

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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100 W. Randolph St., Ste. 14-100
Chicago, Illinois 60601-3232
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EXECUTIVE DIRECTOR
Steven S. Sandvoss

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

AGENDA
STATE BOARD OF ELECTIONS
Sitting as the Duly Authorized
State Officers Electoral Board
Friday, August 26, 2016
10:30 a.m.

James R. Thompson Center – Room 9-040
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of the minutes from the July 11 meeting. (pgs.1-5)
2. Consideration of objections to independent and new party candidate nominating petitions for the November 8, 2016 General Election;
 - a. *Koehn v. Silver*, 16SOEBGE102; (pgs.6-11)
 - b. *Brown & Welbers v. Schreiner*, 16SOEBGE103; (pgs.12-19)
 - c. *Bigger v. Fluckiger & Koppie*, 16SOEBGE104; (pgs.20-26)
 - d. *Bigger v. Conklin*, 16SOEBGE105; (pgs.27-33)
 - e. *Wicklund v. Gill*, 16SOEBGE106; (pgs.34-47)
 - f. *Swift & Patrick v. Harner*, 16SOEBGE107; (pgs.48-55)
 - g. *Swift & Patrick v. Schluter*, 16SOEBGE108; (pgs.56-93)
 - h. *Stocks v. Gill*, 16SOEBGE109; (pgs.94-119)
 - i. *Sherman v. Soltysik & Walker*, 16SOEBGE504; (pgs.120-126)
 - j. *Sherman v. Vann*, 16SOEBGE505; (pgs.127-133)
 - k. *Sherman v. Fluckiger & Koppie*, 16SOEBGE506; (pgs.134-140)
 - l. *Sherman v. Conklin*, 16SOEBGE507; (pgs.141-146)
 - m. *Weber v. Harsy*, 16SOEBGE508. (pgs.147-168)
3. Other business.
4. Recess the State Officers Electoral Board until Monday, September 19, 2016 at 10:30 a.m. in Springfield or until call of the Chairman, whichever occurs first.

STATE OFFICERS ELECTORAL BOARD
Regular Meeting
Monday, July 11, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Betty J. Coffrin, Member
John R. Keith, Member
William M. McGuffage, Member

ABSENT: Andrew K. Carruthers, Member
Casandra B. Watson, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant II

The meeting convened at 10:30 a.m. via videoconference with six Members present. Chairman Scholz, Vice Chairman Gowen and Members Coffrin and Keith were present in Springfield and Members Cadigan and McGuffage were present in Chicago. Members Carruthers and Watson were absent and Members Cadigan and McGuffage held their proxies respectively.

Member Keith moved to approved the minutes from the July 11 meeting, striking the words “for the” before the first attorney’s name in 16SOEBGE100 and 101. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

Chairman Scholz called the cases and accepted appearances for the following objections to independent and new party candidate nominating petitions for the November 8, 2016 General Election:

- a. *Koehn v. Silver*, 16SOEBGE102 - Michael Kasper was present on behalf of the objector and no one present for the candidate;
- b. *Brown & Welbers v. Schreiner*, 16SOEBGE103 – John Fogarty was present on behalf of the objectors and no one was present for the candidate;
- c. *Bigger v. Fluckiger & Koppie*, 16SOEBGE104 – John Fogarty was present on behalf of the objectors and no one was present for the candidate;
- d. *Bigger v. Conklin*, 16SOEBGE105– John Fogarty was present on behalf of the objectors and no one was present for the candidate;
- e. *Wicklund v. Gill*, 16SOEBGE106 – Mark Wicklund was present as the objector and Sam Cahnman was present for the candidate;
- f. *Swift & Patrick v. Harner*, 16SOEBGE107 - John Fogarty was present on behalf of the objectors and no one was present for the candidate;
- g. *Patrick & Swift v. Schluter*, 16SOEBGE108 - John Fogarty was present on behalf of the objectors and Scott Schluter was present as the candidate;
- h. *Stocks v. Gill*, 16SOEBGE109 – John Fogarty was present on behalf of the objectors and Sam Cahnman was present for the candidate;

- i. *Sherman v. Soltysik & Walker*, 16SOEBGE504 – Rob Sherman was present as the objector and no one was present for the candidate;
- j. *Sherman v. Vann*, 16SOEBGE505 – Rob Sherman was present as the objector and Dr. Mary Vann was present as the candidate;
- k. *Sherman v. Fluckiger & Koppie*, 16SOEBGE506 – Rob Sherman was present as the objector and no one was present for the candidate;
- l. *Sherman v. Conklin*, 16SOEBGE507 – Rob Sherman was present as the objector and no one was present for the candidate;
- m. *Weber v. Harsy*, 16SOEBGE508 – Michael Kasper was present on behalf of the objector and Bubby Harsy was present as the candidate.

The General Counsel presented the Rules of Procedure for the State Officers Electoral Board and indicated they were substantively identical to the ones used in the last round of objections. He noted that a clarification was made relating to the service of documents in the Rule 8 section, stating that all materials must be provided to opposing counsel. The dates in the motion schedule and subpoena deadlines were updated as well. Member Coffrin moved to adopt the Rules of Procedure as presented. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented his memo to appoint David Herman and Jim Tenuto to serve as hearing officers for the above named objections. Member Keith moved to appoint the hearing officers as recommended. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

Next was consideration of objection to candidate nominating petitions for resolutions to fill vacancies in nomination for the November 8, 2016 General Election. The General Counsel presented *Hanson v. Smodilla*, 16SOEBGE100 and reviewed the basis for the objection. The record exam sustained objections to 1,198 of the 1,693 lines objected to, leaving 1,271 valid signatures, which is 271 above the minimum signature requirement of 1,000. A motion to strike and dismiss certain signatures was filed as well as a motion to strike the objector's Rule 8 motion. He concurred with the hearing officer's recommendation to grant both motions and overrule the objection. Mike Kasper was present on behalf of the objector and no one was present for the candidate. Mr. Kasper indicated he did not raise any objection to the recommendation. Member Cadigan moved to accept the recommendation of the hearing officer and General Counsel to overrule the objection and certify the candidate to the General Election ballot. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Corneils & Frasz v. Burd*, 16SOEBGE101 and indicated the basis was very similar to the previous objection. A records exam was conducted which sustained 52 objections, leaving 611 valid signatures which is 111 above the required minimum number of 500 signatures. He concurred with the hearing officer's recommendation to overrule the objection and grant the motion to dismiss because the Election Code does not prohibit a person to sign a different party petition after voting in the opposite party in the general primary election. John Fogarty was present on behalf of the objector and said he did not agree with the recommendation. He felt it was not correct for a person to participate in more than one political party's nomination process and referred to section 7-44 of the Election Code. He asked the board to consider the objector's view of the law and not accept the recommendation of the hearing officer. Mike Kasper was present for the candidate and indicated that there was a previous rule prohibiting this behavior within a two year period. That was found to be unconstitutional and the General Assembly has not adopted a new rule. He concurred with the recommendation and asked

that the board adopt the same. Discussion ensued regarding the statute and party switching. Member McGuffage moved to overrule the objection and certify the candidate to the General Election ballot. Member Keith seconded the motion which passed by roll call vote of 5-3 with Members Cadigan, Carruthers and Coffrin voting in the negative.

The General Counsel presented *Walker v. McGraw, Jr.*, 16SOEBGE500 and reviewed the objection. A records examination was conducted which sustained 102 objections, leaving 538 valid signatures, which is 20 signatures less than the required minimum number of 548 signatures. He concurred with the hearing officer's recommendation that the objection be sustained and the candidate's name not appear on the General Election ballot. Mike Kasper was present on behalf of the objector and agreed with the recommendation. No one was present for the candidate. Member Keith moved to sustain the objection and not certify the candidate to the General Election ballot. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Imhoff v. Evans*, 16SOEBGE501 and summarized the matter. A records exam was conducted which sustained 352 objections, leaving 414 valid signatures, which is 86 signatures less than the required minimum number of 500 signatures. The candidate requested a motion to continue and extend time, which was denied due to untimely filing of Rule 9 material. The General Counsel concurred with the hearing officer's recommendation to sustain the objection and the candidate's name not appear on the ballot for the General Election. Mike Kasper was present for the objector and agreed with the recommendation. He also indicated that he would waive the objection regarding the meeting location, and since the non-notarization of the petition sheet is evident on the face of the document, he felt that could be dealt with at this time. Richard Evans was present pro se and said he was not sure if one of the petition pages was not notarized and that he did not have that information in front of him at the moment. Mr. Menzel indicated that the original petition is an official part of the record should a judicial review occur. Mr. Kasper added that the candidate does not have enough signatures and did not submit enough evidence to rehabilitate the signatures within the timeframe permitted by the rules. Mr. Evans said he thought the objector made mistakes on the line by line review and he was able to rehabilitate some signatures that were not accepted by the hearing officer. He asked that the affidavits be accepted as evidence and that he be certified to the ballot. After discussion, Member Keith moved to adopt the recommendation of the hearing officer and the General Counsel; the waiver of the objection regarding the meeting of the Representative District Committee for the 43rd District; adopt the General Counsel consideration of the petition sheet, page 87, not being notarized as stated on the record; sustain the objection and that the candidate's name not appear on the General Election ballot. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Danforth v. Mazeski*, 16SOEBGE502 and reviewed the objection. It alleges that the inappropriate entity purported to fill the vacancy in nomination, that the entity failed to specify the date of its action as required, and that the entity met outside the boundaries of the 26th Legislative District contrary to statute. The vacancy in nomination for state senate is filled by the legislative committee; however, the documentation submitted with the candidate's petition, refers to the entity as the "26th State Senate Central Committee" or the "26th District State Central Committee." The certificate of organization for the legislative committee stated that it met on April 29, 2016 in the city of Palatine, which does not include within its corporate limits any territory within the 26th District. The hearing officer found that the people who comprise the legislative committee were the ones who took the actions to select the candidate and that the activity took place on the date indicated on the certificate and resolution

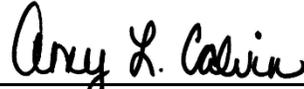
The address where the meeting took place was within the 26th State Senate District although the resolution misstated the location as being in the city of Palatine. The hearing officer recommended that the candidate's motion to strike and dismiss, or in the alternative, motion for summary judgement should be granted, that the objection be overruled and the candidate's name be certified to the General Election ballot. The General Counsel concurred with the recommendation and explained that he leaned on the side of the candidate because the requirements have been met although the candidate's paperwork was poorly completed. He also noted that counsel for both parties did an excellent job presenting their respective positions. Burt Odelson was present on behalf of the objector and did not concur because the candidate only substantially complied with the rules. He said the mandates of the General Assembly should be upheld and strict compliance should be expected. He asked that the objection be sustained and the candidate not appear on the ballot. Ross Secler was present on behalf of the candidate and agreed with the recommendation. He indicated that the candidate did not try to bypass the normal nomination process and the underlying factual requirements were met. Lengthy discussion ensued about applicable case law, ballot access and interpretation of statute. Member McGuffage moved to accept the recommendation of the hearing officer and General Counsel to overrule the objection and certify the candidate to the General Election ballot. Chairman Scholz seconded the motion which passed by roll call vote of 5-3 with Members Cadigan, Carruthers and Keith voting in the negative.

The General Counsel presented *Shorten v. Coyne*, 16SOEBGE503 and summarized the objection. He said it alleges two of the same errors contained in the previous case. In this matter the entity filling the vacancy referred to itself as the "32nd Senate District Central Committee" and similarly did not explicitly state the date that the vote was taken. The resolution does state the date of the meeting was April 17, 2016. The objection also alleges that the language on the circulator's oath does not comply with Section 7-10 of the Election Code. The General Counsel concurred with the hearing officer's recommendation that the candidate's motion to strike and dismiss, or in the alternative, motion for summary judgement be granted, the objection overruled and the candidate's name certified to the General Election ballot. The General Counsel noted that portions of the petition referred to one county and other portions to another county. The hearing officer was of the opinion that the document considered as a whole contained the correct information, which other similar cases have found not to be fatal. Burt Odelson was present on behalf of the objector and asked that his arguments from the last case be incorporated into this matter. He pointed out that the statement of candidacy is incorrect, as well as the certificate of representative committee organization. Also the circulator's affidavit is missing language as prescribed by the General Assembly in Article 8 as to circulation. He asked to board to sustain the objection and not certify the candidate to the ballot. Ross Secler was present on behalf of the candidate and asked that his arguments from the last case be incorporated into this matter. He concurred with the recommendation and said the candidate has complied with the underlying requirements. Discussion ensued about the statutory requirements for the circulator's affidavit. Member McGuffage moved to accept the recommendation of the hearing officer and General Counsel to overrule the objection and certify the candidate to the General Election ballot. Member Coffrin seconded the motion which tied by roll call vote of 4-4. Vice Chairman Gowen and Members Cadigan, Carruthers and Keith voted in the negative. Based on the fact that the statement of candidacy stated the improper county, Vice Chairman Gowen moved to deny the recommendation of the hearing officer and sustain the objection. Member Keith seconded the motion and added to adopt the arguments from the previous case as to the substantial compliance issues that were adopted by both counsel, and the misstatement of the correct legislative district on the certificate of legislative or representative committee organization. The vote tied by roll call vote of 4-4. Chairman Scholz and Members Coffrin, McGuffage and Watson voted in the

negative. The General Counsel explained that the intractable 4-4 tie of the Board does not provide the five votes required to remove a candidate from the ballot. In the absence of that fifth vote, the candidate remains on the ballot unless judicial review is pursued and results differently.

With there being no further business before the State Officers Electoral Board, Member Keith moved to recess until Friday, August 26, 2016 at 10:30 a.m. or the call of the Chairman, whichever occurs first. Vice Chairman Gowen seconded the motion which passed unanimously. The meeting recessed at 12:50 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant II



Steven S. Sandvoss, Executive Director

Koehn v Silver
16 SOEB GE 102

Candidate: Dan Silver

Office: 115th Representative

Party: Independent

Objector: Robert Koehn

Attorney For Objector: Michael J. Kasper

Attorney For Candidate: No appearance

Number of Signatures Required: 1824

Number of Signatures Submitted: 1325

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Dan Silver to the November 8, 2016 General Election ballot as an independent candidate for the office of State Representative for the 115th Representative District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Robert Koehn,)
Petitioner(s) – Objector(s),)

v.)

16 SOEB GE 102

Dan Silver,)
Respondent(s) – Candidate(s).)

RECOMMENDATION OF THE HEARING OFFICER TO THE GENERAL COUNSEL

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

Background

The Candidate(s) timely filed nomination petitions seeking to be placed on the November 8, 2016, General Election Ballot for the following: **Dan Silver, State Representative for the 115th Representative District as an Independent.**

Objection

An Objection was filed alleging the Candidate’s filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot?

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by Michael J. Kasper for the Objector. No one appeared for the Candidate. As no one appeared on behalf of the Candidate, a letter dated July 14, 2016 was sent informing the Candidate of the Objection, Case Management Conference Order and the Objector’s

Appearance. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and an Appearance Form.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 1,325 signatures. The minimum number to appear on the ballot is 1,824.

Findings

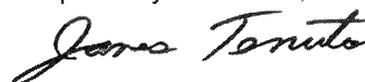
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Michael J. Kasper appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 1, 824. The Candidate submitted 1,325 per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name of Dan Silver not be printed on the ballot as a Candidate to the Office of 115th Representative as an Independent to be voted upon at the November 8, 2016, General Election.

DATED: July 27, 2016

respectfully submitted,



James Tenuto
Hearing Officer

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 REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 115th
 REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Robert Koehn,)	
)	
Petitioner-Objector,)	
)	
v.	)	ORIGINAL ON FILE AT
	)	STATE BD OF ELECTIONS
	)	ORIGINAL TIME STAMPED
Dan Silver,	)	AT <u>10:13a 7/5/16</u> <i>lll</i>
)	
Respondent-Candidate.)	

OBJECTOR'S PETITION

INTRODUCTION

Robert Koehn, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 3349 Hog Hill Road, Ava, Illinois, Zip Code 62907, in the 115th 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 115th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

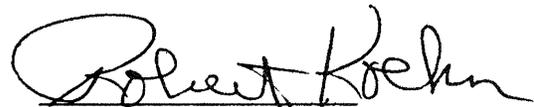
3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Dan Silver as a candidate for the office of Representative in the General Assembly for the 115th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 8, 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 of an independent candidate (or a new political party candidate) for the Office to be voted for at the Election must contain the signatures of not fewer than 1,824 duly qualified, registered and legal voters of the 115th 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.

5. The Nomination Papers are invalid in their entirety because the Candidate filed an insufficient number of signatures to qualify for the ballot. The Candidate filed petition sheets containing no more than 1,315 total signatures. As a result, assuming each and every one of the Candidate's signatures is valid, the Candidate still has less than minimum number required by law.

6. The Nomination Papers contain less than 1,824 validly collected signatures of qualified and duly registered legal voters of the 115th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law.

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 115th 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 Dan Silver shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 115th Representative District of the State of Illinois, to be voted for at the General Election to be held November 8, 2016.



OBJECTOR

Address:

Robert Koehn
3349 Hog Hill Road
Ava, IL 62907

VERIFICATION

STATE OF ILLINOIS
COUNTY OF Jackson

)
) SS.
)

I, Robert Koehn, 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.

Robert Koehn

Subscribed and sworn to before me

By Robert Koehn

this 4th day of July, 2016.

Angela J. Stokes
Notary Public



**Brown & Welbers v Schreiner
16 SOEB GE 103**

Candidate: Joseph Schreiner

Office: 16th Congressional

Party: Libertarian

Objector: Chris Brown, Barry Welbers

Attorney For Objector: John G. Fogarty, Jr.

Attorney For Candidate: No appearance

Number of Signatures Required: 11,141

Number of Signatures Submitted: 1

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Joseph Schreiner to the November 8, 2016 General Election ballot as a Libertarian Party candidate for the office of Representative in Congress for the 16th Congressional District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Chris Brown and Barry Welbers,)	
Petitioner(s) – Objector(s),)	
	)	16 SOEB GE 103
)	
Joseph Schreiner,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER TO THE GENERAL COUNSEL

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

Background

The Candidate(s) timely filed nominating petitions seeking to be placed on the November 8, 2016, General Election ballot for the following: **Joseph Schreiner for Representative in Congress for the 16th Congressional District for the Libertarian Party.**

Objection

An Objection was timely filed alleging Joseph Schreiner submitted signatures below the minimum number needed to be on the ballot.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot.

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by John G. Fogarty, Jr. for the Objector. No one appeared for the Candidate. As no one appeared on behalf of the Candidate, a letter was sent to the Candidate's address to inform him of the Objection, Case Management Conference and Mr. Fogarty's Appearance Form. The Candidate was advised to monitor the Board's website for the status of

the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and to obtain an Appearance form.

The Case Management Conference Order informed the Candidate of the State Board of Elections' staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate submitted one signature. The minimum number to appear on the ballot is 11,141.

Findings

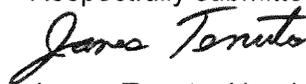
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. John G. Fogarty, Jr. appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 11,141. The Candidate submitted one per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name of Joseph Schreiner not be printed on the ballot as a Candidate to the Office of Representative in Congress for the 16th Congressional District as a Candidate of the Libertarian Party to be voted upon at the November 8, 2016, General Election.

Dated: July 27, 2016

Respectfully submitted,



James Tenuto, Hearing Officer

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FOR THE
16th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Chris Brown and Barry Welbers,)
)
Petitioner-Objectors,)
)
vs.)
)
Joseph Schreiner,)
)
Respondent-Candidate.)

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 11:43a 7/5/16 Cll

VERIFIED OBJECTORS' PETITION

Now comes Chris Brown and Barry Welbers (hereinafter referred to as the "Objectors"), and states as follows:

1. Chris Brown resides at 2537 Creekside Lane, Morris, Illinois, 60450, in the Sixteenth Congressional District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in Congress for the Sixteenth Congressional 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. Barry Welbers resides at 30493 IL Highway 29, Spring Valley, Illinois, 61362, in the Sixteenth Congressional District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in Congress for the Sixteenth

Congressional 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 make the following objections to the nomination papers of Joseph Schreiner (“the Nomination Papers”) as a candidate for the Office of Representative in Congress for the 16th Congressional 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 16th Congressional District of the State of Illinois the signatures of not less than 11,141 duly qualified, registered, and legal voters of the said 16th Congressional 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

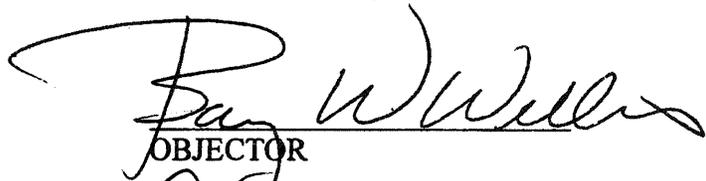
5. Your Objectors state that the Candidate has filed 1 petition signature sheet containing 1 signature of an allegedly duly qualified, legal, and registered voter of the 16th Congressional District of the State of Illinois.

6. Your Objectors state that the Nomination Papers herein contested, on their face, consist of fewer than the statutory minimum number (11,141) of required signatures for the Office sought.

7. 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.

WHEREFORE, your Objectors pray that the purported Nomination Papers of Joseph Schriener as a candidate for the Office of Representative in Congress for the 16th 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 Joseph Schriener as a candidate for the Office of Representative in Congress for the 16th Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Libertarian Party at the General Election to be held on November 8, 2016.

Respectfully submitted,


OBJECTOR


OBJECTOR

VERIFICATION

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

Chris D. Brown
OBJECTOR

County of Grundy)
State of Illinois Illinois) ss.

Subscribed to and Sworn before me, a Notary Public, by Chris Brown, the Objector, on this the 29th day of June, 2016, at Morris, Illinois.

Lori Werden (SEAL)
NOTARY PUBLIC



My Commission expires: 11-5-2016

Bigger v Fluckiger & Koppie
16 SOEB GE 104

Candidates: Frank Fluckiger & Chad Koppie

Offices: President & United States Senator

Party: Constitution

Objector: Michael Bigger

Attorney For Objector: John G. Fogarty, Jr.

Attorney For Candidates: No appearance

Number of Signatures Required: 25,000

Number of Signatures Submitted: 83

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidates failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the names of Frank Fluckiger and Chad Koppie to the November 8, 2016 General Election ballot as Constitution Party candidates for the offices of President and United States Senator.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Michael Bigger,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	16 SOEB GE 104
)	
Frank Fluckinger (President) and)	
Chad Koppie (United States Senator,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER TO THE GENERAL COUNSEL

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

Background

The Candidate(s) timely filed nominating petitions seeking to be placed on the November 8, 2016, General Election ballot for the following: **Frank Fluckinger for President and Chad Koppie for United States Senator for the Constitution Party.**

Objection

An Objection was timely filed alleging the Candidate(s) filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot.

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by John G. Fogarty, Jr. for the Objector. No one appeared for the

Candidate(s). As no one appeared on behalf of the Candidate(s), a letter was sent to the Candidate(s) address to inform him of the Objection, Case Management Conference and Mr. Fogarty's Appearance Form. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and to obtain an Appearance form. He was advised to monitor the Board's website for the status of his case, to obtain a copy of the rules of Procedure adopted by the Electoral Board and an Appearance Form.

The Case Management Conference Order informed the Candidate(s) of the State Board of Elections' staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 83 signatures. The minimum number to appear on the ballot is 25,000.

Findings

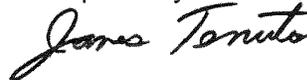
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. John G. Fogarty, Jr. appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate(s) submitted 83 per the staff count.
7. The Candidate(s) did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name(s) of Frank Fluckinger and Chad Koppie not appear on November 8, 2016, General Election ballot as candidate(s) for President and United States Senator as members of the Constitution Party.

Dated: July 27, 2016

Respectfully submitted,



James Tenuto
Hearing Officer

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Michael Bigger,)
Petitioner-Objector,)
)
vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; Frank)
Fluckiger as a Candidate for)
President; Chad Koppie as a)
Candidate for United States)
Senate;)
)
Respondent-Candidates.)

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT 7/5/16 all 11:44a

VERIFIED OBJECTOR'S PETITION

Now comes Michael Bigger (hereinafter referred to as the "Objector"), and state as follows:

1. Michael Bigger resides at 110 W. Butler Street, Wyoming, Illinois, 61491, 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 of any group of persons desiring to form a new political party throughout the State of Illinois are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

2. Your Objector make the following objections to the new political party petition papers of the Constitution Party and their purported candidates for statewide office in the State of Illinois: Frank Fluckiger as a Candidate for Governor and Chad Koppie as a Candidate for United States Senate ("the Nomination Papers"), and files the same herewith, and state that the

said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the State of Illinois the signatures of not less than 25,000 duly qualified, registered, and legal voters of the State of Illinois are required to form a new political party throughout the state. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

4. Your Objector states that the Constitution Party has filed 11 petition signature sheets containing a total of 83 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

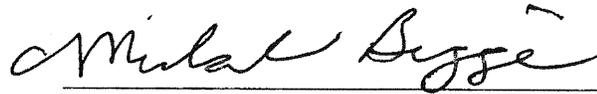
5. Your Objector states that the Nomination Papers herein contested, on their face, consist of fewer than the statutory minimum number 25,000 of required signatures for the establishment of a new political party in Illinois.

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

WHEREFORE, your Objector prays that the purported new political party petition papers of the Constitution Party and their purported candidates for statewide office in the State of Illinois: Frank Fluckiger for President and Chad Koppie for United States Senate be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the Constitution Party not qualify as a new political party at the 2016 General Election, that none of the aforesaid Candidates' names appear on the General Election ballot, and that each such name be stricken; and that this Honorable Electoral Board enter its decision declaring that the Constitution Party shall not qualify as a new political party, and that the names

of Frank Fluckiger for President and Chad Koppie for United States Senate as Candidates of the Constitution Party for election to those said offices in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 8, 2016.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Bigger", written over a horizontal line.

OBJECTOR
Michael Bigger

**Bigger v Conklin
16 SOEB GE 105**

Candidate: Eric M Conklin

Office: United States Senator

Party: Independent

Objector: Michael Bigger

Attorney For Objector: John G. Fogarty, Jr.

Attorney For Candidate: No appearance

Number of Signatures Required: 25,000

Number of Signatures Submitted: 238

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Eric M. Conklin to the November 8, 2016 General Election ballot as an independent candidate for the office of United States Senator.

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

As no one appeared on behalf of the Candidate, a letter was sent informing the Candidate of the Objection, Case Management Conference Order and the Objector's Appearance. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and an Appearance Form.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 225 signatures. The minimum number to appear on the ballot is 25,000.

Findings

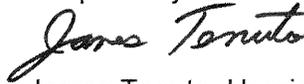
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Michael J. Kasper appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate submitted 225 per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel the State Officers Electoral Board Sustain the Objection and the name of Eric M. Conklin not appear on the ballot as a Candidate for United States Senator as an Independent to be voted upon at the November 8, 2016, General Election.

Dated: July 27, 2016

Respectfully submitted,



James Tenuto, Hearing Officer

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
INDEPENDENT CANDIDATES FOR STATEWIDE OFFICE IN THE STATE OF
ILLINOIS**

Michael Bigger,)	
Petitioner-Objector,	)	ORIGINAL ON FILE AT
	)	STATE BD OF ELECTIONS
vs.	)	ORIGINAL TIME STAMPED
	)	AT <u>11:45a 7/5/16</u> <u>File</u>
Eric M. Conklin,)	
)	
Respondent-Candidate.)	

VERIFIED OBJECTOR'S PETITION

Now come Michael Bigger (hereinafter referred to as the "Objector"), and states as follows:

1. Michael Bigger resides at 110 W. Butler Street, Wyoming, Illinois, 61491, 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 an independent candidate for United States Senator from and for the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the General Election ballot as candidates for office.

2. Your Objector makes the following objections to the nomination papers of Eric M. Conklin as a purported candidate for United States Senator for the State of Illinois ("the Nomination Papers"), and file the same herewith, and state that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the State of Illinois the signatures of not less than 25,000 duly qualified, registered, and legal voters of the State of Illinois are required for an independent candidate for United States Senator for the State of Illinois to have his or her name

appear on the General Election ballot. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

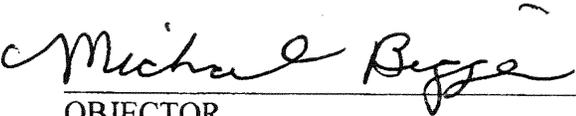
4. Your Objector states that Eric M. Conklin has filed 18 petition signature sheets containing a total of 238 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

5. Your Objector states that the Nomination Papers herein contested, on their face, consist of fewer than the statutory minimum of 25,000 signatures required for an independent candidate for United States Senator for the State of Illinois to have his or her name appear on the General Election ballot.

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

WHEREFORE, your Objector prays that the purported Nomination Papers of Eric M. Conklin as an independent candidate for United States Senator 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; that Eric M. Conklin not qualify as an independent candidate for election to the office of United States Senator for the State of Illinois at the 2016 General Election, that the name of Eric M. Conklin not appear on the General Election ballot, and that this Honorable Electoral Board enter its decision declaring that the name of Eric M. Conklin as an independent candidate for United States Senator for the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 8, 2016.

Respectfully submitted,

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

OBJECTOR
Michael Bigger

**Wicklund v Gill
16 SOEB GE 106**

Candidate: David M. Gill

Office: 13th Congressional

Party: Independent

Objector: Mark D. Wicklund

Attorney For Objector: Pro se

Attorney For Candidate: Sam Cahnman

Number of Signatures Required: 10,754

Number of Signatures Submitted: 12,375

Number of Signatures Objected to:

Basis of Objection: The Candidate's nomination papers contain an insufficient number of valid signatures because certain petition sheets contain blank lines left and certain petition signers do not reside in the 13th Congressional District.

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

Binder Check Necessary: No

Hearing Officer: David Herman

Hearing Officer Findings and Recommendations: The objections to Candidate's petition in this case are similar to objections made in the case of Jerrold Stocks v. David M. Gill, 16 SOEB GE 109. Because more individual signatures were challenged in the Stocks case, the parties agreed to stay the records examination in this matter until the Stocks' records examination was completed. The Stock's records examination revealed that Candidate failed to meet the minimum signature requirement to be placed on the ballot for the office sought. Candidate failed to submit any Rule 9 evidence to rehabilitate any signatures ruled invalid at the Stocks' records examination.

Accordingly, in light of the results of the Stocks' records examination, the Hearing Officer found the objection in this case to be moot and recommends that the objection be dismissed.

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

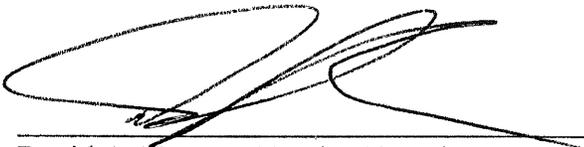
evidence to rehabilitate any signatures in the Stock's Case. Accordingly, the recommendation of the Hearing Examiner in the Stock's Case was that the Candidate not be placed on the ballot as a candidate to the Office of Representative in Congress from the 13th Congressional District in the State of Illinois

II. CONCLUSION AND RECOMMENDATION

Because Candidate has **NOT** met the minimum signature requirement as determined in the case of Jerrold Stocks v. David M. Gill, 16 SOEB GE 109 and it was the recommendation of the Hearing Examiner in that case to not place Candidate on the ballot, this objection is moot and should be dismissed.

The parties herein have until **Wednesday, July 27, 2016** on or before 5:00 p.m. to file any exception to this Recommendation with the Hearing Examiner.

DATED: July 22, 2016



David A. Herman, Hearing Examiner

CERTIFICATE OF SERVICE

Service of the foregoing document was made by electronic transmission, where indicated, to:

Mark D. Wicklund
3865 E. Cantrell St.
Decatur, IL 62521
wicklund.mark@gmail.com

David M. Gill
c/o Sam Cahnman
915 Second Street
Springfield, IL 62704
samcahnman@yahoo.com

Ken Menzel
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, IL 62704
kmenzel@elections.il.gov

on this 22nd day of July, 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

**BEFORE THE DULY ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATE FOR ELECTION TO THE OFFICE OF
REPRESENTATIVE IN CONGRESS FROM THE 13TH CONGRESSIONAL DISTRICT
IN THE STATE OF ILLINOIS**

MARK D. Wicklund,)	
OBJECTOR)	
)	
VS.	)	NO. 16-SOEB-GE-106
)	
DAVID M. GILL,)	
CANDIDATE)	

**OBJECTOR'S MOTION TO STRIKE AND DISMISS
CANDIDATES MOTION TO STRIKE AND DISMISS AND
MOTION FOR PRODUCTION**

Now comes the Objector, Mark D Wicklund for his motion to dismiss Candidate David M Gill's motion to dismiss and motion for production.

Objector States as follows.

1. The Candidates use of Section 10-4 has no bearing on the case at hand. Section 10-4 Election Code prohibits and individual from circulating petitions for multiple candidates of different parties (Democratic, Republican, or third party) The Objector did circulate petitions for a Democratic Candidate only, and no one else. Making this this section of the election void for challenging as for it relates to circulation of petitions.
2. The Objector and the Candidate and his attorney involved in the initial hearing on July 11, 2016 at 10:30AM in the State Board of Elections office in Springfield, Illinois. Were both informed as to the rules going forward on filling and procedures, The Objector and Candidate was informed that all filings from this point on could be done electronically. Thus the Candidate and His attorney Samuel J. Cahnman, failed to meet the 5pm deadline on July 13, 2016 as required by the rules governing the hearing. Wherefore the Candidates motion should be dismissed.
3. Finally, the objector has filed all necessary forms and copies and should be in the possession of the State Board of Elections, Candidate and his attorney Samuel J.

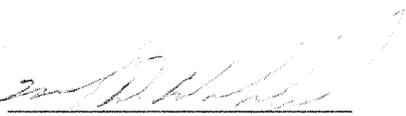
Cahnman. If there is something the Candidate or his attorney believe they are missing. The Objector will provide.

WHEREFORE, the Objector prays that:

- A. The Candidates motion be dismissed in its entirety
- B. Provide such other relief the Board deems adequate and just.

Mark D. Wicklund
3865 E. Cantrell St.
Decatur, IL. 62521
217-413-1265
Wicklund.mark@gmail.com

Respectfully Submitted,
Mark D. Wicklund,
Objector

By: 

PROFF OF SERVICE

The undersigned certifies that the original was filed with the Illinois State Board of Elections Office, In Springfield Illinois on Friday July 15, 2016 and that a copy was served upon the following persons by enclosing same in an envelope addressed as indicated with postage fully paid, and by depositing same envelope in the United States Post Office and by email on July 15, 2016

Samuel J. Cahnman
Attorney at law
915 South Second Street
Springfield, IL. 62704

Ken Menzel
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, IL. 62704

David A Herman
Giffin, Winningm Cohen & Bodewes, P.C.
1 W. Old State Capital Plaza
Myers Building, Suite 600
Springfield, IL. 62701



Mark D. Wicklund

Mark D. Wicklund
3865 E. Cantrell St.
Decatur, IL. 62521
217-413-1265
Wicklund.mark@gmail.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE THE HARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF
REPRESENTATIVE IN CONGRESS FROM THE 13th CONGRESSIONAL DISTRICT
IN THE STATE OF ILLINOIS

MARK D. WICKLUND,)
Petitioner-Objector,)
vs.) NO. 16-SOEB-GE-106
DAVID M. GILL,,)
Respondent-Candidate.)

RECEIVED

JUL 13 2016

State Board of Elections

CANDIDATE'S MOTION TO STRIKE AND DISMISS
AND MOTION FOR PRODUCTION

NOW COMES the Respondent-Candidate, David M. Gill, by his attorney,
Samuel

J. Cahnman, and for his motion to strike and dismiss and motion for production states a
follows:

1. Section 10-4 of the Election Code prohibits a person from circulating the
petitions of a candidate of one political party and for an independent candidate in the
same election cycle. The Objector circulated or certified petitions for a
Democratic candidate in this election cycle. Therefore, the Objector lacks
standing to bring an objector's petition against an independent candidate in this
election cycle.

2. Finally, the Candidate moves for an order requiring the Objector to promptly

provide to the Candidate all evidence the Objector intends to rely upon in regards to the claims raised in his Objector's Petition. There is no good reason why Objector's evidence should not be produced to the Candidate at the earliest possible moment. An immediate and ongoing duty for the Objector to provide Candidate with with relevant evidence will help ensure fairness in these proceedings, without putting any undue burden on the Objector.

WHEREFORE, the Candidate prays that:

- A. the Objector's Petition be dismissed in its entirety; and that
- B. Objector be ordered to produce all relevant evidence in his possession to the Candidate immediately, and that Objector promptly produce any future evidence immediately after it has become known to Objector; and
- C. provide such other relief as the Board deems adequate and just.

Samuel J. Cahnman
Attorney at Law
915 S. Second St.
Springfield, IL 62704
217/528-0200
samcahnman@yahoo.com

Respectfully submitted,
DAVID M. GILL,
Respondent-Candidate,

By: 

SAMUEL J. CAHNMAN
Attorney for Respondent-Candidate

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the following persons by enclosing same in an envelope addressed as indicated with postage fully prepaid and by depositing same in the U.S. Post Office Mail Box and by email on the 13th day of July, 2016:

Mark D. Wicklund
Attorney at Law
3865 East Cantrell St.
Decatur IL 6251
Wicklund.mark@gmail.com

Ken Menzel
Illinois State Board of Election
2329 S. MacArthur Blvd.
Springfield, IL 62704
kmenzel@elections.il.gov

David A. Herman
Giffin, Winning, Cohen & Bodewes, P.C.
1 W. Old State Capitol Plaza
Myers Building, Suite 600
Springfield, IL 62701
dherman@giffinwinning.com

A handwritten signature in black ink, appearing to read "Samuel J. Cahnman", is written over a horizontal line.

SAMUEL J. CAHNMAN
Attorney at Law
915 South Second Street
Springfield, IL 62704
217/528-0200
samcahnman@yahoo.com

to the US House of Representatives, and files the same herewith, and states that the said nomination papers are insufficient in law and in fact for the following reasons:

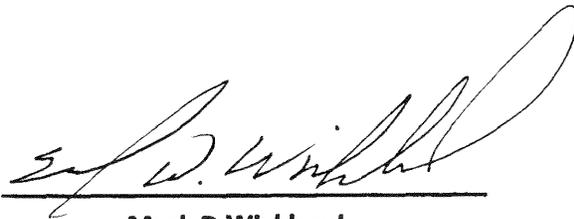
1. Your Objector states that in the 13th District of the US house of Representatives of the State of Illinois, that the signatures of no less than 10,754 Duly qualified, registered, and legal voters of the said the 13th District of the US house of Representatives of the State of Illinois are required. 10 ILCS 5/8
2. Your Objector states that the Candidate has filed 825 petition signature sheets – 15 signature lines each- containing 12,375 signatures of allegedly duly qualified, legal, and registered voter of the 13th District of the US house of Representatives of the State of Illinois; a Statement of Candidacy; and optional Loyalty Oath
3. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirement be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such case made and provided. One such legal requirement mandates that Petitions for nomination for the office of the 13th District of the US house of Representatives of the State of Illinois, shall be signed by no less than 10,754 Duly qualified, registered and legal voters of his or hers representative district. “(Emphasis added). 10 ILCS 5/8-8. This nominating petition fails to adhere to and therefore is in contravention of, the Illinois Election Code cited above, in that is contains 12,375 Signatures of allegedly duly qualified, legal, and registered voters of the 13th District of the US house of Representatives of the State of Illinois. The Candidate papers are therefore, not in compliance with the statutes in such case made and provided.
4. Your Objector further states that the aforesaid nomination papers contain the names of numerous person who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names that are located within the the 13th District of the US house of Representatives of the State of Illinois, and their signatures are therefore invalid, as more fully set forth in the Appendix-Recapitulation under the column designated “Out of District” attached hereto and made part hereof, all of said signatures being in violation of the statutes in such case made and provided.
5. Your Objector further states that there are numerous lines left blank that are included in the nomination papers that are included in the 12,375 signatures filed by the Candidate. That such lines are not duly qualified, registered, and legal voter of the 13th District of the US house of Representatives of the State of Illinois, as more fully set forth in the Appendix-Recapitulation under the column designated as “Blank” attached hereto and made part hereof, all said signatures being in violation of the statutes is such cases made and provided.

- 6. Your Objectors states that the 825 signature pages with 15 lines per page totaling 12,375 of which 92 signatures were removed by the candidate himself. Leaving 12,283 signature filed by the Candidate, of Those 12,283 signatures do not meet the minimum number of Duly qualified, registered, and legal voters of the 13th District of the US house of Representatives of the State of Illinois. As set forth by the election law of the State of Illinois do not met the required number of signature to be placed on the ballot for the general election to be held on November 8, 2016**
- 7. Your Objector states that of the 12,283 signature filed by the Candidate, of those 778 signature lines were left Blank as leaving the Candidate with 11,505 signature lines left.**
- 8. Your Objector states that of the 11,505 signatures of those 1,308 were non-residing duly qualified, registered, and legal voters , thus unable to sign; leaving the Candidate with 10,197 therefore leaving the Candidate 557 duly qualified, registered, and legal voters short of the minimum 10,754 duly qualified, registered, and legal voters of the 13th District of the US house of Representatives of the State of Illinois. See attached Appendix-Recapitulation.**

Wherefore, your Objector prays that the purported nomination papers of David M Gill as an Independent Candidate for the general election to be held on November 8, 2016 for the office the 13th District of the US House of Representatives 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 David M Gill as an Independent Candidate for the nomination to the office of the 13th District of the US house of Representatives of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT for the GENERAL ELECTION to be held on NOVEMBER 8, 2016

Dated

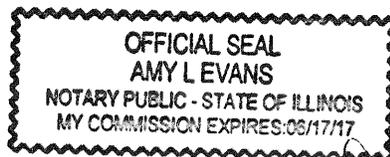
Jul 5, 2016



Mark D Wicklund

Objector

Mark D Wicklund
3865 E Cantrell St.
Decatur, IL. 62521
Phone: 217-413-1265
Email: Wicklund.mark@gmail.com



**Swift & Patrick v Harner
16 SOEB GE 107**

Candidate: Robert ‘Bobby’ Harner

Office: 117th Representative

Party: Tea

Objectors: Terry Swift & James Patrick

Attorney For Objectors: John G. Fogarty, Jr.

Attorney For Candidate: No appearance

Number of Signatures Required: 1759

Number of Signatures Submitted: 731

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Robert ‘Bobby’ Harner to the November 8, 2016 General Election ballot as a Tea Party candidate for the office of State Representative for the 117th Representative District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Terry Swift and James Patrick,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	16 SOEB GE 107
)	
Robert “Bobby” Harner,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER TO THE GENERAL COUNSEL

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

Background

The Candidate(s) timely filed nominating petitions seeking to be placed on the November 8, 2016, General Election ballot for the following: **Robert “Bobby” Harner for State Representative for the 117th Representative District for the Tea Party.**

Objection

An Objection was timely filed alleging the Candidate(s) filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot.

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by John G. Fogarty, Jr. for the Objector. No one appeared for the Candidate(s). As no one appeared on behalf of the Candidate(s), a letter was sent to the

Candidate's address to inform him of the Objection, Case Management Conference and Mr. Fogarty's Appearance Form. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the rules of Procedure adopted by the electoral Board and to obtain an Appearance form.

The Case Management Conference Order informed the Candidate(s) of the State Board of Elections' staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 731 signatures. The minimum number to appear on the ballot is 1,759.

Findings

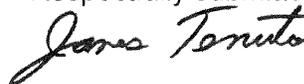
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. John G. Fogarty, Jr. appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 1,759. The Candidate(s) submitted 731 per the staff count.
7. The Candidate(s) did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name(s) of Robert "Bobby" Harner not appear on the November 8, 2016 General Election ballot as a Candidate for State Representative in the 117th Representative District as a Tea Party Candidate.

Dated: July 27, 2016

Respectfully submitted,



James Tenuto
Hearing Officer

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES FOR 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

**James Patrick and Terry Swift,)
Petitioner-Objectors,)
)
vs.)
)
The Tea Party as a purported new)
political party in the 117th)
Representative District; and)
Robert "Bobby" Harner as a)
Candidate for Representative in)
the General Assembly in the 117th)
Representative District;)
)
Respondent-Candidate.)**

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 3:59 7/5/16 *all*

VERIFIED OBJECTORS' PETITION

Now come James Patrick and Terry Swift (hereinafter referred to as the "Objectors"), and state as follows:

1. James Patrick resides at 903 Main Street, Carterville, Illinois, 62918, 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 of any person or group of persons desiring to form a new political party in the 117th Representative District are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

2. Terry Swift resides at 10243 State Highway 14, Benton, Illinois, 62812, 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 of any person or group of persons desiring to form a new political party in the 117th Representative District are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

3. Your Objectors make the following objections to the new political party petition papers of The Tea Party and Robert "Bobby" Harner, its purported candidate for Representative in the General Assembly in and for the 117th Representative District ("the Nomination Papers"), 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 117th Representative District of Illinois the signatures of not fewer than 1,759 duly qualified, registered, and legal voters of the 117th Representative District are required to form a new political party in the 117th Representative District. 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.

5. Your Objectors state that The Tea Party and its purported candidate for Representative in the General Assembly in the 117th Representative District has filed 44 petition signature sheets containing a total of 731 signatures of allegedly duly qualified, legal, and registered voters of the 117th Representative District of the State of Illinois.

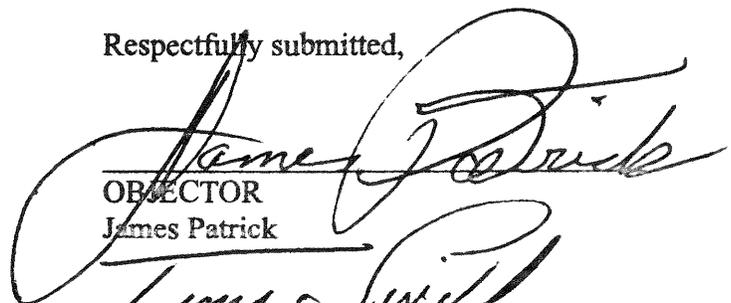
6. Your Objectors state that the Nomination Papers herein contested, on their face, consist of fewer than the statutory minimum number (1,759) of required signatures for the

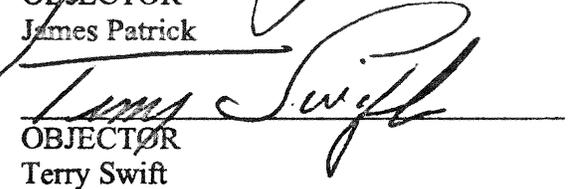
establishment of a new political party in the 117th Representative District, and for a candidate for Representative in the General Assembly for such new party to appear on the ballot in the 117th Representative District.

7. 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.

WHEREFORE, your Objectors pray that the purported new political party petition papers of The Tea Party and Robert "Bobby" Harner, its purported candidate for Representative in the General Assembly, be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that The Tea Party not qualify as a new political party in the 117th Representative District at the 2016 General Election, that the aforesaid Candidate's name not appear on the General Election ballot, and that such Candidate's name be stricken; and that this Honorable Electoral Board enter its decision declaring that The Tea Party shall not qualify as a new political party in the 117th Representative District, and that the name of Robert "Bobby" Harner for Representative in the General Assembly as the Candidate of The Tea Party for election to that said office BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 8, 2016.

Respectfully submitted,


OBJECTOR
James Patrick


OBJECTOR
Terry Swift

VERIFICATION

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

Terry Swift
OBJECTOR
Terry Swift

County of Williamson)
State of Illinois) ss.

Subscribed to and Sworn before me, a Notary Public, by Terry Swift, the Objector, on this the 4th day of July 2016, at Marion, Illinois.

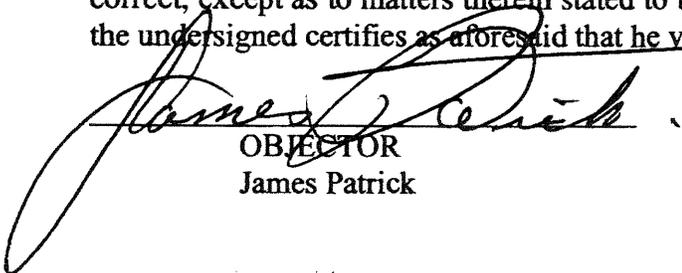
Karrie Harris (SEAL)
NOTARY PUBLIC

My Commission expires: 5/7/2020



VERIFICATION

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


OBJECTOR
James Patrick

County of Williamson)
State of Illinois) ss.

Subscribed to and Sworn before me, a Notary Public, by James Patrick, the Objector, on this the 4th day of July 2016, at Marion, Illinois.

Karrie Harris (SEAL)
NOTARY PUBLIC

My Commission expires: 5/7/2020



Swift/Patrick v Schluter
16 SOEB GE 108

Candidate: Scott Schluter

Office: 117th Representative

Party: Libertarian

Objector: Terry Swift & James Patrick

Attorney For Objector: John G. Fogarty, Jr.

Attorney For Candidate: Pro se

Number of Signatures Required: 1759

Number of Signatures Submitted: 2059

Number of Signatures Objected to: 1071

Basis of Objection: 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 Response to Objector (Motion to Dismiss), Objectors' Response to Motion to Dismiss, Candidate's Reply to Objector's Response, Candidate's Rule 9 Motion, Candidate's Rule 5 Proof of Arguments

Binder Check Necessary: Yes

Hearing Officer: David Herman

Hearing Officer Findings and Recommendations: A records examination commenced and was completed on July 20, 2016. The examiners ruled on objections to 1,071 signatures. 697 objections were sustained, leaving a total of 1,362 valid signatures, which is 397 signatures less than the required 1,759 minimum number of signatures.

The Hearing Officer treated the Candidate's Response to the Objector as a Motion to Dismiss. The Candidate argued that the Objectors lack standing to file their petition because they did not personally request to view a copy of the Candidate's petition sheets, and thus lack the requisite personal knowledge and injury. The Objectors' Response asserted that Section 10-8 of the Election Code only requires that an objector be "any legal voter of the political subdivision or district in which the candidate or public question is to be voted on... having objection to any... nomination

papers or petitions.” It is not disputed that the Objectors are registered voters in the 117th Representative District; therefore, the Objectors assert proper standing to submit the objection. Candidate’s Reply to the Objector’s Response merely reiterated the argument that the Objector lacks standing because he did not request to view the Candidate’s petition. The Hearing Officer found that the Objectors met the requirements of 10-8, and therefore recommends that the Candidate’s Motion to Dismiss be denied.

The Candidate filed a Rule 9 Motion raising several arguments: (1) hackers accessed the database used by the State Board of Elections prior to the records exam and there is no way to confirm the records used in the exam had not been compromised; (2) the SBE staff acted in violation of 10 ILCS 7/5-10 by failing to include 32 lines struck through on the petitions in the signature count; (3) according to the Public Interest Legal Foundation, Franklin County had 190% voter registration, calling into question the record exam’s finding that 268 signatures from Franklin County were invalid; and (4) due to the alleged likelihood that signers’ voter registrations in the 117th Representative District are inaccurate, every signature found at exam to be invalid by reason of not being registered at the address shown should be rehabilitated as valid. The Hearing Officer recommends that all four Rule 9 arguments be rejected, noting that the party making the objection to records exam results bears the burden of producing evidence proving the staff findings to be in error no later than 3 business days following the date of the record exam report’s transmission; the Candidate has submitted no evidence supportive of his broad Rule 9 arguments.

Specifically in regard to the Candidate’s argument that SBE staff violated 10 ILCS 7/5-10 in conducting its record exam, the Hearing Officer noted that the Board Staff acted consistent with its pattern and practice not to count signatures that are stricken, and recommends rejection of this argument as well.

The Hearing Officer recommends that the Candidate’s Motion to Dismiss be denied, and that based on the Candidate’s failure to submit the minimum number of valid signatures required to be placed on the ballot, the Candidate’s name not be certified to the ballot as a candidate to the Office of Representative in Congress for the 117th Representative District in the State of Illinois to be voted for at the 2016 General Election.

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 FOR THE
117TH REPRESENTATIVE DISTRICT IN THE STATE OF ILLINOIS**

James Patrick and Terry Swift,)	
Petitioners-Objectors,)	
)	
vs.	)	Case No. 16-SOEB-GE-108
)	
Scott Schluter, Respondent-Candidate.)	

RECOMMENDATION OF HEARING EXAMINER

I. PROCEDURAL HISTORY

This matter commenced on July 5, 2016, when James Patrick and Terry Swift filed a “Verified Objectors’ Petition” with the Illinois State Board of Elections. James Patrick and Terry Swift (hereinafter “Objectors”) alleged that the nomination papers of Scott Schluter for the Office of Representative in the General Assembly from the 117th Representative District of the State of Illinois (hereinafter “Candidate”), were insufficient in that they were not in conformance with certain provisions of the Illinois Election Code. Specifically, the Objectors alleged that

- the nomination papers contained petition sheets with names of persons 1) who are not registered voters at the address shown, 2) whose addresses are not within the 117th Representative District of Illinois, 3) whose signatures were not genuine, 4) who signed the nomination papers more than once, and 5) whose addresses were missing or incomplete;

On July 13, 2016, Candidate filed his Response to Objector (hereinafter “Motion to Dismiss”) wherein he argued that the Objectors lack standing to file their Petition because they did not request to see a copy of the Candidate’s petition sheets from the Illinois State Board of Elections and therefore do not have personal knowledge of the signatures on the petition sheets.

On July 15, 2016, Objectors filed their Response to Motion to Dismiss wherein they argued that there is no requirement that an objector request the candidate’s petitions from the Illinois State Board of Elections in order to have standing to make an objection. Instead, Objector’s argued that the only requirement set forth in Section 10-8 of the Election Code with respect to standing is that an objector be a “legal voter of the political subdivision . . .”

The Parties met and conferred and submitted a report to the Hearing Examiner on July 18, 2016 in which they stated that the factual issue presented in this matter is whether the Candidate has presented the minimum number of valid petition signatures to achieve a place on the ballot. The Parties further stated that this factual issue will be resolved via the State Board of Election’s records examination. The Parties also stipulated that the required number of

signatures for the Candidate to be placed on the ballot for the Office of Representative in the General Assembly for the 117th Representative District is 1,759.

On July 19, 2016, Candidate filed his Reply to Objectors' Response to Candidate's Motion to Dismiss wherein he repeated his standing argument. Specifically, Candidate argued that the ability to demonstrate sufficient connection to and harm from the law or action challenged is a necessary requirement to be able to file a Petition challenging nomination papers before the Illinois State Board of Elections. He further argued that because the Objectors never requested to see a copy of the Candidate's petition sheets from the Illinois State Board of Elections then they cannot demonstrate a sufficient connection to and harm from the Candidate's nomination papers and therefore lack standing to file their Petition.

On July 20, 2016, a records examination was conducted by staff of the Illinois State Board of Elections. The records examination revealed that Candidate had collected a total of 2,059 signatures (Objectors' Verified Petition alleged Candidate collected and submitted 2,060 valid signatures). There were 1,071 line objections reviewed at the records examination. At the conclusion of the records examination, there were 1,362 signatures considered valid (697 line objections were sustained, while 374 line objections were overruled). The summary report reflecting the results of the staff records exam is attached to this Recommendation as Exhibit A. After the records examination, Candidate did **NOT** have the required statutory minimum of not fewer than 1,759 signatures to be placed on the primary election ballot. The summary report revealed that Candidate was 397 signatures short of the number required to be placed on the ballot.

On July 25, 2016, Candidate filed his Rule 9 Motion. Candidate asked that the findings of the records examination be dismissed due to a security breach in the Illinois voter registration database. Candidate argued that hackers accessed the database on July 13, 2016, which was one week prior to the record examination. Therefore, according to Candidate, there is no way to confirm the records used in the records examination had not been compromised. Candidate also argued that the State Board of Elections staff acted in violation of 10 ILCS 5/7-10. Candidate claimed that, at the records examination, he was informed that staff routinely deletes any lines that are struck through. Candidate claimed that 32 signatures were wrongly struck through by State Board of Elections staff and requested that those signatures be rehabilitated as valid. Finally, Candidate contended that the Public Interest Legal Foundation, Franklin County was found to have 190% voter registration. Of the 697 invalid signatures found during the records examination, 268 were from Franklin County. Candidate stated that this result calls into question any Franklin County residents' voter registration, but also any residents who may have moved to Franklin County from another area within the 117th Representative District. Due to the alleged inaccuracy of the Franklin County voter rolls, Candidate requested that the 268 signatures from Franklin County be rehabilitated as valid. Candidate further requested that every signature in his nominating petition found to be invalid by reason of the signer not being registered at the address shown be rehabilitated as valid due to the likelihood of signers' voter registration in the 117th Representative District being inaccurate. Candidate submitted no evidence in support of his legal arguments.

II. ANALYSIS

A. Candidate's Motion to Dismiss

As stated, Candidate argued that the Objectors lack standing to file their Petition because they did not make a request to the Illinois State Board of Elections to see a copy of the Candidate's petition sheets and therefore, he asserts that Objectors do not have personal knowledge of the signatures on the petition sheets. Candidate cites to Section 10-8 of the Election Code (10 ILCS 5/10-8) in support of this argument. Specifically, Candidate cites to the following language in Section 10-8:

Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition * * *

Other than the citation to Section 10-8, Candidate offers no further support for his argument.

Candidate's interpretation of Section 10-8 to require that an Objector request a Candidate's petition sheets from the Illinois State Board of Elections before filing an objection is not supported by the plain language of the statute. "The applicable statute allows *any* 'legal voter of the political subdivision or district in which the candidate * * * is to be voted on' to file objections to the certificate of nomination." (Emphasis in original). Lenchan v. Twp. Officers Electoral Bd. of Schaumburg Twp., 2013 IL App (1st) 130619, ¶ 41 (where the candidates contended that the objector should not be allowed to object because the objector did not participate at the caucus and is not a member of the local Democratic party). Candidate does not dispute that Objectors are such legal voters.

Moreover, Objectors' "motive in filing the objections is irrelevant to the determination of whether the [Candidate] failed to comply with these mandatory election laws." Havens v. Miller, 102 Ill. App. 3d 558, 566 (1st Dist. 1981); see also Wollan v. Jacoby, 274 Ill. App. 3d 388, 392 (1995) (stating the petitioners' stated interests to see that election laws are upheld and that only properly qualified candidates appear on the ballot are valid interests¹, notwithstanding the motivation or failure to object to another candidate's petition).

For these reasons, Candidate's argument that Objector's lack standing based simply on the allegation that they did not make a request to the Illinois State Board of Elections to see a copy of Candidate's petition sheets lacks merit. Accordingly, this Hearing Examiner

¹ In their Objection, Objectors stated that their interests in filing the Objection is to ensure the laws governing the filing of nomination papers of persons desiring to form a new political party in the 117th Representative District are complied with and only qualified new political parties and qualified candidates of new political parties appear on the ballot as candidates for office in the General Election.

recommends that Candidate's Response to Objectors, which is essentially a Motion to Dismiss, be denied.

B. Candidate's Rule 9 Motion

As stated above, Candidate has raised several arguments in his Rule 9 Motion: (1) hackers accessed the State Board of Election's database on July 13, 2016, which was one week prior to the records examination, and therefore there is no way to confirm the records used in the records examination had not been compromised; (2) the State Board of Elections staff acted in violation of 10 ILCS 5/7-10 by routinely deleting any lines that are struck through and therefore 32 signatures were wrongly struck through and those signatures should be rehabilitated as valid; (3) according to the Public Interest Legal Foundation, Franklin County was found to have 190% voter registration which calls into question the finding during the records examination that the 268 from Franklin County were found to be invalid; and (4) every signature in Candidate's nominating petition found to be invalid by reason of the signer not being registered at the address shown be rehabilitated as valid due to the likelihood of signers' voter registration in the 117th Representative District being inaccurate.

This Hearing Examiner notes that Rule 9 of the State Board of Elections Rules of Procedure states the following:

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 with a copy to the opposing party no later than 5:00 p.m. on the third business day following the date of the transmittal of the report described in the immediately preceding paragraph unless extended by the Board for good cause shown.

Here, the report from the records examination was transmitted to the Parties on July 20, 2016. Candidate did not submit any evidence in support of his arguments within 3 business days as required. In fact, Candidate has submitted no evidence at all in support of his broad arguments asserted in his Rule 9 Motion.

1. Hackers Accessed Database

Candidate asked that the findings of the records examination be dismissed due to a security breach in the Illinois voter registration database. Candidate argued that hackers accessed the database on July 13, 2016, which was one week prior to the record examination. According to Candidate, there is no way to confirm the records used in the records examination had not been compromised. As stated, Candidate has offered no evidence in support of this bare assertion. Additionally, Candidate has not identified which signatures that were ruled as invalid he alleges were compromised. Finally, Candidate has presented no evidence that any signatures were actually compromised or altered as a result of the hack into the database. Accordingly, Candidate has failed to meet his burden of producing evidence that the staff finding was in error as to any specific signatures contained in his nomination papers.

For these reasons, this Hearing Examiner recommends that this argument by Candidate be rejected.

2. *Franklin County Voter Registration*

Candidate asserts that a report by the Public Interest Legal Foundation found that Franklin County has 190% voter registration. Candidate claims that 268 of the invalid signature found during the records examination were from Franklin County. According to Candidate, this calls into question any Franklin County residents' voter registration but also any residents who moved to Franklin County from another area within the 117th Representative District. After arguing that these results call into question the Franklin County residents' voter registration, Candidate states that all 268 signatures from Franklin County should be rehabilitated "due to the complete inaccuracy of Franklin County voter rolls and its effect on the outcome of the records examination.

First, this Hearing Examiner notes that Candidate's argument is based upon pure speculation. It is certainly not based upon any actual evidence as Candidate has provided none. Candidate's allegation that Franklin County has not done enough to purge obsolete records from its system is the equivalent of saying that the county has more voter records than it should, not too few. On that basis, Objectors might have an argument that some records ruled valid should not have been deemed valid. Nonetheless, Candidate did not submit the report he relies on for the proposition that Franklin County has 190% voter registration. Candidate also fails to identify which of the 268 signatures from Franklin County that were found invalid that he claims should have been valid, nor does he provide any evidence to rehabilitate any specific signatures. Candidate has not met his burden of producing evidence that the staff finding was in error as to any of the specific 268 invalid signatures from Franklin County contained in his nomination papers.

For these reasons, this Hearing Examiner recommends that this argument by Candidate be rejected.

3. *Likelihood of Signers' Voter Registration in 117th Representative District Being Inaccurate*

Candidate also asserts that "due to the likelihood of signers' voter registration in the 117th Representative District being woefully inaccurate, every signature in his nomination petition found to be invalid by reason of the signer not being registered at the address shown" should be rehabilitated as valid. This argument fails for the same reasons Candidate's argument relating to Franklin County above and therefore it is recommended that this argument be rejected.

4. *Staff Acted in Violation of 10 ILCS 5/7-10*

Candidate's argument that 32 signatures were improperly struck through and not included in the records examination is meritless. It is the policy of the Board Staff in conducting records examinations to not include signatures that have been stricken on petition sheets. (See Affidavit of Bernadette Harrington attached hereto as Exhibit B). Accordingly, the Board Staff acted consistent with its pattern and practice not to count signatures that are stricken. Even if Candidate's argument regarding the propriety of deleting lines that were struck through and not included in the records examination were to be determined valid and these 32 identified signatures were rehabilitated, Candidate would still be woefully short of the required number of signatures to be placed on the ballot.

III. CONCLUSION AND RECOMMENDATION

Because Candidate has **NOT** met the minimum signature requirement, the Hearing Examiner recommends that Candidate's name **NOT** be placed on the ballot as a candidate to the Office of Representative in Congress from the 117th Representative District of the State of Illinois to be voted for at the General Election to be held on November 11, 2016.

The parties herein have until August 10, 2016 on or before 5:00 p.m. CST to file any response or objection to this Recommendation with the Hearing Examiner.

DATED: August 5, 2016



David A. Herman, Hearing Examiner

CERTIFICATE OF SERVICE

Service of the foregoing document was made by electronic transmission, where indicated, to:

James Patrick & Terry Swift
c/o John G. Fogarty, Jr.
4043 N. Ravenswood
Suite 226
Chicago, IL 60613
john@fogartylawoffice.com

Scott Schluter
20284 Ranch Lane
Marion, IL 62959
scottschluterforliberty@gmail.com

Ken Menzel
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, IL 62704
kmenzel@elections.il.gov

on this 5th day of August, 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

16SOEBGE108 SWIFT, PATRICK V. SCHLUTER

OBJECTOR(S)

JAMES PATRICK
903 MAIN STREET
CARTERVILLE, IL 62918
TERRY SWIFT
10243 STATE HIGHWAY 14
BENTON, IL 62812

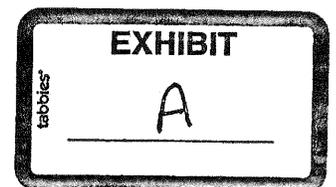
CANDIDATE(S)

SCOTT SCHLUTER
20284 RANCH LANE
MARION, IL 62959

LIBERTARIAN
117TH REPRESENTATIVE

OBJECTION TOTALS

Petition pages	155	Examined	1,071	
Lines with signatures	2,059	Valid	374	34.92%
Lines with objections	1,071	Invalid	697	65.08%
Unchallenged lines	988	Pending	0	0%
Required signatures	1,759	Over/Under required signatures	-397	



STATE OF ILLINOIS)
)
COUNTY OF COOK)

Swift and Patrick v. Schluter
16 SOEB GE 108

AFFIDAVIT

I, BERNADETTE M. HARRINGTON, upon oath, depose and state that I have personal knowledge of the statements contained in this Affidavit; I understand the contents of this affidavit to be true and correct; I am competent to testify; and if called to testify, I would testify as follows:

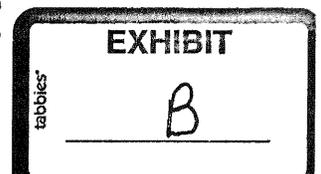
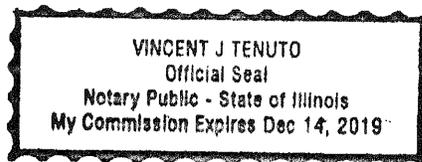
1. I am currently employed by the State Board of Elections (hereinafter "Board") as its Deputy General Counsel.
2. I am familiar with the case *Swift and Patrick v. Schluter*, Board case number 16 SOEB GE 108, and participated in the preparation of the records examination conducted in the case, including calculating the total number of petition signatures submitted by Scott Schluter, Libertarian candidate for the office of Representative in the General Assembly for the 117th Representative District of the State of Illinois.
3. When calculating the total number of signatures submitted by a candidate on his or her nominating petition, it is Board policy to not include a signature in the gross signature count if the signature line is clearly and completely crossed through, even though the signature line may be lacking an initial or inclusion on a certificate of deletions.
4. Pursuant to this policy, 32 signatures were considered to be stricken and were not included in the gross signature count when calculating the total number of signatures submitted by Scott Schluter, Libertarian candidate for the office of Representative in the General Assembly for the 117th Representative District of the State of Illinois.

FURTHER AFFIANT SAYETH NOT.

Bernadette M. Harrington
BERNADETTE M. HARRINGTON

SUBSCRIBED and SWORN to before me
this 4 day of August, 2016.

Vincent J. Tenuto
NOTARY PUBLIC



Warth v. Seldin, 422 U.S. 490, 508 (1975); Sierra Club v. Morton, 405 U.S. 727, 740-741, n. 16 (1972); [n.1] and (b) "actual or imminent, not `conjectural' or `hypothetical,' " Whitmore, supra, at 155 (quoting Los Angeles v. Lyons, 461 U.S. 95, 102 (1983)). Second, there must be a causal connection between the injury and the conduct complained of — the injury has to be "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court." Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. 26, 41-42 (1976). Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." Id., at 38, 43."

In accordance with the aforementioned ruling, since the Objectors' neither requested to see the Candidate's nominating petitions, nor can establish any chain of evidence to support their seeing them, there is no "causal connection between the injury and the conduct complained of". The Candidate further argues that there is no evidence to support that the injury is "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court."

For these reasons, the Candidate requests a.) to dismiss the objections made by James Patrick and Terry Swift as a matter of law due to their lack of standing to present arguments evidenced by the fact that neither Patrick nor Swift were a requestor of information therefore lacking knowledge of the claims made and due to the manner in which Patrick and Swift completed their objection petitions, and b.) a ruling that the name of Scott Schluter appear and be printed on the ballot for election to the office of Representative in the General Assembly of the 117th Representative District of the State of Illinois, to be voted for at the General Election to be held November 8, 2016.

B. HACKERS ACCESSED DATABASE

10 ILCS 5/1A-16.5 (b) states “The online voter registration system shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this Section.”

In a statement released by Kyle Thomas, Director of Illinois State Board of Elections Voter and Registration Systems, he said,

“The State Board of Elections (SBE) fell victim to a cyberattack that was detected on July 12, 2016. Specifically, the target was the [Illinois Vital Records System] database.” He goes on to report that “. The offenders were able to inject SQL database queries into the IVRS database in order to access information. This was a highly sophisticated attack most likely from a foreign (international) entity.

· We have found no evidence that they added, changed, or deleted any information in the IVRS database. Their efforts to obtain voter signature images and voter history were unsuccessful.

· They were able to retrieve a number of voter records. We are in the process of determining the exact number of voter records and specific names of all individuals affected. (Because of the complex methods used to access the data, this may take 10-15 days.)”

While Mr. Thomas states that there was no evidence of adding, changing, or deleting any information, there also can be no certainty that this information was not accessed and edited. Therefore, it is The Candidate’s argument that the statement of Director Thomas and the application of common logic is sufficient evidence to prove that the Illinois State Board of

Elections was in violation of 1- ILCS 5/1A-16.5 (b) and that the Voter Registration Database cannot be confirmed to have been absolutely accurate during the Records Examination.

For these reasons, The Candidate requests that all signatures found to be invalid on The Candidate's nominating petitions be rehabilitated as valid.

C. FRANKLIN COUNTY VOTER REGISTRATION

Pub. L. 103-31, Sec. 2, May 20, 1993, 107 Stat. 77 Section 2 (b) states the purpose of the National Voter Registration act is to “ (3) to protect the integrity of the electoral process; and (4) to ensure that accurate and current voter registration rolls are maintained.”

August 27, 2015 the Public Interest Legal Foundation released a study citing 141 counties in the United States with more legal voters than living residents. The number one county on their list was Franklin County, Illinois with 190% voter registration. Franklin County being one of two counties encompassed in District 117. This evidence makes it very unlikely that Franklin County's voter registration is up to date, in violation of the National Voter Registration Act.

The Candidate's claim that due to the complete inaccuracy of the Franklin County voter rolls and negligence of the Franklin County Election authority, and the likelihood of signer's voter registration in the 117th Representative District being woefully inaccurate, all invalid signatures on the Candidate's nominating petition must be rehabilitated as valid.

In support of these claims The Candidate has attached a press release from the Public Interest Legal Foundation. A detailed list of the counties involved in this report (including Franklin County, IL) and their respective voter registration statistics can be found here: <http://publicinterestlegal.org/county-list/>

Conclusion

WHEREFORE, for the reasons stated, the Candidate respectfully requests that the Candidate's Motion to Dismiss be approved. If the Motion to dismiss is for some illegal reason denied, the Candidate requests that the Rule 9 Appeal be approved.

Respectfully submitted,
The Candidate

By: /s/ **Scott Schluter**

Board staff routinely deletes any lines that are struck through. They are not counted as completed lines or entered into the system and therefore were not included in the records examination. 10 ILCS 5/7-10 states, “The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.” There were 32 signatures struck through on the Candidate’s nominating petition. None of these signatures were initialed, nor were any certifications filed. Since these 32 signatures do not meet the lawful requirements to be considered struck through, the Candidate requests that these signatures be rehabilitated as valid.

3. According to a report by The Public Interest Legal Foundation, Franklin County, IL was found to have 190% voter registration. The Franklin County election authority has been remiss in their Constitutional duty to maintain valid voter rolls. Of the 697 invalid signatures found during the Records Examination 268 were from Franklin County. This fact not only calls into question any Franklin County residents’ voter registration, but also any residents who may have moved to Franklin County from another area within the 117th Representative District. Due to the complete inaccuracy of the Franklin County voter rolls and its effect on the outcome of the Records Examination, the Candidate requests that these 268 signatures from Franklin County be rehabilitated as valid. The Candidate also requests that due to the likelihood of signers’ voter registration in the 117th Representative District being woefully inaccurate, every signature in his

nominating petition found to be invalid by reason of the signer not being registered at the address shown, be rehabilitated as valid.

4. In sum, due to the security breach of the voter registration database, all invalid signatures found during the Records Examination must be rehabilitated as valid. Due to the Board of Elections staff acting against 10 ILCS 5/7-10, all “struck through” must be rehabilitated as valid. Due to the complete inaccuracy of the Franklin County voter rolls and negligence of the Franklin County Election authority, and the likelihood of signer’s voter registration in the 117th Representative District being woefully inaccurate, all invalid signatures on the Candidate’s nominating petition must be rehabilitated as valid.

Conclusion

WHEREFORE, for the reasons stated, the Candidate respectfully requests that the Candidate’s Rule 9 Motion be approved.

Respectfully submitted,
The Candidate

By: /s/ *Scott Schluter*

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES FOR 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

James Patrick and Terry Swift,)
Petitioner-Objectors,)
)
vs.)
)
The Libertarian Party as a)
purported new political party in)
the 117th Representative District;)
and)
Scott Schluter as a Candidate)
for)
Representative in the General)
Assembly in the 117th)
Representative District;)
)
Respondent-Candidate.)

**CANDIDATE’S REPLY TO OBJECTORS’ RESPONSE TO CANDIDATE’S MOTION
TO DISMISS**

Now come the Respondent-Candidate Scott Schluter (“the Candidate”) in reply to Objectors’ response to the Candidate’s recent filing in the nature of a Motion to Dismiss (“the Motion”) state as follows:

1. The Candidate asks that the Objectors’ Petition be dismissed because the Objectors do not have standing to make their Objection. The Candidate states that the Objector lacks the knowledge in fact required to have standing to bring suit. That is, pursuant to state and federal law, in order for an individual to bring suit, they must have experienced a personal injury. Without a personal injury, there is no case or controversy to be decided. When there is no case or controversy, claims are dismissed. The Candidate bases this request on the fact that neither of the Objectors ever requested the Candidate’s petitions, never established a chain of evidence showing how they

could have potentially obtained Candidate Scott Schluter's ballot petition, and therefore developed the personal knowledge required to claim an injury in fact.

2. The objectors' assertion that the lack of specific mention of locus standi in § 10-8 of the Election Code precludes them from this legal requirement is incorrect. Respectfully, the ability to demonstrate sufficient connection to and harm from the law or action challenged to support that party's participation in the case is supported by years of legal precedent.

3. Based on the objector's petition and the fact that neither Patrick nor Swift requested the Candidate petitions, the most logical scenario where Patrick and Swift became objectors was where they received a phone call or an email telling them that the Republican Party needed someone to object to Candidate Scott Schluter's petitions in District 117. There is substantial evidence to support the notion that neither Patrick nor Swift saw the Candidate's petitions, and were in fact just filling out objection forms in the hopes that enough of the fraudulent objections would stick to invalidate Candidate Scott Schluter's nominating petition.

4. In sum, the lack of locus standi provides clear basis for approval of the Objection. The Objectors' lack legal standing for their objection. The Candidate's Motion must be approved.

Conclusion

WHEREFORE, for the reasons stated, the Candidate respectfully requests that the Candidate's Motion to Dismiss be approved.

Respectfully submitted,
The Candidate

By: /s/ *Scott Schluter* _____

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste 226
Chicago, Illinois 60613
773-549-2647 773-680-4962
john@fogartylawoffice.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES FOR 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

James Patrick and Terry Swift,)
Petitioner-Objectors,)
)
vs.)
)
The Libertarian Party as a)
purported new political party in)
the 117th Representative District;)
and Scott Schluter as a Candidate)
for Representative in the General)
Assembly in the 117th)
Representative District;)
)
Respondent-Candidate.)

RESPONSE TO MOTION TO DISMISS

Now come the Petitioner-Objectors James Patrick and Terry Swift (“the Objectors”) by and through counsel, and in response to the Candidate’s recent filing in the nature of a Motion to Dismiss (“the Motion”) state as follows:

1. The Candidate asks that the Objectors’ Petition be dismissed because the Objectors do not have standing to make their Objection. The Candidate bases this request on his assertion that neither of the Objectors requested to view the Candidate’s petitions at the State Board of Elections. The Candidate further makes the faulty presumption that there would be no other way for the Objectors to see the Candidate’s petitions.

2. Respectfully, there is no requirement that an Objector request the Candidate’s petitions at the State Board of Elections in order to have standing to make an objection. Indeed, the only requirement set forth in § 10-8 of the Election Code, is that an objector be a “legal voter

of the political subdivision . . .” There is no additional requirement that a candidate’s petitions be requested. The Candidate’s standing argument is wholly without legal basis and must be rejected.

3. The Candidate writes about the Objectors needing to establish an “injury in fact,” but such is only the case in a civil proceeding. The contest of a candidate’s petitions requires no “injury in fact,” only standing as set forth by § 10-8 of the Election Code.

4. In sum, not one of the assertions (such as that a similar objection was made to another candidate in the 117th and that the Candidate perceives errors in the Objection) made by the Candidate in his Motion provides a basis for dismissal of the Objection. The Candidate’s Motion must be denied.

Conclusion

WHEREFORE, for the reasons stated, the Objectors respectfully request that the Candidate’s Motion to Dismiss be denied.

Respectfully submitted,
The Objectors

By: /s/ John Fogarty Jr.
One of his attorneys

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste 226
Chicago, Illinois 60613
773-549-2647
773-680-4962
john@fogartylawoffice.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR DENIAL UPON
NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR
ELECTION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR
THE 117th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

James Patrick,)
Terry Swift,)
)
Petitioner-Objector,)
)
v.)
)
Scott Schluter,)
)
Respondent-Candidate.)

RECEIVED

JUL 13 2016

State Board of Elections

CANDIDATE'S RESPONSE TO OBJECTOR

INTRODUCTION

Scott Schluter, hereinafter sometimes referred to as the Candidate, states as follows:

1. The candidate resides at 20284 Ranch Lane Marion, IL, Zip Code 62959, in the 117th Representative District of the State of Illinois, and has complied with the constitutional requirements for filing nomination papers for candidacy in the 117th District.
2. The Candidate's interest in responding to the objection is that of a candidate desirous that the laws governing the filing of nomination papers and objections for the office of Representative in the General Assembly for the 117th District of the State of Illinois are properly

complied with, and that any unconstitutional ballot restrictions amounting to Fourteenth Amendment Equal protection violations be struck down.

ARGUMENT ONE- Standing

3. In response to the Objectors allegations, the Candidate states that the Objector lacks the knowledge in fact required to have standing to bring suit. That is, pursuant to state and federal law, in order for an individual to bring suit, they must have experienced a personal injury. Without a personal injury, there is no case or controversy to be decided. When there is no case or controversy, claims are dismissed.

4. Scott Schluter's petition for ballot access was turned in 6/27/2016 at 12:43 pm. Three individuals requested to see or copy my petitions within 24 hours of submission. These three requesters were Chris Kessler of Springfield Illinois, Krysta Walker of Saint Louis Missouri, and Mary Mayor of Chicago Illinois. None of these individuals resides in District 117. These three individuals are the only three individuals that would have sufficient knowledge to claim an injury in fact from Candidate's petition.

5. According to 10 ILCS 5/10-8 "Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition." This

requires that in order for a petition objector to have standing to challenge the nomination of a candidate, that objector must be a registered voter in the area the candidate seeks to represent.

6. Neither James Patrick nor Terry Swift, herein sometimes referred to as the objectors, ever requested the Candidate's petitions, never established a chain of evidence showing how they could have potentially obtained Scott Schluter's ballot petition, and therefore developed the personal knowledge required to claim an injury in fact.

7. Based on the objector's petition and the fact that neither Patrick nor Swift requested Candidate Scott Schluter's petitions, the most logical scenario where Patrick and Swift became objectors was where they received a phone call or an email telling them that the Republican Party needed someone to object to Candidate Scott Schluter in District 117.

8. There is substantial evidence to support the notion that neither Patrick nor Swift saw Candidate Scott Schluter's petitions, and were in fact just filling out objection forms in the hopes that enough of the fraudulent objections would stick to invalidate Candidate Scott Schluter's nominating petition.

9. On Candidate Scott Schluter's nominating petition page twenty-four, ten out of fifteen signatures were objected to. Somehow, while objecting to nearly the whole page, the objectors missed the two signatures at the bottom of the page that are lacking addresses. When seeking to establish a case of "personal injury", one would think that an individual would take advantage of the very clearly invalid signatures.

10. On Candidate Scott Schluter's nominating petition page sixty-three, line three, the objectors claim that Jeremy Biggerstaff's signature is not genuine/not signed by the proper person and the signer is not registered at the address shown. Jeremy Biggerstaff is an active member of the Libertarian Party and a volunteer on Candidate Scott Schluter's campaign for the office of Representative in the General Assembly for the 117th District of the State of Illinois. Jeremy Biggerstaff circulated several nominating petitions for Candidate Schluter.

11. Furthermore, the same address and signature can clearly be seen as both signer and circulator, yet none of Jeremy Biggerstaff's circulated petitions were challenged. Had the objectors actually looked at these petitions for discrepancies, they would have easily seen this correspondence, but they did not.

12. On Candidate Schluter's nominating petition pages 111-123 the objectors objected to circulator Trevor Stewart's home address as "Circulator does not reside at address shown." Trevor Stewart unequivocally resides at this address, as Candidate Scott Schluter personally retrieved completed petition sheets from Trevor Stewart at this address, and any evidence necessary can be provided to support this claim with ease.

13. Furthermore, these objections to Trevor Stewart's residence were made with "check marks" in contradiction with the directions of marking them with an "x".

14. On several of Candidate Schluter's nominating petitions, the objectors claim that "Signer's address missing or incomplete." In nearly all of these objections, the signer's addresses are without a doubt both present and complete.

15. On numerous of Candidate Schluter's nominating petitions, the objectors marked, "signer resides outside of district" from signers that are unquestionably within the boundaries of district 117.

16. In District 117, another "New Party" candidate, Robert "Bobby" Harner was also objected by Patrick James and Terry Swift. In this objection, once again neither of the objectors ever requested this candidate's petitions, never established a chain of evidence showing how they could have potentially obtained Robert "Bobby" Harner's ballot petition, and therefore developed the personal knowledge required to claim an injury in fact.

17. Both "New Party" candidates in District 117 received objections from someone in their district that never requested petitions and most likely just signed documents presented to them from another. Logic dictates that neither James Patrick nor Terry Swift were looking for discrepancies. They weren't looking for invalid or forged signatures. They weren't trying to seek out fraud or protect the voters' rights. They merely signed the paperwork that they were directed to in the hopes that they would accidentally invalidate enough signatures to kick Candidate Scott Schluter off of the ballot.

18. There is no way that the intent of 10 ILCS 5/10-8 (quoted above) was to allow a central hub of candidate nomination petition requestors to obtain and review petitions, create arguments for objections, then search to find someone in the district of the candidate you want to challenge to sign off on the claims. There would be no reason to have this legal protection if the scenario described above is all that has to be done to get around it. The legislation was

meant for objections to originate in the district of the potential candidate due to personal injuries in fact of the objectors. The law was not meant to allow professional ballot objectors to put together objection arguments with the last piece of the puzzle being find an objector in the district.

19. By statute 10 ILCS 5/10-8 (quoted above), none of the three requestors for the Candidate's petition has standing to challenge the petitions because they do not reside in district 117, thus leaving this situation with no real case or controversy.

20. If James Patrick or Terry Swift had been a requestor of Candidate Scott Schluter's nominating petitions, then they could have knowledge of the situation they are discussing, and would have a claim of injury.

21. Since the Objectors lack knowledge, they cannot claim injury. They are merely representing third party claims of an out of district petition requestor.

22. Under Evidence Rule 602, a witness may only testify to a matter if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter, and in the current situation, almost none of the information supplied by Patrick or Swift comes from personal knowledge. Therefore, Candidates petition for ballot access should be carried forth as if no objections were filed.

WHEREFORE, the Candidate requests; a.) to dismiss the objections made by James Patrick and Terry Swift as a matter of law due to their lack of standing to present arguments evidenced by the fact that neither Patrick nor Swift were a requestor of information therefore

lacking knowledge of the claims made and due the manner in which Patrick and Swift completed their objection petitions, and b.) a ruling that the name of Scott Schluter appear and be printed on the ballot for election to the office of Representative in the General Assembly of the 117th Representative District of the State of Illinois, to be voted for at the General Election to be held November 8,2016.

CANDIDATE:
Scott Schluter

Address:
20284 Ranch Lane
Marion, IL 62959

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES FOR 117th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

**James Patrick and Terry Swift,)
Petitioner-Objectors,)
vs.)
The Libertarian Party as a)
purported new political party in)
the 117th Representative District;)
and Scott Schluter as a Candidate)
for Representative in the General)
Assembly in the 117th)
Representative District;)
Respondent-Candidate.)**

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 4:01p 7/5/16 *all*

VERIFIED OBJECTORS' PETITION

Now come James Patrick and Terry Swift (hereinafter referred to as the "Objectors"), and state as follows:

1. James Patrick resides at 903 Main Street, Carterville, Illinois, 62918, 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 of any person or group of persons desiring to form a new political party in the 117th Representative District are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

2. Terry Swift resides at 10243 State Highway 14, Benton, Illinois, 62812, 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 of any person or group of persons desiring to form a new political party in the 117th Representative District are properly complied with and that only qualified new political parties appear upon the General Election ballot and only qualified candidates of such new political parties have their names appear upon the General Election ballot as candidates for office.

3. Your Objectors make the following objections to the new political party petition papers of the Libertarian Party and Scott Schluter, its purported candidate for Representative in the General Assembly in and for the 117th Representative District (“the Nomination Papers”), and files 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 117th Representative District of Illinois the signatures of not fewer than 1,759 duly qualified, registered, and legal voters of the 117th Representative District are required to form a new political party in the 117th Representative District. 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.

5. Your Objectors state that the Libertarian Party and its purported candidate for Representative in the General Assembly in the 117th Representative District has filed 155 petition signature sheets containing a total of 2,060 signatures of allegedly duly qualified, legal, and registered voters of the 117th Representative District.

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 One Hundred Seventeenth Representative District 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 One Hundred Seventeenth Representative District 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 the 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" at the sheet and line #s indicated, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

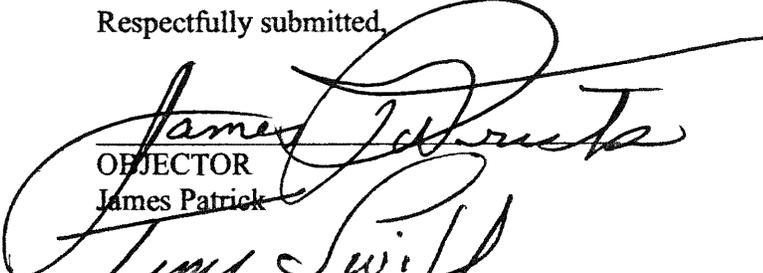
11. Your Objectors state that said Nominating Papers contain the signatures of various individuals who have signed the petition, but have failed to provide a complete residence address as more fully set forth in the Appendix-Recapitulation, under Column "E" designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

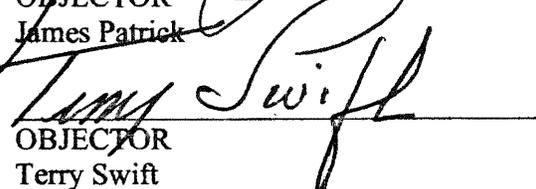
12. Your Objectors state that the Nomination Papers herein contested consist of various sheets purportedly containing the valid and legal signatures of 2,060 individuals. The individual objections cited herein with specificity reduce the number of valid signatures below the statutory minimum of 1,759.

WHEREFORE, your Objectors pray that the purported new political party petition papers of the Libertarian Party and Scott Schluter, its purported candidate for Representative in the General Assembly, be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois; that the Libertarian Party not qualify as a new political party in the 117th Representative District at the 2016 General Election, that the aforesaid Candidate's name not appear on the General Election ballot, and that such Candidate's name be stricken; and that this Honorable Electoral Board enter its decision declaring that the Libertarian Party shall not qualify as a new political party in the 117th Representative District, and that the

name of Scott Schluter for Representative in the General Assembly as the Candidate of the
Libertarian Party for election to that said office BE NOT PRINTED on the OFFICIAL BALLOT
at the General Election to be held on November 8, 2016.

Respectfully submitted,


OBJECTOR
James Patrick


OBJECTOR
Terry Swift

VERIFICATION

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

James Patrick
OBJECTOR
James Patrick

County of Williamson)
State of Illinois) ss.

Subscribed to and Sworn before me, a Notary Public, by James Patrick, the Objector, on this the 4th day of July 2016, at Marion, Illinois.

Karrie Harris (SEAL)
NOTARY PUBLIC

My Commission expires: 5/7/2020



Stocks v Gill
16 SOEB GE 109

Candidate: David M. Gill

Office: 17th Congressional

Party: Independent

Objector: Jerrold Stocks

Attorney For Objector: John G. Fogarty, Jr.

Attorney For Candidate: Sam Cahnman

Number of Signatures Required: 10,754

Number of Signatures Submitted: 11,348

Number of Signatures Objected to: 3,384

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. The nomination papers should be disqualified in their entirety, or in the alternative, in part, because they were not numbered consecutively and some pages were numbered incorrectly. 3. The nomination papers contain petition sheets of two circulators who were not the true circulators of the sheets, did not personally witness the signatures that appear on their sheets and were not present at the time such signatures were purportedly made on their sheets. Such signatures appear to have been forged and written in the same hand and the sheets circulated by the two circulators at issue should be stricken in their entirety.

Dispositive Motions: Candidate's Motion to Strike and Dismiss and Motion for Production, Objector's Response to 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 July 18, 2016. The examiners ruled on objections to 3,384 signatures. 2,755 objections were sustained, leaving a total of 8,593 valid signatures, which is 2,161 signatures less than the required 10,754 minimum number of signatures. Neither party submitted a Rule 9 Motion or any evidence contesting the finding of the records examination. The parties met and conferred

on July 21, 2016, the report of which shows agreement that Candidate needed 10,754 signatures to qualify for the ballot and notes that neither party planned to submit any Rule 9 evidence.

Candidate filed a Motion to Strike and Dismiss and a Motion for Production. Paragraphs 1 through 10 attacked objections based upon pagination and numbering of petition sheets and pattern and practice of fraud. Paragraph 11 cited Section 10-4 in support of Candidate's argument that Objector lacks standing to bring an objector's petition against an independent candidate because, on information and belief, Objector circulated or certified petitions for a Republican candidate during this election cycle. Paragraph 12 request that Objector be ordered to provide Candidate all evidence that Objector intends to rely upon in support of the claims raised in his petition.

Objector filed a Response to the Candidate's motions, arguing that his petition should not be dismissed because Section 10-4's requirement that petition sheets be consecutively numbered is mandatory and whether Candidate substantially complied with this requirement is a question of fact. Objector further argued that Candidate did not provide any basis for striking or dismissing any of the objections or for his request to compel the production of documents at this stage.

The Hearing Officer recommends that Candidate's Motion to Strike and Dismiss and Motion for Production be denied. The records examination resulted in Candidate being 2,161 signatures short of the minimum number of signatures required to be placed on the ballot and Candidate did not offer any Rule 9 evidence to rehabilitate signatures; therefore, Candidate is short of the required amount of signatures regardless of whether or not Objector's allegations contained in Paragraphs 1 through 10 are sustained. Accordingly, the Hearing Officer recommends that this part of the motion be denied.

Regarding Candidate's argument that Objector lacks standing to object to an independent candidate because he previously circulated for a Republican candidate during this election cycle, Section 10-8 of the Election Code provides that any legal voter of the political subdivision or district in which the candidate is to be voted on having objection to a candidate's nomination papers shall file an objection. Candidate does not allege that Objector fails to meet this requirement and only cites Section 10-4's prohibition against an individual circulating for an independent candidate or candidates in addition to on political party in support of his argument. Accordingly, the Hearing Officer recommends that this part of the motion be denied.

The Hearing Officer also recommends that Paragraph 12 of the Motion to Strike, which serves as a Motion for Production and requests that Objector provide all evidence he intends to rely upon in the case, be denied as the argument is moot as a result of Candidate's lack of valid signatures to qualify for the ballot.

Regarding the objection made to missing petition sheets and incorrect numbering of petition sheets, the Hearing Officer found that the argument is moot in light of the records examination results.

Similarly, regarding the two circulator objections, the Hearing Officer found that the argument is moot in light of the records examination results.

Based on the Candidate's failure to submit the minimum number of valid signatures required to be placed on the ballot, the Hearing Officer recommends that the Candidate's Motion to Strike and Dismiss and Motion for production be denied and that the Candidate's name not be certified to the ballot as a candidate to the Office of Representative in Congress for the 13th Congressional District in the State of Illinois to be voted for at the 2016 General Election.

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 CONGRESS FROM THE 13TH CONGRESSIONAL DISTRICT
IN THE STATE OF ILLINOIS**

Jerrold Stocks, Petitioner-Objector,)	
)	
vs.	)	Case No. 16-SOEB-GE-109
)	
David M. Gill, Respondent-Candidate.)	

RECOMMENDATION OF HEARING EXAMINER

I. PROCEDURAL HISTORY

This matter commenced on July 5, 2016 when Jerrold Stocks filed a “Verified Objector’s Petition” with the Illinois State Board of Elections. Stocks (hereinafter “Objector”) alleged that the nomination papers of David M. Gill for the Office of Representative in Congress from the 13th Congressional 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, the Objector alleged that Candidate did not have a sufficient number of signatures to qualify as a candidate because:

- the nomination papers contained petition sheets with names of persons 1) who are not registered voters at the address shown, 2) whose addresses are not within the 13th Congressional District, 3) whose signatures were not genuine or signed by the proper person, 4) who signed the nomination papers more than once, and 5) whose addresses were missing or incomplete;
- the nomination papers should be disqualified in their entirety, or in the alternative, in part, because they were not numbered consecutively, several pages were missing, and some pages were numbered incorrectly;
- the nomination papers contained petition sheets purportedly circulated by Floyd Brown, who was not the true circulator of the petitions sheets that he purported to have circulated, did not witness the signatures that appears on his petition sheets and was not present at the time such signatures were purportedly made on his petition sheets, that numerous signatures on Mr. Brown’s petition sheets appear to not be genuine and that such signatures appear to have been forged and written in the same hand; and
- the nomination papers contained petition sheets purportedly circulated by David McCarver, who was not the true circulator of the petitions sheets

that he purported to have circulated, did not witness the signatures that appears on his petition sheets and was not present at the time such signatures were purportedly made on his petition sheets, that numerous signatures on Mr. McCarver's petition sheets appear to not be genuine and that such signatures appear to have been forged and written in the same hand.

On July 13, 2016, Candidate filed his 12-paragraph Motion to Strike and Dismiss and Motion for Production. Paragraphs 1 through 10 attacked objections based upon pagination and numbering of petition sheets and pattern and practice of fraud. Paragraph 11 cited 10 ILCS 5/10-4 in support of Candidate's argument that Objector lacks standing to bring an objector's petition against an independent candidate because, on information and belief, Objector circulated or certified petitions for a Republican candidate in this election cycle. Finally, Paragraph 12 requests that Objector be ordered to provide Candidate all evidence that Objector intends to rely upon in support of the claims raised in Objector's Petition. Candidate asserted no other arguments in support of his Motion to Strike and Dismiss and Motion for Production.

On July 18, 2016, Objector filed his Response to the Motion to Strike and Dismiss and Motion for Production wherein Objector argued that his Petition should not be dismissed because Section 10-4 of the Election Code's requirement that the pages of a petition be consecutively numbered is mandatory and that whether Candidate substantially complied with this requirement is a question of fact. Objector also argued that Candidate did not provide any basis for striking or dismissing any of the objections or for his request to compel the production of documents at this stage.

On July 18, 2016, a records examination was conducted by staff of the Illinois State Board of Elections. Both parties filed standing objections. However, neither party filed any Rule 9 evidence challenging the results of the records examination, which are discussed below.

The parties jointly submitted a Meet and Confer Report on July 21, 2016. The parties stipulated that the number of signatures required for an independent candidate to be placed on the ballot as a candidate for the office of Representative in Congress for the 13th Congressional District is 10,754.

II. ANALYSIS

A. Motion to Strike and Dismiss and Motion for Production

The Hearing Examiner recommends that Candidate's Motion to Strike and Dismiss and Motion for Production be denied. As stated, Paragraphs 1 through 10 of Candidate's Motion attack objections based upon the pagination and numbering and pattern and practice of fraud allegations in the Objector's Petition. However, the records examination resulted in Candidate being 2,161 signatures short of the minimum number of signatures to be placed on the ballot. Candidate did not offer any Rule 9 evidence to rehabilitate signatures that were not considered valid. Thus, Candidate is short of the amount of signatures needed, regardless of whether or not the objections based upon Objector's allegations that Candidate's nominating papers did not comply with the pagination and numbering requirements of Section 10-4 of the Election Code or that the petition sheets demonstrate a pattern and practice of fraud are sustained.

In Paragraph 11, of his Motion to Strike and Dismiss and Motion for Production, Candidate argues that Objector lacks standing to object to an independent candidate's petitions because, on information and belief, Objector circulated petitions for a Republican candidate. Candidate did not present any evidence in support of this assertion. Moreover, the only legal basis that Candidate cites to in support of his legal argument is Section 10-4 of the Election Code. However, that Section applies to circulators, not objectors. Specifically, Section 10-4 states that "no 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. As Objector points out, Section 10-8 addresses objections to nominating papers and states, in pertinent part, that "[a]ny legal voter of the political subdivision or district in which the candidate * * * is to be voted on * * * having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition." 10 ILCS 5/10-8. Candidate does not allege that Objector's Petition fails to meet the requirements of Section 10-8.

In Paragraph 12 of his Motion to Strike and Dismiss and Motion for Production, Candidate moves for an order requiring Objector to provide all evidence Objector intends to rely on. This argument is moot and need not be considered because Candidate lacks the required number of signatures to be placed on the ballot.

For these reasons, the Hearing Examiner recommends that Candidate's Motion to Strike and Dismiss and Motion for Production be denied.

B. Lack of Required Number of Signatures to Be Placed on the Ballot

1. Records Review of Challenged Signatures

The records examination revealed that Candidate had collected a total of 11,348 signatures (Objector's Verified Petition alleged Candidate collected and submitted 11,462 signatures). There were 3,384 line objections reviewed at the records examination. At the conclusion of the records examination, there were 8,593 signatures considered valid (2,755 line objections were sustained, while 629 line objections were overruled). The summary report reflecting the results of the staff records exam is attached to this Recommendation as Exhibit A. After the records examination, Candidate did **NOT** have the required minimum of not fewer than 10,754 signatures to be placed on the ballot.

Neither Candidate nor Objector timely submitted a Rule 9 Motion or any evidence contesting the finding of the records examination conducted by the staff of the Illinois State Board of Elections. Accordingly, Candidate lacks the required number of signatures to be placed on the ballot.

2. Missing Petition Sheets and Incorrect Numbering of Petition Sheets

This argument is moot and need not be considered because Candidate lacks the required number of signatures to be placed on the ballot.

3. *The Petition Sheets Circulated by Floyd Brown*

This argument is moot and need not be considered because Candidate lacks the required number of signatures to be placed on the ballot.

4. *The Petition Sheets Circulated by David McCarver*

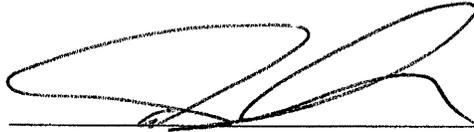
This argument is moot and need not be considered because Candidate lacks the required number of signatures to be placed on the ballot.

III. CONCLUSION AND RECOMMENDATION

Because Candidate has **NOT** met the minimum signature requirement to be placed on the ballot, the Hearing Examiner recommends that Candidate's Motion to Strike and Dismiss and Motion for Production be denied and that Candidate's name **NOT** be placed on the ballot as a candidate to the Office of Representative in Congress from the 13th Congressional District in the State of Illinois to be voted for at the General Election to be held on November 11, 2016.

The parties herein have until July 27, 2016 on or before 5:00 p.m. to file any exception to this Recommendation with the Hearing Examiner.

DATED: July 22, 2016



David A. Herman, Hearing Examiner

CERTIFICATE OF SERVICE

Service of the foregoing document was made by electronic transmission, where indicated, to:

Jerrold Stocks
c/o John G. Fogarty, Jr.
4043 N. Ravenswood
Suite 226
Chicago, IL 60613
john@fogartylawoffice.com

David M. Gill
c/o Sam Cahnman
915 Second Street
Springfield, IL 62704
samcahnman@yahoo.com

Ken Menzel
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, IL 62704
kmenzel@elections.il.gov

on this 22nd day of July, 2016.



David A. Herman, Hearing Examiner

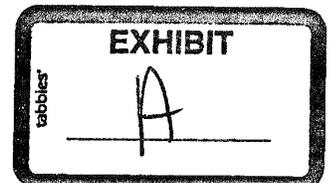
David A. Herman, Reg. No. 6211060
GIFFIN, WINNING, COHEN & BODEWES, P.C.
One West Old State Capitol Plaza
Myers Building - Suite 600
Springfield, Illinois 62701
Phone: (217) 525-1571
Fax: (217) 525-1710
dherman@giffinwinning.com

16SOEBGE109 STOCKS V. GILL

OBJECTOR(S)
 JERROLD STOCKS
 500 S. HENDERSON ST.
 MT. ZION, IL 62549

CANDIDATE(S)
 DAVID M. GILL
 24 CONWAY CIRCLE
 BLOOMINGTON, IL 61704
 INDEPENDENT
 13TH CONGRESS

OBJECTION TOTALS					
Petition pages	814		Examined	3,384	
Lines with signatures	11,348		Valid	629	18.59%
Lines with objections	3,384	29.82%	Invalid	2,755	81.41%
Unchallenged lines	7,964	70.18%	Pending	0	0%
Required signatures	10,754		Over/Under required signatures	-2161	



BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

Jerrold Stocks,)	
)	
Petitioner-Objector,)	
)	
vs.	)	16 SOEBGE 109
)	
David M. Gill,)	
)	
Respondent-Candidate.)	

RESPONSE TO MOTION TO STRIKE AND DISMISS

Now comes the Petitioner-Objector Jerrold Stocks (“the Objecter”) by and through counsel, and in response to the Candidate’s Motion to Strike and Dismiss and Motion for Production (“the Motion”) states as follows:

1. The Candidate asks to take the extraordinary step of dismissing, at the pleading stage, the allegations in the Objecter’s Petition that the Candidate has failed to consecutively number the petition pages in his nomination papers. However, the Candidate cites no case that, on the facts presented here, could possibly justify such a remedy.

2. Section 10-4 of the Election Code is crystal clear that petitions must be consecutively numbered. 10 ILCS 5/10-4. The policy behind this mandatory requirement is obvious: a petition for nomination must be capable of evaluation for its legal sufficiency. The Candidate is correct that it is possible to substantially comply with the mandatory page numbering requirement. Perhaps the Candidate here has done so. Perhaps not. What is clear is that this is a question of fact that must be determined by the trier of fact, and not summarily dismissed on the pleadings.

3. Indeed, the Candidate's own Motion at paragraph 7 unwittingly acknowledges the factual nature of this argument, where he attempts to explain away some of the numerous page numbering issues of which the Objector complains, at the same time acknowledging that the page numbering is incorrect on a number of pages. In paragraph 7 c. of his Motion, in particular, the Candidate attempts to describe how a page number "could be read as 737" rather than 733, due to the poor penmanship of whomever numbered the Candidate's petitions. In paragraph 3 of his Motion, the Candidate actually boasts that only 2.1% of his petition pages are accurately numbered.

4. Respectfully, the Candidate's inability to accurately number his petition pages has resulted in much difficulty for anyone who wishes to evaluate the legal sufficiency of his nomination papers. This is evidenced by the rather elaborate notations on several of the Appendix Recap sheets that attempted to accurately capture the Candidate's page numbering. Whether the Candidate substantially complied with § 10-4 on the facts presented in this particular petition is a question of fact, to be determined at hearing, and the Candidate's Motion on this point must be denied.

5. In paragraphs 9 and 10 of his Motion, the Candidate asks that paragraphs 13 and 14 of the Objector's Petition (which allege pattern of fraud via circulator misbehavior) be stricken. The Candidate, however, provides no basis for doing so.

6. In paragraph 9, the Candidate argues that because the petition pages objected to were sworn before a notary, the allegation of pattern of fraud should be dismissed. Respectfully, this argument clearly misses the point, and does not even address the allegations of circulator misbehavior made in paragraphs 13 and 14 of the Objector's Petition.

7. In paragraph 10, the Candidate argues that because the Objector is not a disinterested witness, and has not alleged “clear and convincing evidence” the paragraphs should be stricken. Again, the Candidate misses the mark. The Objector has met all of the pleading requirements set forth in § 10-8 of the Election Code. The Candidate’s charge regarding alleging “clear and convincing” evidence is unfounded and must be rejected.

8. In paragraph 11, the Candidate charges that the Objector lacks standing because he may have circulated a petition for a partisan candidate during this election cycle. The Candidate misses the mark here, too. As set forth in § 10-8 of the Election Code, an objector need only be a “legal voter of the political subdivision . . .” The Candidate’s argument regarding standing is wholly without legal basis (factual basis too) and must be rejected.

9. Finally, in paragraph 12 of the Motion, the Candidate seeks to compel the production of all evidence upon which the Objector intends to rely at hearing, and especially with respect to the allegations of “pattern of fraud.” Quite simply, the Objector has alleged that the petition sheets purportedly circulated by Floyd Brown and David McCarver were not in fact circulated by them, and many of the signatures on those sheet appear to be forged. This circulator misbehavior is frankly obvious to the naked eye. Such evidence, the Candidate argues, should be provided “at the earliest possible moment.” The Objector could not agree more, and is hopeful that the Candidate will produce both Mr. Brown and Mr. McCarver for deposition in this matter. In the alternative, however, the Candidate provides no authority for his request, and no rationale for straying outside of the schedule the Hearing Officer in this case has ordered or will order. The Objector contends that any Order entered with respect to the production of documents or other matter should be entered in the context of a conference with the Hearing

Officer, so that intelligent decisions with regard to the activities of Mr. Brown and Mr. McCarver may be made.

Conclusion

WHEREFORE, for the reasons stated, the Objector respectfully request that the Candidate's Motion to Strike be denied.

Respectfully submitted,
The Objector

By: /s/ John Fogarty Jr.
One of his attorneys

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Ste 226
Chicago, Illinois 60613
773-549-2647
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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE THE HARING AND PASSING UPON OBJECTIONS TO NOMINATION
 PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF
 REPRESENTATIVE IN CONGRESS FROM THE 13th CONGRESSIONAL DISTRICT
 IN THE STATE OF ILLINOIS

JEROLD STOCKS,)	
Petitioner-Objector,)	
)	
vs.	)	NO. 16-SOEB-GE-109
)	
DAVID M. GILL,,)	
Respondent-Candidate.)	

RECEIVED

JUL 13 2016

State Board of Elections

CANDIDATE'S MOTION TO STRIKE AND DISMISS
AND MOTION FOR PRODUCTION

NOW COMES the Respondent-Candidate, David M. Gill, by his attorney, Samuel

J. Cahnman, and for his motion to strike and dismiss and motion for production states a follows:

1. Subparagraph 11.a. and paragraph 12 allege there is no page 20 and see to therefore invalidate and strike "every sheet that follows page 20." Obviously if there is no page 20, then Objector is asking for nothing.

2. If the Objector is seeking to strike every page after 19, or every page after the 20th page in the petition, our Appellate Court has already ruled that such is improper. In Williams v. Butler, 34 Ill.App.3d 532,341 N.E.2d 394 (4th Dist. 1976) page 191 was missing and the objector there, like the objector here, sought to strike all pages

thereafter. Our Appellate Court for this District held “that such omission does not constitute any basis for striking the remaining pages. Williams, 341 N.E.2d at 397.

3. The Objector has alleged page numbering issues for 17 other pages. Thus, the Objector complains about the numbering of 18 total pages in an 825 page petition or complains about a total of 2.1 per cent of the pages, which is clearly *de minimis*.

4. In Reynolds v. County Officers Electoral Board, 379 Ill.App.3d 423, 884 N.E.2d 1175 (4th Dist. 2008) 50 per cent of the petition pages were misnumbered and our Appellate Court for this District held this still constituted substantial compliance with the Election Code and was only a technical violation of the statute that didn’t affect the legislative intent to guarantee a fair and honest election. Reynolds, 884 N.E.2d at 1178.

5. In Stevenson v. County Officers Electoral Board, 58 Ill.App.3d 24, 373 N.E.2d 1043 (3rd Dist. 1978) none of the petition pages were numbered. Nevertheless, our Appellate Court held this was a technical violation and affirmed the electoral board’s denial of the objector’s petition.

The Appellate Court noted that:

“here plaintiff was able to object to several signatures before the Electoral Board without difficulty and identify the page in question.” Stevenson, 373 N.E.2d at 1044

6. The same is the case instantly. Objector’s Appendix is replete with objections to

individual signatures on the pages he asserts have numbering problems.

7. Each page that Objector claims is misnumbered is easily identified:

- a. pages 321 to 330 are missing simply because the person numbering them skipped from 320 to 331;
- b. as to the two pages numbered: 354, the first one is a full page and the second has only 9 signature and 6 blank lines;
- c. Objector alleges the page between 736 and 738 is a second page 733; however the number is handwritten and could be read as 737. Even if read as 733, it is easily distinguishable from the first 733, which had 4 signatures from Champaign County and 11 blank lines, whereas the second 733 is a full page, all from Sangamon County, except one from McLean.

8. In this case, as in Reynolds, there is no claim of voter confusion, tampering or fraud based on the page numbering allegations.

9. As to the allegations in Paragraphs 13 and 14 of a "pattern of fraud and false swearing", all the objected to pages were acknowledged by a notary. Our Appellate Court has held:

"Where an instrument has been acknowledged by a notary and is in substantial compliance with the statute, it may not be impeached except for fraud and imposition. (citation) Moreover, the party seeking to impeach such an acknowledgement, or record of conveyance, must do so by providing clear and convincing evidence coming from a disinterested witness. Resolution Trust Corp. v. Hardisty, 269 Ill.App.3d 613, 616-7 (3rd Dist. 1995)

10. Clearly, the Objector is not a disinterested witness, and he has alleged no evidence, let alone, clear and convincing evidence. Therefore, paragraphs 13 and 14 should be stricken and dismissed.

11. Section 10-4 of the Election Code prohibits a person from circulating the petitions of a candidate of one political party and for an independent candidate in the same election cycle. On information and belief, the Objector circulated or certified petitions for a Republican candidate in this election cycle. Therefore, the Objector lacks standing to to bring an objector's petition against an independent candidate in this election cycle.

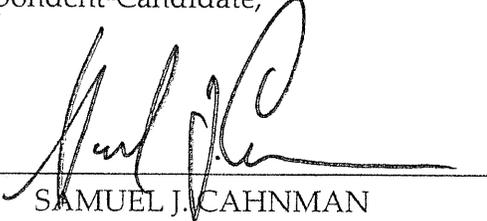
12. Finally, the Candidate moves for an order requiring the Objector to promptly provide to the Candidate all evidence the Objector intends to rely upon in regards to the claims raised in his Objector's Petition. The Objector alleged a "pattern of fraud and false swearing" with an "utter and contemptuous disregard for the mandatory provisions of the Election Code" in paragraph 14. There is no good reason why Objector's evidence of such should not be produced to the Candidate at the earliest possible moment. An immediate and ongoing duty for the Objector to provide Candidate with with relevant evidence will help ensure fairness in these proceedings, without putting any undue burden on the Objector.

WHEREFORE, the Candidate prays that:

- A. the Objector's Petition be dismissed in its entirety; or that
- B. paragraphs 11 – 14 of said Petition be stricken and dismissed; and that
- C. Objector be ordered to produce all relevant evidence in his possession to the Candidate immediately, and that Objector promptly produce any future evidence immediately after it has become known to Objector; and
- D. provide such other relief as the Board deems adequate and just.

Respectfully submitted,
DAVID M. GILL,
Respondent-Candidate,

By: _____


SAMUEL J. CAHNMAN

Attorney for Respondent-Candidate

SAMUEL J. CAHNMAN
Attorney at Law
915 South Second Street
Springfield, IL 62704
217/528-0200
samcahnman@yahoo.com

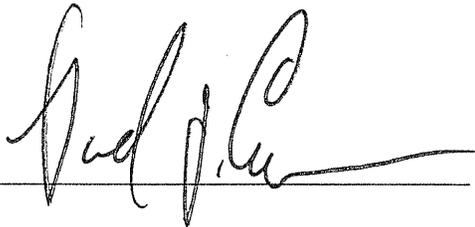
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the following persons by enclosing same in an envelope addressed as indicated with postage fully prepaid and by depositing same in the U.S. Post Office Mail Box and by email on the 13th day of July, 2016:

John G. Fogarty, Jr.
Attorney at Law
4043 N. Ravenswood
Suite 226
Chicago, IL 60613
john@fogartylawoffice.com

Ken Menzel
Illinois State Board of Election
2329 S. MacArthur Blvd.
Springfield, IL 62704
kmenzel@elections.il.gov

David A. Herman
Giffin, Winning, Cohen & Bodewes, P.C.
1 W. Old State Capitol Plaza
Myers Building, Suite 600
Springfield, IL 62701
dherman@giffinwinning.com



A handwritten signature in black ink, appearing to read "David A. Herman", is written over a horizontal line.

**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 CONGRESS FROM
THE 13th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Jerrold Stocks,)
)
Petitioner-Objector,)
)
vs.)
)
David M. Gill,)
)
Respondent-Candidate.)

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STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
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VERIFIED OBJECTOR'S PETITION

Now comes Jerrold Stocks (hereinafter referred to as the "Objector"), and states as follows:

1. Jerrold Stocks resides at 500 S. Henderson Street, Mt. Zion, Illinois 62549, in the 13th Congressional District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a candidate for election to the office of Representative in Congress from the 13th Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of David M. Gill ("the Nomination Papers") as an independent candidate for the office of Representative in Congress from the 13th Congressional District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 13th Congressional District of the State of Illinois the signatures of not fewer than 10,754 duly qualified, registered, and legal voters of the said 13th Congressional District of the State of Illinois are required for a candidate to qualify as an independent candidate for said office. 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

4. Your Objector states that the Candidate has filed at least 825 petition signature sheets purporting to contain 11,462 signatures of allegedly duly qualified, legal, and registered voters of the 13th Congressional District of the State of Illinois.

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

6. Your 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 Thirteenth Congressional District 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.

7. Your 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 Thirteenth

Congressional District 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.

8. Your 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 "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.

9. Your Objector further states 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" at the sheet and line #s indicated, 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 state that said Nominating Papers contain the signatures of various individuals who have signed the petition, but have failed to provide a complete residence address as more fully set forth in the Appendix-Recapitulation, under Column "E" designated "SIGNER'S ADDRESS MISSING OR INCOMPLETE" 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 Objector further states that § 10-4 of the Election Code requires that any nominating petition submitted pursuant to Article 10 must be securely fastened and "shall then

be numbered consecutively.” 10 ILCS 5/10-4. The Nomination Papers herein contested are legally deficient because the said petition sheets are not numbered consecutively, in contravention of the Election Code, but also rendering the Nomination Papers impossible to accurately assess for their validity. In particular, the Nomination Papers contain the following defects:

- a. There is no page 20.
- b. There is no page 188.
- c. There are no pages 321, 322, 323, 324, 325, 326, 327, 328, 328 or 330.
- d. There are two pages numbered 354.
- e. There is no page 533.
- f. There is no page 555.
- g. There is no page 559.
- h. The page appearing between pages 736 and 738 appears to be numbered “733,”

rendering said sheet both out of order and a duplicate of page 733.

12. This Honorable Electoral Board should disqualify the Nomination Papers in their entirety due to the Candidate’s failure to accurately number said petition sheets. In the alternative, each and every sheet that follows page 20 should be invalidated and stricken, given the severe numbering discrepancies present, all of which render the Nomination Papers impossible to accurately review for validity.

13. Your Objector further states that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the

integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

14. Your Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a “pattern of fraud and false swearing” with an “utter and contemptuous disregard for the mandatory provisions of the Election Code.” In addition, an examination of the nominating petitions 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. This allegation is made with specific reference to all of the petition sheets circulated by at least the following individuals for at least the following reasons:

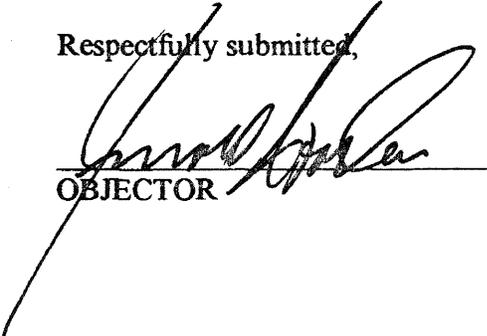
- a. Floyd Brown. Mr. Brown is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, numerous signatures on Floyd Brown’s petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. Floyd Brown purports to have circulated at least petition nos: 121-128, 534, 537, 557, 794 and 814-817.
- b. David McCarver. Mr. McCarver is not the true circulator of the petition sheets that he purports to have circulated, has not witnessed the signatures that appear on his petition sheets, and was not present at the time such signatures were purportedly made on his petition sheets, in violation of the Election Code. Moreover, numerous signatures on David McCarver’s petitions appear to be not genuine, and such signatures appear to have been forged and written in the same hand. David McCarver purports to have circulated at least petition nos: 31-34, 208, 211, 214, 300, 303, 306, 309, 312, 315, 318, 331, 367, 369, 373-378, 380, 382-388, 390-392, 394, 396, 397, 400, 401, 404, 405, 407, 410-412, 414, 416,

419, 420, 422, 423, 425, 428, 430, 431, 433, 435, 436, 437 (there are 2 pages marked 437 which have McCarver's signature on them), 439, 440, 442, 443, 445, 447, 458, 511, 772, 773, and 798-802.

15. Your Objector states that the Nomination Papers herein contested consist of various sheets purportedly containing the valid and legal signatures of 11,462 individuals. The individual objections cited herein with specificity reduce the number of valid signatures below the statutory minimum of 10,754.

WHEREFORE, your Objector prays that the purported Nomination Papers of David M. Gill as an independent candidate for the office of the Representative in Congress for the 13th 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 David M. Gill as an independent candidate for the office of the Representative in the Congress for the 13th Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 8, 2016.

Respectfully submitted,


OBJECTOR

Sherman v Soltysik & Walker
16 SOEB GE 504

Candidates: Emidio Soltysik & Angela N. Walker

Offices: President & Vice President

Party: Socialist Party USA

Objector: Rob Sherman

Attorney For Objector: Pro se

Attorney For Candidates: No appearance

Number of Signatures Required: 25,000

Number of Signatures Submitted: 1

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidates failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the names of Emidio Soltysik and Angela N. Walker to the November 8, 2016 General Election ballot as Socialist Party USA candidates for the offices of President and Vice President of the United States.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Rob Sherman,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	16 SOEB GE 504
)	
Emidio Soltysik (President) and)	
Angela Nicole Walker (Vice-President),)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Background

The Candidate(s) timely filed nomination petitions seeking to be placed on the November 8, 2016, General Election Ballot for the following: **Emidio Soltysik and Angela Nicole Walker, President and Vice President for the Socialist Party USA**

Objection

An Objection was filed alleging the Candidate’s filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot.

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by Rob Sherman for the Objector. No one appeared for the Candidate(s). As no one appeared on behalf of the Candidate(s), a letter was sent to the Candidate(s) addresses informing the Candidate(s) of the Objection, Case Management Conference Order and

the Objector's Appearance. The Candidate(s) were advised to monitor the Board's website for the status of the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and an Appearance Form.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted (1) signature. The minimum number to appear on the ballot is 25,000.

Findings

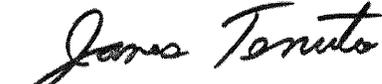
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Rob Sherman appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate submitted one (1) per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel the State Officers Electoral Board Sustain the Objection and the names of Emidio Soltysik and Angela M. Walker not be printed on the ballot as Candidates for President and Vice President for the Socialist Party USA.

DATED: July 27, 2016

Respectfully submitted,


James Tenuto, Hearing Officer

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR OFFICES OF
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

In the matter of:
ROB SHERMAN

Petitioner - Objector

v.

**EMIDIO SOLTYSIK and
ANGELA N. WALKER,**

Respondents - Candidates for
President of the United States and
Vice President of the United States

No.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 7/5/16 12:14pm
BUD

OBJECTOR'S PETITION

1. The Objector, Rob Sherman ("Objector"), resides at 778 Stonebridge Lane, Buffalo Grove, Cook County, Illinois 60089, and is a duly qualified and registered voter at this address.
2. Objector's mailing address is Rob Sherman, PO Box 7410, Buffalo Grove, IL 60089.
3. Objector's first interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers are properly complied with, and that only duly qualified candidates who demonstrate a modicum of support among the electorate appear on the ballot at the General Election to be held on November 8, 2016.
4. Objector's second interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 because he complied with the signature requirements of the Election Laws, and who feels that it is unfair for candidates who have not complied with the signature requirements of the Election Laws to have their names printed on the ballot.
5. Objector's third interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 and who is desirous of seeing to it that the image and reputation of candidates whose names appear on the ballot be preserved as individuals who are actually deserving of having their names on the ballot because they have complied with the election laws and are not faking it as Respondents have done.
6. Objector's fourth interest in filing this objection is that of a member of a political party whose members have expended thousands of man-hours and tens of thousands of dollars to comply with the signature requirements of the election laws to get our candidates on the ballot for state-

wide and federal offices and who feels that it would be extraordinarily unfair for other new party candidates who have not even come close to making the necessary effort to comply with the signature requirements of our state's election laws to simply waltz in and get their names on the ballot with just a single signature. Furthermore, this could severely damage the ability of my political party to recruit volunteers to gather Nominating Petition signatures in future years if anybody could get on the ballot with only a single signature.

7. Objector's fifth interest in filing this objection is that of a Capitalist who strongly opposes the scourge and plague of communism and socialism, which would surely destroy our country if it were to infect our nation on a wide-spread basis. Objector, therefore, insists that any communist and/or socialist candidates, such as the Respondents herewith, who seek to have their names printed on the ballot must, at the very least, comply with the same ballot access election laws that we proud and patriotic Capitalists comply with.

8. On June 27, 2016, Candidates Emidio Soltysik and Angela N. Walker submitted one set of nomination papers for nomination and formation of a new political party known as the Socialist Party, USA, and nomination of its candidate for President and Vice President of the United States (hereinafter referred to as the "Nomination Papers"), to be voted upon at the General Election to be held on November 8, 2016.

9. Objector states that the Candidates' Nomination Papers are factually and legally insufficient, and requests that the Candidates' name be stricken from and not be printed upon the ballot for the General Election to be held on November 8, 2016, for the reasons stated herein.

10. The Illinois Election Code, at 10 ILCS 5/10-2, requires new political party candidates for President and Vice President of the United States to submit the signatures and addresses of at least 25,000 duly qualified and registered voters.

11. Candidates have submitted a total of one signature on a total of one nominating petition sheet.

12. Since the Candidates' Nomination Papers do not contain at least 25,000 valid and duly qualified signatures, the Candidates' Nomination Papers are legally and factually insufficient, and should be stricken.

13. WHEREFORE, the Objector requests the following relief: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the Nomination Papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names Emidio Soltysik and Angela N. Walker shall not be printed upon the official ballot for the Offices of President and Vice President of the United States, to be voted upon at the General Election to be held on November 8, 2016.

By: 
Rob Sherman, Objector

Rob Sherman, pro se
PO Box 7410
Buffalo Grove, IL 60089
(847) 870-0700
rob@robsherman.com

Sherman v Vann
16 SOEB GE 505

Candidate: Mary Vann (Mary A. Vann, Dr. Mary Vann, Dr. Mary T. Vann)

Office: President and Delegates

Party: Human Rights Party

Objector: Rob Sherman

Attorney For Objector: Pro se

Attorney For Candidate: Pro se

Number of Signatures Required: 25,000

Number of Signatures Submitted: 10

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name Mary Vann to the November 8, 2016 General Election ballot as a Human Rights Party candidate for the office of President of the United States.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Rob Sherman,)
Petitioner(s) – Objector(s),)

v.)

16 SOEB GE 505

Mary Vann, Mary A. Vann, Dr. Mary Vann,)
Dr. Mary T. Vann and Chastity N. Vann,)
Respondent(s) – Candidate(s).)

RECOMMENDATION OF THE HEARING OFFICER

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

Background

The Candidate(s) timely filed nomination petitions seeking to be placed on the November 8, 2016, General Election Ballot for the following: **Mary Vann, President of the United States and Delegates for the Human Rights Party.**

Objection

An Objection was timely filed alleging the Candidate’s filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot?

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by Rob Sherman (Pro Se) for the Objector. Mary Vann (Pro Se) filed her Appearance.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count as to the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 11 signatures. The minimum number to appear on the ballot is 25,000.

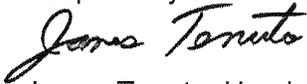
Findings

1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Rob Sherman (*Pro Se*) appeared for the Objector while Mary Vann appeared (*Pro Se*).
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate submitted 11 per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name of Mary Vann not appear on the ballot as a Candidate for President of the United States as a Human Rights Party Candidate to be voted upon at the November 8, 2016, General Election.

Dated: July 28, 2016

Respectfully submitted,

James Tenuto, Hearing Officer

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR OFFICE OF
PRESIDENT AND DELEGATES

In the matter of:
ROB SHERMAN

Petitioner - Objector

v.

**MARY VANN, MARY A. VANN,
DR. MARY VANN, MARY T. VANN and
CHASITY N. VANN**

Respondents - Candidates for
President of the United States and
Delegates

No.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT July 5, 2016 @ 12:14 PM
BMH

OBJECTOR'S PETITION

1. The Objector, Rob Sherman ("Objector"), resides at 778 Stonebridge Lane, Buffalo Grove, Cook County, Illinois 60089, and is a duly qualified and registered voter at this address.
2. Objector's mailing address is Rob Sherman, PO Box 7410, Buffalo Grove, IL 60089.
3. Objector's first interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers are properly complied with, and that only duly qualified candidates who demonstrate a modicum of support among the electorate appear on the ballot at the General Election to be held on November 8, 2016.
4. Objector's second interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 because he complied with the signature requirements of the Election Laws, and who feels that it is unfair for candidates who have not complied with the signature requirements of the Election Laws to have their names printed on the ballot.
5. Objector's third interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 and who is desirous of seeing to it that the image and reputation of candidates whose names appear on the ballot be preserved as individuals who are actually deserving of having their names on the ballot because they have complied with the election laws and are not faking it as Respondents have done.
6. Objector's fourth interest in filing this objection is that of a member of a political party whose members have expended thousands of man-hours and tens of thousands of dollars to comply

with the signature requirements of the election laws to get our candidates on the ballot for state-wide and federal offices and who feels that it would be extraordinarily unfair for other new party candidates who have not even come close to making the necessary effort to comply with the signature requirements of our state's election laws to simply waltz in and get their names on the ballot with just a handful of signatures. Furthermore, this could severely damage the ability of my political party to recruit volunteers to gather Nominating Petition signatures in future years if anybody could get on the ballot with only a handful of signatures.

7. On June 20, 2016, Candidates Mary Vann, Mary A. Vann, Dr. Mary Vann, Mary T. Vann and Chasity N. Vann ("Candidates") submitted one set of nomination papers for nomination and formation of a new political party known as the Human Rights Party, and nomination of its candidate for President of the United (hereinafter referred to as the "Nomination Papers"), to be voted upon at the General Election to be held on November 8, 2016.

8. Objector states that the Candidates' Nomination Papers are factually and legally insufficient, and requests that the Candidates name be stricken from and not be printed upon the ballot for the General Election to be held on November 8, 2016, for the reasons stated herein.

9. The Illinois Election Code, at 10 ILCS 5/10-2, requires new political party candidates for President and Vice President of the United States to submit the signatures and addresses of at least 25,000 duly qualified and registered voters.

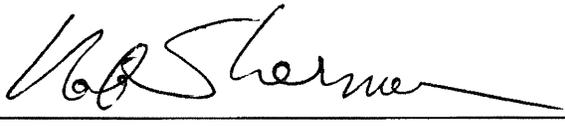
10. The Election Code, at 10 ILCS 5/10-5.1, prohibits the use of other designations, such as a title, degree or similar information used in connection with a candidate's surname. Candidate Dr. Mary Vann submitted a statement of candidacy in violation of Section 10-5.1 because it contains the designation of a professional degree, "Dr.", rendering her Statement of Candidacy invalid.

11. Signature pages for candidates Mary T. Vann and Chasity N. Vann appear to have fraudulently had the year of notarization altered from 2015 to 2016.

12. The year of notarization of Chasity N. Vann's Loyalty Oath is 2020, which is clearly fraudulent since the current year is 2016.

13. Since the Candidates' Nomination Papers do not contain at least 25,000 valid and duly qualified signatures, the Candidates Nomination Papers are legally and factually insufficient, and should be stricken.

14. WHEREFORE, the Objector requests the following relief: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the Nomination Papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names Mary Vann, Mary A. Vann, Dr. Mary Vann, Mary T. Vann and Chasity N. Vann shall not be printed upon the official ballot for the Office of President and Delegates, to be voted upon at the General Election to be held on November 8, 2016.

By: 
Rob Sherman, Objector

Rob Sherman, pro se
PO Box 7410
Buffalo Grove, IL 60089
(847) 870-0700
rob@robsherman.com

Sherman v Fluckiger & Koppie
16 SOEB GE 506

Candidates: Frank Fluckiger/Chad Koppie

Offices: President and United States Senator

Party: Constitution

Objector: Rob Sherman

Attorney For Objector: Pro se

Attorney For Candidates: No appearance

Number of Signatures Required: 25,000

Number of Signatures Submitted: 83

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidates failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the names of Frank Fluckiger and Chad Koppie to the November 8, 2016 General Election ballot as Constitution Party candidates for the offices of President and Vice President of the United States.

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

As no one appeared on behalf of the Candidate(s), a letter was sent to the Candidate's address to inform him of the Objection, Case Management Conference and Mr. Sherman's Appearance Form. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the rules of Procedure adopted by the electoral Board and to obtain an Appearance form.

The Case Management Conference Order informed the Candidate(s) of the State Board of Elections' staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 83 signatures. The minimum number to appear on the ballot is 25,000.

Findings

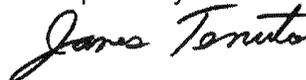
1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Rob Sherman appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate(s) submitted 83 per the staff count.
7. The Candidate(s) did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection and the name(s) of Frank Fluckinger and Chad Koppie not appear on November 8, 2016, General Election ballot as candidate(s) for President and United States Senator as members of the Constitution Party.

Dated: July 27, 2016

Respectfully submitted,



James Tenuto
Hearing Officer

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICES OF
PRESIDENT AND UNITED STATES SENATOR

In the matter of:
ROB SHERMAN

Petitioner - Objector

v.

**FRANK FLUCKIGER and
CHAD KOPPIE**

Respondents - Candidates for
President of the United States and
United States Senator

No.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 7/5/16 12:14 pm
BMD

OBJECTOR'S PETITION

1. The Objector, Rob Sherman ("Objector"), resides at 778 Stonebridge Lane, Buffalo Grove, Cook County, Illinois 60089, and is a duly qualified and registered voter at this address.
2. Objector's mailing address is Rob Sherman, PO Box 7410, Buffalo Grove, IL 60089.
3. Objector's first interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers are properly complied with, and that only duly qualified candidates who demonstrate a modicum of support among the electorate appear on the ballot at the General Election to be held on November 8, 2016.
4. Objector's second interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 because he complied with the signature requirements of the Election Laws, and who feels that it is unfair for candidates who have not complied with the signature requirements of the Election Laws to have their names printed on the ballot.
5. Objector's third interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 and who is desirous of seeing to it that the image and reputation of candidates whose names appear on the ballot be preserved as individuals who are actually deserving of having their names on the ballot because they have complied with the election laws and are not faking it as Respondents have done.
6. Objector's fourth interest in filing this objection is that of a member of a political party whose members have expended thousands of man-hours and tens of thousands of dollars to comply with the signature requirements of the election laws to get our candidates on the ballot for state-

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICES OF
PRESIDENT AND UNITED STATES SENATOR

In the matter of:
ROB SHERMAN

Petitioner - Objector

v.

**FRANK FLUCKIGER and
CHAD KOPPIE**

Respondents - Candidates for
President of the United States and
United States Senator

OBJECTOR'S PETITION

1. The Objector, Rob Sherman ("Objector"), resides at 778 Stonebridge Lane, Buffalo Grove, Cook County, Illinois 60089, and is a duly qualified and registered voter at this address.
2. Objector's mailing address is Rob Sherman, PO Box 7410, Buffalo Grove, IL 60089.
3. Objector's first interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers are properly complied with, and that only duly qualified candidates who demonstrate a modicum of support among the electorate appear on the ballot at the General Election to be held on November 8, 2016.
4. Objector's second interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 because he complied with the signature requirements of the Election Laws, and who feels that it is unfair for candidates who have not complied with the signature requirements of the Election Laws to have their names printed on the ballot.
5. Objector's third interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 and who is desirous of seeing to it that the image and reputation of candidates whose names appear on the ballot be preserved as individuals who are actually deserving of having their names on the ballot because they have complied with the election laws and are not faking it as Respondents have done.
6. Objector's fourth interest in filing this objection is that of a member of a political party whose members have expended thousands of man-hours and tens of thousands of dollars to comply with the signature requirements of the election laws to get our candidates on the ballot for state-

wide and federal offices and who feels that it would be extraordinarily unfair for other new party candidates who have not even come close to making the necessary effort to comply with the signature requirements of our state's election laws to simply waltz in and get their names on the ballot with just a handful of signatures. Furthermore, this could severely damage the ability of my political party to recruit volunteers to gather Nominating Petition signatures in future years if anybody could get on the ballot with only a handful of signatures.

7. On June 27, 2016, Candidates Frank Fluckiger and Chad Koppie (Candidates) submitted one set of nomination papers for nomination and formation of a new political party known as the Constitution Party, and nomination of its candidates for President of the United States and United States Senator (hereinafter referred to as the "Nomination Papers"), to be voted upon at the General Election to be held on November 8, 2016.

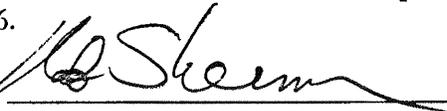
8. Objector states that the Candidates' Nomination Papers are factually and legally insufficient, and requests that the Candidates' name be stricken from and not be printed upon the ballot for the General Election to be held on November 8, 2016, for the reasons stated herein.

9. The Illinois Election Code, at 10 ILCS 5/10-2, requires new political party candidates for President of the United States and United States Senator to submit the signatures and addresses of at least 25,000 duly qualified and registered voters.

10. Candidates have submitted a total of 83 signatures on eleven signature petition sheets.

11. Since the Candidates' Nomination Papers do not contain at least 25,000 valid and duly qualified signatures, the Candidates' Nomination Papers are legally and factually insufficient, and should be stricken.

12. WHEREFORE, the Objector requests the following relief: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the Nomination Papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names Frank Fluckiger and Chad Koppie shall not be printed upon the official ballot for the Offices of President of the United States and United States Senator, to be voted upon at the General Election to be held on November 8, 2016.

By: 
Rob Sherman, Objector

Rob Sherman, pro se
PO Box 7410
Buffalo Grove, IL 60089
(847) 870-0700
rob@robsherman.com

Sherman v Conklin
16 SOEB GE 507

Candidate: Eric M Conklin

Office: United States Senator

Party: Independent

Objector: Rob Sherman

Attorney For Objector: Pro se

Attorney For Candidate: No appearance

Number of Signatures Required: 25,000

Number of Signatures Submitted: 225

Number of Signatures Objected to: Not applicable

Basis of Objection: Candidate failed to submit a sufficient number of valid signatures.

Dispositive Motions: None

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Eric M. Conklin to the November 8, 2016 General Election ballot as an independent candidate for the office of United States Senator.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Rob Sherman,)
Petitioner(s) – Objector(s),)

v.)

16 SOEB GE 507

Eric M. Conklin,)
Respondent(s) – Candidate(s).)

RECOMMENDATION OF THE HEARING OFFICER

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

Background

The Candidate(s) timely filed nomination petitions seeking to be placed on the November 8, 2016, General Election Ballot for the following: **Eric M. Conklin, United States Senator as an Independent.**

Objection

An Objection was timely filed alleging the Candidate's filed nomination petitions that contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot?

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by John Fogarty for the Objector. No one appeared for the Candidate.

As no one appeared on behalf of the Candidate, a letter was sent informing the Candidate of the Objection, Case Management Conference Order and the Objector's Appearance. The Candidate was advised to monitor the Board's website for the status of the case, to obtain a copy of the Rules of Procedure adopted by the Electoral Board and an Appearance Form.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count as the number of signatures submitted and allowed two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 225 signatures. The minimum number to appear on the ballot is 25,000.

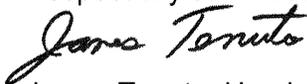
Findings

1. The Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate(s) submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Rob Sherman (*Pro Se*) appeared for the Objector while no one appeared on behalf of the Candidate.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 25,000. The Candidate submitted 225 per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. No Motions were filed by either party.

RECOMMENDATION

It is the Recommendation of the Hearing Officer to the General Counsel that the State Officers Electoral Board Sustain the Objection be sustained and the name of Eric M. Conklin not appear on the ballot as a Candidate for United States Senator as an Independent to be voted upon at the November 8, 2016, General Election.

Dated: July 27, 2016

Respectfully submitted,

James Tenuto, Hearing Officer

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

In the matter of:
ROB SHERMAN

Petitioner - Objector

v.

ERIC M. CONKLIN

Respondent - Candidate for
United States Senator

No.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT July 5, 2016 @ 12:14 PM
BMH

OBJECTOR'S PETITION

1. The Objector, Rob Sherman ("Objector"), resides at 778 Stonebridge Lane, Buffalo Grove, Cook County, Illinois 60089, and is a duly qualified and registered voter at this address.
2. Objector's mailing address is Rob Sherman, PO Box 7410, Buffalo Grove, IL 60089.
3. Objector's first interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers are properly complied with, and that only duly qualified candidates who demonstrate a modicum of support among the electorate appear on the ballot at the General Election to be held on November 8, 2016.
4. Objector's second interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 because he complied with the signature requirements of the Election Laws, and who feels that it is unfair for a candidate who has not complied with the signature requirements of the Election Laws to have his name printed on the ballot.
5. Objector's third interest in filing this objection is that of a candidate whose name appears on the ballot of the General Election to be held on November 8, 2016 and who is desirous of seeing to it that the image and reputation of candidates whose names appear on the ballot be preserved as individuals who are actually deserving of having their names on the ballot because they have complied with the election laws and are not faking it as Respondent has done.
6. Objector's fourth interest in filing this objection is that of a member of a political party whose members have expended thousands of man-hours and tens of thousands of dollars to comply with the signature requirements of the election laws to get our candidates on the ballot for state-wide and federal offices and who feels that it would be extraordinarily unfair for a candidate who has not even come close to making the necessary effort to comply with the signature requirements

of our state's election laws to simply waltz in and get his name on the ballot with just a handful of signatures. Furthermore, this could severely damage the ability of my political party to recruit volunteers to gather Nominating Petition signatures in future years if anybody could get on the ballot with only a handful of signatures.

7. On June 27, 2016, Candidate Eric M. Conklin submitted one set of nomination papers as an independent candidate for United States Senator (hereinafter referred to as the "Nomination Papers"), to be voted upon at the General Election to be held on November 8, 2016.

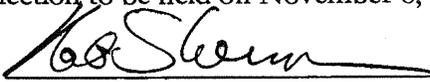
8. Objector states that the Candidate's Nomination Papers are factually and legally insufficient, and requests that the Candidate's name be stricken from and not be printed upon the ballot for the General Election to be held on November 8, 2016, for the reasons stated herein.

9. The Illinois Election Code, at 10 ILCS 5/10-2, requires independent candidates for United States Senator to submit the signatures and addresses of at least 25,000 duly qualified and registered voters.

10. Candidate submitted a total of 225 signatures on a total of 18 nominating petition sheets.

11. Since the Candidate's Nomination Papers do not contain at least 25,000 valid and duly qualified signatures, the Candidates Nomination Papers are legally and factually insufficient, and should be stricken.

12. WHEREFORE, the Objector requests the following relief: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the Nomination Papers submitted by Candidates; (c) a determination that the Candidate's Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the name Eric M. Conklin shall not be printed upon the official ballot for the Office of United States Senator, to be voted upon at the General Election to be held on November 8, 2016.

By: 
Rob Sherman, Objector

Rob Sherman, pro se
PO Box 7410
Buffalo Grove, IL 60089
(847) 870-0700
rob@robsherman.com

Weber v Harsy
16 SOEB GE 508

Candidate: Bubba Harsy

Office: 116th Representative

Party: Independent

Objector: Brad Weber

Attorney For Objector: Michael J. Kasper

Attorney For Candidate: Pro se

Number of Signatures Required: 1792

Number of Signatures Submitted: 635

Number of Signatures Objected to: Not Applicable

Basis of Objection: Candidates failed to submit a sufficient number of valid signatures.

Dispositive Motions: Candidate's Response to Objector (Motion to Dismiss), Objector's Response to Candidate's Filing, Candidate's Response to Objector's Response

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The Candidate submitted his Response to the Objector, which the Hearing Officer treated as a Motion to Dismiss, arguing that, because the Objector was not one of the three people who viewed his petition, the Objector lacks the personal knowledge and injury required to have standing to bring an objection against the Candidate's petitions. The Objector's Response asserted that Section 10-8 of the Election Code only requires that an objector be "any legal voter of the political subdivision or district in which the candidate or public question is to be voted on... having objection to any... nomination papers or petitions." It is not disputed that the Objector is a registered voter in the 116th Representative District; therefore, the Objector has standing to submit his objection. Candidate's Response to the Objector's Response merely reiterated the argument that the Objector lacks standing because he did not request to view the Candidate's petition. The Hearing Officer found that the Objector met the requirements of 10-8; therefore, it is recommended that the Candidate's Motion to Dismiss be denied.

Based on the failure to file a sufficient amount of valid signatures, the recommendation is to sustain the objection and not certify the name of Bubba Harsy to the November 8, 2016 General Election

ballot as an independent candidate for the office of State Representative for the 116th Representative District.

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

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
INDEPENDENT AND NEW PARTY CANDIDATES
SEEKING TO APPEAR ON THE BALLOT FOR THE
NOVEMBER 8, 2016 GENERAL ELECTION**

In the Matter of:

Brad Weber,)	
Petitioner(s) – Objector(s),)	
)	
v.	)	16 SOEB GE 508
)	
Bubba Harsy,)	
Respondent(s) – Candidate(s).)	

RECOMMENDATION OF THE HEARING OFFICER

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

Background

The Candidate(s) timely filed nomination petitions seeking to be placed on the November 8, 2016, General Election Ballot for the following: **Bubba Harsy, State Representative from the 116th Representative District as an Independent candidate.**

Objection

An Objection was timely filed alleging the Candidate's filed nomination petitions contained signatures below the minimum number required.

Issue

Whether or not the Candidate submitted signatures below the minimum number needed to appear on the ballot.

Case Management Conference

A Case Management Conference was held following the calling of the cases. An Appearance was filed by Michael J. Kasper for the Objector. Bubba Harsy filed a *Pro Se* Appearance.

The Case Management Conference Order informed the Candidate of the State Board of Elections staff count of the number of signatures submitted and allowed the parties two business days to dispute the staff count.

The staff count stated the Candidate(s) submitted 635 signatures. The minimum number to appear on the ballot is 1,792

Motions

The Candidate submitted, at the Case Management Conference on July 11, 2016, Candidate's Response to Objector. The thrust of the Candidate's argument is, in order to bring an Objection, a personal injury must have been experienced by the Objector.

Candidate points out that none of the three requestors to view his nomination petitions reside in the 116th Representative District. Accordingly, the three requestors are the only three individuals who have sufficient knowledge to claim an injury.

Furthermore, the Candidate contends "Weber never requested Candidate's petitions, never established a chain of evidence showing how he could have potentially obtained Bubba Harsy's ballot petition, and therefore developed the personal knowledge required to claim an injury in fact".

The Candidate contends the lack of Weber experiencing a personal injury deprives him of the standing needed to bring an Objection. Thus, the Objection should be dismissed.

Candidate's Response to Objector will be treated as a Motion to Dismiss and discussed accordingly.

Objector's Response to Candidate's Filing asserts that the only requirement in the Election Code for submitting an Objection is found in Section 10-8 which provides that "any legal voter of the political subdivision or district in which the candidate or public question is to be voted on ... having objection to any ... nomination papers or petitions ... shall file an objector's petition."

Furthermore, the Candidate does not dispute the Objector is a registered voter in the 116th Representative District. Accordingly, for the Objector to have standing it is required: (1) be a registered voter in the district, (2) state the interest in bringing the Objection. (3) state the relief requested, and (4) state the nature of the objection.

Whether or not Weber personally signed the request to view the nomination petitions is irrelevant and beyond the scope of the Electoral Board's authority.

As set forth in *Nader v. Illinois State Board of Elections*, 345 Ill.App.335 at 344:

“The Electoral Board, however, is no more required or empowered to conduct an investigation into how the Objector's petition was compiled than it is to do so into the methods employed by the Candidates in obtaining signatures in their petition. Rather the Electoral Board can determine only whether the Candidates' nomination petition complies with the requirements of the Election Code.”

The only remaining issue is whether the Candidate filed a sufficient number of signatures to qualify for the ballot. Even assuming all signatures submitted are valid, the Candidate is below the minimum number required to be filed.

Finally, any constitutional claims that the Candidate raises are beyond the scope of the Electoral Board. *Goodman v. Ward*, 241 Ill.2d 398 (2011).

Candidate's Response to Objector's Response to Candidate's Motion to Dismiss reiterates the “Objector lacks standing because he does not meet the injury-in-fact requirements as required by Article III of the United States Constitution for lack of injury that is both particularized and concrete.”

Findings

1. Candidate timely filed nomination petitions.
2. An Objection to the Candidate's nomination petitions was timely filed.
3. The Objection alleges the Candidate submitted signatures below the minimum number required.
4. The Case was called on July 11, 2016 and a Case Management Conference was held immediately thereafter. Michael J. Kasper appeared for the Objector while Bubba Harsy appeared on his own behalf.
5. The Case Management Conference Order provided the staff count and allowed both parties the opportunity to dispute the count, file motions and/or request subpoenas.
6. The minimum signature requirement is 1,792. The Candidate submitted 635 per the staff count.
7. The Candidate did not dispute the staff count.
8. Neither party submitted any subpoena requests.
9. Rules of Procedure, adopted July 11, 2016, provides at 7(d) that the “Electoral Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/or the General Counsel.”

10. It is the Recommendation of the Hearing Officer that the Electoral Board deny Candidate's Motion to Dismiss as the Objector need only allege:

- (A) He is a registered voter in the district;
- (B) State his interest in filing the Objection;
- (C) State the relief requested of the Electoral Board; and
- (D) State the nature of the Objection.

11. The Objection satisfies the 4 requirements as set forth above.

12. As set forth in *Nader v. Illinois State Board of Elections*, 354 Ill.App.335, at 344, the Electoral Board is not empowered to conduct an investigation as to how the Objector's petition was compiled.

13. There is no requirement imposed on the Objector to establish a chain of evidence and/or prove how the Candidate's petition was obtained.

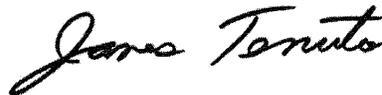
14. Objector Brad Weber has standing to bring the Objection.

Recommendation

It is the Recommendation of the Hearing Officer that the Candidate's Motion to Dismiss be DENIED, the Objection be SUSTAINED and the name of Bubba Harsy NOT APPEAR on the November 8, 2016, General Election ballot as a Candidate for State Representative in the 116th Representative District as an Independent Candidate.

DATED: August 2, 2016

Respectfully submitted,



James Tenuto, Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR DENIAL UPON
NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR
ELECTION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR
THE 116th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Brad Weber,)	
)	
Petitioner-Objector,)	
)	
v.	)	16 SOEB GE 508
)	
Bubba Harsy,)	
)	
Respondent-Candidate.)	

CANDIDATE’S RESPONSE TO OBJECTOR RESPONSE TO CANDIDATE’S MOTION TO DISMISS

Objector Lacks Standing and Objector Failed to Establish Standing

HERE NOW COMES Candidate’s reply to Objector’s response. Objector incorrectly claims to have standing merely because they meet the single standing requirement as set forth in 10 ILCS 5/10-8.

Objector incorrectly claims this is the only standing requirement Objector must meet because it is the only standing requirement statutorily expressed under 10 ILCS 5/10-8. **The Supreme Court declared in May 2016 that alleged violations of statutory rights alone are not enough to meet the requirements of standing. Plaintiff still has to meet the requirements of Article III of the United States Constitution. Spokeo, Inc. v. Robins, 578 U.S. ___, 9 (2016).** Objector merely alleged violations of statutory rights alone, which the Supreme Court decided was not enough last May.

Objector further incorrectly attempts to over simplify the nature of Candidate’s challenge to Objector’s Petition by stating Candidate’s Petition amounts to Objector not having standing because Weber did not personally sign the request to view the Candidate’s petitions. This is not the case; the

case is that the **Objector lacks standing because he does not meet the injury-in-fact requirements as required by Article III of the United States Constitution for lack of an injury that is both particularized and concrete.**

In Illinois, standing requires “some injury in fact to a legally cognizable interest.” *Greer v. Illinois Housing Development Authority*, 122 Ill. 2d 462, 492 (1988). “Injury in fact is a constitutional requirement, and ‘[i]t is settled that Congress cannot erase Article III’s standing requirements by statutorily granting the right to sue to a plaintiff who would not otherwise have standing.’ *Rains, supra*, at 820, n. 3; see *Summers v. Earth Island Institute*, 555 U.S. 488, 497 (2009); *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 100 (1979).” *Spokeo, Inc. v. Robins*, 578 U.S. ___, 7 (2016). It defies logic to believe that the Illinois state legislature has the authority to erase Article III standing requirements and usurp judicial authority but the United States Congress does not.

To establish injury in fact, a plaintiff must show that they “suffered ‘an invasion of a legally protected interest’ that is ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical.’ *Lujan*, 504 U.S., at 560.” *Spokeo, Inc. v. Robins*, 578 U.S. ___, 7 (2016). Objector Weber fails to show a concrete harm. His harm was merely conjectural or hypothetical. From the evidence provided, Weber relied on partial secondhand reports of Candidate’s ballot petitions at best. The very definition of conjecture is to form an opinion or conclusion based on incomplete information. By relying on stories from others, and never seeing the nomination petition for Candidate, Weber cannot claim an injury-in-fact based on anything more than conjecture. Conjectures and hypotheticals do not give rise to an injury-in-fact and therefore do not provide Weber with standing.

Focusing on Objector’s incorrect argument, that Objector only has to meet the single standing requirement as set forth in 10 ILCS 5/10-8, and that this is the only standing requirement Objector must meet because it is the only standing requirement statutorily expressed under 10 ILCS 5/10-8.

Congress can play a role in adding jurisdiction where there was none before, however this added jurisdiction does not automatically mean a plaintiff satisfies the injury-in-fact requirements whenever a statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right. Spokeo, Inc. v. Robins, 578 U.S. ___, 9 (2016). “Article III standing requires a concrete injury even in the context of a statutory violation.” Spokeo, Inc. v. Robins, 578 U.S. ___, 9 (2016). For this reason, Weber could not allege a bare procedural violation, divorced from any concrete harm, and satisfy the injury- in- fact requirement of Article III. Objector failed to state how a violation of one of the Elections Boards procedural requirements would result in a concrete harm to him.

The most recent Supreme Court decision on this issue was in May 2016 when Spokeo, Inc. v. Robins was decided. In this case, the Supreme Court heard an appeal from the Court of Appeals for the Ninth Circuit and decided that the plaintiff did not have standing because injury-in fact requirements require a plaintiff to allege an injury that is both concrete and particularized.

In 2014, the Ninth Circuit originally held that “the violation of a statutory right is usually a sufficient injury in fact to confer standing.” Robins v. Spokeo, Inc., 742 F.3d, 409, 412. The court went on to say that because Robins alleged, “Spokeo violated *his* statutory rights, not just the statutory rights of other people” and because his “personal interests in the handling of his credit information are individualized rather than collective.” Robins v. Spokeo, Inc., 742 F.3d, 409, 413. The Court of Appeals for the Ninth Circuit court concluded that Robins’ “alleged violations of [his] statutory rights [were] sufficient to satisfy the injury-in-fact requirement of Article III” Robins v. Spokeo, Inc., 742 F.3d, 409, at 413-414. **The Supreme Court disagreed and said alleged violations of statutory rights alone are not enough to meet the requirements of standing. Plaintiff still has to meet the requirements of Article III of the United States Constitution. Spokeo, Inc. v. Robins, 578 U.S. ___, 9 (2016).**

Weber is in the same boat as Robins. Weber merely states his address showing to be a registered voter in the district. Weber merely alleged his statutory rights were violated because of his

personal interest as a voter desirous that the laws governing the filing of nomination papers be complied. Weber fails to state an injury in fact. He fails to state a concrete harm that will be faced if Candidate Harsy' nomination papers are allowed to proceed forward. Therefore as an established principle of law and the Supreme Court speaking directly on this issue in the last 2 months, Objector lacks standing.

WHEREFORE, the Candidate respectfully requests that the Objectors Petition be dismissed and the Candidate's petition be processed as if no objections were made. **The Candidate is not requesting a review of how Objector put petition together, just that Objector be held to the Constitutional requirements of standing. Furthermore, Candidate did not concede that he failed to file a sufficient number of signatures to qualify for the ballot, Candidate merely made a hypothetical argument that the amount of signatures alleged by Objector would satisfy requirements if equal protection under law was considered when making ballot access laws in Illinois. However, the matter being addressed is the lack of standing of Objector to file an objection to Candidate's nomination papers. Thus resulting in the processing of Candidate's nomination papers as if no objections were made.**

Bubba Harsy
CANDIDATE

Address:

849 Wells Street Road
DuQuoin, IL 6832

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 REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 116th
 REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Brad Weber,)	
)	
Petitioner-Objector,)	
)	
v.	)	16 SOEB GE 508
)	
Bubba Harsy,)	
)	
Respondent-Candidate.)	

OBJECTOR’S RESPONSE TO CANDIDATE’S FILING

NOW COMES Objector, Brad Weber, through his attorney, Michael J. Kasper, and in response to the Candidate’s filing, states as follows:

A. The Objector has Standing.

In his filing, the Candidate incorrectly alleges that the Objector does not have standing to bring this Objector’s Petition. However, Section 10-8 of the Election Code provides that “[a]ny legal voter of the political subdivision or district in which the candidate or public question is to be voted on...having objections to any...nomination papers or petitions filed...shall file an objector’s petition.” 10 ILCS 5/10-8. This is the only standing requirement set forth in the Election Code for bringing an Objector’s Petition.

In his Objector’s Petition, which is verified, the Objector states that he is a qualified voter of the 116th Representative District, the “district” in which this Candidate “is to be voted on.” In his filings with this Board, the Candidate does not dispute that the Objector is a qualified voter in the District. Accordingly, the Candidate’s filing, to the extent it is read as a motion to dismiss for lack of standing, should be denied.

Instead, the nature of the Candidate's challenge to the Objector's Petition appears to be that the Objector did not personally sign the request to view the Candidate's woefully insufficient nominating petitions. This, of course, is irrelevant. Here, the Objector indisputably has standing to object to the Candidate's petitions. As a result, the sole question before the Board is whether the Candidate's nominating petitions satisfy the minimum requirements set forth in the Election Code.

In fact, the Electoral Board's powers are clearly enunciated in Section 10-10 of the Election Code, which provides:

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1.

The Electoral Board's authority to do anything must either "arise from the express language of the statute" or "devolve by fair implication and intendment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created." *Vaughniaux v. Department of Professional Regulation*, 208 Ill.2d 173, 188, quoting *Schalz v. McHenry County Sheriff's Department Merit Comm'n*, 113 Ill.2d 198, 202-03.

34. Inquiry into how the objector's petition was compiled is beyond the scope of the electoral board's authority. *Nader v. Illinois State Board of Elections*, 354 Ill.App. 3d 335, 344. In *Nader*, the Appellate Court clarified the electoral board's authority:

The Electoral Board, however, is no more required or empowered to conduct an investigation into how the Objector's petition was compiled than it is to do so into the methods employed by the Candidates in obtaining signatures in their petition. Rather, the Electoral Board can determine only whether the Candidates' nomination petition complies with the requirements of the Election Code.

Id.

In this case, the Objector alleges that the Candidate filed an insufficient number of signatures to qualify for the ballot, even assuming every signature on the petition is valid. When a candidate fails to file a sufficient number of signatures to qualify for the ballot, the objector's petition must be sustained. *Jackson Hicks v. East St. Louis Bd. of Elec. Comm'rs*, 2015 IL 118929, ¶ 42 (“the minimum signature requirement imposed by section 10-3 of the Election Code is mandatory and must be followed.”). Indeed, the Candidate has conceded that he did not file a sufficient number of signatures to qualify for the ballot.

B. The Candidate's Constitutional Claims are Beyond the Board's Authority.

The Candidate also claims that the Election Code somehow violates his constitutional rights. However, the Board may only apply the laws to the Candidate's petitions and may not take up constitutional questions. *Goodman v. Ward*, 241 Ill.2d 398 (2011).

WHEREFORE, for the foregoing reasons, the Objector respectfully request that the Candidate's motion to dismiss be denied and that the Objector's Petition be granted.

Respectfully submitted,
Objector

Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)
mjkasper60@mac.com

By: Michael Kasper

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR DENIAL UPON
NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR
ELECTION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR
THE 116th REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Brad Weber,)
)
Petitioner-Objector,)
)
v.)
)
Bubba Harsy,)
)
Respondent-Candidate.)

STATE BOARD OF ELECTIONS
2016 JUL 11 AM 10:08

CANDIDATE'S RESPONSE TO OBJECTOR

INTRODUCTION

Bubba Harsy, hereinafter sometimes referred to as the Candidate, states as follows:

1. The candidate resides at 849 Wells Street Road, DuQuoin, Illinois, Zip Code 62832, in the 116th Representative District of the State of Illinois, and has complied with the constitutional requirements for filing nomination papers for candidacy in the 116th District.
2. The Candidate's interest in responding to the objection is that of a candidate desirous that the laws governing the filing of nomination papers and objections for the office of Representative in the General Assembly for the 116th District of the State of Illinois are properly complied with, and that any unconstitutional ballot restrictions amounting to Fourteenth Amendment Equal protection violations be struck down.

ARGUMENT ONE- Standing

3. In response to the Objectors allegations, the Candidate states that the Objector lacks the knowledge in fact required to have standing to bring suit. That is, pursuant to state and federal law, in order for an individual to bring suit, they must have experienced a personal injury. Without a personal injury, there is no case or controversy to be decided. When there is no case or controversy, claims are dismissed.

4. Bubba Harsy's petition for ballot access was turned in 6/27/2016 at 3:44 pm. Three individuals requested to see or copy my petitions within 24 hours of submission. These three requesters were Kylie Kelly of Springfield Illinois, Tony Vercera of O'Fallon Illinois, and Mary Mayor of Chicago Illinois. None of these individuals resides in District 116. These three individuals are the only three individuals that would have sufficient knowledge to claim an injury in fact from Candidate's petition. Brad Weber never requested Candidate's petitions, never established a chain of evidence showing how he could have potentially obtained Bubba Harsy's ballot petition, and therefore developed the personal knowledge required to claim an injury in fact.

5. Based on the objector's petition and the fact that Weber did not request Candidate Bubba Harsy's petitions, the most logical scenario where Weber became an objector was where he received a phone call or an email telling him that the Democrat Party needed someone to object to Candidate Bubba Harsy in District 116. Weber answered the call and was told just to meet with Shaw J Decremer, a former/current top Madigan aid, in Springfield on June 30. Weber shows up and was provided an objector's petition to sign, and a verification form to sign which was notarized by Shaw J Decremer. This can be inferred from the fact all of the written

information on the notarized verification sheet and objector's petition was filled in with the same blue ink. Out of all the public notaries, why would an aid of Madigan be the public notary unless he was directing the actions of Weber?

6. If Weber had a personal injury with personal knowledge, it seems logical for him to use a notary public from the Chester area, not one of Madigan's aids. It would seem logical that Weber would sign his objection and then take it to a public notary, and not sign them both at the same time. It would also appear logical to sign one's objection petition prior to signing a publicly notarized verification form. However, Weber did none of these things. He was merely contacted by Democrats to be the last piece of the puzzle for their ballot objections. It happened in District 115 and 117 as well.

7. In District 117, two non-establishment candidates decided to seek ballot access and between the 2 of them, they had four requests for ballot petitions between three people (Mary Mayor of Chicago requested both of their petitions, as well as of Candidate Bubba Harsy's). Both non-establishment candidates received objections from someone in their district that never requested petitions and most likely just signed documents presented to them from another.

8. According to 10 ILCS 5/10-8 "Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition." This requires that in order for a petition objector to have standing to challenge the nomination of a

candidate, that objector must be a registered voter in the area the candidate seeks to represent.

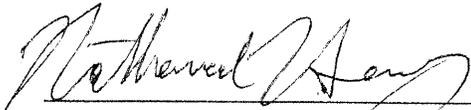
9. There is no way that the intent of 10 ILCS 5/10-8 (quoted above) was to allow a central hub of candidate nomination petition requestors to obtain and review petitions, create arguments for objections, then search to find someone in the district of the candidate you want to challenge to sign off on the claims . There would be no reason to have this legal protection if the scenario described above is all that has to be done to get around it. The legislation was meant for objections to originate in the district of the potential candidate due to personal injuries in fact of the objectors, the law was not meant to allow professional ballot objectors to put together objection arguments with the last piece of the puzzle being find an objector in the district. This makes Weber a strawman plaintiff, with no injury in fact, for a group that otherwise would not have standing to object to Candidate Bubba Harsy's petition.

10. By statute, none of the three requestors for the Candidates petition has standing to challenge the petitions because they do not reside in district 116, thus leaving this situation with no real case or controversy.

11. If Brad Weber had been a requestor of Bubba Harsy's petitions, then he could have knowledge of the situation he is discussing, and would have a claim of injury. Since he lacks knowledge, he cannot claim injury. He is merely representing third party claims of an out of district petition requestor. Under Evidence Rule 602, a witness may only testify to a matter if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter and in the current situation, almost none of the information supplied by Weber

comes from personal knowledge. Therefore, Candidates petition for ballot access should be carried forth as if no objections were filed.

WHEREFORE, the Candidate requests; a.) to dismiss the objections made by Brad Weber as a matter of law due to his lack of standing to present arguments evidenced by the fact that Weber was not a requestor of information therefore lacking knowledge of the claims made and due the manner in which Weber completed his objection petition, and b.) a ruling that the name of Bubba Harsy appear and be printed on the ballot for election to the office of Representative in the General Assembly of the 116th Representative District of the State of Illinois, to be voted for at the General Election to be held November 8,2016.


CANDIDATE

Address:

849 Wells Street Road
DuQuoin, IL 6832

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 REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 116th
 REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Brad Weber,)
)
 Petitioner-Objector,)
)
 v.)
)
 Bubba Harsy,)
)
 Respondent-Candidate.)

ORIGINAL ON FILE AT
 STATE BD OF ELECTIONS
 ORIGINAL TIME STAMPED
 AT July 5, 2016 @ 3:09 PM
 BMH

OBJECTOR'S PETITION

INTRODUCTION

Brad Weber, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 213 E. Stacey Street, Chester, Illinois, Zip Code 62233, in the 116th 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 116th 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 Bubba Harsy as a candidate for the office of Representative in the General Assembly for the 116th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 8, 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 of an independent candidate (or a new political party candidate) for the Office to be voted for at the Election must contain the signatures of not fewer than 1,792 duly qualified, registered and legal voters of the 116th 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.

5. The Nomination Papers are invalid in their entirety because the Candidate filed an insufficient number of signatures to qualify for the ballot. The Candidate filed petition sheets containing no more than 635 total signatures. As a result, assuming each and every one of the Candidate's signatures is valid, the Candidate still has less than minimum number required by law.

6. The Nomination Papers contain less than 1,792 validly collected signatures of qualified and duly registered legal voters of the 116th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law.

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 116th 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 Bubba Harsy shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 116th Representative District of the State of Illinois, to be voted for at the General Election to be held November 8, 2016.


OBJECTOR

Address:

Brad Weber
213 E. Stacey Street
Chester, IL 62233

