hearing Examiner Exhibit B. The Objector's evidence included certified voter records and information from the Rockford Board of Election Commissioners and the Clerk of the County of Winnebago. The third column identifies the basis of the Objector's appeal regarding that signature: "A" means the signer is not a registered voter at the address indicated on the petition, and "C" means the signer's address is not located in the 47<sup>th</sup> District. The 4<sup>th</sup> column on Exhibit B labeled "Ruling" identifies my ruling on the signature. "O" means I recommend that the ruling at the Records Examination be overruled. "S" means I recommend that the ruling at the records examination be sustained.

Based upon the evidence submitted by the Objector, and as set forth in my rulings on the attached Exhibit B, I recommend that 18 signatures from the Records Examination should be

overruled as requested by the Objector in her Rule 9 Motion, and these 18 signatures should be subtracted from the Candidate's total valid signatures.

b. The Candidate's Case

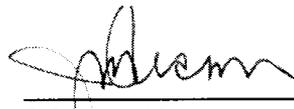
The Candidate did not submit any documents or evidence to the hearing officer or the Objector by December 30, 2015. The Candidate asked for additional time to bring in evidence and witnesses as part of his case. I denied the request as untimely. The Candidate indicated that he did not have any further presentation regarding his case.

III. RECOMMENDATION

For the foregoing reasons, I recommend the following:

1. That the Board deny the Candidate's motion to strike and dismiss;
2. That the Board find that the Candidate needed 500 signatures to be on the ballot, and that the Candidate had 509 valid signatures after the Records Examination;
3. That the Board grant in part and deny in part the Objector's Rule 9 Motion in accordance with the findings above and Hearing Examiner's Exhibits A and B attached hereto which reflect my recommendation that a total of 54 signatures from the Records Examination be overruled, and those 54 signatures should be subtracted from the total number of valid signatures on the Candidate's Nomination Papers;
4. That the Board find that after subtracting the 54 signature from the Candidate's 509 valid signatures, the Candidate has only 455 valid signatures remaining, which is 45 less than the required number of signatures;
5. That the Board order that the name Wladimiro Aguirre NOT be certified for the ballot as a candidate for the Democratic Party for the office of Representative in the General Assembly for the 67<sup>th</sup> Representative District for the State of Illinois to be voted on at the Primary Election on March 15, 2016.

Dated: January 12, 2016



---

J. Michael Tecson  
Hearing Examiner

Exhibit A to Hearing Examiner's Findings

Sheet	Line	Objection	Ruling
1	7	B	O
1	8	B	O
1	12	B	O
1	13	B	O
1	15	B	O
2	9	B	O
5	9	B	S
6	5	B	O
6	6	B	O
6	14	B	O
7	10	B	O
21	2	B	S
21	4	B	S
23	7	B	O
23	10	B	O
23	11	B	O
24	7	B	O
24	9	B	O
24	10	B	O
24	15	B	O
25	8	B	O
26	9	B	O
26	15	B	S
28	6	B	O
30	1	B	S
36	8	B	O
39	8	B	O
50	13	B	S
52	1	B	O
52	2	B	S
52	3	B	S
53	14	B	O
54	13	B	O
55	15	B	S
56	2	B	O
56	3	B	O
56	4	B	O
56	8	B	S

58	2	B	S
60	10	B	O
64	4	B	O
64	5	B	O
65	7	B	O
66	2	B	O
66	3	B	O
67	14	B	O
69	13	B	S

<b>Total Overruled</b>	<b>35</b>
------------------------	-----------

<b>Total Sustained</b>	<b>12</b>
------------------------	-----------

Exhibit B to Hearing Examiner's Findings

Sheet	Line	Objection	Ruling
2	3	A	O
3	4	A	O
3	11	A	O
8	1	A	O
11	8	A	O
12	8	C	O
19	3	C	O
22	4	A	O
29	4	A	S
33	3	A	O
34	1	A	O
35	3	A	S
42	5	A	S
42	8	A	O
43	10	A	O
45	3	A	O
46	6	A	O
53	2	A	S
53	6	A	O
56	6	A	S
62	15	A	O
65	3	A	O
74	3	C	S
74	14	A	O

<b>Total Overruled</b>	<b>18</b>
------------------------	-----------

<b>Total Sustained</b>	<b>6</b>
------------------------	----------

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO  
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF  
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 67<sup>th</sup>  
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

DION SIMPSON, )  
 )  
 Petitioner-Objector, ) No. 15 SOEB GP 508  
 )  
 v. )  
 )  
 WLADIMIRO AGUIRRE, )  
 )  
 Respondent-Candidate. )

**NOTICE OF FILING**

To: Via E-mail Only:

Michael J. Kasper (mjkasper60@mac.com)  
Kevin Morphew (kmmorphew@sorlinglaw.com)  
*Counsel for Objector*

Wladimiro Aguirre (wladimiro.aguirre@yahoo.com)  
*Candidate, pro se*

Please be advised that on January 12, 2016, I caused to be sent by email to the above parties at the e-mail 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 Wednesday, January 20, 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: January 12, 2016

  
\_\_\_\_\_  
J. Michael Tecson  
Hearing Examiner

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  
67th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Dion Simpson, )

Petitioner-Objector, )

v. )

Wladimiro Aguirre, )

Respondent-Candidate. )

ORIGINAL ON FILE AT  
STATE BD OF ELECTIONS  
ORIGINAL TIME STAMPED  
AT 2015, Dec. 7, 1:36 pm  
HK

OBJECTOR'S PETITION

INTRODUCTION

Dion Simpson, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 924 Island Ave., Rockford, Illinois, Zip Code 61102, in the 67th 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 67th 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 Wladimiro Aguirre as a candidate for the office of Representative in the General Assembly for the 67th 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 67th 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 67th Representative District of the State of Illinois, and such persons are not registered voters in the 67th 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 67th 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 67th 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 Wladimiro Aguirre shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 67th Representative District of the State of Illinois, to be voted for at the Primary Election to be held March 15, 2016.



**OBJECTOR**  
Dion Simpson  
924 Island Ave.,  
Rockford, Illinois 61102

VERIFICATION

STATE OF ILLINOIS  
COUNTY OF Cook

)  
) SS.  
)

I, Dion Simpson, 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.

Dion Simpson

Subscribed and sworn to before me  
by Dion Simpson  
this 6 day of December, 2015.

Tiffany Moy  
Notary Public



**Simpson v Jackson**  
**15 SOEB GP 509**

**Candidate:** Lisa Jackson

**Office:** State Representative, 67<sup>th</sup> district

**Party:** Democratic

**Objector:** Dion Simpson

**Attorney For Objector:** Kevin Morphew/Michael Kasper

**Attorney For Candidate:** Pro Se

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 676

**Number of Signatures Objected to:** 319

**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." Various objections were made to circulators.

**Dispositive Motions:** Candidate's Rule 9 Motion

**Binder Check Necessary:** Yes

**Hearing Officer:** Michael Tescon

**Hearing Officer Findings and Recommendations:** The Records Examination commenced and was completed on December 21, 2015. The Candidate submitted 676 signatures. The examiners ruled on objections to 319 signatures. 219 objections were sustained, leaving 457 valid signatures, which is 43 signatures less than the required number of signatures.

The Candidate submitted a Rule 9 Motion and a hearing on the motion was conducted on January 5, 2016. At the hearing, the Candidate admitted and conceded that her evidence would not result in the rehabilitation of at least 43 signatures. Based on the argument of the Objector, and the admission of the Candidate during the Rule 9 Motion Hearing, the hearing examiner found that the Candidate could not sustain her burden at the hearing of rehabilitating enough signatures to reach 500 and that it was unnecessary to proceed forward with the remainder of the hearing.

Accordingly, the Hearing Officer recommends that the Board sustain the objection and order that the Candidate's name NOT be certified to the ballot as a candidate for the Democratic Party for

the office of Representative in the General Assembly for the 67<sup>th</sup> Representative District for the State of Illinois to be voted on at the Primary Election on March 15, 2016.

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

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO  
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF  
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 67<sup>th</sup>  
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

DION SIMPSON,	)	
	)	
Petitioner-Objector,	)	No. 15 SOEB GP 509
	)	
v.	)	
	)	
LISA JACKSON,	)	
	)	
Respondent-Candidate.	)	

**HEARING EXAMINER'S FINDINGS AND RECOMMENDATION**

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:

BACKGROUND

The Candidate Lisa Jackson ("Candidate") timely filed her Nomination Papers with the State Board of Elections to qualify as a candidate for nomination of the Democratic Party to the Office of State Representative for the 67<sup>th</sup> Representative District for the State of Illinois to be voted upon at the Primary Election to be held on March 15, 2016. The Objector Dion Simpson ("Objector") timely filed a Verified Objector's Petition ("Petition") to the Candidate's Nomination Papers. In her Petition, the Objector argued that the Candidate's Nomination Papers contained less than 500 validly collected signatures and attached an Appendix-Recapitulation to her objection. Specifically, the Objector stated that the Nomination Papers contained the following deficiencies: a) names of persons who are not registered voters or who are not registered voters at the addresses shown opposite their respective names; b) names of persons who did not sign the papers in their own proper person and such signatures are not genuine; c) names of persons for whom the addresses stated are not in the 67<sup>th</sup> District; d) names of persons for whom the addresses given are either missing or incomplete; e) names of persons who signed the Nomination Papers more than once; f) contains petition sheets with are not signed by the circulator; and g) contains petition sheets which have a circulators' affidavit which is not signed by the circulator in his own proper person and such signatures are not genuine.

## RECORDS EXAMINATION / RULE 9 MOTION HEARING

The Records Examination commenced and was completed on December 21, 2015. Both parties were present at the Records Examination, and the results of the records examination were transmitted to the parties on December 21, 2015. The Candidate needs 500 signatures to be on the ballot. The Candidate submitted 676 signatures. The examiners ruled on objections to 319 signatures. 219 objections were sustained, leaving 457 valid signatures, which is 43 signatures less than the required number of signatures.

On December 24, 2015, the Candidate timely submitted her Rule 9 evidence to both the hearing officer and the Objector. Pursuant to a case management order, the matter was set for a Rule 9 Motion Hearing on January 5, 2016, and the parties were to submit any rebuttal documents or evidence with regard to Rule 9 submissions by December 30, 2015, as well as a list of any witnesses the party intended to call. Neither party submitted any documents or witness lists on December 30.

The Rule 9 Motion Hearing was conducted on January 5, 2016 at 1:00 p.m. at the Illinois State Board of Elections' offices located at 100 W. Randolph Street, Suite 14-100, Chicago, Illinois 60601. The Candidate appeared *pro se*. Also present with Candidate was Flossie Hoarde. Neither Candidate nor Ms. Hoarde are attorneys. The Objector appeared via attorney Kevin Morphew. Also present with Mr. Morphew was his assistant Tiffany Moy.

As the Candidate was 43 signatures below the minimum signature requirements, she had the burden of proof at the hearing. Prior to proceeding with the Candidate's case-in-chief, the Objector preliminarily argued that the Candidate's Rule 9 submissions, even if accepted as true, appeared to only result in the rehabilitation of 29 signatures, still 14 signatures short of the necessary 500 signatures the Candidate needs to be on the ballot. The hearing examiner noted this same issue and asked the Candidate whether her submitted Rule 9 evidence, if accepted as true, would result in the rehabilitation of the 43 additional signatures she needed to be on the ballot. The Candidate admitted and conceded that her evidence would not result in the rehabilitation of at least 43 signatures.

Based on the argument of the Objector, and the admission of the Candidate during the Rule 9 Motion Hearing, the hearing examiner found that the Candidate could not sustain her burden at the hearing of rehabilitating enough signatures to reach 500 and that it was unnecessary to proceed forward with the remainder of the hearing. The hearing examiner stated he would submit a recommendation to the Board that the Candidate's name not be certified for the ballot.

\* \* \*

RECOMMENDATION

For the foregoing reasons, I recommend that the Board: (a) find that after the records examination and the Rule 9 Motions, that the Candidate is 43 signatures short of meeting the minimum requirement to have her name placed on the ballot; (b) sustain Objector Dion Simpson's Objector's Petition; and (c) order that the name Lisa Jackson NOT be certified for the ballot as a candidate for the Democratic Party for the office of Representative in the General Assembly for the 67<sup>th</sup> Representative District for the State of Illinois to be voted on at the Primary Election on March 15, 2016.

Dated: January 5, 2016



---

J. Michael Tecson  
Hearing Examiner

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO  
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF  
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 67<sup>th</sup>  
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

DION SIMPSON,	)	
	)	
Petitioner-Objector,	)	No. 15 SOEB GP 509
	)	
v.	)	
	)	
LISA JACKSON,	)	
	)	
Respondent-Candidate.	)	

**NOTICE OF FILING**

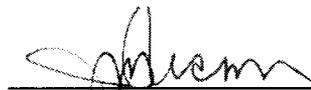
To: Via E-mail Only:

Michael J. Kasper (mjkasper60@mac.com)  
Kevin Morphew (kmmorphew@sorlinglaw.com)  
*Counsel for Objector*

Lisa Jackson (ljack69@live.com)  
*Candidate, pro se*

Please be advised that on January 5, 2016, I caused to be sent by email to the above parties at the e-mail 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 Wednesday, January 20, 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: January 5, 2016



J. Michael Tecson  
Hearing Examiner



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 67th 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 67th Representative District of the State of Illinois, and such persons are not registered voters in the 67th 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 67th 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 67th 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 Lisa Jackson shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 67th Representative District of the State of Illinois, to be voted for at the Primary Election to be held March 15, 2016.



OBJECTOR  
Dion Simpson  
924 Island Avenue,  
Rockford, Illinois 61102

VERIFICATION

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, Dion Simpson, 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.

Dion Simpson

Subscribed and sworn to before me  
by Dion Simpson  
this 6 day of December, 2015.

Tiffany Moy  
Notary Public



**Stieper v Urlacher  
15 SOEB GP 514**

**Candidate:** Casey Urlacher

**Office:** State Senate, 26<sup>th</sup> District

**Party:** Republican

**Objector:** David Stieper

**Attorney For Objector:** Richard Means

**Attorney For Candidate:** Burt Odelson/Luke Keller/Lauren Glennon

**Number of Signatures Required:** 1000

**Number of Signatures Submitted:** 2184

**Number of Signatures Objected to:** 1823

**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:** Candidate's Motion to Strike and Dismiss, Objector's Response to Candidate's Motion to Strike and Dismiss, Candidate's Motion to Strike, Dismiss and Not Consider Objector's Late Rule 9 Filings

**Binder Check Necessary:** Yes

**Hearing Officer:** Barbara Goodman

**Hearing Officer Findings and Recommendations:** Candidate's Motion to Strike and Dismiss sought to strike paragraph 6 of the Objector's petition, which provides that the nomination papers contain the names of signers for whom the address is so incomplete or illegible as to render it impossible to check whether the signers are registered voters within the 26<sup>th</sup> Legislative District. The Candidate alleged that the inability to check a signature is not a basis to invalidate it. The Hearing Officer found that, while the allegation that a signature is illegible is not a valid basis, the allegation that the signer's address is incomplete states a cognizable basis to invalidate a signature; therefore, the Hearing Officer recommends that the Candidate's Motion to Strike paragraph 6 be denied.

A records examination commenced and was completed on December 18, 2015. The examiners ruled on objections to 1823 signatures. 1205 objections were sustained leaving 979 valid signatures, which is 21 signatures less than the required minimum number of 500 signatures.

Both parties filed Rule 9 Motions. The Objector filed his Motion prior to the 5:00 p.m. deadline but did not file the requisite evidence in support of the Motion until after the 5:00 p.m. deadline had passed because of technical difficulties with his computer. The Candidate filed a Motion to Strike, Dismiss and Not Consider the Late Filings. Objector argued that the Rule 9 Motion itself was timely submitted and the Candidate was not prejudiced by the last submission of evidence because the Candidate was already on notice as to what issues would be presented. The Hearing Officer found that the computer issues presented by the Objector do not constitute good cause shown to extend the 5:00 p.m. deadline set forth in the Board's adopted Rules of Procedure; therefore, the Hearing Officer granted the Candidate's Motion to Strike, Dismiss and Not Consider the Late Filings. (The Hearing Officer found it important to note that, had the Motion been denied and the Objector permitted to have all late submitted evidence considered, it could have resulted in a net loss to the Candidate of 6 signatures because much of the Objector's submission regarding the genuineness of signatures was simply the signature clips of signers. Without additional accompanying evidence such as affidavits, testimony of signers or an expert witness, the Hearing Officer is of the opinion that submission of signature clips alone is essentially a request for a second opinion on the genuineness rulings and constitutes an insufficient basis to change the original findings from the records examination.)

The Candidate timely presented 77 affidavits of signers and 48 registration records. The Objector objected to submission of the affidavits because the Candidate did not also include the signers' voter registration records; however, because the only issue was the genuineness of those signers' signatures, the Hearing Officer overruled the objection. The submission of the 77 affidavits changed the ruling on signature genuineness from sustained to overruled on all 77 signatures at issue, which brought the Candidate to 56 valid signatures above the minimum. One duplicate signature had been deleted twice at the records exam; therefore, one signature was reinstated to bring the Candidate to 57 signatures over the minimum. An additional 6 signatures were gained by the Candidate after review of the registration records that were submitted, leaving the Candidate with 63 signatures above the minimum. It was further agreed that the Objector's evidence resulted in 14 signatures being stricken because the signers reside outside the district. In summary, at the conclusion of the Rule 9 hearing the Candidate had 49 signatures above the statutory minimum.

Accordingly, the Hearing Officer recommends that: (1) the Candidate's Motion to Strike and Dismiss be denied; (2) the objection be overruled; and (3) the Candidate's name be certified to the ballot as a Republican Party candidate for the office of State Senator for the 26<sup>th</sup> Legislative District of the State of Illinois.

**Recommendation of the General Counsel:** The General Counsel concurs in the Hearing Officer's recommendation but notes that, following review of the Hearing Officer's Report and Recommendation, the parties agreed that the Candidate's Rule 9 submission of voter registration records rehabilitated only 5 signatures instead of 6; therefore, at the conclusion of the Rule 9 hearing the Candidate had 48 signatures above the statutory minimum instead of 49.

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

DAVID STIEPER )  
 )  
 Objector )  
 )  
 -v- ) 15 SOEB GP 514  
 ) (rel. case 15 SOEB GP 504)  
 )  
 CASEY URLACHER )  
 )  
 )  
 Candidate )

**HEARING OFFICER’S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 14, 2015. The Candidate appeared through counsel Luke J. Keller and Lauren B. Glennon. At a subsequent hearing, Candidate also appeared through counsel Burton S. Odelson. The Objector appeared through counsel Richard Means. Thereafter, the Candidate timely file a Motion to Strike and Dismiss and the Objector filed a Response.

**Candidate’s Motion To Strike And Dismiss**

Candidate’s Motion to Strike and Dismiss (“Candidate’s Motion”) seeks to strike paragraph 6 of the Objector’s Petition. Paragraph 6 provides: *The Nomination Papers contain the names of persons, as signers, for whom the address appearing opposite said names is so incomplete or illegible as to render impossible the inquiry into whether such persons are registered voters within the 26<sup>th</sup> Legislative District as is set forth specifically in Appendix A attached hereto and incorporated herein, under the hearing Column ., “Signer’s address is incomplete or illegible as to prevent checking” in violation of the Illinois Election Code and therefore all such signatures on such petitions sheets are invalid.* Candidate alleges that the inability to check a signature is not a basis to invalidate it. While Candidate makes a valid point as to part of the allegation (the signature being illegible as to prevent checking”) the remainder of the

allegation (Signer's address is incomplete") states a cognizable basis to invalidate a signature. Accordingly, the portion of the allegation that relates to a signature being illegible so as to prevent checking can simply be considered surplusage and Candidate's motion to strike paragraph 6 of the Objector's Petition was denied.

### **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 1,000.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 2,184.
- C. The number of signatures deemed invalid because of objections sustained in the records examination total 1,205.
- D. The remaining number of signatures deemed valid as a result of the records examination total 979.

The results of the records examination indicated that the candidate had 21 signatures less than the statutory minimum. The matter was set for further hearing. Both parties filed motions pursuant to Rule 9 of the Board's Rules of Procedure.

The Objector filed his Motion prior to the 5:00 p.m. deadline but did not file the requisite evidence in support of the motion until after the 5:00 p.m. deadline. Various Exhibits were received from the Objector from after 5:00 p.m. through after 8:00 p.m. Objector, citing technical difficulties with his computer, asked that the evidence be considered despite having missed the 5:00 p.m. deadline.

Candidate filed a Motion to Strike, Dismiss and Not Consider Late Filings. In his Motion, Candidate correctly pointed out that the Board's Rule 9 requires the submission of evidence with the filing. Objector's submission of evidence as of the deadline was as follows:

Under Appendix A, Objector submitted maps identified as A1-A17

Under Appendix B, one certification was submitted as B-1 and nothing was submitted under B-2, B-3, or B-4

Under Appendix C, no exhibits were submitted as Exhibits C-1 –C199

Under Appendix, no exhibits were submitted as D-1 and D-2.

Objector argued that the Rule 9 motion had been submitted timely albeit without the requisite evidence and because the Candidate was already on notice as to what issues were going to be presented, the delay in submitting the evidence did not prejudice the Candidate. Candidate argued that there were other affidavits obtained by the Candidate that were obtained beyond the deadline but were not submitted because the Board's Rules of Procedure clearly set forth a definitive 5:00 p.m. deadline. In the opinion of this hearing officer, computer issues, while frustrating, do not constitute good cause shown to extend the specific deadlines set forth in Board's rules of procedure. Accordingly, Candidate's Motion to Strike, Dismiss and Not Consider Late Filings was granted as to the late submissions.

However, it is important to note the nature and the quantity of the purported evidence that was submitted after the deadline. Had the Motion been denied and the Objector been permitted to have all evidence considered, the evidence would have consisted of registration records for 4 signers deemed to be registered, 119 registration records whose "writing on the petition...bears no objective similarity to the voter's registration signature" (Objector's Rule 9 motion) and 2 registration records where the allegation was that the address was incomplete and when the

records were located, they were actually out of the district. Had all of the late submitted evidence under Exhibits A, B and D been considered, it conceivably could have resulted in a net loss to the Candidate of 6 signatures (or put another way, a net gain to the Objector of 6 sustained objections). Therefore, it is important to note that the sum and substance of purported evidence under Objector's Exhibit C submission regarding the genuineness of signatures was simply the signature clips of the signers. When asked if the Objector had further evidence in the way of affidavits, testimony of signers or an expert witness, the Objector indicated that the only evidence to be submitted were the signature clips. In the opinion of this hearing officer, the signature clips of signers, without additional evidence, does not constitute sufficient evidence to change the findings from the records examination. Rather, the submission of signature clips is simply an opportunity to have a second records examination which unduly delays the hearing and places the hearing officer in the position of second guessing the rulings made by the employees who conducted the examination. Accordingly, even if all of the late filed exhibits under Appendix C were accepted as timely, they would have presented an insufficient basis to change the original findings from the records examination.

The Candidate presented 77 affidavits of signers. Objector objected to the submission of the affidavits because the Candidate did not also submit the registration records with the affidavits. While it may have been preferable to have the registration records at the hearing, it must be noted that the only question at issue was the genuineness of the affiant's signature and each affidavit contained the sworn statement of the affiant that the signature on the petition was the genuine signature of the affiant. Therefore, Objector's objection to the affidavits was overruled.

Without conceding the general objection to the affidavits, it was then agreed by the parties that only the affidavits about which the Objector had a specific objection would be considered. Those affidavits related to sheet/line 63/2, 2/3,286/3 and 290/2. As to each of said affidavits, it was determined that the affidavit provided a sufficient basis to change the original rulings from sustained to overruled. The Candidate had also timely filed 48 registration records received in initial and supplemental filings, both received prior to the 5:00 p.m. Rule 9 deadline. After review of those records, the rulings at sheet/line 2/2, 10/2, 64/2, 64/3, 124/7 and 274/1 were changed from sustained to overruled leaving the candidate with an additional 6 signatures.

A summary of the results after the Rule 9 hearing is as follows: The Candidate started with 21 signatures less than the minimum. After the submission of the 77 affidavits, all of which were accepted as credible evidence and a basis to change the ruling from the records examination from sustained to overruled, the candidate had 56 signatures above the minimum. There was one duplicate signature at lines 81/2 and 189/7 which had been deleted twice and one such signature was reinstated leaving the candidate with 57 signatures above the minimum. An additional 6 signatures were gained by the Candidate after review of the registration records of certain signers leaving the candidate with 63 signatures above the minimum. It was further agreed by the parties that Objector's evidence under Appendix A1-A-17 resulted in 14 signatures being stricken as being out of district. At the conclusion of the Rule 9 hearing, Candidate had 49 signatures above the statutory minimum for placement on the ballot.

#### **RECOMMENDATION**

In light of the foregoing, it is my recommendation that the objections of David Stieper to the nominating papers of Casey Urlacher be **overruled** and that the nominating papers of Casey Urlacher for the Republican nomination to the office of State Senator for the 26<sup>th</sup> Legislative

District be deemed **valid** and that the name of Casey Urlacher for said office **be** printed on the ballot at the March 15, 2016 General Primary Election.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara Goodman". The signature is written in a cursive style with a large initial "B".

---

Barbara Goodman, Hearing Officer  
1/10/16



candidate for the Republican Party nomination for the office of State Senator for the 26<sup>th</sup> Legislative District, to be voted upon at the General Primary Election to be held on March 15, 2016 (hereinafter referred to as the "Nomination Papers").

The Objector states that said Nomination Papers are insufficient in fact and law for the following reasons:

1. Pursuant to Illinois law, nomination papers for the nomination of the Republican Party for the office of State Senator for the 26<sup>th</sup> Legislative District, to be voted for at the General Primary Election to be held on March 15, 2016, must contain the true signatures of not fewer than 1000, nor more than 3000, qualified and duly registered legal voters of the Republican Party for the 26<sup>th</sup> Legislative District. In addition, said Nomination Papers must truthfully allege that the candidate is qualified for the office he seeks, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise must be executed in the form provided by law. The Nomination Papers herein purport to contain the names, but not the signatures, of approximately 2198 of such voters, and further purport to truthfully allege that the candidate is qualified for the office he seeks and purport to have been gathered, presented and executed in the manner required by the Illinois Election Code.
2. The Nomination Papers contain the names of persons, as petitioners, who are not duly registered as voters at the addresses shown opposite their respective names, as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column A, "Signer not registered at address shown," in violation of the Illinois Election Code and therefore all such signatures are invalid.
3. The Nomination Papers contain the names of persons, as petitioners, who, at all times relevant hereto, did not reside within the boundaries of the 26<sup>th</sup> Legislative District, as is shown by the address written on the petition sheet and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column B, "Signer resides outside district," in violation of the Illinois Election Code and therefore all such signatures are invalid.

4. The Nomination Papers contain the names of persons, as petitioners, who did not sign said papers in their own proper persons, and said entries are not the genuine signatures of the registered voters indicated as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column C, "Signer's signature not genuine," in violation of the Illinois Election Code and therefore all such signatures are invalid.
5. The Nomination Papers contain the names of persons, as petitioners, who have signed the Nomination Papers more than one time as is set forth specifically in Appendix A., attached hereto and incorporated herein, under the heading, Column D, "Signer's name listed more than once" [with a reference showing the sheet and line number (<sup>S</sup>/<sub>L</sub>) of additional listings] in violation of the Illinois Election Code and therefore only one of such multiple signatures is valid.
6. The Nomination Papers contain the names of persons, as petitioners, for whom the address appearing opposite said names is so incomplete or illegible as to render impossible the inquiry into whether such persons are registered voters within the 26<sup>th</sup> Legislative District as is set forth specifically in Appendix A. attached hereto and incorporated herein, under the heading Column N., "Signer's address so incomplete or illegible as to prevent checking," in violation of the Illinois Election Code and therefore all such signatures on such petition sheets are invalid.
7. Because the Nomination Papers contain fewer than the statutory minimum number of 1000 (indeed, no more than 364) validly collected and presented signatures of qualified and duly registered legal voters of the Republican Party of the 26<sup>th</sup> Legislative District, signed by such voters in their own proper person with proper addresses, as alleged above and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, the Nomination Papers are invalid in their entirety.

Stieper v. Urlacher

ARDC Attorney # 1874098; Cook County Attorney # 27351

Wherefore, the Objector 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 precinct registers and binders relating to voters in the 26<sup>th</sup> Legislative 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 Casey Urlacher shall not appear on the ballot for the nomination of the Republican Party for the office of State Senator for the 26<sup>th</sup> Legislative District, to be voted upon at the General Primary Election to be held on March 15, 2016.



David Stieper

Objector

**VERIFICATION**

The undersigned, being first duly sworn upon oath, states that he has read the foregoing Objector's Petition and to the best of his knowledge and belief the facts set forth therein are true and correct.



David Stieper

Objector

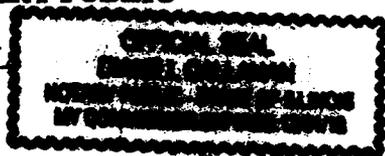
Subscribed and sworn to before me by David Stieper

this 6 day of December, 2015.



NOTARY PUBLIC

(SEAL



*Stieper v. Urlacher*

ARDC Attorney # 1874098; Cook County Attorney # 27351

Objections prepared: December 5, 2015

Richard K. Means

Attorney for the Objector

806 Fair Oaks Avenue

Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Mobile: (312) 391-8808

Email: [rmeans@richardmeans.com](mailto:rmeans@richardmeans.com)

Cook County Attorney # 27351

ARDC Attorney #01874098

**Palacio v Bailey  
15 SOEB GP 518**

**Candidate:** Harold Bailey

**Office:** 1<sup>st</sup> Congress

**Party:** Democratic

**Objector:** C M Winters Palacio

**Attorney For Objector:** Ross Secler

**Attorney For Candidate:** Pro Se

**Number of Signatures Required:** 1,314

**Number of Signatures Submitted:** 1,587

**Number of Signatures Objected to:** 680

**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:** Barbara Goodman

**Hearing Officer Findings and Recommendations:** A records examination commenced and was completed on December 28, 2015. The examiners ruled on objections to 680 signatures. 430 objections were sustained leaving 1,157 valid signatures, which is 157 signatures less than the required minimum number of 1,314 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 United States Representative in Congress for the 1<sup>st</sup> Congressional District in the State of Illinois.

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

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

C.M. Winters Palacio	)	
	)	
Objector	)	
	)	15 SOEB GP 518
-v-	)	
	)	
Harold L. Bailey	)	
	)	
	)	
Candidate	)	

**HEARING OFFICER’S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 14, 2015. The Objector appeared through counsel Ross Secler and Deborah Moldover. The Candidate appeared pro se. No preliminary motions were filed.

**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 1,587.
- C. The number of signatures deemed invalid because of objections sustained in the records examination total 430.
- D. The remaining number of signatures deemed valid as a result of the records examination total 1,157.

The results of the records examination indicated that the candidate had 157 signatures less than the statutory minimum. The matter was continued for further hearing on January 6, 2016. Neither party filed motions pursuant to Rule 9 of the Board's Rules of Procedure and the candidate did not appear at the final hearing.

### CONCLUSION

In light of the foregoing, it is my recommendation that the objections of C.M. Palacios to the nominating papers of Harold L. Bailey be **sustained** and that the nominating papers of Harold L. Bailey for the Democratic nomination to the office of Representative in the United States House of Representative for the 1<sup>st</sup> Congressional District be deemed **invalid** and that the name of Harold L. Bailey for said office **not be** printed on the ballot at the March 15, 2016 General Primary Election.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara Goodman". The signature is written in a cursive style with a horizontal line underneath it.

Barbara Goodman, Hearing Officer  
1/7/16

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF COOK )

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR THE NOMINATION TO THE OFFICE OF REPRESENTATIVE TO THE UNITED STATES HOUSE OF REPRESENTATIVES FROM THE 1st CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS.**

IN THE MATTER OF THE OBJECTIONS )  
OF C.M. WINTERS PALACIO OF )  
8740 SOUTH CARPENTER STREET )  
IN CHICAGO TO THE NOMINATION )  
PAPERS OF HAROLD L. BAILEY OF )  
9619 SOUTH UNIVERSITY, IN CHICAGO, )  
ILLINOIS AS A CANDIDATE FOR THE )  
NOMINATION TO THE OFFICE OF )  
REPRESENTATIVE TO THE UNITED STATES )  
HOUSE OF REPRESENTATIVES FROM THE )  
FIRST CONGRESSIONAL DISTRICT OF )  
THE STATE OF ILLINOIS, TO BE VOTED UPON ) No \_\_\_\_\_  
AT THE PRIMARY ELECTION TO BE HELD )  
ON MARCH 15, 2016 )

ORIGINAL ON FILE AT  
STATE BD OF ELECTIONS  
ORIGINAL TIME STAMPED  
AT 2015, Dec. 7, 4:42 pm  
WR

**VERIFIED OBJECTOR'S PETITION**

NOW COMES, C.M. WINTERS PALACIO, hereinafter referred to as the "Objector," and pursuant to §10-8 of the Illinois Election Code, 10 ILCS 5/10-8, states as follows:

**INTRODUCTION**

1. Objector, CM WINTERS PALACIO, resides at 8740 S. Carpenter Street, in the 1st Congressional District of the State of Illinois and that she 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 for the office of Representative to the United States House of Representatives from the 1st Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for the said office.

2. Therefore, Objector makes the following objections to the nomination papers of **HAROLD L. BAILEY**, hereinafter referred to as "Candidate," as a candidate for nomination of the Democratic Party to the office of Representative to the United States House of Representatives from the 1st Congressional District of the State of Illinois, and files the same herewith, and state that the said nomination papers are insufficient in law and in fact for the following reasons:

#### OBJECTIONS

3. The nomination papers of **HAROLD L. BAILEY**, as a matter of law, are required to contain the true and genuine signatures of the statutory minimum of duly qualified, registered, and legal voters of the Democratic Party to the office of Representative to the United States House of Representatives from the 1st Congressional District of the State of Illinois and said signatures must be collected in a manner prescribed by law. In addition, said nomination papers must truthfully allege the candidate is qualified for the office sought, must be gathered and presented in the manner provided for in the Illinois Election Code, 10 ILCS 5/1-1, *et seq.*, and otherwise be executed in the form and manner required by law.

4. The Candidate has filed 80 petition signature sheets allegedly containing the signatures of duly qualified, legal, and registered voters of the 1st Congressional District of the State of Illinois.

5. The laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided. The purpose of these laws is to preserve the integrity of the election process in general. *Jones v. Dodendorf*, 190 Ill. App. 3d 557, 562 (1989). These provisions are mandatory and strictly construed; failing to comply with even one of them will result in the petitions' invalidation. *Id.* at 562-63.

#### **A. Statement of Candidacy Form Objections**

6. One such legal requirement set out in 10 ILCS 5/7-10 mandates that a candidate's nomination papers include an original Statement of Candidacy setting out the address of the candidate, the office for which he is a candidate; stating that the candidate is qualified primary voter of the party to which the petition relates, is qualified for the office specified and that the candidate has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act; shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in the State of Illinois. 10 ILCS 5/7-10.

7. Candidate has failed to fulfill the mandatory requirement of 10 ILCS 5/7-10 in that the Statement of Candidacy included with his nomination papers contains the wrong date for the primary election in which Candidate is seeking nomination. Candidate has failed to comply with the requirements of 10 ILCS 5/7-10 and thus Candidate's Statement of Candidacy is rendered null and void and renders the Candidate's nomination papers invalid as a matter of law.

8. Additionally, Candidate's name differs on his Statement of Candidacy compared to his name on his petition signature sheets. Candidate's failure to uniformly provide his name renders his nominating papers invalid.

#### **B. Petition Signature Objections**

9. The Appendix-Recapitulation, "Group Exhibit A," attached hereto and incorporated herein, sets out the following objections to the Candidate's nomination papers:

- a. The aforesaid nomination papers contain petition signature sheets with the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 1st Congressional District of the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix-Recapitulation under the column designated "(A) SIGNER NOT REGISTERED AT ADDRESS SHOWN" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
- b. Said nomination papers contain petition signature sheets with the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine and are forgeries, as more fully set forth in the Appendix-Recapitulation under the column designated "(B) SIGNER'S SIGNATURE NOT GENUINE," attached hereto and made a part hereof, all of said signatures

being in violation of the statutes in such cases made and provided.

- c. Said nomination papers contain petition signature sheets with the names of numerous persons who may have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 1st Congressional District of State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "(C) SIGNER RESIDES OUTSIDE DISTRICT," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
- d. Said nomination papers contain petition signature sheets with the signatures of various individuals who have listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation under the column designated "(D) SIGNER'S ADDRESS MISSING OR INCOMPLETE," attached hereto and made part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
- e. Said nomination papers contain petition signature sheets with the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "(E) SIGNED PETITION MORE THAN ONCE AT SHEET/LINE INDICATED," with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s), attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
- f. Said nomination papers contain petition signature sheets with the signatures of various individuals who have signed the petition but have also previously signed a petition sheet of a political party which is not the Illinois Democratic Party, and such signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "(F) SIGNER SIGNED PETITION OF A DIFFERENT POLITICAL PARTY", attached hereto and made part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

g. The Nomination Papers contain petition signature sheets with other violations of the Illinois Election Code, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, under the column designated (G) "OTHER", with the violation specified.

i. These objections include, but are not limited to improper, partial, incomplete, or no address; names stricken or crossed out from the sheets; use of only a partial name; an improper use of name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signatures being in violation of the statutes in such cases made and provided.

10. The Appendix-Recapitulation sheets have designated "Sheet Numbers," which reference each of the Candidate's petition signature sheet numbers. An "X" placed on a line of the Appendix-Recapitulation indicates that an objection is made to the corresponding signature line of the referenced petition sheet for the reasons stated above.

### **C. Notary & Circulator Objections**

11. In addition to the above-mentioned objections, the Appendix-Recapitulation, **Group Exhibit A**, sets forth the following objections to Candidate's nomination papers related to purported circulators and notaries:

a. The aforesaid nomination papers contain petition signature sheets for which the purported circulator of the petition signature sheets failed to properly sign the Circulator Affidavit and take the oath, as required by law, on the line indicated for the "signature of the person making this affidavit," in violation of the Illinois Election Code, rendering each and every signature on the aforesaid petition signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR

DID NOT SIGN PETITION," and as set forth in the following paragraphs.

- b. Said nomination papers contain petition signature sheets that bear a false and perjurious Circulator's Affidavit in that the person named as the purported circulator of said petition signature sheet(s) does not reside at the address stated in their Circulator's Affidavit, in violation of the Illinois Election Code, rendering each and every signature on the aforesaid petition signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN," and as set forth in the following paragraphs.
- c. Said nomination papers contain petition signature sheets bearing a Circulator's Affidavit on which the purported circulator of said petition signature sheet stated an address that is incomplete or otherwise incorrect, in violation of the Illinois Election Code, and thus rendering each and every signature on the aforesaid petition signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR ADDRESS INCOMPLETE," and as set forth in the following paragraphs.
- d. Said nomination papers contain petition signature sheets bearing a Circulator's Affidavit that is not signed by the purported circulator of said petition signature sheet in his/her own proper person and such signatures are not genuine and are forgeries, in violation of the Illinois Election Code, and thus rendering each and every signature on the aforesaid petition signature sheets invalid as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR'S SIGNATURE NOT GENUINE," and as set forth in the following paragraphs.
- e. Said nomination papers contain petition signature sheets bearing a Circulator's Affidavit on which the purported circulator of said petition signature sheets did not personally appear before the Notary Public to subscribe or acknowledge his/her signature as circulator in the presence of said Notary Public, in violation of the Illinois Election Code, and thus rendering each and every signature on the aforesaid petition

signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR DID NOT APPEAR BEFORE NOTARY", and as set forth in the following paragraphs.

- f. Said nomination papers contain petition signature sheets bearing a Circulator's Affidavit which contain an incomplete notary jurat, in that the petition signature sheets are not notarized, do not contain the signature of a notary public, do not contain a date of notarization, and/or are otherwise incomplete, in violation of the Illinois Election Code, and thus rendering each and every signature on the aforesaid petition signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the spaces designated "CIRCULATOR DID NOT APPEAR BEFORE NOTARY", "PETITION SHEET NOT NOTARIZED", "PETITION SHEET NOT PROPERLY NOTARIZED", "PURPORTED NOTARY DID NOT NOTARIZE SHEET", and as set forth in the following paragraphs.
- g. Said nomination papers contain petition signature sheets for which the purported circulator of the petition signature sheets is not qualified under the law, making those particular Circulator's Affidavits false and perjurious, in violation of the Illinois Election Code, and thus rendering each and every signature on the aforesaid petition signature sheets invalid, as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "CIRCULATOR IS UNDER 18 YEARS OLD", and as set forth in the following paragraphs.
- h. Said nomination papers containing petition signature sheets were not circulated by the signatory circulator, but were in fact circulated by other parties, and as such the Circulator's Affidavit is not genuine and is a forgery, in violation of the Illinois Election Code, and thus renders each and every signature on the aforesaid petition signature sheets invalid as more fully set forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "PURPORTED CIRCULATOR DID NOT CIRCULATE SHEET", and as set forth in the following paragraphs.
- i. Said nomination papers contain petition signature sheets with other violations of the Illinois Election Code, as more fully set

forth in the Appendix-Recapitulation, attached hereto and made a part hereof, at the space designated "OTHER" with the violation specified, all of said signatures being in violation of the statutes in such cases made and provided.

12. An "X" placed on a line at the bottom of the Appendix-Recapitulation indicates that an objection is made to all signatures on the referenced petition sheet for the reason specified next to the "X" and the corresponding reasons stated above.

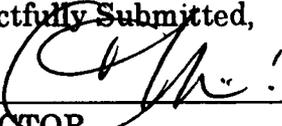
13. The Appendix-Recapitulation, Group Exhibit A, and each sheet thereof, is incorporated herein, and the objections made therein are a part of this Objector's Petition.

14. Because of the above-listed irregularities and insufficiencies in the Candidates' nomination papers, said nomination papers contain fewer than the minimum number of signatures of qualified voters required by the Illinois Election code and are invalid in their entirety.

15. The allegations contained in this Verified Objector's Petition render Candidate's nomination papers null and void.

WHEREFORE, your Objector prays that the purported nomination papers of **HAROLD L. BAILEY** as a candidate for the nomination of the Democratic Party to the office of Representative to the United States House of Representatives from the 1st Congressional District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of **HAROLD L. BAILEY** as a candidate for the nomination of the Democratic Party to the office of Representative to the United States House of Representatives from the 1st Congressional District of the State of Illinois **BE NOT PRINTED** on the **OFFICIAL BALLOT** of the Democratic Party for the Primary Election to be held on March 15, 2016.

Respectfully Submitted,

  
\_\_\_\_\_  
OBJECTOR

C.M. WINTERS PALACIO

Address: 8740 S. Carpenter Street  
Chicago, IL 60620

#### VERIFICATION

Under penalties provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this VERIFIED OBJECTOR'S PETITION 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.

  
\_\_\_\_\_  
OBJECTOR, C.M. WINTERS PALACIO

Address: 8740 S. Carpenter Street  
Chicago, IL 60620