

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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Springfield, Illinois 62708
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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601
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AGENDA

STATE BOARD OF ELECTIONS
SPECIAL BOARD MEETING
Sitting as the Duly Authorized
State Officers Electoral Board
Friday, August 27, 2010
9:00 a.m.

James R. Thompson Center
Suite 14-100
Chicago, Illinois
and via videoconference
1020 South Spring Street
Springfield, Illinois

1. Call State Board of Elections to order.
2. Recess the State Board of Elections and convene as the State Officers Electoral Board.
3. Consideration of objections to new party and independent candidate petitions for the November 2, 2010 General Election;
 - a. *Webb v. Rice*, 10SOEBGE107;
 - b. *Dunaway/White v. Dabney*, 10SOEBGE507;
 - c. *Nekic/Heffernan v. Dabney*, 10SOEBGE569;
 - d. *Heffernan v. Martin*, 10SOEBGE513;
 - e. *Sherman v. Martin*, 10SOEBGE565;
 - f. *Heffernan v. Libertarian slate*, 10SOEBGE567;
 - g. *Heffernan/Nekic v. Constitution slate*, 10SOEBGE570.
4. Other business.
5. Recess the State Officers Electoral Board until Monday, September 20, 2010 at 10:30 a.m. or the call of the Chairman, whichever occurs first.
6. Reconvene as the State Board of Elections.
7. Modifications to Dominion Voting Equipment - WinEDS 4.0.174, HAAT100 2.6.34 and HAAT Listener 1.7.4.
7. Other business.
8. Executive session (if necessary).
9. Adjourn until Monday, September 20, 2010 at 10:30 a.m. or until call of the Chairman, whichever occurs first.

Webb v. Rice
10 SOEB GE 107

Candidate: Jason Rice

Office: State Representative, 117th District

Party: Independent

Objector: Jay D. Webb

Attorney For Objector: Courtney Nottage

Attorney For Candidate: Pro se

Number of Signatures Required: 2,597

Number of Signatures Submitted: 2,792

Number of Signatures Objected to: 1,295

Basis of Objection: The candidate's nomination papers contain an insufficient amount of valid signatures. Various objections were made against the petition signers and circulators; alleging a pattern of fraud by two of such petition circulators.

Dispositive Motions: None

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Churf

Hearing Officer Findings and Recommendation: The SBE staff conducting the records examination sustained 926 objections, which resulted in the Candidate's petition containing 1,866 presumptively valid signatures, which is 731 below the statutory minimum necessary to appear on the ballot. The Candidate pursuant to Rule 9 of the Rules of Procedure submitted what was by his own admission, evidence (in the form of copies of voter registration records) that addressed approximately 20% of the objections that were sustained. The Objector challenged the timeliness of the submission, however this objection was overruled. Based on the failure of the Candidate to rehabilitate enough stricken signatures to exceed the minimum number necessary to appear on the ballot, the Hearing Officer recommends that the Objector's petition be granted and the Candidate's name should not be certified for appearance on the ballot.

Recommendation of the General Counsel: I concur with the recommendation of the 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 117TH
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

JAY D. WEBB,)	
)	
Petitioner-Objector,	)	No. 10 SOEB GE 107
)	
v.)	
)	
JASON RICE,)	
)	
Respondent-Candidate.)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

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

1. The Candidate, Jason Rice (the "Candidate"), timely filed Nomination Papers as a Candidate for the office of Representative in the General Assembly for the 117th Representative District of the State of Illinois.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on June 28, 2010. In the Petition, the Objector alleges that the Candidate's Nomination Papers contain: a) names of persons who are not registered voters at the addresses shown opposite their respective names; b) signatures which are not genuine and are forgeries; c) names of persons whose addresses are not within the 117th Representative District of the State of Illinois; d) names of persons for whom the signer's address is missing or incomplete; e) names of persons who have signed the Nomination Papers more than one time; and g) sheets which demonstrate a pattern of fraud.

3. An initial hearing and case management conference on this matter was held on July 26, 2010. The Candidate appeared on behalf of himself and Michael Kasper and Courtney Nottage appeared on behalf of the Objector.

4. The Records Examination commenced on August 10, 2010. Both parties were present at the Records Examination.

5. The Candidate needed 2597 signatures to be on the ballot. The Candidate submitted 2792 signatures. There were 1295 objections. 926 objections were sustained leaving 1866 valid signatures, which is 731 signatures short of the minimum signature requirement.

6. On August 12, 2010, the Board sent each party a printout of the results of the Records Examination. On August 13, 2010 and the morning of August 17, 2010, the parties were advised by the Hearing Officer that any evidence to refute the rulings made at the Records Examination must comply with the Board's Rules of Procedure. Under Rule 9 of the Board's Rules of Procedure, such evidence must be submitted to the Hearing Officer or the Board by 5:00 p.m. of the third business day after the Board sends the printout to both parties. In this case, the third business day was August 17, 2010.

7. On August 17, 2010 at approximately 4:45 p.m., the Candidate started sending emails to the Hearing Officer and counsel for the Objector. Most of the emails contained a "batch." Each "batch" contained copies of one or two registration records of various individuals. As of August 17, 2010 at 5:00 p.m., the Hearing Officer had received five (5) "batches" or approximately thirteen (13) registration cards.

8. The Candidate continued to email "batches" of registration cards to the Hearing Officer and counsel for the Objector until approximately 11:15 p.m., at which time the Candidate notified the Hearing Officer and counsel for the Objector that he had sent the last batch. The Candidate also sent an email which stated the following: "And now that the information is in, I would like to let you know that this is about 20% of the people who 'weren't' registered." (A true and correct copy of the Candidate's email is attached hereto).

9. On August 18, 2010, a case management conference was held telephonically. The Candidate appeared on behalf of himself and Mr. Kasper appeared on behalf of the Objector. Mr. Kasper objected to any evidence submitted after 5:00 p.m. on August 17, 2010 as being untimely and contrary to Rule 9 of the Board's Rules of Procedure. Mr. Kasper further argued that even if the emails or batches were accepted and considered as evidence, the documents in the emails would only address approximately twenty (20) percent of the objections which were sustained and the Candidate's Nomination Papers would still contain less than the 2597 signatures needed for the Candidate's name to appear on the ballot. In response, the Candidate argued, *inter alia*, that he was unable to send all of his evidence via one email. The Candidate further argued that the evidence he submitted addresses approximately twenty (20) percent of the objections based on registration and that if the Candidate had more time and money, the Candidate would have copied the registration cards for the names of all persons to which an objection was made.

10. The Hearing Officer makes the following recommendations:

a. The Records Examination shows that 926 objections were sustained, leaving the Candidate with 1866 valid signatures, which is 731 signatures short of the 2597 signature minimum;

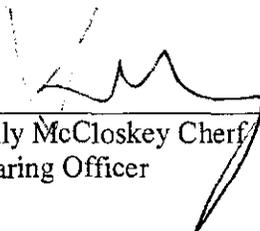
b. The Objector's objection as to evidence submitted by the Candidate after 5:00 p.m. on August 17, 2010 (which is the third business day after the printout of the Records Examination was sent to the parties) is overruled and any such evidence should be accepted as the Candidate commenced the transmittal of his evidence prior to 5:00 p.m.;

c. The evidence submitted by the Candidate fails to sufficiently refute the findings made by the staff during the Records Examination because: i) by the Candidate's own admission, the evidence allegedly only addresses twenty (20) percent of the objections based on registration, and therefore, the Candidate's Nomination Papers would still contain less than the 2597 signatures needed for the Candidate's name to appear on the ballot; and ii) there is no authority to support the Candidate's extrapolation theory that because the Candidate was able to gather registration cards for twenty (20) percent of the objections, he also would be able to gather all of the necessary registration cards (and then apparently demonstrate that at least 731 of the Board's rulings were wrong);

d. The Candidate's Nomination Papers are insufficient; and

e. The Objector's objection praying that the Candidate's name should not be printed on the ballot as a candidate for the office of Representative in the General Assembly for the 117th Representative District of the State of Illinois for the General Election to be conducted on November 2, 2010, be granted.

Date: August 23, 2010



Kelly McCloskey Clerk
Hearing Officer

of in excess of 2597 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

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

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

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 117th Representative District of the State of Illinois, and such persons are not registered voters in the 117th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

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

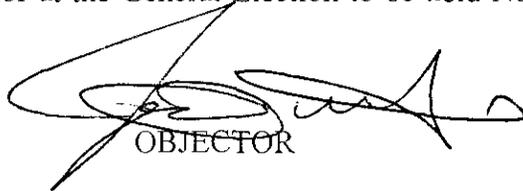
9. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once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

10. The Nomination Papers contain sheets circulated by individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated in order to protect the integrity of the electoral process. Such circulators are: Jason Rice, 203 South Second Street, Buckner, Illinois, Zip Code 62819. Chelsea Hosey, 234 Davis Lane, Bolingbrook, Illinois, Zip Code 60440.

11. The Nomination Papers contain less than 2597 validly collected signatures of qualified and duly registered legal voters of the 117th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

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

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 117th 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 Jason Rice shall not appear and not 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 2, 2010.



OBJECTOR

Address:
Jay D. Webb
104 East Monroe Apartment C
Herrin, IL 62948

**BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY
CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION
PAPERS OF CANDIDATES FOR THE OFFICE OF UNITED STATES
SENATOR FROM THE STATE OF ILLINOIS**

Dunaway, et al.	}	
Petitioner-Objectors	}	
	}	
v.	}	No. 10 SOEB GE 507
	}	
Corey Dabney,	}	
Respondent-Candidate	}	

**CANDIDATE’S REQUEST FOR A 25 HOUR DEADLINE EXTENSION
FOR HIS RULE 9 MOTION SUBMITTAL – INTERLOCUTORY
APPEAL OF HEARING EXAMINER DECISION TO STATE
OFFICERS ELECTORAL BOARD**

NOW COMES Corey Dabney, hereinafter sometimes referred to as the “Candidate” by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Candidate has submitted approximately 7362 pages of evidence related to approximately 3681 signatures on Candidate’s nominating petitions that were the subject of a staff finding sustaining the objection to the signature due to the signer purportedly not registering at the address shown on the petition.
2. Candidate submitted these pages of evidence no more than 25 hours after the original Rule 9 submission deadline of Monday, August 16th at 5 pm.
3. Rule 9 of the Rules of Procedures reads, in pertinent part,

The parties will be given an opportunity to present all objections to staff findings properly made at the records examination, to the Board or the hearing

examiner at the evidentiary hearing on the merits of the objection scheduled by the Board or the hearing examiner. The 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 office no later than 5PM on the third business day following the date of the sending (or giving) of the printout described in the immediately preceding paragraph **unless extended by the hearing officer or Board. If any extension is given** to the candidate or objector to rehabilitate or strike any signature at any time including the final hearing by the Board then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended, even if it means a continuation of the final hearing. (emphasis added)

4. The language of the Rule supports a 25 hour deadline extension in this case. The Rule not only specifically authorizes the hearing officer to extend the Rule 9 submission deadline, it specifically delineates the consequences of extending the deadline to ensure the opposing party is not procedurally harmed. Thus, the language of the Rule contemplates an extension of the deadline by the hearing officer to submit evidence as a relatively common occurrence, since the opposing party's deadline to submit evidence is also extended by rule. Furthermore, the paragraph at issue begins with the most important principle at issue: ensuring that the parties will be given an opportunity present all objections. The Rule could have been constructed to deny the ability of the hearing officer or the Board to grant extensions to the deadline. The Rule could have been constructed to deny the ability to of the hearing officer along to grant an extension and only permit the Board to grant an extension of the deadline (as in Rule 8 related to issuing subpoena powers where only the Board, and not the hearing officer, is given the authority to issue a subpoena). Instead, Rule 9 is constructed to provide the hearing officer relatively broad autonomy to extend the deadline – so long as the same deadline extension is granted to the opposing party.

5. The heavy burden placed on Candidate by state law supports a deadline extension. The Rule 9 deadline submission is not based on the size of the petition. It is, instead, a standard deadline of three business days, regardless of the number of signatures the candidate must evaluate in order to generate relevant evidence. Established party state representative candidates with a requirement of 500 signatures face the same standard deadline of three business days as independent statewide candidates with a requirement

of 25,000 signatures. This extreme deviation in the burdens faced by candidates of vastly different circumstances suggests the reason for the flexibility Rule 9 grants to hearing examiners in tailoring the deadline to the circumstances of each case. In this case, no type of candidate faces a larger burden than a statewide candidate running as an independent, as the 25,000 signature requirement is the largest that the state imposes.

6. Our constitutional structure favors ballot access and protects the rights of citizens and voters. The First Amendment to the Constitution of the United States must color the view of this decision, as the consequences of denying the motion will be to deny a place on the ballot to a federal candidate for office and the tens of thousands of Illinois citizens who have petitioned to have the Candidate appear on the ballot. The Supreme Court is *Norman v. Reed*, 502 U.S. 279 (1992) stated that it “advances the constitutional interest of like-minded voters to gather in pursuit of common political ends, thus enlarging the opportunities of all voters to express their own political preferences.” The state “may not choose means that unnecessarily restrict constitutionally protected liberty.” *Kusper v. Pontikes*, 414 U.S. 51 (1973). The Illinois Supreme Court is “mindful of the need to tread cautiously when construing statutory language which restricts the people’s right to endorse and nominate the candidate of their choice.” *Lucas v. Lakin*, 175 Ill.2d 166 (1997). Here, all the constitutional protections of the First Amendment are granted to the Candidate and to the voters who signed his petition; none are granted to the Objector who enjoys no First Amendment freedom in this case.

7. The burdens placed on each side are severely imbalanced. If the hearing officer denies the request to extend the Rule 9 deadline by 24 hours past the standard deadline, the Candidate will not appear on the ballot. If the hearing officer allows the request to extend the Rule 9 deadline by 24 hours past the standard deadline, the Objector will also receive an additional 24 hours to submit any evidence he wishes to rebut the evidence.

8. The Hearing Officer denied Candidate’s request to extend the Rule 9 deadline by 24 hours. Thus, Candidate is filing this interlocutory appeal to the State Officers Electoral Board.

WHEREFORE, Candidate respectfully requests the State Officers Electoral Board exercise its established authority under Rule 9 and extend by 25 hours the deadline for receiving evidence to rebut staff findings that, absent the review of submitted evidence, will have the result of keeping the Candidate off the ballot for federal office and depriving tens of thousands of Illinois citizens their right to nominate a candidate.

Respectfully submitted,



Dan Johnson-Weinberger

Dan Johnson-Weinberger
Attorney for Candidate
Law Office of Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
312.867.5377 (office)
312.794.7064 (fax)
djn.johnsonweinberger@gmail.com

**BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS AS
THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS
OF CANDIDATES FOR NOMINATION TO THE OFFICE OF UNITED STATES
SENATOR FROM THE STATE OF ILLINOIS**

THOMAS P. DUNAWAY)	
)	
and)	
)	
ELLA WHITE,)	
)	
Petitioners-Objectors,)	
)	
vs.	)	No.
)	
COREY DABNEY,)	
)	
Respondent-Candidate)	

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 2010 Jun 28 PM 2:26
LSM

VERIFIED OBJECTOR'S PETITION

Thomas P. Dunaway and Ella White, hereinafter sometimes referred to individually as the "Objector" and collectively as the "Objectors", state as follows:

1. Objector Thomas P. Dunaway resides at 3823 N. Ashland Ave., Chicago IL 60613, and is a duly qualified, legal and registered voter at that address in the State of Illinois. Objector Ella White resides at 1336 E. 90th St., Chicago, IL 60619, and is a duly qualified, legal and registered voter at that address in the State of Illinois.

2. The Objectors' interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of United States Senator from the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

3. The Objectors make objections, as hereinafter stated in Paragraphs 5 - 16 of this Petition, to the purported nomination papers (herein referred to as the "Nomination Papers") of Corey Dabney (hereinafter referred to as "Respondent") as an independent candidate for election to the office of United States Senator from the State of Illinois to be voted on at the General Election on November 2, 2010. The Objectors state that the Nomination Papers are insufficient in fact and law for the reasons stated below.

4. Pursuant to Section 10-3 of the Illinois Election Code, 10 ILCS 5/10-3 (the "Code"), nomination papers for independent candidates for the office of United States Senator from the State of Illinois, to be voted for at the General Election to be held November 2, 2010, must contain the signatures of not fewer than 25,000 qualified voters of the State of Illinois collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and be otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of 48,329 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

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

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

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

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

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

objections to duplicate signatures reference the sheet and line number of the duplicate signatures.

10. The Nomination Papers contain petition sheets with other specified violations of the Illinois Election Code, as are set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column F, "Other", with the violation specified.

11. The Nomination Papers contain petition sheets for which the circulator's affidavit is false because the purported circulator did not actually obtain, solicit or witness the affixing of voters' signatures to such petition sheets, in violation of the Illinois Election Code, and therefore such petition sheets are invalid and every signature on such petition sheets should be invalidated in order to protect the integrity of the electoral process, as are set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, "Circulator did not personally circulate sheet."

12. The Nomination Papers contain petition sheets for which the circulator's affidavit is invalid because the circulator circulated petitions for multiple independent candidates for the office of United States Senator in addition to candidates for a political party, in violation of of Section 10-4 of the Code, as are set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, "Circulator circulated for a candidate of another party." In particular, all sheets of Circulators Justin Agee, David Butler, Terrell Davis, Katrina Johnson, Arthur Jones, Toya Lashley, Rosemary Lucas, Patrick Pace, Janet Thurman, Bernice Travis, June Watson, and Antoine Wilson, as specifically designated in Exhibit A, attached hereto and incorporated herein, should be invalidated for dual circulation.

13. The Nomination Papers contain petition sheets which have duplicate numbers, in violation of the requirement in Section 10-4 of the Code that the sheets be consecutively numbered, and, accordingly, the second similarly numbered sheet of each pair should be invalidated and every signature on such sheet should be invalidated, in order to protect the integrity of the electoral process. Such sheets are: 129, 238, 537, 541, 760, 2495, 2496, 2998.

14. The Respondent, on November 2, 2009, filed nomination papers with the Illinois State Board of Elections as a candidate of the Democratic Party for nomination to the office of United States Senator in the Primary Election held on February 2, 2010, and filed, as part of such nomination papers, a Statement of Candidacy swearing that he was a qualified Primary voter of the Democratic Party. A copy of the 2009 Statement of Candidacy is attached hereto as Exhibit B and incorporated herein. Respondent then requested and voted a Democratic ballot in the Primary Election on February 2, 2010. Pursuant to the rule of law established in *Cullerton v. DuPage County Officers Electoral Board*, 384 Ill.App. 989; 894 N.E.2d 774 (2d Dist. 2008), Respondent is barred from running as an independent candidate or a candidate of another

political party in the general election, and accordingly, the Nomination Papers are invalid in their entirety.

15. The Respondent filed, as part of the Nomination Papers, a Statement of Candidacy without party designation. However, on November 2, 2009, with reference to his candidacy in the Primary Election on February 2, 2010, Respondent filed with the Illinois State Board of Elections a Statement of Candidacy swearing that he was a qualified Primary voter of the Democratic Party. A copy of the 2009 Statement of Candidacy is attached hereto as Exhibit B and incorporated herein. Respondent then requested and voted a Democratic ballot in the Primary Election on February 2, 2010. Accordingly, the Statement of Candidacy filed with the Nomination Papers is false and perjurious and the Nomination Papers are invalid in their entirety.

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

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

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

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

WHEREFORE, the Objectors request a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Corey Dabney shall not appear and be not printed on the ballot for election to the office of United States Senator from the State of Illinois, to be voted for at the General Election to be held November 2, 2010.

Respectfully submitted,



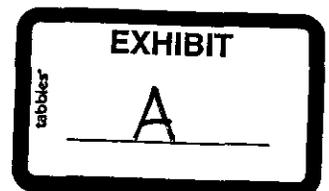
OBJECTOR


OBJECTOR

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

**DABNEY
DUAL CIRCULATORS**

Sheet No.	Circulator First Name	Circulator Last Name
154	Justin	Agee
736	Justin	Agee
737	Justin	Agee
738	Justin	Agee
739	Justin	Agee
740	Justin	Agee
741	Justin	Agee
742	Justin	Agee
743	Justin	Agee
744	Justin	Agee
747	Justin	Agee
748	Justin	Agee
749	Justin	Agee
750	Justin	Agee
751	Justin	Agee
767	Justin	Agee
768	Justin	Agee
769	Justin	Agee
770	Justin	Agee
771	Justin	Agee
772	Justin	Agee
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775	Justin	Agee
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778	Justin	Agee
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782	Justin	Agee
783	Justin	Agee
784	Justin	Agee
785	Justin	Agee
786	Justin	Agee
787	Justin	Agee
788	Justin	Agee
789	Justin	Agee
790	Justin	Agee
791	Justin	Agee
792	Justin	Agee
1290	Justin	Agee



Sheet No.	Circulator First Name	Circulator Last Name
1291	Justin	Agee
2660	Justin	Agee
2661	Justin	Agee
2662	Justin	Agee
2681	Justin	Agee
2682	Justin	Agee
2683	Justin	Agee
2684	Justin	Agee
2685	Justin	Agee
2686	Justin	Agee
2687	Justin	Agee
2688	Justin	Agee
2689	Justin	Agee
2690	Justin	Agee
2773	Justin	Agee
2774	Justin	Agee
2775	Justin	Agee
2794	Justin	Agee
2800	Justin	Agee
2801	Justin	Agee
2802	Justin	Agee
2803	Justin	Agee
2804	Justin	Agee
2814	Justin	Agee
2815	Justin	Agee
2816	Justin	Agee
2817	Justin	Agee
91	David	Butler
92	David	Butler
93	David	Butler
94	David	Butler
95	David	Butler
96	David	Butler
97	David	Butler
98	David	Butler
100	David	Butler
101	David	Butler
102	David	Butler
124	David	Butler
128	David	Butler
130	David	Butler
131	David	Butler
132	David	Butler
133	David	Butler
134	David	Butler

Sheet No.	Circulator First Name	Circulator Last Name
135	David	Butler
136	David	Butler
137	David	Butler
138	David	Butler
139	David	Butler
140	David	Butler
141	David	Butler
162	David	Butler
163	David	Butler
164	David	Butler
443	David	Butler
444	David	Butler
515	David	Butler
516	David	Butler
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518	David	Butler
523	David	Butler
524	David	Butler
525	David	Butler
538	David	Butler
539	David	Butler
540	David	Butler
1004	David	Butler
1005	David	Butler
1006	David	Butler
1007	David	Butler
1008	David	Butler
1009	David	Butler
1010	David	Butler
1011	David	Butler
1012	David	Butler
1013	David	Butler
1014	David	Butler
1015	David	Butler
1016	David	Butler
1017	David	Butler
1018	David	Butler
1019	David	Butler
1020	David	Butler
1021	David	Butler
1022	David	Butler
1029	David	Butler
1030	David	Butler
1031	David	Butler
1075	David	Butler

Sheet No.	Circulator First Name	Circulator Last Name
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1090	David	Butler
1091	David	Butler
1092	David	Butler
1093	David	Butler
1567	David	Butler
1568	David	Butler
1569	David	Butler
1570	David	Butler
1571	David	Butler
1572	David	Butler
1573	David	Butler
1581	David	Butler
1582	David	Butler
1583	David	Butler
1584	David	Butler
1585	David	Butler
1586	David	Butler
1587	David	Butler
1589	David	Butler
1590	David	Butler
1591	David	Butler
1592	David	Butler
1593	David	Butler
1594	David	Butler
1595	David	Butler
1596	David	Butler
1597	David	Butler
2015	David	Butler
2016	David	Butler
2017	David	Butler
2018	David	Butler
2019	David	Butler
2032	David	Butler
2033	David	Butler
2042	David	Butler
2043	David	Butler
2044	David	Butler
2045	David	Butler
2046	David	Butler
2047	David	Butler
2049	David	Butler
2050	David	Butler
2064	David	Butler
2065	David	Butler

Sheet No.	Circulator First Name	Circulator Last Name
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2067	David	Butler
2068	David	Butler
2069	David	Butler
2070	David	Butler
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2072	David	Butler
2073	David	Butler
2082	David	Butler
2083	David	Butler
2084	David	Butler
2085	David	Butler
2086	David	Butler
2088	David	Butler
2092	David	Butler
2093	David	Butler
2094	David	Butler
2095	David	Butler
2096	David	Butler
2097	David	Butler
2098	David	Butler
2132	David	Butler
2135	David	Butler
2136	David	Butler
2137	David	Butler
2138	David	Butler
2139	David	Butler
2140	David	Butler
2141	David	Butler
2142	David	Butler
2184	David	Butler
2185	David	Butler
99	Davis	Butter
245	Terrell	Davis
246	Terrell	Davis
247	Terrell	Davis
248	Terrell	Davis
249	Terrell	Davis
250	Terrell	Davis
251	Terrell	Davis
252	Terrell	Davis
253	Terrell	Davis
254	Terrell	Davis
255	Terrell	Davis
256	Terrell	Davis

Sheet No.	Circulator First Name	Circulator Last Name
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319	Terrell	Davis
320	Terrell	Davis
321	Terrell	Davis
322	Terrell	Davis
323	Terrell	Davis
562	Terrell	Davis
563	Terrell	Davis
1044	Terrell	Davis
1045	Terrell	Davis
1046	Terrell	Davis
1047	Terrell	Davis
1048	Terrell	Davis
1055	Terrell	Davis
1056	Terrell	Davis
1057	Terrell	Davis
1058	Terrell	Davis
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1060	Terrell	Davis
1061	Terrell	Davis
1062	Terrell	Davis
1063	Terrell	Davis
1064	Terrell	Davis
1065	Terrell	Davis
1101	Terrell	Davis
1202	Terrell	Davis
2229	Terrell	Davis
2230	Terrell	Davis
2231	Terrell	Davis
2232	Terrell	Davis
2233	Terrell	Davis
2234	Terrell	Davis
2235	Terrell	Davis
2236	Terrell	Davis
2237	Terrell	Davis
2238	Terrell	Davis
2239	Terrell	Davis
2240	Terrell	Davis
2241	Terrell	Davis
2242	Terrell	Davis
2243	Terrell	Davis
2262	Terrell	Davis
2263	Terrell	Davis
2264	Terrell	Davis
2265	Terrell	Davis

Sheet No.	Circulator First Name	Circulator Last Name
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2267	Terrell	Davis
2268	Terrell	Davis
2269	Terrell	Davis
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2275	Terrell	Davis
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3212	Terrell	Davis
3213	Terrell	Davis
3214	Terrell	Davis
3215	Terrell	Davis
3216	Terrell	Davis
3218	Terrell	Davis
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3222	Terrell	Davis
3223	Terrell	Davis
3224	Terrell	Davis
3225	Terrell	Davis
3226	Terrell	Davis
3227	Terrell	Davis
3228	Terrell	Davis
3229	Terrell	Davis
3230	Terrell	Davis
3231	Terrell	Davis
3232	Terrell	Davis
3233	Terrell	Davis
103	Katrina	Johnson
1196	Katrina	Johnson
2976	Katrina	Johnson
2977	Katrina	Johnson
2978	Katrina	Johnson
2979	Katrina	Johnson
2980	Katrina	Johnson
2981	Katrina	Johnson
2982	Katrina	Johnson
2983	Katrina	Johnson

Sheet No.	Circulator First Name	Circulator Last Name
2984	Katrina	Johnson
3076	Katrina	Johnson
3077	Katrina	Johnson
3078	Katrina	Johnson
3079	Katrina	Johnson
1760	Arthur	Jones
1761	Arthur	Jones
1762	Arthur	Jones
1763	Arthur	Jones
1764	Arthur	Jones
1765	Arthur	Jones
1766	Arthur	Jones
1767	Arthur	Jones
1768	Arthur	Jones
1769	Arthur	Jones
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1828	Arthur	Jones
1829	Arthur	Jones
1830	Arthur	Jones
1831	Arthur	Jones
1832	Arthur	Jones
1833	Arthur	Jones
1834	Arthur	Jones
1835	Arthur	Jones
1836	Arthur	Jones
2762	Arthur	Jones
2763	Arthur	Jones
2764	Arthur	Jones
2765	Arthur	Jones
2766	Arthur	Jones
2767	Arthur	Jones
2868	Arthur	Jones
86	Toya	Lashley
402	Toya	Lashley
403	Toya	Lashley
404	Toya	Lashley
405	Toya	Lashley
406	Toya	Lashley
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411	Toya	Lashley
567	Toya	Lashley
568	Toya	Lashley

Sheet No.	Circulator First Name	Circulator Last Name
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570	Toya	Lashley
571	Toya	Lashley
609	Toya	Lashley
622	Toya	Lashley
623	Toya	Lashley
624	Toya	Lashley
625	Toya	Lashley
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627	Toya	Lashley
628	Toya	Lashley
629	Toya	Lashley
636	Toya	Lashley
867	Toya	Lashley
2127	Toya	Lashley
2128	Toya	Lashley
2129	Toya	Lashley
2130	Toya	Lashley
2131	Toya	Lashley
2564	Toya	Lashley
2869	Toya	Lashley
2870	Toya	Lashley
3015	Toya	Lashley
3016	Toya	Lashley
3017	Toya	Lashley
3018	Toya	Lashley
373	Rosemary	Lucas
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378	Rosemary	Lucas
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380	Rosemary	Lucas
381	Rosemary	Lucas
382	Rosemary	Lucas
383	Rosemary	Lucas
384	Rosemary	Lucas
385	Rosemary	Lucas
386	Rosemary	Lucas
387	Rosemary	Lucas
388	Rosemary	Lucas
421	Rosemary	Lucas
422	Rosemary	Lucas
2669	Patrick	Pace
2670	Patrick	Pace
2671	Patrick	Pace

Sheet No.	Circulator First Name	Circulator Last Name
2672	Patrick	Pace
2691	Patrick	Pace
2692	Patrick	Pace
2693	Patrick	Pace
2694	Patrick	Pace
346	Janet	Thurman
347	Janet	Thurman
348	Janet	Thurman
349	Janet	Thurman
350	Janet	Thurman
351	Janet	Thurman
352	Janet	Thurman
353	Janet	Thurman
369	Janet	Thurman
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372	Janet	Thurman
423	Janet	Thurman
424	Janet	Thurman
425	Janet	Thurman
426	Janet	Thurman
427	Janet	Thurman
428	Janet	Thurman
429	Janet	Thurman
430	Janet	Thurman
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1255	Janet	Thurman

Sheet No.	Circulator First Name	Circulator Last Name
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1257	Janet	Thurman
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1262	Janet	Thurman
1263	Janet	Thurman
1264	Janet	Thurman
1265	Janet	Thurman
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1245	Janet	Thurman
1346	Janet	Thurman
1347	Janet	Thurman
1348	Janet	Thurman
1349	Janet	Thurman
1350	Janet	Thurman

Sheet No.	Circulator First Name	Circulator Last Name
1351	Janet	Thurman
1352	Janet	Thurman
1353	Janet	Thurman
1354	Janet	Thurman
1366	Janet	Thurman
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1374	Janet	Thurman
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Sheet No.	Circulator First Name	Circulator Last Name
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1600	Janet	Thurman
1601	Janet	Thurman
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1608	Janet	Thurman
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2077	Janet	Thurman
2078	Janet	Thurman
2079	Janet	Thurman
2080	Janet	Thurman

Sheet No.	Circulator First Name	Circulator Last Name
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2087	Janet	Thurman
2089	Janet	Thurman
2112	Janet	Thurman
2113	Janet	Thurman
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2167	Janet	Thurman
2168	Janet	Thurman
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2347	Janet	Thurman
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2961	Janet	Thurman
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2963	Janet	Thurman
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2969	Janet	Thurman
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2972	Janet	Thurman
2973	Janet	Thurman
2974	Janet	Thurman

Sheet No.	Circulator First Name	Circulator Last Name
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2985	Janet	Thurman
3202	Janet	Thurman
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190	Bernice	Travis
191	Bernice	Travis
192	Bernice	Travis
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654	Bernice	Travis

Sheet No.	Circulator First Name	Circulator Last Name
655	Bernice	Travis
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658	Bernice	Travis
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1562	Bernice	Travis
1563	Bernice	Travis
1564	Bernice	Travis
1565	Bernice	Travis
1566	Bernice	Travis
1574	Bernice	Travis

Sheet No.	Circulator First Name	Circulator Last Name
1575	Bernice	Travis
1576	Bernice	Travis
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2467	Bernice	Travis
2468	Bernice	Travis
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2470	Bernice	Travis
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2472	Bernice	Travis
2473	Bernice	Travis
2475	Bernice	Travis
2476	Bernice	Travis
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2906	Bernice	Travis
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2908	Bernice	Travis
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2911	Bernice	Travis
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2916	Bernice	Travis
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2922	Bernice	Travis
2923	Bernice	Travis
2924	Bernice	Travis
2925	Bernice	Travis
2926	Bernice	Travis
2927	Bernice	Travis
2928	Bernice	Travis
2929	Bernice	Travis
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355	June	Watson
356	June	Watson
357	June	Watson
358	June	Watson
359	June	Watson
360	June	Watson

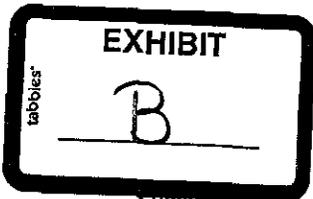
Sheet No.	Circulator First Name	Circulator Last Name
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364	June	Watson
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367	June	Watson
368	June	Watson
389	June	Watson
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391	June	Watson
392	June	Watson
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506	June	Watson
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514	June	Watson
547	June	Watson
630	June	Watson
631	June	Watson
1943	June	Watson
1944	June	Watson

Sheet No.	Circulator First Name	Circulator Last Name
1945	June	Watson
1947	June	Watson
1948	June	Watson
1949	June	Watson
1950	June	Watson
1951	June	Watson
1952	June	Watson
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1954	June	Watson
1955	June	Watson
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1958	June	Watson
1959	June	Watson
1960	June	Watson
1988	June	Watson
1989	June	Watson
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2104	June	Watson
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2106	June	Watson
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2108	June	Watson
2109	June	Watson
2110	June	Watson
2111	June	Watson
2133	June	Watson
2350	June	Watson
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2352	June	Watson
2353	June	Watson

Sheet No.	Circulator First Name	Circulator Last Name
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2355	June	Watson
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2806	June	Watson
2807	June	Watson
2808	June	Watson
2809	June	Watson
2810	June	Watson
2811	June	Watson
2812	June	Watson
2813	june	Watson
blank	June	Watson
292	Antoine	Wilson
293	Antoine	Wilson
294	Antoine	Wilson
295	Antoine	Wilson
296	Antoine	Wilson
297	Antoine	Wilson
298	Antoine	Wilson
299	Antoine	Wilson
300	Antoine	Wilson
301	Antoine	Wilson
302	Antoine	Wilson
456	Antoine	Wilson
470	Antoine	Wilson
471	Antoine	Wilson
472	Antoine	Wilson

Sheet No.	Circulator First Name	Circulator Last Name
473	Antoine	Wilson
479	Antoine	Wilson
480	Antoine	Wilson
481	Antoine	Wilson
482	Antoine	Wilson
483	Antoine	Wilson
484	Antoine	Wilson
485	Antoine	Wilson
486	Antoine	Wilson
487	Antoine	Wilson
488	Antoine	Wilson
502	Antoine	Wilson
503	Antoine	Wilson
504	Antoine	Wilson
505	Antoine	Wilson
508	Antoine	Wilson
509	Antoine	Wilson
510	Antoine	Wilson
1857	Antoine	Wilson
1858	Antoine	Wilson
1859	Antoine	Wilson
1860	Antoine	Wilson
1861	Antoine	Wilson
1862	Antoine	Wilson
1863	Antoine	Wilson
1864	Antoine	Wilson
2228	Antoine	Wilson
2252	Antoine	Wilson
2253	Antoine	Wilson
2254	Antoine	Wilson
2255	Antoine	Wilson
2256	Antoine	Wilson
2257	Antoine	Wilson
2258	Antoine	Wilson
2295	Antoine	Wilson
2296	Antoine	Wilson
2297	Antoine	Wilson
2298	Antoine	Wilson
2299	Antoine	Wilson
2300	Antoine	Wilson
2301	Antoine	Wilson
2302	Antoine	Wilson
2303	Antoine	Wilson
2304	Antoine	Wilson
2305	Antoine	Wilson

Sheet No.	Circulator First Name	Circulator Last Name
2306	Antoine	Wilson
2307	Antoine	Wilson
2308	Antoine	Wilson
2309	Antoine	Wilson
2310	Antoine	Wilson
2311	Antoine	Wilson
2312	Antoine	Wilson
2313	Antoine	Wilson
3205	Antoine	Wilson
3206	Antoine	Wilson



10 ILCS 5/7-10

ATTACH TO PETITION

Suggested
Revised July, 2007
SBE No. P-1

STATEMENT OF CANDIDACY

NAME	ADDRESS-ZIP CODE	OFFICE	DISTRICT	PARTY
Corey Dabney	2580 Needham Ct. Aurora, IL 60503	United States Senator	State of Illinois	Democratic

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

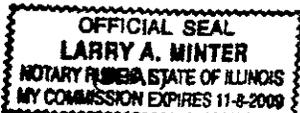
FORMERLY KNOWN AS N/A UNTIL NAME CHANGED ON N/A
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
County of Will) SS.

I, Corey Dabney (Name of Candidate) being first duly sworn (or affirmed), say that I reside at 2580 Needham Ct. in the City Village, Unincorporated Area (circle one) of Aurora (if unincorporated, list municipality that provides postal service) Zip Code 60503, in the County of Will State of Illinois; that I am a qualified voter therein and am a qualified Primary voter of the Democratic Party; that I am a candidate for Nomination ~~Election~~ to the office of United States Senator in the State of Illinois District, to be voted upon at the primary election to be held on February 2, 2010 (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official Democratic Party (Name of Party) Primary ballot for Nomination ~~Election~~ for such office.

(Signature of Candidate)

Signed and sworn to (or affirmed) by Corey Dabney before me, on 11-1-09
(Name of Candidate) (insert month, day, year)



(Notary Public's Signature)

19:38 NOV 2 - 2009
PRINCIPAL OFFICE
STATE BOARD OF ELECTIONS

**BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY
CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION
PAPERS OF CANDIDATES FOR THE OFFICE OF UNITED STATES
SENATOR FROM THE STATE OF ILLINOIS**

Dunaway, et al.	}	
Petitioner-Objectors	}	
	}	
v.	}	No. 10 SOEB GE 507
	}	
Corey Dabney,	}	
Respondent-Candidate	}	

CANDIDATE'S MOTION TO STRIKE OBJECTORS' PETITION

NOW COMES Corey Dabney, hereinafter sometimes referred to as the "Candidate" by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Candidate moves to strike certain portions of Objectors' Petition for various reasons. These portions of the Objectors' Petition do not comply with existing law.
2. Rule 11 of the Rules of Procedure adopted by the Board imposes the burden on the Objector, rather than the Candidate, of the substance of the objections, and that none of the arguments made by Candidate in this Motion to Strike must meet the burden of proof by operation of law; rather, the Objector must meet the burden of proof by operation of law to defend the substance of their objections.
3. Paragraph 13 of Objectors' Petition notes that 8 petitions sheets of Candidate's nominating petition contain duplicate numbers and requests that all of the signatures on each of those 8 sheets should be invalidated. Such a scrivener's error does not justify signature invalidation and there is no authority for Objector's proposition. See *King v. Justice Party*, 284 Ill.App. 3d 886, 672 N.E. 2d 900.

4. Paragraph 14 of Objectors' Petition asserts that Candidate's nominating petitions are invalid in their entirety because Candidate filed a Statement of Candidacy with his nominating petitions for the General Primary Election for the Democratic Party. Objector cites *Cullerton v. DuPage County Officers Electoral Board*, 384 Ill. App. 989, 894 N.E.2d 774 (2nd Dist. 2008) in support of his contention. However, *Cullerton* did not apply to the facts in this case with an independent candidate, not, as in *Cullerton*, a candidate seeking the nomination of a political party after affiliating with a different different political party. The case in *Cullerton* turned on whether Cullerton was a "qualified primary voter" of the party he sought nomination from, pursuant to Section 7-10 of the Election Code. Here, there is no language in the Candidate's Statement of Candidacy as an independent candidate that was at issue in *Cullerton*. Thus, *Cullerton* is of no significance in the instant case and Paragraph 14 should be stricken.

5. Paragraph 15 of Objectors' Petition is similar to Paragraph 14 in that Objector asserts that because Candidate filed a Statement of Candidacy for the General Primary Election for the Democratic Party, his Statement of Candidacy as an independent candidate is false and perjurious, invaliding his nominating petition altogether. Objector cites no authority for this proposition. State law makes clear that the only those candidates who ran *and lost at the primary election* in a party primary are barred from running as an independent candidate.

"A candidate for whom a nomination paper has filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible to be placed on the ballot as an independence candidate for election in that general or consolidated election." 10 ILCS 5/10-3

6. Objector's novel interpretation of state law would delete the phrase "and who is defeated for his or her nomination at the primary election" from Section 10-3 of the Election Code. Such an interpretation is unlawful and the paragraph should be stricken from Objectors' Petition.

7. Paragraph 12 of Objector's Petition includes the names of 12 of Candidate's circulators who purportedly circulated for multiple independent candidates in addition to candidates for a political party. The Petition does not include the name of the political party for whom the 12 circulators purportedly circulated. To the extent any of the 12 named circulators did not, in fact, circulate for another political party but did circulate for another independent candidate, Candidate moves to strike those names, as the "dual-circulation" prohibition of Section 10-4 of the Code does not apply to circulators who circulate for multiple independent candidates. See *McGuire v. Nogaj*, 146 Ill.App. 3d 280, 496 N.E.2d 1037 (4th Dist. 1986).

WHEREFORE, Candidate respectfully requests that Paragraphs 13, 14 and 15 of Objectors' Petition be stricken and, to the extent explained in this motion to strike, Paragraph 12 be stricken.

Respectfully submitted,



Dan Johnson-Weinberger

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dan.johnsonweinberger@gmail.com

**BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS AS
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SENATOR FROM THE STATE OF ILLINOIS**

THOMAS P. DUNAWAY)	
)	
and)	
)	
ELLA WHITE,)	
)	
Petitioners-Objectors,)	
)	
vs.	)	No. 10 SOEB GE 507
)	
COREY DABNEY,)	
)	
Respondent-Candidate)	

RESPONSE TO CANDIDATE’S MOTION TO STRIKE OBJECTOR’S PETITION

Now come Thomas P. Dunaway and Ella White, Petitioners-Objectors (the “Objectors”), by and through their attorney, Michael C. Dorf, and present this Response to Candidate’s Motion to Strike Objector’s Petition (the “Motion”) filed by Corey Dabney, the Respondent-Candidate (the “Candidate”). Objectors have filed a Verified Objector’s Petition (the “Objection”) asserting that the nominating petition filed by the Candidate is insufficient in law and fact. Objectors request that the Motion be denied for the following reasons:

1. **DUPLICATE NUMBERED PETITION SHEETS SHOULD BE STRICKEN:**
In the Objection, Objectors identified 8 pairs of petition sheets which were designated with the same number, and requested that the second of each pair be eliminated as being in violation of the direction in Section 10-4 of the Illinois Election Code (the “Code”) that “the sheets shall then be numbered consecutively” (Objection, ¶13). Candidate moves to strike this paragraph, citing *King v. Justice Party*, 284 Ill.App.3d 886, 672 N.E. 2d 900 (1st Dist. 1996) (Motion, ¶3).

King stands for the proposition that deviations in numbering are not necessarily

fatal to the entire set of nomination papers. It does not say that individual pages may not be stricken for failure to be consecutively numbered. In fact, *King* specifically cites the findings of the Cook County Officers Electoral Board that “no two of the numbered pages bore the same number”, 482 Ill. App. 3d at 888, and it affirmed the action of that Board in “discounting the signatures contained on the 16 unnumbered sheets.” 284 Ill. App. 3d at 890. *King*, therefore, is entirely inapplicable.

Objectors have not requested that the entire petition be invalidated. Nor have they even requested that both sheets of each duplicate numbered pair be invalidated. Instead, they have requested that the second duplicate of each pair be invalidated. The purpose of the consecutive numbering requirement is to guarantee identification and reference to specific pages, and to prevent tampering with the petitions once filed. *Jones v. Dodendorf*, 190 Ill.App.3d 557, 546 N.E.2d 137 (2d Dist. 1989) There is no way to guarantee identification and reference to two pages numbered the same. Objectors’ request meets both the mandatory rule set forth in *Jones*, as well as the substantial compliance rule of *King*. Candidate’s motion to strike Paragraph 13 should be denied.

2. CANDIDATE CANNOT RUN AS AN INDEPENDENT AFTER HAVING FILED A STATEMENT OF CANDIDACY AND VOTED AS A DEMOCRAT. In the Objection, Objectors alleged the uncontested facts that (a) Candidate had filed nomination papers with the Illinois State Board of Elections as a candidate of the Democratic Party for nomination to the office of United States Senator in the Primary Election held on February 2, 2010, (b) filed, as part of such nomination papers, a Statement of Candidacy swearing that he was a qualified Primary voter of the Democratic Party, and (c) requested and voted a Democratic ballot in the Primary Election on February 2, 2010 (Objection, ¶14). Objectors cited *Cullerton v. DuPage County Officers Electoral Board*, 384 Ill.App. 3d 989; 894 N.E.2d 774 (2d Dist. 2008) for the proposition that Candidate is therefore barred from running as an independent candidate or a candidate of another political party in the general election. Candidate denies that *Cullerton*

applies to this fact situation and moves that Paragraph 14 of the Objection be stricken (Motion ¶4).

In *Cullerton*, after no Democratic candidate appeared on the 2008 Democratic primary ballot, the Democratic Party appointed Thomas Cullerton to run as the Democratic nominee for the State Senate from the 23rd Legislative District in the November, 2008 General Election. The Appellate Court ruled that Cullerton was ineligible to be a candidate of the Democratic Party because he had voted in the Republican primary. It is clear that *Cullerton* bars party switching between a primary and the general election. The issue, which Candidate challenges, is whether *Cullerton* applies with equal force to primary voters and candidates who seek to become independent candidates.

Cullerton established a “lock-in rule” providing that, once a person votes in a primary election, that person is “locked” into that party for the ensuing general election. The Court specifically held that because Cullerton voted in the Republican primary “his status was 'locked' as a Republican primary voter.” 894 N.E. 2d at 779-780. The Court also concluded that his status as a Republican was locked “until the next primary.” *Id.* at 779. Accordingly, since Candidate voted in the February 2, 2010 Democratic Primary, he is “locked” into the Democratic Party and is ineligible to run against his own party the same way that Cullerton was precluded from running against his party.

Moreover, Candidate did even more than vote. Candidate filed a sworn Statement of Candidacy attesting to the fact that he was a qualified primary voter of the Democratic Party. The fact that Candidate was removed from the ballot by petition challenge prior to the primary election in no way countermanded his sworn statement or status as a Democrat. If *Cullerton* applies to **voters** seeking candidacy, it certainly applies with even more force to **candidates** seeking new candidacies. As the Illinois Supreme Court stated in *Sperling v. County Officers Electoral Board*, 57 Ill.2d 81, 84, 309 NE2d 589, 591 (1974), “We believe that the standards governing party changes by candidates may and should be more restrictive than those relating to voters generally.”

The lock-in rule serves two purposes, both of which have long been upheld by the U.S. Supreme Court. First, lock-in "protects the direct primary process by refusing to recognize independent candidates who do not make early plans to leave a party and take the alternative course to the ballot." *Storer v. Brown*, 415 U.S. 724, 94 S.Ct.1274 (1974). Moreover, lock-in laws work "against any independent candidacies prompted by short-range political goals, pique, or personal quarrel." 415 U.S. at 735. The State also "may insist that intraparty competition be settled before the general election by primary election or by party convention." *American Party of Texas v. White*, 415 U.S. 767, 94 S.Ct. 1296 (1974). Second, and equally importantly, the lock-in rule also prevents "party raiding" whereby a party would field "an 'independent' candidate to capture and bleed off votes in the general election that might well go to another party." *Storer*, 415 U.S. at 735-736.

Candidate attempted to run for the United States Senate in February, 2010 as a Democrat, for the term beginning on January 3, 2011. He now wants to run for the same office, for the same term, as an independent. Candidate was permitted one bite of the apple. The law is clear that he cannot have two. Candidate's motion to strike Paragraph 14 of the Objection should be denied.

3. CANDIDATE'S CIRCULATORS MAY NOT CIRCULATE FOR HIM AND FOR CANDIDATES OF A POLITICAL PARTY OR INDEPENDENT CANDIDATES FOR THE SAME OFFICE. In the Objection, Objectors specifically identified the petition sheets of circulators who circulated both for Candidate and for candidates of political parties and other independent candidates for the United States Senate, in violation of Section 10-4 of the Code. (Objection, ¶12). Candidate does not contest the applicability of Section 10-4 to circulators who also circulated for candidates of political parties, and therefore concedes the invalidity of those sheets. Candidate does, however, contest the applicability of this rule to dual circulation of independent candidates for the same office, and moves to strike Paragraph 12 of the Objection to the extent it reaches those circulators. (Motion, ¶ 7). In support of this motion, Candidate cites *McGuire v. Nogaj*, 146 Ill.App. 3rd 280, 496 N.E. 2d 1037 (1st Dist. 1986).

McGuire, however, involved the circulation by a single circulator of petitions for two independent candidates each seeking election to the office of alderman of the 18th Ward of Chicago. The Appellate Court's holding, by its terms, limited itself to Chicago aldermanic elections. "The only issue before this court is whether the Election Code...prohibits simultaneous circulation of nominating petitions for independent candidates for the same office in an aldermanic election." 496 N.E. 2d at 1039. However, Chicago aldermanic elections are, by statute, nonpartisan. No political party affiliation is permitted for candidates for Mayor, City Clerk, City Treasurer or Alderman. 65 ILCS 20/21-5, 20/21-12, 20/21-32. Moreover, candidates for alderman are nominated by a petition that must conform to the election and ballot laws concerning the nomination of independent candidates for public office. 65 ILCS 20/21-28. 10 ILCS 5-10-3. That is a very different situation than the instant case, where independents are running not only against other independents, but also against candidates chosen at the February, 2010, primary, as well as candidates of new parties.

In this situation, the role of the circulator can be more severely restricted. As the Seventh Circuit stated, "Circulators engage in personal, often high-pressure solicitation. There is always some potential for deceit; there is also a potential for confusion if a circulator identified as the agent of one party suddenly solicits signatures for another party or an independent candidate. The Court has recognized a difference between personal solicitation and speech that is more abstract...[T]he constitution permits greater regulation of personal solicitation in light of its greater potential to confuse. This too, supports 10-4." *Citizens for John W. Moore Party v. Board of Election Commrs.* 794 F.2d 1254, 1260-61 (7th Cir. 1986) (internal citations omitted). *McGuire* must therefore be limited to its terms. When everyone is an independent, as in the *McGuire* situation, the likelihood of confusion is much less than when only some candidates are. Candidate's motion to strike Paragraph 12 insofar as it applies to dual circulation of independent candidates for the same office should be denied.

WHEREFORE, Objectors Thomas P. Dunaway and Ella White respectfully request that this Board deny the Candidate's Motion to Strike Objector's Petition in its entirety and enter an Order reflecting same.



One of the attorneys for Petitioners-Objectors
Thomas P. Dunaway and Ella White

Michael C. Dorf
Adducci, Dorf, Lechner, Mitchell
and Blankenship, P.C.
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(312) 781-2800
(312) 781-2811 - fax

**BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS AS
THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS
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THOMAS P. DUNAWAY)	
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and)	
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Petitioners-Objectors,)	
)	
vs.)	No. 10 SOEB GE 507
)	
COREY DABNEY,)	
)	
Respondent-Candidate)	

**NOTICE OF RESPONSE TO CANDIDATE'S MOTION TO STRIKE OBJECTOR'S
PETITION**

BY E-MAIL

To: Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
e-mail: dan.johnsonweinberger@gmail.com

Please take notice that we have this day filed a Response to Candidate's Motion to Strike Objector's Petition in accordance with the Rules of Procedure adopted in this proceeding. A copy of the said Response is attached.

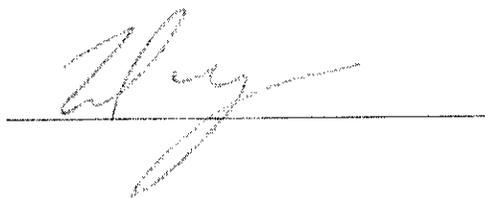
Michael C. Dorf
Adducci, Dorf, Lehner, Mitchell
and Blankenship, P.C.
Attorneys for Objectors
150 N. Michigan Avenue, Suite 2130
Chicago, Illinois 60601
(312) 781-2800
(312) 781-2811 - fax

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby states that he served a copy of the foregoing Response to Candidate's Motion to Strike Objector's Petition upon:

Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
email: dan.johnsonweinberger@gmail.com

by e-mail, on this 14th day of July, 2010.



**BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY
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Dunaway, et al.	}	
Petitioner-Objectors	}	
	}	
v.	}	No. 10 SOEB GE 507
	}	
Corey Dabney,	}	
Respondent-Candidate	}	

**CANDIDATE’S REPLY TO OBJECTORS’ RESPONSE TO
CANDIDATE’S MOTION TO STRIKE OBJECTORS’ PETITION**

NOW COMES Corey Dabney, hereinafter sometimes referred to as the “Candidate” by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Objectors wish to invalidate 8 petition sheets due to 8 scrivener’s errors among the more than 4000 petition sheets filed. These 8 scrivener’s errors involve duplicate pagination.

2. Objectors cite no case where scrivener’s errors in pagination resulted in an electoral board removing petition sheets. Instead, only fact patterns where petition sheets are without any pagination number at all have resulted in the striking of petition sheets. *See Jones v. Dodendorf*, 190 Ill.App.3d 557 (2nd. Dist. 1989). Objectors argue that “[t]here is no way to guarantee identification and reference to two pages numbered the same.”

Objectors' Petition, Page 2. However, it is in fact relatively easy to guarantee identification and reference to two pages numbered the same. The pages in the Objector's Appendix-Recapitulation can be listed consecutively in the same order as the pages in the nominating petitions. In fact, Objectors' Petition itself includes references to both petition sheets with the page number 238 (listing them as 238A and 238B). Clearly, if Objectors can find a "way to guarantee identification and reference to two pages numbered the same" it must be possible to do so. Because there is no authority for the disproportionate remedy requested by Objectors for a mere scrivener's error, Paragraph 13 of Objectors' Petition should be stricken and the petition sheets at issue should not be stricken.

3. Objectors make much of the fact in their Response to Candidate's Motion that the United States Supreme Court has interpreted the First Amendment of the Constitution to permit states to prohibit former candidates of one party from running as an independent in the general election. Response to Candidate's Motion, page 4. Objectors are correct in their constitutional analysis that Illinois law **could** prohibit the practice. However, Illinois law does not. There simply is no language in the Candidate's Statement of Candidacy analogous to the "qualified primary voter" language at issue in *Cullerton*. That case of a potential candidate attempting to earn the nomination of one political party after participating in another party's primary election remains totally inapplicable to the instant case of an independent candidate.

4. Similarly, Objectors cite the Seventh Circuit Court of Appeals for the contention that the First Amendment does not preclude a state from barring a circulator in one primary election from circulating for a new party in *Citizens for John W. Moore Party v. Board of Election Commissioners* 794 F.2d 1254 (7th Cir. 1986). Again, Objectors' constitutional analysis is correct that Illinois law **could** prohibit a citizen from circulating petitions for more than one independent candidate. However, Illinois law does not do so.

WHEREFORE, Candidate respectfully requests that Paragraphs 13, 14 and 15 of Objectors' Petition be stricken in whole and Paragraph 12 of Objectors' Petition be stricken in part.

Respectfully submitted,



Dan Johnson-Weinberger

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Dunaway, et al.	}	
Petitioner-Objectors	}	
v.	}	No. 10 SOEB GE 507
Corey Dabney,	}	
Respondent-Candidate	}	

**CANDIDATE’S REQUEST FOR A 25 HOUR DEADLINE EXTENSION
FOR HIS RULE 9 MOTION SUBMITTAL**

NOW COMES Corey Dabney, hereinafter sometimes referred to as the “Candidate” by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Candidate has submitted approximately 7362 pages of evidence related to approximately 3681 signatures on Candidate’s nominating petitions that were the subject of a staff finding sustaining the objection to the signature due to the signer purportedly not registering at the address shown on the petition.
2. Candidate submitted these pages of evidence no more than 25 hours after the original Rule 9 submission deadline of Monday, August 16th at 5 pm.
3. Rule 9 of the Rules of Procedures reads, in pertinent part,

The parties will be given an opportunity to present all objections to staff findings properly made at the records examination, to the Board or the hearing examiner at the evidentiary hearing on the merits of the objection scheduled by the Board or the hearing examiner. The 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 office no later than 5PM on the third business day following the date of the sending (or giving) of the printout described in the immediately preceding paragraph **unless extended by the hearing officer or Board. If any extension is given** to the candidate or objector to rehabilitate or strike any signature at any time including the final hearing by the Board then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended, even if it means a continuation of the final hearing. (emphasis added)

4. The language of the Rule supports a 25 hour deadline extension in this case. The Rule not only specifically authorizes the hearing officer to extend the Rule 9 submission deadline, it specifically delineates the consequences of extending the deadline to ensure the opposing party is not procedurally harmed. Thus, the language of the Rule contemplates an extension of the deadline by the hearing officer to submit evidence as a relatively common occurrence, since the opposing party's deadline to submit evidence is also extended by rule. Furthermore, the paragraph at issue begins with the most important principle at issue: ensuring that the parties will be given an opportunity present all objections. The Rule could have been constructed to deny the ability of the hearing officer or the Board to grant extensions to the deadline. The Rule could have been constructed to deny the ability to of the hearing officer along to grant an extension and only permit the Board to grant an extension of the deadline (as in Rule 8 related to issuing subpoena powers where only the Board, and not the hearing officer, is given the authority to issue a subpoena). Instead, Rule 9 is constructed to provide the hearing officer relatively broad autonomy to extend the deadline – so long as the same deadline extension is granted to the opposing party.

5. The heavy burden placed on Candidate by state law supports a deadline extension. The Rule 9 deadline submission is not based on the size of the petition. It is, instead, a standard deadline of three business days, regardless of the number of signatures the candidate must evaluate in order to generate relevant evidence. Established party state representative candidates with a requirement of 500 signatures face the same standard deadline of three business days as independent statewide candidates with a requirement of 25,000 signatures. This extreme deviation in the burdens faced by candidates of vastly

different circumstances suggests the reason for the flexibility Rule 9 grants to hearing examiners in tailoring the deadline to the circumstances of each case. In this case, no type of candidate faces a larger burden than a statewide candidate running as an independent, as the 25,000 signature requirement is the largest that the state imposes.

6. Our constitutional structure favors ballot access and protects the rights of citizens and voters. The First Amendment to the Constitution of the United States must color the view of this decision, as the consequences of denying the motion will be to deny a place on the ballot to a federal candidate for office and the tens of thousands of Illinois citizens who have petitioned to have the Candidate appear on the ballot. The Supreme Court is *Norman v. Reed*, 502 U.S. 279 (1992) stated that it “advances the constitutional interest of like-minded voters to gather in pursuit of common political ends, thus enlarging the opportunities of all voters to express their own political preferences.” The state “may not choose means that unnecessarily restrict constitutionally protected liberty.” *Kusper v. Pontikes*, 414 U.S. 51 (1973). The Illinois Supreme Court is “mindful of the need to tread cautiously when construing statutory language which restricts the people’s right to endorse and nominate the candidate of their choice.” *Lucas v. Lakin*, 175 Ill.2d 166 (1997). Here, all the constitutional protections of the First Amendment are granted to the Candidate and to the voters who signed his petition; none are granted to the Objector who enjoys no First Amendment freedom in this case.

7. The burdens placed on each side are severely imbalanced. If the hearing officer denies the request to extend the Rule 9 deadline by 24 hours past the standard deadline, the Candidate will not appear on the ballot. If the hearing officer allows the request to extend the Rule 9 deadline by 24 hours past the standard deadline, the Objector will also receive an additional 24 hours to submit any evidence he wishes to rebut the evidence.

WHEREFORE, Candidate respectfully requests that his request that the hearing officer exercise her established authority under Rule 9 and extend by 25 hours the deadline for receiving evidence to rebut staff findings that, absent the review of submitted evidence,

will have the result of keeping the Candidate off the ballot for federal office and depriving tens of thousands of Illinois citizens their right to nominate a candidate.

Respectfully submitted,



Dan Johnson-Weinberger

Dan Johnson-Weinberger
Attorney for Candidate
Law Office of Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
312.867.5377 (office)
312.794.7064 (fax)
dan.johnsonweinberger@gmail.com

**BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS AS THE
DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF
CANDIDATES FOR NOMINATION TO THE OFFICE OF UNITED STATES SENATOR
FROM THE STATE OF ILLINOIS**

THOMAS P. DUNAWAY)	
)	
and)	
)	
ELLA WHITE,)	
)	
Petitioners-Objectors,)	
)	
vs.	)	No. 10 SOEB GE 507
)	
COREY DABNEY,)	
)	
Respondent-Candidate)	

RESPONSE TO CANDIDATE’S MOTION FOR RULE 9 EXTENSION

During a case management conference held on Wednesday August 18, 2010 in the above referenced matter, Objectors objected to Candidate’s motion for an extension of the three business day deadline set by Rule 9 of the Rules of Procedure Adopted by the State Board of Elections as the Duly Constituted State Officers Electoral Board. Hearing Examiner Barbara Goodman requested that Objectors place their opposition to the motion in writing. Objectors request that the motion to extend be denied for the reasons which follow. Objectors also have further objections to the substance of the material submitted as part of Candidate’s Rule 9 Motion, which will be addressed at the appropriate time, and which are not waived by Objectors.

I. STATEMENT OF FACTS.

1. Pursuant to Rule 9, a Records Registration Examination (the “Examination”) was commenced by the State Board of Elections on Monday, August 2, 2010 at 9:30 AM.
2. Candidate did not avail himself of his right to have watchers at the Examination, instead asserting a blanket objection to all adverse rulings of Board staff.
3. The Examination was concluded on Friday, August 6, 2010.

4. On Friday, August 6, 2010, following the conclusion of the Examination, counsel to Candidate and Objectors were provided by the Board, by email, with an informal tally of objections sustained and overruled.¹

5. By email dated Wednesday, August 11, 2010, 10:21 AM, Hearing Examiner Barbara Goodman submitted the official results of the Examination to counsel.

6. Candidate's counsel requested a clarification of the deadline for Rule 9 submissions of evidence to refute staff findings. By email dated Wednesday August 11, 2010 11:15 AM, Steven Sandvoss, General Counsel to the Board, advised counsel that the deadline was 5PM on Monday, August 16, 2010.

7. By email dated Monday, August 16, 2010 4:45PM, Candidate submitted his Rule 9 Motion. In a series of thirty-two further emails that evening, commencing at 4:48 PM and concluding at 7:22 PM, Candidate submitted attachments to his Rule 9 Motion.

8. Approximately 22 hours later, on Tuesday, August 17, 2010, commencing at 5:39 PM and concluding at 5:48 PM, Candidate submitted an additional six emails with attachments in furtherance of his Rule 9 Motion.

9. In an email dated Tuesday, August 17, 2010 5:56 PM, counsel for Candidate stated that the Tuesday submissions were filed with the Board at 4:30PM that day, acknowledged that the Tuesday submissions were 24 hours after the Rule 9 deadline, and requested a 25 hour extension of the Rule 9 deadline.

II. CANDIDATE HAD AMPLE TIME TO PREPARE HIS RULE 9 SUBMISSION WITHOUT AN EXTENSION OF TIME. At the August 18, 2010 case management conference, counsel for Candidate argued that Hearing Examiner Goodman should, as a matter of fairness, exercise her discretion to extend the Rule 9 deadline. This exercise of discretion is equivalent to a court acting in equity jurisdiction, and accordingly, it is appropriate for the Hearing Examiner also to consider all the surrounding circumstances, including to what extent

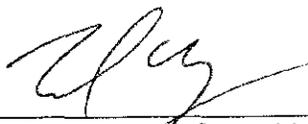
¹All emails referenced in this Statement of Facts, and in the remainder of this brief, were either sent by, or sent to, the Hearing Examiner and/or the General Counsel, and are, accordingly, already in the record.

the Candidate brings "dirty hands" to this request.

Initially, because of the timing of the submission of the official results, Candidate had well beyond the three business days directed by Rule 9. Candidate received the results by 10:30 AM on Wednesday, August 11. Candidate had, therefore, almost all of Wednesday, all of Thursday, all of Friday, all of Saturday, all of Sunday, and until 5 PM on Monday, to prepare his submission. In addition, Candidate had been given preliminary results on Friday, August 6, and could have certainly begun work at that time, which would have given Candidate an additional 4-5 days. Finally, Candidate did not exercise his right to send watchers to the records examination, whereby Candidate would have been able to take notes of sustained objections and begin his Rule 9 preparations. Accordingly, Candidate did not just have three business days to prepare. Candidate had over two calendar weeks, from August 2 through 5 PM August 16, to compile evidence to challenge staff findings. Moreover, since Candidate's submission consists almost entirely of printed screen shots from the Chicago Board of Election Commissioners website, which are available 24 hours per day, Candidate was not limited by office hour constrictions. There is simply no excuse for Candidate's failure to meet the official deadline.

III. CONCLUSION. Candidate has had ample time to prepare his Rule 9 Motion in accordance with the Board's Rules. Nor has he been prejudiced by the three business day rule, since, in actuality, had Candidate chosen to use the time available, Candidate would have had two weeks to prepare his response. Candidate is like the student who cries that the dog ate his homework, because he didn't start his term paper until the night before it was due. This is not a question of constitutional fairness or due process. It is simply a matter of getting your homework done on time. Objectors respectfully request that Candidates motion to extend the deadline be denied, and that all materials transmitted or filed after 5PM on Monday August 16, 2010, be excluded from consideration by the Hearing Examiner and the Board.

Respectfully submitted,



One of the attorneys for Petitioners-Objectors
Thomas P. Dunaway and Ella White

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

Sandvoss, Steve

From: Barbara Goodman [barb@barbgoodmanlaw.com]
Sent: Thursday, August 19, 2010 9:00 AM
To: Mike Dorf; Dan Johnson-Weinberger
Cc: Sandvoss, Steve; Harrington, Bernadette; Greben, Mark
Subject: Dunaway v Dabney

I have reviewed the submissions from both parties relative to the issue of an extension of the Rule 9 deadline. It is my determination that the candidate had ample time to prepare the Rule 9 motion, particularly in light of the fact that there was an intervening weekend between the time the tally sheets were received (Wednesday morning) and the deadline (Monday evening). However, because of the voluminous nature of the e-mail transmission, I will consider everything submitted through Monday night. Anything submitted after Monday night will not be considered.

In light of the foregoing, please advise where the candidate has sufficient evidence to proceed.

Barb Goodman
Hearing Officer

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Barbara B. Goodman
Attorney at Law
400 Skokie Boulevard
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Cell: 847-833-6844
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THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL, COVERED BY AN ATTORNEY-CLIENT PRIVILEGE OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS BY MAIL. THANK YOU.

Sandvoss, Steve

From: Mike Dorf [mdorf@adlmb.com]
Sent: Thursday, August 19, 2010 11:40 AM
To: Barbara Goodman; Dan Johnson-Weinberger
Cc: Sandvoss, Steve; Harrington, Bernadette; Greben, Mark
Subject: RE: Dunaway v Dabney

Hi Everybody:

According to the official results transmitted by the Hearing Examiner on Aug. 11, Candidate had submitted a total of 48,263 signatures. This total included signatures on duplicate numbered pages (see, for example, pages 1472 and 1473, which are shown as having 30 signatures each, as each of the two pages numbered 1472 and each of the two pages numbered 1473 were counted).

The official count shows that 26,302 of Objectors' objections were sustained. Accordingly:

48,263
Minus 26,302
Equal 21,961

This would require Candidate to rehabilitate 3,039 (25,000 – 21,961) signatures to reach the 25,000 signature minimum.

by the end of Monday evening, Candidate had submitted materials attempting to rehabilitate 3,020 signatures. Accordingly, even if all those signatures were rehabilitated, Candidate would only have 24,981 signatures, and be below the minimum. (There is no likelihood of such a success rate, since, as we saw during our phone conference yesterday, at least some of the materials provided from the Chicago Board's website specifically stated that no voters were registered at the addresses listed.)

Objectors would therefore respectfully suggest that the Hearing Examiner can make a ruling, based solely upon the material currently before her in the record, that Candidate has failed to meet the minimum signature requirement.

If the Hearing Examiner prefers that Objectors make a written motion for summary judgment, we will be pleased to comply.

Best regards, Mike

Michael C. Dorf
Adviser, Dorf, Lehner, Mitchell, & Blankenship, P.C.
150 N. Michigan Avenue, Suite 2130
Chicago, IL 60601
(312) 721-2806
(312) 721-2811 - fax
e-mail: mdorf@adlmb.com
www.adlmb.com

From: Barbara Goodman [mailto:barb@barbgoodmanlaw.com]
Sent: Thursday, August 19, 2010 9:00 AM
To: Mike Dorf; Dan Johnson-Weinberger
Cc: Sandvoss, Steve; Harrington, Bernadette; Greben, Mark
Subject: Dunaway v Dabney

I have reviewed the submissions from both parties relative to the issue of an extension of the Rule 9 deadline. It is my determination that the candidate had ample time to prepare the Rule 9 motion, particularly in light of the fact that there was an intervening weekend between the time the tally sheets were received (Wednesday morning) and the deadline (Monday evening). However, because of the voluminous nature of the e-mail transmission, I will consider everything submitted through Monday night. Anything submitted after Monday night will not be considered.

In light of the foregoing, please advise where the candidate has sufficient evidence to proceed.

Barb Goodman
Hearing Officer

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

STEVE NEKIC and)
ANDREW HEFFERMAN)
Petitioner-Objectors,)
)
vs.)
)
COREY DABNEY,)
Respondent-Candidate.)

CHICAGO
JUN 28 PM 4:16
STATE
BOARD OF ELECTIONS

VERIFIED OBJECTORS' PETITION

NOW COMES Steve Nekic, and Andrew Heffernan (hereinafter referred to as the "Objectors") and state as follows:

1. Steve Nekic resides at 2027 W. Berteau Ave., Apt 2, Chicago, Illinois 60618, County of Cook, in 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 an Independent candidate for Election to the Office of United States Senator from 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. Andrew Heffernan resides at 3931 Scoville Ave., Stickney, Illinois, 60402, County Cook, in 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 an Independent candidate for Election to the Office of United States Senator from 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 COREY DABNEY the ("Nomination Papers") as a candidate for United States Senator from the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 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 nominate an independent candidate for statewide 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.
5. Your Objectors state that COREY DABNEY has filed petition signature sheets purportedly containing a total of 48,293 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.
6. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.
7. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT PROPER PERSON OR SIGNATURE NOT GENUINE (A)," 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 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 State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "SIGNER NOT REGISTERED AT THE ADDRESS SHOWN (B)," 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 the said Nomination Papers contain the names of 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 State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT IN DISTRICT (C)," 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 listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER'S ADDRESS IS MISSING OR INCOMPLETE (D)" 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 further state that said Nomination 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 the column designated "SIGNED PETITION TWICE (E)," with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s) as Sh. ____, L. ____, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. Individuals who signed the Nomination Papers and also the nominating petitions of another political party are also set forth in this column.
12. Your Objectors state that said Nomination Papers contain the signatures of various individuals who have voted in the partisan General Primary Election on February 2, 2010, thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2010 General Election, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER VOTED IN 2010 GENERAL PRIMARY ELECTION (F)" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets for a candidate of a political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided.
14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.
15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.
16. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S AFFIDAVIT NOT PROPERLY NOTARIZED" attached hereto and made a part hereof, and as set forth in

the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

17. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.
18. Your Objectors state 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).
19. Your Objector states 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 the petition sheets circulated by at least the following individuals for at least the following reasons:
 - a. Evette White. Ms. White's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. White should be stricken. Ms. White purported to circulate petition sheet nos.: 23, 24, 61, 64, 315, 316, 317, 324, 325, 326, 327, 328, 329, 330, 331, 344, 345, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 885, 889, 890, 901, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 933, 934, 935, 936, 937, 938, 939, 940, 942, 948, 1084, 1085, 1237, 1238, 1239, 1240, 1241, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1412, 1413, 1437, 1438, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1543, 1544, 1545, 1546, 1609, 1610, 1611, 1612, 1709, 1710, 1711, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1826, 1856, 1857, 1865, 1897, 1898, 1899, 1900, 2433, 2439, 2440, 2441, 2442, 2444, 2445, 2446, 2447, 2448, 2455, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497,

2498, 2499, 2500, 2501, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2780, 2780, 2781, 2781, 2782, 2782, 2841, 2903, 2904, 3207, 3208, 3209

b. Sacura Thurman. Ms. Thurman's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Thurman should be stricken. Mr. Thurman purported to circulate petition sheet nos.: 303, 304, 346, 347, 348, 349, 350, 351, 352, 353, 369, 370, 371, 372, 423, 424, 425, 426, 427, 428, 429, 430, 431, 435, 436, 602, 602, 603, 603, 604, 604, 605, 605, 606, 606, 607, 607, 721, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1320, 1321, 1322, 1323, 1324, 1325, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1366, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1383, 1384, 1385, 1386, 1401, 1402, 1403, 1404, 1405, 1411, 1429, 1430, 1431, 1432, 1443, 1444, 1445, 1446, 1447, 1448, 1536, 1537, 1538, 1539, 1541, 1542, 1577, 1578, 1579, 1580, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1613, 1614, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1874, 2020, 2021, 2022, 2023, 2024, 2025, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2088, 2112, 2113, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2345, 2346, 2347, 2402, 2403, 2404, 2405, 2406, 2422, 2423, 2901, 2902, 2930, 2931, 2932, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2987, 2988, 2989, 3105, 3106, 3107, 3109, 3110, 3111

c. Troy Lee. Mr. Lee's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Lee should be stricken. Mr. Lee purported to circulate petition sheet nos.: 745, 746, 805, 806, 807, 808, 809, 810, 811, 829, 830, 831, 832, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 895, 896, 897, 898, 899, 900, 1123, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1533, 1615, 1617, 1618, 1619, 1620, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 2837, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858

- d. Homer Barnes. Mr. Barnes's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Barnes should be stricken. Illinois law requires circulators of petitions to sign a sworn Circulator's Statement that includes the circulator's address. On his sworn Circulator's Statement Homer M. Barnes claims to reside at 6429 S. Ingleside, Chicago, however Mr. Barnes apparently resides at 6246 King Drive, Chicago, where he is registered to Mr. Barnes purported to circulate petition sheet nos.: 84, 85, 107, 108, 109, 110, 111, 599, 635, 715, 715, 716, 716, 717, 717, 718, 719, 720, 722, 723, 724, 725, 726, 727, 728, 843, 844, 868, 1102, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1242, 1292, 1369, 1370, 1371, 2260, 2340, 2341, 2342, 2343, 2344, 2429, 2430, 2996, 2997, 2998, 2999
- e. Bernice Travis. Ms. Travis' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Travis should be stricken. Ms. Travis purported to circulate petition sheet nos.: 189, 190, 191, 192, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 432, 433, 434, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 666, 667, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 701, 702, 702, 703, 703, 704, 704, 705, 705, 706, 706, 707, 707, 708, 708, 709, 709, 710, 711, 711, 712, 712, 713, 713, 714, 714, 729, 1540, 1574, 1575, 2287, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929
- f. June Watson. Ms. Watson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Watson should be stricken. Ms. Watson purported to circulate petition sheet nos.: 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 442, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 457, 459, 460, 461, 506, 507, 512, 513, 514, 630, 631, 1943, 1944, 1945, 1947, 1989, 1990, 1991, 1992, 1993, 2010, 2010, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2089, 2091, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2111, 2133, 2350, 2351, 2352, 2353, 2354, 2355, 2679, 2680, 2706, 2706, 2707, 2707, 2737, 2737, 2738,

2738, 2739, 2739, 2740, 2740, 2741, 2741, 2742, 2742, 2743, 2743, 2744, 2744, 2745, 2745, 2748, 2748, 2749, 2749, 2750, 2750, 2751, 2751, 2752, 2752, 2805, 2806, 2807, 2808, 2809, 2811, 2812

- g. Diana Haynes. Ms. Haynes' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Haynes should be stricken. Ms. Haynes' purported to circulate petition sheet nos.: 4, 5, 6, 126, 127, 168, 1073
- h. Andrew Sabal (sometimes just "Andrew S"). Sabal's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Sabal should be stricken. Mr. Sabal (or "Andrew S") purported to circulate petition sheet nos.: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 35, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1884, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3027, 3028, 3029, 3030, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184
- i. Aaron Timms. Mr. Timms' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Timms should be stricken. Mr. Timm purported to circulate petition sheet nos.: 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 52, 53, 54, 55, 56, 57, 58, 59, 1002, 1003, 1032, 1094, 1095, 1096, 1097, 1098, 1099, 1100
- j. Rory Adams. Mr. Adam's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Adams should be stricken. Mr. Adams purported to circulate petition sheet nos.: 688, 689, 690, 1358, 1359, 1781, 2349, 2407, 2408, 2409, 2410, 2411, 2413, 3185, 3186, 3187, 3188
- k. Illinois law requires circulators of petitions to sign a sworn Circulator's Statement that includes the circulator's address. On his sworn Circulator's Statement, Mr. Troy claims to reside at an address different from that where he is registered to vote. It is well established that a circulator must provide his or her

address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his residence address, Mr. Lee has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated.

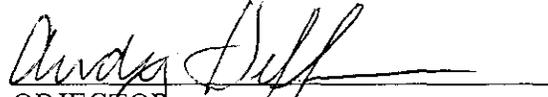
- l. Illinois law requires circulators of petitions to sign a sworn Circulator's Statement that includes the circulator's address. On his sworn Circulator's Statement, Troy Lee claims to reside at 4958 S. Justine, Chicago, however Mr. Lee apparently resides at 6601 S. Ellis, Chicago, where he is registered to vote.
 - m. Illinois law requires circulators of petitions to sign a sworn Circulator's Statement that includes the circulator's address. On her sworn Circulator's Statement, Sacura Thurman, claims to reside at 5518 S. Winchester, Chicago, however Mr. Thurman apparently resides at 538 W. 538 Place, Chicago, where she is registered to vote.
 - n. Illinois law requires circulators of petitions to sign a sworn Circulator's Statement that includes the circulator's address. On her sworn Circulator's Statement, June Watson, claims to reside at 12031 S. Harvard, Chicago, however Ms. Watson apparently resides at 6639 S. Laflin, Chicago, where she is registered to vote.
 - o. Illinois law prohibits individuals from circulating petitions for both a political party, or putative political party, and an independent candidate, or two independent candidates for the same office. June Watson who claims to reside at 6639 S. Laflin, Chicago circulated petitions for US Senate Candidate Willie Boyd and Corey Dabney. All said petition sheets must be stricken.
 - p. Illinois law prohibits individuals from circulating petitions for both a political party, or putative political party, and an independent candidate, or two independent candidates for the same office. Bernice E Travis, who resides at 7420 N. Winchester, Chicago, circulated petitions for US Senate Candidate Willie Boyd, at page number 565, and numerous petition sheets for Corey Dabney. Ms. Travis also circulated petitions for the Libertarian Party. All said petition sheets must be stricken.
20. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of approximately 48,293 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by at least 36,787, thereby reducing the number of valid signatures submitted to 11,506, or 13,494 below the statutory minimum of 25,000. Moreover,

invalidation of the sheets submitted by the circulators listed above further reduces the number of valid signatures presented by COREY DABNEY, as an independent candidate for the United States Senate from the State of Illinois, below the minimum number required by law.

21. 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 COREY DABNEY as a candidate for election to the office of 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 and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of COREY DABNEY as an Independent candidate for the office of United States Senator for the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 2, 2010.

Respectfully submitted,



OBJECTOR
Andrew Heffernan



OBJECTOR
Steve Nekić

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
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fogartyjr@gmail.com

Brien Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

VERIFICATION

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

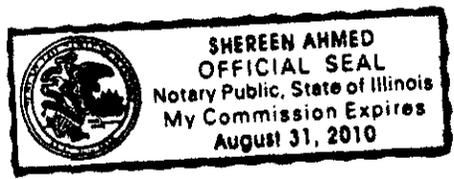
Andy Heffernan
OBJECTOR
Andrew Heffernan
3931 Scoville Avenue
Stickney, Illinois, 60402-4154

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Andrew Heffernan, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC

My Commission expires: 8/31/10



VERIFICATION

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

Steve Neki

OBJECTOR
Steve Neki
2027 W. Berteau Avenue, #2
Chicago, Illinois, 60618

County of Cook)
) ss.
State of Illinois)

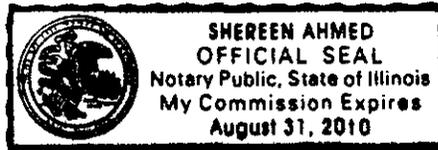
Subscribed to and Sworn before me, a Notary Public, by Steve Neki, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

Sheren Ahmed

(SEAL)

NOTARY PUBLIC

My Commission expires: 8/31/10



**BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY
CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION
PAPERS OF CANDIDATES FOR THE OFFICE OF UNITED STATES
SENATOR FROM THE STATE OF ILLINOIS**

Nekic, et al.	}	
Petitioner-Objectors	}	
	}	
v.	}	No. 10 SOEB GE 569
	}	
Corey Dabney,	}	
Respondent-Candidate	}	

CANDIDATE’S MOTION TO STRIKE OBJECTORS’ PETITION

NOW COMES Corey Dabney, hereinafter sometimes referred to as the “Candidate” by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Candidate moves to strike certain portions of Objectors’ Petition for various reasons. These portions of the Objectors’ Petition do not comply with existing law.

2. Rule 11 of the Rules of Procedure adopted by the Board imposes the burden on the Objector, rather than the Candidate, of the substance of the objections, and that none of the arguments made by Candidate in this Motion to Strike must meet the burden of proof by operation of law; rather, the Objectors must meet the burden of proof by operation of law to defend the substance of their objections.

3. Subparagraphs k, l, m and n of Paragraph 19 of Objectors’ Petition requests to strike all of the petition sheets circulated by Troy Lee, Sacura Thurman and June Watson because the residence addresses listed by those circulators on the petition sheets are purportedly not the same as the addresses where they are purportedly registered to vote. Even if true, the fact that a circulator may have a different residence address than the

address on file is not sufficient proof that the circulators used a fraudulent residence address. There is no statutory requirement that a circulator be a registered voter. Thus, without further evidence, subsections k, l, m and n should be stricken and the sheets should be counted, as the circulators have complied with the Election Code and listed their residence address.

4. Subparagraph o of Paragraph 19 of Objectors' Petition seeks to strike all the sheets circulated by June Watson because she circulated petitions for both Willie Boyd and Corey Dabney. Both Boyd and Dabney are independent candidates for the United States Senate. Candidate moves to strike subparagraph o of Paragraph 19, as the "dual-circulation" prohibition of Section 10-4 of the Code does not apply to circulators who circulate for multiple independent candidates. See *McGuire v. Nogaj*, 146 Ill.App. 3d 280, 496 N.E.2d 1037 (4th Dist. 1986).

WHEREFORE, Candidate respectfully requests that subparagraphs k, l, m, n and o of Paragraph 19 of Objectors' Petition be stricken.

Respectfully submitted,



Dan Johnson-Weinberger

Dan Johnson-Weinberger
Attorney for Candidate
Law Office of Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
312.867.5377 (office)
312.794.7064 (fax)
dan.johnsonweinberger@gmail.com

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

**STEVE NEKIC and)
ANDREW HEFFERMAN)
Petitioner-Objectors,)
) 10 SOEB GE 569
vs.)
)
COREY DABNEY,)
Respondent-Candidate.)**

**OBJECTORS' MOTION FOR SUMMARY JUDGMENT AS TO PETITIONS
CIRCULATED BY BERNICE TRAVIS**

Now come Andrew Hefferman and Steve Nekic (hereinafter referred to as the "Objectors"), and for their Motion for Summary Judgment as to the nominating petitions circulated by Bernice Travis, state as follows:

1. The Candidate herein has submitted nominating petitions in order to appear as an Independent candidate for United States Senator for Illinois on the November 2, 2010 general Election ballot.

2. Bernice Travis, of 7420 N. Winchester Avenue, Chicago, Illinois, 60626, has circulated a number of the nominating petitions submitted by the Candidate. In fact, Ms. Travis is listed as the circulator on at least page nos.: 189, 190, 191, 192, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, (one unnumbered page), 233, 234, 235, 236, 237, 238, 239, 240, 241, 432, 433, 434, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 666, 667, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 729, 1540, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1574, 1575, 1576, 2287, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2475, 2476, 2477, 2905, 2906, 2907, 2908, 2909, 2910,

2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929 (another unnumbered page). Said petition sheets purport to contain a total of 1977 signatures. A true and correct copy of the petitions circulated by Ms. Travis are attached hereto as Exhibit A (Parts 1, 2, and 3).

3. Ms. Travis also, however, has simultaneously circulated nominating petitions for the candidates of a purported new political party in the State of Illinois, the Libertarian Party. Said petitions would seek to nominate a candidate of that new party for election to the Office of United States Senator for the State of Illinois. A true and correct copy of a few of the nominating petitions circulated by Ms. Travis for the Libertarian Party are attached hereto as Exhibit B.

4. The Election Code prohibits an individual from circulating nominating petitions for an independent candidate for United States Senate and a candidate of a political party for that same office in the same election cycle. *See, e.g., Schober v. Young*, 322 Ill.App.3d 996, 751 N.E.2d 610 (4th Dist. 2001). Section 10-4 of the Election Code plainly states, in pertinent part:

"Provided, further, 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."

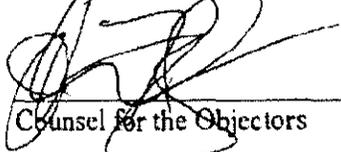
10 ILCS 5/10-4 (emphasis added)

5. As such, and as referenced in Paragraphs 19(p) of the Objectors' Petition, the petitions circulated by Ms. Travis on behalf of the Candidate herein have been submitted in contravention of the Election Code, and therefore each such sheet should be found to be invalid, and stricken.

6. Because there exists no genuine issue of material fact as to the petitions circulated by Ms. Travis, and the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the petition sheets circulated by Ms. Travis is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the petitions submitted by Bernice Travis be granted, that the aforesaid petition sheets be therefore stricken, and that no signature from any of such sheets be counted in favor of the Candidate herein.

Respectfully submitted,



Counsel for the Objectors

John G. Fogarty, Jr.
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4043 N. Ravenswood, Suite 226
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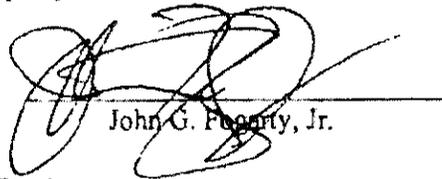
**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
INDEPENDENT CANDIDATES FOR THE OFFICE OF UNITED STATES SENATOR
FOR THE STATE OF ILLINOIS**

STEVE NEKIC and)
ANDREW HEFFERMAN)
Petitioner-Objectors,)
vs.) 10 SOEB GE 569
COREY DABNEY,)
Respondent-Candidate.)

NOTICE OF FILING AND SERVICE

To: Barb Goodman, by email to barb@barbgoodmanlaw.com
Dan Johnson-Weinberger, by email to dan.johnsonweinberger@gmail.com
State Board of Elections by fax to 312-814-6485

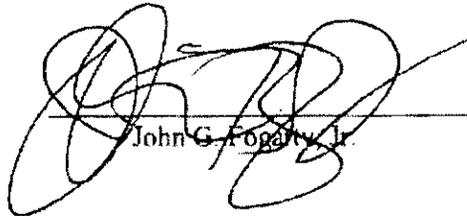
Please take notice that on July 27, 2010, prior to 5:00 P.M., the undersigned faxed and e-mailed to the individuals listed above the Objectors' Motion for Partial Summary Judgment, a copy of which is attached hereto and now served upon you.



John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached Motion on the above persons by e-mail and facsimile transmission to them at the above numbers prior to 5:00 p.m. on July 27, 2010.



John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

EXHIBIT A (Part 1)

UNITED STATES SENATE INDEPENDENT PETITION

We, the undersigned, qualified voters of the State of Illinois, do hereby petition that the following named person shall be an independent candidate for election to the United States Senate to be voted for at the General Election to be held on the 2nd day of November, 2010.

Name	Office	Address	District
COREY DABNEY	UNITED STATES SENATOR	2580 Needham Court, Aurora, Illinois, 60503	State of Illinois

Name (Signature)	Printed Name	Street Address or RR Number	City, Town, Village	County, State
<i>[Signature]</i>	Doris Parker	6215 S. Greenwood	Chicago	COOK, IL
<i>[Signature]</i>	Armande Shaefer	6543 S. Lakeside	Chicago	COOK, IL
<i>[Signature]</i>	Kim Wilson	5800 S. Michigan	Chicago	COOK, IL
<i>[Signature]</i>	Bonnie Anderson	6528 S. University	Chicago	COOK, IL
<i>[Signature]</i>	Catherine Bonds	6434 S. University	Chicago	COOK, IL
<i>[Signature]</i>	Michael Sims	6426 S. Greenwood	Chicago	COOK, IL
<i>[Signature]</i>	Rashawn Coleman	6606 S. Evans	Chicago	COOK, IL
<i>[Signature]</i>	Rashawn Wilkerson	5810 S. Union	Chicago	COOK, IL
<i>[Signature]</i>	Zytristan Dowe	6818 Union	Chicago	COOK, IL
<i>[Signature]</i>	Velma Taylor	5432 S. Aberdeen	Chicago	COOK, IL
<i>[Signature]</i>	Shantel Spore	3925 W. Jackson	Chicago	COOK, IL
<i>[Signature]</i>	Donald Childs	6625 S. Sangamon	Chicago	COOK, IL
<i>[Signature]</i>	Jasmine Burnett	6119 S. Indiana	Chicago	COOK, IL
<i>[Signature]</i>	Patricia Thomas	911 W. 68th Street	Chicago	COOK, IL
<i>[Signature]</i>	YNETTA BENT	6805 S. Union	Chicago	COOK, IL

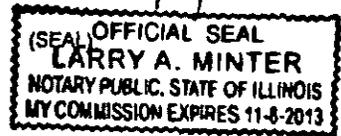
State of Illinois)
County of COOK) SS.

I, Bernice Travis, do hereby certify that I reside at 1420 W. Winchester Ave in the City/Town/Village [circle one] of Chicago, IL, County of COOK, State of IL, Zip Code 60626, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition, qualified voters of the State of Illinois, and that their respective residences are correctly stated as set forth above. Bernice Travis

Signature of Circulator

Signed and Sworn to before me, a Notary Public, by above circulator, this 5 day of May, 2010.

[Signature]
Signature of Notary Public



**BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY
CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION
PAPERS OF CANDIDATES FOR THE OFFICE OF UNITED STATES
SENATOR FROM THE STATE OF ILLINOIS**

Nekic, et al.	}	
Petitioner-Objectors	}	
	}	
v.	}	No. 10 SOEB GE 569
	}	
Corey Dabney,	}	
Respondent-Candidate	}	

**CANDIDATE'S RESPONSE TO OBJECTORS' PARTIAL MOTION
FOR SUMMARY JUDGMENT**

NOW COMES Corey Dabney, hereinafter sometimes referred to as the "Candidate" by and through his attorney Dan Johnson-Weinberger and states as follows:

1. Candidate concedes that the Election Code prohibits circulators from circulating for a candidate of a political party and of an independent, as alleged by Objector.
2. Candidate notes that Section 10-8 of the Election Code requires objectors' petitions to "state fully the nature of the objections" in the objectors' petition 10 ILCS 5/10-8 and that Chicago Board of Election Commissioner cases have interpreted the statute to require objectors' petitions to contain an appendix-recapitulation that identify specific petition sheets with specific defects therein. Delay v. Simms-Johnson, 00-EB-WC-12, CBEC, January 28, 2000; Coleman v. Ross, 00-EB-WC-023, CBEC, January 20, 2000; Ligas v. Martinez, 95-EB-ALD-134, CBEC, January 17, 1995; Whitehead v. Hodges, 91-EB-ALD-047, January 16, 1991.

3. Here, the same interpretation of Section 10-8's "state fully" provision requires the objectors' petition to specifically delineate which petition sheets have been circulated by a circulator of another political party. The purpose of requiring an appendix-recapitulation to delineate the sheets with the specific defects or irregularities also logically requires in this case that the appendix-recapitulation be used to specifically identify the sheets with an alleged defect.

WHEREFORE, Candidate respectfully requests that only those sheets specifically listed in the appendix-recapitulation as containing the particular defect raised in the objectors' motion for partial summary judgment be granted.

Respectfully submitted,



Dan Johnson-Weinberger

Dan Johnson-Weinberger
Attorney for Candidate
Law Office of Dan Johnson-Weinberger
111 West Washington, Suite 1920
Chicago, Illinois 60602
312.867.5377 (office)
312.794.7064 (fax)
dan.johnsonweinberger@gmail.com

**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**

Andrew Heffernan)
Petitioner-Objector,)
)
vs.)
)
ANDY MARTIN,)
)
Respondent-Candidate.)

STATE
BOARD OF ELECTIONS

JUN 28 PM 4: 08

CHICAGO

VERIFIED OBJECTOR'S PETITION

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

1. Andrew Heffernan resides at 3931 Scoville Avenue, Stickney, Illinois, 60402-4154, in the County of Cook, in 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 petition 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 petitions of the purported new political party known as the Illinois Reform Party and the nomination papers of ANDY MARTIN ("the Nomination Papers") as the candidate of said party for United States Senator for the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that it is the law of the State of Illinois that "any group of persons hereafter desiring to form a new political party throughout the State" shall file with the State Board of Elections a petition, and that said petition "shall declare as concisely as may be the intention of the signers thereof to form such new political party in the State," and that said petition "shall at the time of filing contain a complete list of candidates of such party for all offices to be filled in the State," at the next ensuing election then to be held. 10 ILCS 5/10-2.

4. Your Objector states that candidate Andy Martin filed nominating petitions with the State Board of Elections purporting to create a new political party called the "Illinois Reform Party" and that said nominating petitions are defective at law in that they fail to contain a complete list of candidates for all offices to be filled in the State of Illinois at the next ensuing election to be held.

5. Your Objector states that in fact, the "Illinois Reform Party" apparently seeks to become a new political party in the State of Illinois, but has only nominated a candidate for United States Senator, and not any candidate for any other statewide office, in violation of the Election Code.

6. Your Objector further states that in the State of Illinois a candidate for whom nomination papers have been filed as a partisan candidate at a primary election, and who is defeated at the primary election, is ineligible for nomination as a candidate of a new political party for election in that general election, or to be listed on the ballot in that general election as an independent candidate. 10 ILCS 5/10-2.

7. Your Objector states that Andy Martin filed nomination papers with the State Board of Elections and was in fact a Republican candidate for United States Senate for the State of Illinois in the Republican primary election held February 2, 2010. Your Objectors further state that Andy Martin was defeated in the Republican primary election held, February 2, 2010, and is therefore ineligible for nomination as either a candidate for a new political party, or as an independent candidate.

8. Your Objector further 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.

9. Your Objector states that the Candidate has filed one (1) petition signature sheet containing a total of one (1) signature of an allegedly duly qualified, legal, and registered voter of the State of Illinois.

10. Your Objector states that, on their face, the Nomination Papers do not contain enough valid signatures to permit Andy Martin to be a Candidate for Election to the Office of United States Senator for the State of Illinois to be voted upon at the General Election to be held on November 2, 2010.

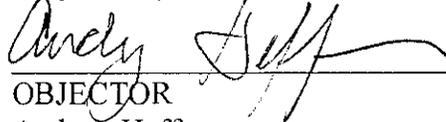
11. Your Objector states that the laws of the State of Illinois prohibit individuals who circulated petitions for partisan candidates in the primary election from circulating petitions for independent parties, or candidates, in the general election.

12. Your Objector states that said nominating papers contain one petition sheet containing the name of one circulator, Andy Martin, who circulated petition sheets for a candidate of a political party in violation of the Election Code.

13. 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 Illinois Reform Party and their purported candidate for statewide office in the State of Illinois, Andy Martin 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 Illinois Reform Party not qualify as a new political party at the 2010 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 Illinois Reform Party shall not qualify as a new political party, and that the name of Andy Martin for United States Senate as Candidate of the Illinois Reform Party for election to that said office in the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 2, 2010.

Respectfully submitted,



OBJECTOR

Andrew Heffernan

3931 Scoville Avenue

Stickney, Illinois, 60402-4154

John Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)

Brien J. Sheahan
Law Office of Brien J. Sheahan, Ltd.
5 Saint Regis Court
Elmhurst, Illinois 60126
(630) 728-4641 (mobile)
(866) 796-5676 (fax)

VERIFICATION

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

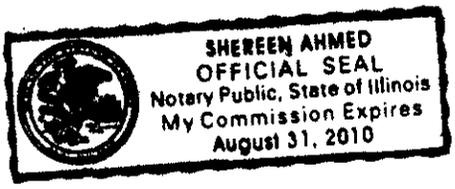
Andy Heff
OBJECTOR
Andrew Heffernan
3931 Scoville Avenue
Stickney, Illinois, 60402-4154

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Andrew Heffernan, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC

My Commission expires: 8/31/10



**BEFORE THE STATE BOARD OF ELECTIONS
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO CERTIFICATES OF NOMINATION AND NOMINATION PAPERS
OF CANDIDATES FOR THE NOVEMBER 2, 2010
GENERAL ELECTION
STATE OFFICERS ELECTORAL BOARD**

STATE BOARD OF ELECTIONS
JUN 28 PM 4: 05

CHICAGO

In the Matter of:)	
ROBERT I. SHERMAN,)	
Petitioner-Objector,)	
v.	)	No. 10 SOEB
ANDY MARTIN,)	
Respondent-Candidate for United States Senator)	

OBJECTIONS OF ROBERT I. SHERMAN TO THE NOMINATION PAPERS OF ANDY MARTIN, CANDIDATE FOR THE OFFICE OF UNITED STATES SENATOR FROM THE STATE OF ILLINOIS, TO BE VOTED UPON AT THE GENERAL ELECTION TO BE HELD ON THE SECOND DAY OF NOVEMBER, 2010

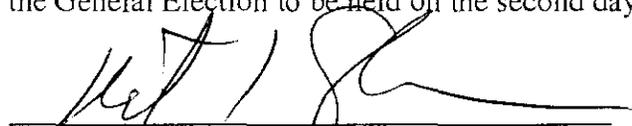
Robert I. Sherman, residing and registered to vote at 778 Stonebridge Lane, P.O. Box 7410, Buffalo Grove, Illinois 60089, County of Cook, State of Illinois (hereinafter referred to as "Objector") states that the Objector's address is as stated, that the Objector is a legal voter in the State of Illinois and that the Objector's interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the Office of United States Senator from the State of Illinois to be voted upon at the General Election to be held on the second day of November, 2010, are properly complied with, makes the following objections to the nomination papers of Andy Martin as a candidate for the Office of United States Senator from the State of Illinois to be voted upon at the General Election to be held on the second day of November, 2010 (hereinafter referred to as the "Nomination Papers").

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

- (1) On information and belief, the Nomination Papers filed by the Respondent-Candidate, Andy Martin (hereinafter, "Martin") are styled to present Martin as a candidate of a new political party, i.e., the "Illinois Reform Party".
- (2) 10 ILCS 5/10 et. seq requires that a new party must submit a full slate of candidates (i.e., U.S. Senator, Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer). Upon information and belief, no other candidates have been presented for nomination by the Illinois Reform Party, thereby rendering the Nomination Papers of Andy Martin for United States Senator from the State of Illinois insufficient as a matter of law.
- (3) On information and belief, Martin ran in the February 2, 2010 primary election as a Republican Party candidate for United States Senator; further, he was defeated for

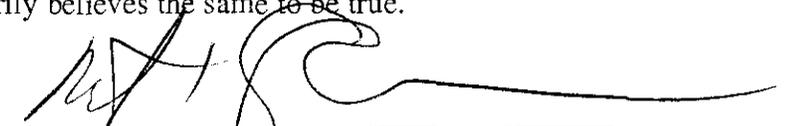
the nomination at said election. On this basis, he is estopped from running again in the current election cycle. 10 ILCS 5/7-61; 10 ILCS 10/3; 10 ILCS 17-16.1; 10 ILCS 18-9.1.

WHEREFORE, the Objector, Robert I. Sherman, requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official voter registration records relating to voters of the State of Illinois (to the extent that such examination is pertinent to any of the matters alleged herein), a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Andy Martin and/or the Illinois Reform Party **shall not appear** on the ballot for the Office of United States Senator from the State of Illinois to be voted upon at the General Election to be held on the second day of November, 2010.


ROBERT I. SHERMAN, Petitioner-Objector

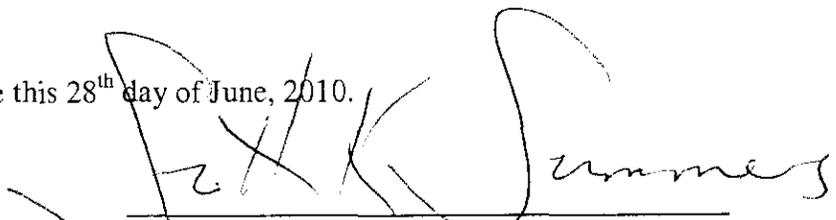
VERIFICATION

Under penalties provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


ROBERT I. SHERMAN

COUNTY OF Cook)
STATE OF ILLINOIS)

Subscribed and sworn to before me this 28th day of June, 2010.


NOTARY PUBLIC

Andrew Finko, Attorney for Robert I. Sherman, Petitioner-Objector
PO Box 2249
Chicago, IL 60690-2249
Voice: 773-480-0616
Fax: 773-453-3266



BEFORE THE STATE BOARD OF ELECTIONS
AS THE DULY CONSTITUTED ELECTORAL BOARD

In the Matter of:)	
ROBERT I. SHERMAN,)	
	)	Petitioner-Objector,
v.	)	No. 10 SOEB GE 565
ANDY MARTIN,)	
	)	Respondent-Candidate

OBJECTOR'S MOTION FOR SUMMARY JUDGMENT

Now comes Objector, Robert I. Sherman, through counsel, and files his motion for summary judgment on Objector's Petition, and that Objector's petition be sustained for the following reasons.

1. Objector's petition identifies two fatal defects in the nominating papers filed by Candidate, Andy Martin ("Candidate"), namely that a slate of candidates were not identified and that Andy Martin is improperly running contrary to the sore loser provisions of the Election Code.

2. In addition, the record confirms that fewer than 25,000 signatures from duly registered voters were submitted by Candidate.

3. The Illinois Election Code requires that a candidate for a new political party submit a petition signed by 25,000 voters or one percent of the number of voters at the last preceding general election, whichever is less. 10 ILCS 5/10-2.

4. Petitions for the creation of a new political party must contain a complete list of the party's candidates for all offices to be filled in the ensuing election. 10 ILCS 5/10-2. The full-slate requirement has been upheld in the face of constitutional challenge, and the failure to comply will result in the removal of candidates who are not part of the full slate. *Green Party v. Henrichs*, 355 Ill.App.3d 445, 822 N.E.2d 910, 291 Ill.Dec. 35 (3d Dist. 2005).

5. A defeated candidate may not act as a sore loser by seeking election to the same office at the same election by alternative means. The Election Code (10 ILCS 5/10-2) provides:

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible for nomination as a candidate of a new political party for election in that general election.

6. The official record establishes uncontested facts that Candidate submitted nominating papers for the Republican Party primary on February 2, 2010, lost in the primary election, and submitted insufficient and deficient nominating papers as a candidate of the new "Illinois Reform Party," which as a matter of law, render Candidate's nominating papers insufficient in law and fact.

WHEREFORE, Objector, through counsel, requests entry of summary judgment and entry of the relief requested in the Objector's Petition, and specifically, a ruling that Candidate's Nomination Papers are insufficient in law and fact, and a ruling that the name of Andy Martin shall not appear on the ballot for the US Senator from the State of Illinois to be voted upon at the General Election to be held on November 2, 2010.

Respectfully submitted:
OBJECTOR, ROBERT I. SHERMAN

By: _____ /s/_____
Andrew Finko, Objector's attorney

Andrew Finko
PO Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266
Green.Attorney@yahoo.com

BEFORE THE STATE BOARD OF ELECTIONS
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO CERTIFICATES OF NOMINATION AND NOMINATION PAPERS
OF CANDIDATES FOR THE NOVEMBER 2, 2010 GENERAL ELECTION

In the Matter of:)
ROBERT I. SHERMAN,)
Petitioner-Objector,)
v.) No. 10 SOEB GE 565
ANDY MARTIN,)
Respondent-Candidate)

NOTICE OF FILING

To: Andy Martin (VIA FRIST CLASS MAIL)
30 E. Huron St., Suite 4406, Chicago, IL 60611

Hearing Officer Philip Krasny VIA EMAIL TO: PhilipKrasny@yahoo.com
c/o: State Board of Elections
100 W. Randolph St. / Suite 14-100, Chicago, IL 60601

Illinois State Bd. of Elections c/o: Steve Sandvoss VIA FAX TO: (217) 782-5959
1020 S. Spring St., Springfield, IL 62704

Please take notice that on July 9, 2010, the undersigned caused to be filed with the Illinois State Board of Elections the Objector's Motion for Summary Judgment, a copy of which is attached hereto and served upon you.

_____/s/
Andrew Finko

Certificate of Service

The undersigned, an attorney, certifies that he caused a copy of the foregoing Notice and referenced documents to be served upon the above-identified individuals via email or facsimile, to the email addresses and fax number shown above, on July 9, 2010, at or before 5:00 pm.

_____/s/
Andrew Finko

Andrew Finko
Attorney for Objector
PO Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266
Green.Attorney@yahoo.com

BEFORE THE STATE BOARD OF ELECTIONS
AS THE DULY CONSTITUTED ELECTORAL BOARD

In the Matter of:)	
ROBERT I. SHERMAN,)	
)	
Petitioner-Objector,)	
	)	No. 10 SOEB GE 565
v.)	
ANDY MARTIN,)	
)	
Respondent-Candidate)	

**OBJECTOR'S REPLY IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT**

Now comes Objector, Robert I. Sherman, through counsel, and files his reply in support of his motion for summary judgment on Objector's Petition, and requests that Objector's petition be sustained for the following reasons.

1. Candidate, Andy Martin (born Anthony Robert Martin-Trigona), was notified and had actual knowledge of the Objector's Petition within two days after it was filed, as confirmed by a letter delivered by next day delivery directly to the Objector.

2. Candidate is quite well-versed in the law and legal procedures, and cannot claim either ignorance of the law or this proceeding. Candidate is very proud of using the initials "J.D." following his name, in recognition of a law degree that he obtained from the University of Illinois in Champaign, Illinois, a top-rated law school. In addition, Candidate has apparently some financial means bequeathed to him by his parents, Ralph and Helen Trigona-Martin, that he has used to repeatedly waste taxpayer resources by filing hundreds of lawsuits that not only burden the court systems, waste judicial resources, but those of litigants that were forced to defend against frivolous allegations. Please see Wikipedia entry attached as Exhibit A, and New York Times article attached as Exhibit B.

3. Candidate was also notified by email and First Class US Postal Service mail about the hearing date set by the duly appointed hearing officer of July 26, 2010 at 10:00 am at 100 W. Randolph Street, 14th Floor, Chicago, Illinois. See email from Candidate attached as Exhibit C.

4. Nonetheless, despite Candidate's well-documented and infamously litigious history, Candidate has voluntarily chosen to disregard the Objector's Petition, and has chosen not to respond to Objector's motion for summary judgment, essentially admitting that there are no facts in dispute.

5. Currently before the Electoral Board are the following undisputed facts:

(A) Candidate submitted nominating papers as a Republican Party candidate for US Senator from Illinois, and was a candidate on the Republican Party's primary ballot on February 2, 2010. Candidate was not selected by his fellow Republicans as their candidate at their February 2, 2010 primary, but rather, Mark Kirk was selected by the Republican voters.

(B) Candidate failed to include a full state of candidates, which are clearly omitted and missing from his nominating papers, which also on their face are woefully deficient of the requisite number of signatures.

6. Accordingly, since there are no contested issues of fact or law, Objector respectfully requests that the Electoral Board grant his motion for summary judgment, sustain Objector's Petition and render a decision not to certify Candidate.

7. In addition, it is the duty of the State Board of Elections, separate and apart from ruling upon objector's petitions, to independently review nominating papers for compliance with the Election Code. Specifically, the First District Appellate Court explained this duty as follows:

This court has held that the election official with whom the nomination papers have been filed, herein *the SBOE, has a duty*, before he or she certifies a candidate's name for placement on the ballot, to examine the nominating papers to determine whether upon their face they are in apparent conformity with the Election Code. Jenkins v. McIlvain, 338 Ill.App.3d 113, 117, 272 Ill.Dec. 758, 788 N.E.2d 62 (2003); North v. Hinkle, 295 Ill.App.3d 84, 229 Ill.Dec. 579, 692 N.E.2d 352 (1998). ***Nomination petitions that on their face lack the number of signatures required for ballot access in section 10-2 are not in conformity of the Election Code.*** 10 ILCS 5/10-2 (2006). Section 10-14 of the Election Code empowers the SBOE to certify and, therefore, to prevent a candidate's name from being placed on the ballot if his nomination papers are not valid. 10 ILCS 5/10-14 (2006); also see Jenkins, 338 Ill.App.3d at 117, 272 Ill.Dec. 758, 788 N.E.2d 62; Hinkle, 295 Ill.App.3d at 87, 229 Ill.Dec. 579, 692 N.E.2d 352. By requiring an election official to certify nomination papers for ballot access, the SBOE, like the objector, can prevent a candidate from gaining access to the ballot. Accordingly, section 10-8 makes it clear that there are conditions precedent that must be complied with for nomination papers to be valid, and section 10-14 makes it clear that election officials must certify a candidate's nomination papers as valid in order for the candidate's name to appear on the ballot. Jenkins, 338 Ill.App.3d at 117, 272 Ill.Dec. 758, 788 N.E.2d 62; Hinkle, 295 Ill.App.3d at 87, 229 Ill.Dec. 579, 692 N.E.2d 352.

* * *

Reviewing sections 10-2, 10-8, and 10-14 of the Election Code, it is clear that the Election Code gives the SBOE the power to invalidate a congressional candidate's nominating petitions. Jenkins v. McIlvain, 338 Ill.App.3d 113, 117, 272 Ill.Dec. 758, 788 N.E.2d 62 (2003), citing North v. Hinkle, 295 Ill.App.3d 84, 85, 87-89, 229 Ill.Dec. 579,

692 N.E.2d 352 (1998). *In light of the preceding, Druck is incorrect when he argues that only objectors enforce the signature requirements in section 10-2 of the Election Code. Therefore, we find that Druck's reading of sections 10-2 and 10-8 is inconsistent with the provisions in the Election Code.* Brucker, 227 Ill.2d at 514, 319 Ill.Dec. 543, 886 N.E.2d 306, citing Sylvester, 197 Ill.2d at 232, 258 Ill.Dec. 548, 756 N.E.2d 822.

Druck v. Illinois State Bd. of Elections, 387 Ill.App.3d 144, 156-157, 899 N.E.2d 437, 447-448 (2008).

8. Pursuant to the independent duty of the State Board of Elections to review and strike the nominating papers of Candidate because on their face, Objector respectfully requests that the State Board of Elections exercise its duty and strike Candidate's nominating papers since they are blatantly insufficient and not in compliance with even the most fundamental requirements of the Election Code on their face.

WHEREFORE, Objector, through counsel, requests entry of summary judgment and entry of the relief requested in the Objector's Petition, and specifically, a ruling that Candidate's Nomination Papers are insufficient in law and fact, and a ruling that the name of Andy Martin shall not appear on the ballot for the US Senator from the State of Illinois to be voted upon at the General Election to be held on November 2, 2010.

Respectfully submitted:

OBJECTOR, ROBERT I. SHERMAN

By: _____/s/_____
Andrew Finko, Objector's attorney

Andrew Finko
PO Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266
Green.Attorney@yahoo.com



Re: Sherman v Martin (10 SOEB 565) & Heffernan v. Martin (10 SOEB 513)

Tuesday, July 13, 2010 4:01 PM

From: "AndyforUSSenator@aol.com" <AndyforUSSenator@aol.com>
To: green.attorney@yahoo.com

Dear Counsel:

I will be responding in detail to your e-mail letter today.

However, we would like a street address at which to serve you with papers. Obviously, you do not work out of a post office box.

Please provide a street address for service of papers.

Andy Martin

In a message dated 7/13/2010 12:44:46 P.M. Eastern Daylight Time, green.attorney@yahoo.com writes:

Mr. Martin,

Per the hearing officer's request, I am forwarding to you his email, setting the objector's petitions and motion for a hearing on July 26, 2010, at 10:00 am, at the offices of State Board of Elections, located at 100 W. Randolph Street, 14th Floor, Chicago, Illinois.

Your attendance is requested at the State Board of Elections, 100 W. Randolph St., 14th Floor, Chicago, Illinois, on July 26, 2010, at 10:00 am.

Thank you.

...

Andrew Finko
Attorney at Law
PO Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266

--- On Tue, 7/13/10, philip krasny <philipkrasny@yahoo.com> wrote:

From: philip krasny <philipkrasny@yahoo.com>
Subject: Sherman v Martin (10 SOEB 565) & Heffernan v. Martin (10 SOEB 513)
To: fogartyjr@gmail.com, bsheahan@sheahanlaw.com, green.attorney@yahoo.com
Cc: DGervase@elections.il.gov, ssandvoss@elections.il.gov, "Bernadette Harrington" <BHarrington@elections.il.gov>
Date: Tuesday, July 13, 2010, 10:40 AM

Gentlemen:

As regards Petitioner/Objector Sherman, I have recieved a msj. As regards Petitioner/Objector Heffernan, no motions have been filed.

I am setting both cases for a hearing on July 26, 2010 at 10:00 a.m at the SBOE offices in Chicago.

Even though no apperance has been filed on behalf of Mr. Martin, I am ordering that the Petitioners/Objectors send Respondent/Candidate notice of the hearing date, time and location and file a certificate of service evidencing same

/s/Philip Krasny
Hearing officer

Andy Martin (American politician)

From Wikipedia, the free encyclopedia

Anthony Robert Martin-Trigona, usually known as **Andy Martin** (born 1945 in Middletown, Connecticut) is an American perennial candidate, and vexatious litigant. *The Nation*,^[1] *The Washington Post*,^[2] and *The New York Times*^[3] have identified him as the primary source of false rumors that US President-elect Barack Obama is secretly a Muslim. In a later interview with CNN, Martin explicitly abandoned his view that Obama is a Muslim, but now asserts Obama's real father is not Barack Obama Sr., but is Frank Marshall Davis, an African American journalist of the 1950s.^[4]

Anthony Robert Martin-Trigona	
Born	1945 Middletown, Connecticut
Known for	Vexatious litigation, allegations involving Barack Obama's birthplace and father

On October 17, 2008, Martin filed a lawsuit against the state of Hawaii calling for the public release of Barack Obama's birth certificate and other vital records. To counter rumors that Obama is not a natural-born citizen of the United States, the Obama campaign previously posted an image of his short-form birth certificate online.^{[5][6]} Martin's lawsuit sought a copy of Sen. Obama's long-form birth certificate.^[7] On October 22, 2008 the Hawaii Supreme Court denied Petition 29414 (<http://www.state.hi.us/jud/opinions/sct/2008/29414ord.pdf>) calling for the release of Obama's vital records.

Contents

- 1 Life and career
 - 1.1 Political campaigns
 - 1.2 Vexatious litigant & anti-semitism
- 2 Role in rumors about Obama
 - 2.1 Allegations of Obama being a Muslim
 - 2.2 Allegations of Obama's father being Frank Marshall Davis
 - 2.3 Suit against the state of Hawaii
- 3 References
- 4 External links

Life and career

Martin was born in 1945 in Middletown, Connecticut.^[8] He received a B.A. from the University of Illinois in 1966, and a J.D. from that institution in 1969.

In 1973 the Illinois Supreme Court refused to grant him a license to practice law in the state. It cited several instances of troubling conduct on Martin's part, including an attempt to have a parking violation thrown out because it had been "entered by an insane judge" and his description of an attorney as "shaking and tottering and drooling like an idiot."^[9] Martin had been described by state psychiatrists as

having a "moderately severe character defect manifested by well-documented ideation with a paranoid flavor and a grandiose character."^[10]

Martin then became involved in consumer advocacy. Calling himself "the people's attorney general," he takes credit for being the first to file suit under the civil component of the Racketeer Influenced and Corrupt Organizations Act (RICO), as well as the first to file antitrust actions against the Big Three television networks for anticompetitive practices in network affiliation agreements.^[11]

Political campaigns

Martin grew up as a Democrat, and served as an intern to Senator Paul Douglas in the summer of 1966. In 1977, he ran in a special election for mayor of Chicago, losing to acting mayor Michael Bilandic.

Over the years, he has run for various offices in Connecticut, Florida and Illinois as a Democrat, a Republican and an independent. Among them:

- U.S. Senator from Illinois, 1978 (Democratic primary)
- U.S. Senator from Illinois, 1980 (Democratic primary)
- U.S. House from Connecticut, 1986 (Republican primary)
- President of the United States, 1988 (Democratic primary)
- Governor of Florida, 1990 (Republican primary)
- U.S. House from Florida, 1992 (Republican primary)
- Florida State Senate, 1996 (unsuccessful Republican nominee)
- U.S. Senator from Florida, 1998 (Republican primary)
- President of the United States, 2000] (Republican primary)
- U.S. Senator from Florida, 2000 (unsuccessful independent candidate)
- U.S. Senator from Illinois, 2004 (Republican primary, removed from ballot according to Illinois State Board of Elections)
- U.S. Senator from Florida, 2004 (Republican primary)
- Governor of Illinois, 2006 (Republican primary)
- U.S. Senator from Illinois, 2008 (Republican primary)
- U.S. Senator from Illinois, 2010 (Republican primary)

His 1996 run for the Florida State Senate came unraveled when it was revealed that he'd named his campaign committee for his 1986 congressional run "The Anthony R. Martin-Trigona Congressional Campaign to Exterminate Jew Power in America." The revelation led the state Republican Party to renounce him. Just before the election, he assaulted two cameramen from WPTV, the NBC affiliate in West Palm Beach. He was convicted of criminal mischief and sentenced to a year in jail. He was freed pending appeal, but made personal attacks on the judge while on the way out of the courtroom. The judge held Martin in criminal contempt of court and sentenced him to seven months in jail. However, he was mistakenly let out of jail after only a month. Martin never returned, and a warrant was issued for his arrest. If he is ever arrested, he will have to serve 16 months in jail.^[8] The warrant was still outstanding at least as of the time of Martin's 2008 Senate run, but he said the issue is being "resolved."^[12]

During his 2000 run for president, he accused George W. Bush of using cocaine. In 2003, several months before Saddam Hussein was captured, he claimed to have found the former Iraqi dictator's hideout.^[8]

Martin was a 2010 Republican candidate for U.S. Senator in Illinois for the seat being vacated by Sen. Roland Burris. The Illinois primary was conducted on February 2, 2010.^[13] In December 2009, Martin ran radio ads which included Martin requesting that one of his opponents, Republican Mark Kirk, answer claims about his sexuality made by Illinois Republican Jack Roeser.^[14] The Illinois Republican Party Chairman Patrick Brady subsequently announced "The Illinois Republican Party disavows the statements

Andy Martin (American politician) - Wikipedia, the free encyclopedia

made today by Mr. Andrew Martin in his statewide radio advertisements...Mr. Martin will no longer be recognized as a legitimate Republican candidate by the Illinois Republican Party."^{[14][15]} Martin returned 37,359 votes, five percent of the total votes.^[16]

Vexatious litigant & anti-semitism

Martin has been labeled a vexatious litigant by numerous federal and state courts. As early as 1982, Edward Weinfeld, a federal judge for the Southern District of New York, observed that he had a tendency to file "a substantial number of lawsuits of a vexatious, frivolous and scandalous nature."^[9]

In 1983, Jose Cabranes, a federal judge for the United States District Court for the District of Connecticut, issued a sweeping injunction barring Martin or anyone acting "at his behest, at his direction or instigation, or in concert with him" from filing any new action or proceeding in any federal or state court without first seeking permission from the court in which he wished to file that action or proceeding.^[17] In his ruling, Cabranes noted that Martin had a tendency to file legal actions with "persistence, viciousness, and general disregard for decency and logic." According to Cabranes, Martin's practice was to file "an incessant stream of frivolous or meritless motions, demands, letters to the court and other documents," as well as "vexatious lawsuits" against anyone who dared cross him. On appeal by Martin, the 2nd Circuit Court of Appeals limited the scope of the injunction to federal courts, but stated that the federal courts were constitutionally obligated to protect themselves and the administration of justice from vexatious litigants.^[18]

A number of these filings were anti-Semitic in nature. In his motion for the 1983 bankruptcy case, he called the judge "a crooked, slimy Jew who has a history of lying and thieving common to members of his race."^[3] In another motion that year, Martin stated, "I am able to understand how the Holocaust took place, and with every passing day feel less and less sorry that it did."^[3] He went on to say that "Jew survivors are operating as a wolf pack to steal my property."^[19] When later pressed in an interview about his remarks, Martin claimed that the anti-Semitic comments were inserted into his court papers by malicious judges.^[3]

Since then, Martin has continued his pattern of filing legal action almost unabated. It has been estimated by the United States District Court for the Southern District of Florida that he has filed thousands of proceedings over the years. For example, in 1993 the 11th Circuit Court of Appeals determined that his mother was acting in concert with him by filing a federal civil rights action against several Florida state officials. The court noted similar wording in the suit filed by Martin's mother and a petition filed by Martin itself. In throwing out the suit, the 11th Circuit called Martin "a notoriously vexatious and vindictive litigator who has long abused the American legal system."^[17] Most recently, a libel and invasion of privacy suit against Media Matters and its founder, David Brock, was dismissed with prejudice because Martin had violated the terms of the injunction.^[20]

Martin has also been sanctioned at the state level as well. For example, he is banned from seeking indigent status in Florida courts due to his history of filing abusive petitions.^[21]

Role in rumors about Obama

Allegations of Obama being a Muslim

According to a report by journalist Chris Hayes for *The Nation*, Martin issued a press release shortly after Obama's keynote speech at the 2004 Democratic National Convention that he had evidence Obama "lied to the American people" and "misrepresent[ed] his own heritage." Martin claimed that Obama was really a

Muslim, was possibly hiding this fact "to endanger Israel,"^[1] and that "[Obama's] Muslim religion would obviously raise serious questions in many Jewish circles."^[3]

Within a few days, the conservative site *Free Republic* picked up Martin's press release, triggering a long discussion. However, according to Hayes, the issue went dormant after Obama's election to the Senate, only to pick up again in 2006 as rumors spread that Obama was considering a presidential run.^[1] In October, a conservative blog, Infidel Bloggers Alliance, reposted Martin's press release in response to a question about Obama's heritage.^[22] Then, on December 26, conservative activist Ted Sampley, co-founder of Vietnam Veterans Against John Kerry, posted a column suggesting Obama was a closeted Muslim, heavily quoting Martin's original press release.^[23] According to Hayes, the first of many emails suggesting Obama was a Muslim was forwarded to *Snopes* within hours of Sampley's story. Hayes believes that the email was likely a slightly altered version of the Sampley article, which was in turn heavily based on Martin's 2004 press release. Martin told Hayes that he got numerous calls once the emails began circulating. When the callers asked him if he wrote the release, Martin replied, "They are all my children."^[1]

On June 28, 2008 Martin told the *Washington Post* that he wasn't "trying to smear anybody," but that it was "just an underreported story."^[2]

Jerome Corsi's book *The Obama Nation*, published on August 1, 2008, opens with a quote from Andy Martin on Obama's alleged Muslim heritage and supposed attempts to conceal it.^[3] Jim Rutenberg of *The New York Times* says that the book has been "widely discredited".^[3]

On October 5, 2008, Martin was featured as a "journalist" on *Hannity's America* of the Fox News Channel. According to *The New York Times*, "The program allowed Mr. Martin to assert falsely and without challenge that Mr. Obama had once trained to overthrow the government."^[24] In a subsequent appearance on *Hannity & Colmes*, Robert Gibbs, Obama's communications director, criticized Hannity for allowing Martin to appear on the show.^[25]

The Miami Herald reports that the former Florida state senator Tom Rossin, who defeated Martin in his 1996 campaign, was startled to learn that Fox News had provided Andy Martin a commentary spotlight; he stated of Martin, "He's got some serious mental issues...He's no more a legitimate news source than Carter's little liver pills."^[26]

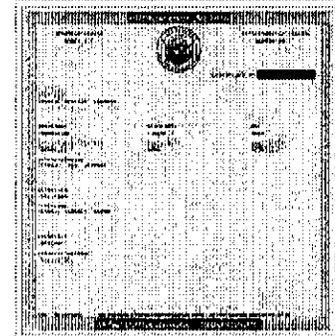
Fox Senior Vice President Bill Shine later retracted support for Martin as a guest: "Having that guy on was a mistake. We obviously didn't do enough research on who the guest was."^{[27][28]}

Allegations of Obama's father being Frank Marshall Davis

In an interview featured on the CNN network's *American Morning* program on October 27, 2008, Andy Martin explicitly abandoned his view that Barack Obama is a Muslim.^[4] In the interview, Martin asserts a newer view that Obama is not the son of Barack Obama, Sr., but is rather the son of Frank Marshall Davis, an African American journalist and political activist who wrote for a newspaper in Hawaii in the 1940s and 1950s that was accused by the House Un-American Activities Committee as being a front for the Communist Party USA.^[4] Martin claimed that he discovered this after his recent trip to Honolulu, although he offered CNN no substantive proof for the claim.^[4]

Suit against the state of Hawaii

On October 17, 2008, Martin filed a lawsuit in a state circuit court of Hawaii against Governor Linda Lingle and health department director Dr. Chiyo Fukino seeking to verify the state's official birth certificate of Barack Obama.^[29] Months before this suit, the Obama campaign posted an image of his short-form birth certificate online.^{[30][31]} Martin's lawsuit sought to order the state to release a copy of Sen. Obama's long-form birth certificate.^[32]



Senator Barack Obama's short-form birth certificate

The short-form birth certificate that the Obama campaign posted online states that his date of birth as August 4, 1961, his place of birth as Honolulu, Hawaii, and other details.^[29] Martin was quoted as saying, "I want to see a certified copy issued by the state of Hawai'i, not one issued by the state of Obama."^[29]

Hawaii State Department and Health spokeswoman Janice Okubo stated that only people with a "tangible relationship" to Barack Obama can access a copy of his birth certificate, adding that a 1949 law "was enacted primarily to protect your private information, especially in these days where there's ID theft."^[29] Attorney General Mark Bennett stated that he has not seen the lawsuit and cannot comment on it, but says that according to Hawaii Revised Statutes it is unlawful to release vital records to anyone except individuals listed in state records as having close relations with Obama (i.e. a spouse, parents, descendants, or someone with a common ancestor).^[29] In regard to a designee representing Obama, Okubo says "If someone from Obama's campaign gave us permission in person and presented some kind of verification that he or she was Obama's designee, we could release the vital record."^[29]

On October 22, 2008, in a Honolulu court proceeding overseen by the Honorable Bert I. Ayabe of the First Circuit of the Supreme Court of Hawaii, the court denied Martin's petition No. 29414 for a writ of mandamus to order the release of Obama's vital records. The official document of the original proceedings states:

Upon consideration of the petition for a writ of mandamus filed by petitioner Andy Martin and the papers in support, it appears that the issuance by the Department of Health of a certified copy of a vital statistics record to petitioner was not mandatory, but involved the exercise of discretion and judgment...the department shall not permit inspection of public health statistics records, or issue a certified copy of any such record or part thereof, unless it is satisfied that the applicant has a direct and tangible interest in the record...Therefore, petitioner is not entitled to mandamus relief against the respondent public officials...IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied."^[33]

A further hearing was held on November 18. On November 19, the court denied Martin's "emergency motion" and dismissed Martin's lawsuit, based on Martin's lack of legal standing to obtain another person's birth document.^[34]

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External links

- Martin's personal Website (<http://www.andymartin.com>)

Retrieved from "[http://en.wikipedia.org/wiki/Andy_Martin_\(American_politician\)](http://en.wikipedia.org/wiki/Andy_Martin_(American_politician))"

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October 13, 2008

The Man Behind the Whispers About Obama

By JIM RUTENBERG

The most persistent falsehood about Senator Barack Obama's background first hit in 2004 just two weeks after the Democratic convention speech that helped set him on the path to his presidential candidacy: "Obama is a Muslim who has concealed his religion."

That statement, contained in a press release, spun a complex tale about the ancestry of Mr. Obama, who is Christian.

The press release was picked up by a conservative Web site, FreeRepublic.com, and spread steadily as others elaborated on its claims over the years in e-mail messages, Web sites and books. It continues to drive other false rumors about Mr. Obama's background.

Just last Friday, a woman told Senator John McCain at a town-hall-style meeting, "I have read about him," and "he's an Arab." Mr. McCain corrected her.

Until this month, the man who is widely credited with starting the cyberwhisper campaign that still dogs Mr. Obama was a secondary character in news reports, with deep explorations of his background largely confined to liberal blogs.

But an appearance in a documentary-style program on the Fox News Channel watched by three million people last week thrust the man, Andy Martin, and his past into the foreground. The program allowed Mr. Martin to assert falsely and without challenge that Mr. Obama had once trained to overthrow the government.

An examination of legal documents and election filings, along with interviews with his acquaintances, revealed Mr. Martin, 62, to be a man with a history of scintillating if not always factual claims. He has left a trail of animosity — some of it provoked by anti-Jewish comments — among political leaders, lawyers and judges in three states over more than 30 years.

He is a law school graduate, but his admission to the Illinois bar was blocked in the 1970s after a psychiatric finding of "moderately severe character defect manifested by well-documented ideation with a paranoid flavor and a grandiose character."

Though he is not a lawyer, Mr. Martin went on to become a prodigious filer of lawsuits, and he made unsuccessful attempts to win public office for both parties in three states, as well as for president at

least twice, in 1988 and 2000. Based in Chicago, he now identifies himself as a writer who focuses on his anti-Obama Web site and press releases.

Mr. Martin, in a series of interviews, did not dispute his influence in Obama rumors.

"Everybody uses my research as a takeoff point," Mr. Martin said, adding, however, that some take his writings "and exaggerate them to suit their own fantasies."

As for his background, he said: "I'm a colorful person. There's always somebody who has a legitimate cause in their mind to be angry with me."

When questions were raised last week about Mr. Martin's appearance and claims on "Hannity's America" on Fox News, the program's producer said Mr. Martin was clearly expressing his opinion and not necessarily fact.

It was not Mr. Martin's first turn on national television. The CBS News program "48 Hours" in 1993 devoted an hourlong program, "See You in Court; Civil War, Anthony Martin Clogs Legal System with Frivolous Lawsuits," to what it called his prolific filings. (Mr. Martin has also been known as Anthony Martin-Trigona.) He has filed so many lawsuits that a judge barred him from doing so in any federal court without preliminary approval.

He prepared to run as a Democrat for Congress in Connecticut, where paperwork for one of his campaign committees listed as one purpose "to exterminate Jew power." He ran as a Republican for the Florida State Senate and the United States Senate in Illinois. When running for president in 1999, he aired a television advertisement in New Hampshire that accused George W. Bush of using cocaine.

In the 1990s, Mr. Martin was jailed in a case in Florida involving a physical altercation.

His newfound prominence, and the persistence of his line of political attack — updated regularly on his Web site and through press releases — amazes those from his past.

"Well, that's just a bookend for me," said Tom Slade, a former chairman of the Florida Republican Party, whom Mr. Martin sued for refusing to support him. Mr. Slade said Mr. Martin was driven like "a run-over dog, but he's fearless."

Given Mr. Obama's unusual background, which was the focus of his first book, it was perhaps bound to become fodder for some opposed to his candidacy.

Mr. Obama was raised mostly by his white mother, an atheist, and his grandparents, who were Protestant, in Hawaii. He hardly knew his father, a Kenyan from a Muslim family who variously considered himself atheist or agnostic, Mr. Obama wrote. For a few childhood years, Mr. Obama lived in Indonesia with a stepfather he described as loosely following a liberal Islam.

Theories about Mr. Obama's background have taken on a life of their own. But independent analysts seeking the origins of the cyberspace attacks wind up at Mr. Martin's first press release, posted on the Free Republic Web site in August 2004.

Its general outlines have turned up in a host of works that have expounded falsely on Mr. Obama's heritage or supposed attempts to conceal it, including "Obama Nation," the widely discredited best seller about Mr. Obama by Jerome R. Corsi. Mr. Corsi opens the book with a quote from Mr. Martin.

"What he's generating gets picked up in other places," said Danielle Allen, a professor at the Institute for Advanced Study in Princeton, N.J., who has investigated the e-mail campaign's circulation and origins, "and it's an example of how the Internet has given power to sources we would have never taken seriously at another point in time."

Ms. Allen said Mr. Martin's original work found amplification in 2006, when a man named Ted Sampley wrote an article painting Mr. Obama as a secret practitioner of Islam. Quoting liberally from Mr. Martin, the article circulated on the Internet, and its contents eventually found their way into various e-mail messages, particularly an added claim that Mr. Obama had attended "Jakarta's Muslim Wahhabi schools. Wahhabism is the radical teaching that created the Muslim terrorists who are now waging jihad on the rest of the world."

Mr. Obama for two years attended a Catholic school in Indonesia, where he was taught about the Bible, he wrote in "Dreams From My Father," and for two years went to an Indonesian public school open to all religions, where he was taught about the Koran.

Mr. Sampley, coincidentally, is a Vietnam veteran and longtime opponent of Mr. McCain and Senator John Kerry, both of whom he accused of ignoring his claims that American prisoners were left behind in Vietnam. He previously portrayed Mr. McCain as a "Manchurian candidate." Speaking of Mr. Martin's influence on his Obama writings, Mr. Sampley said, "I keyed off of his work."

Mr. Martin's depictions of Mr. Obama as a secret Muslim have found resonance among some Jewish voters who have received e-mail messages containing various versions of his initial theory, often by new authors and with new twists.

In his original press release, Mr. Martin wrote that he was personally "a strong supporter of the Muslim community." But, he wrote of Mr. Obama, "it may well be that his concealment is meant to endanger Israel." He added, "His Muslim religion would obviously raise serious questions in many Jewish circles."

Yet in various court papers, Mr. Martin had impugned Jews.

A motion he filed in a 1983 bankruptcy case called the judge "a crooked, slimy Jew who has a history of lying and thieving common to members of his race."

In another motion, filed in 1983, Mr. Martin wrote, "I am able to understand how the Holocaust took place, and with every passing day feel less and less sorry that it did."

In an interview, Mr. Martin denied some statements against Jews attributed to him in court papers, blaming malicious judges for inserting them.

But in his "48 Hours" interview in 1993, he affirmed a different anti-Semitic part of the affidavit that included the line about the Holocaust, saying, "The record speaks for itself."

When asked Friday about an assertion in his court papers that "Jews, historically and in daily living, act through clans and in wolf pack syndrome," he said, "That one sort of rings a bell."

He said he was not anti-Semitic. "I was trying to show that everybody in the bankruptcy court was Jewish and I was not Jewish," he said, "and I was being victimized by religious bias."

In discussing the denial of his admission to the Illinois bar, Mr. Martin said the psychiatric exam listing him as having a "moderately severe personality defect" was spitefully written by an evaluator he had clashed with.

Mr. Martin, who says he is from a well-off banking and farming family, is clearly pleased with his newfound attention. But, he said, others have added to his work in "scary" ways.

"They Google 'Islam' and 'Obama' and my stuff comes up and they take that and kind of use that — like a Christmas tree, and they decorate it," he said. For instance, he said, he did not necessarily ascribe to a widely circulated e-mail message from the Israeli right-wing activist Ruth Matar, which includes the false assertion, "If Obama were elected, he would be the first Arab-American president."

He said he had at least come to "accept" Mr. Obama's word that he had found Jesus Christ. His intent, he said, was only to educate.

Kitty Bennett contributed reporting.

This article has been revised to reflect the following correction:

Correction: October 14, 2008

An article on Monday about Andy Martin, who has been a source of some of the false rumors about Senator Barack Obama's background, referred incorrectly to an academic institution where a study of the rumors' origins was conducted by Prof. Danielle Allen. The Institute for Advanced Study is located in Princeton, N.J., but is not part of Princeton University.

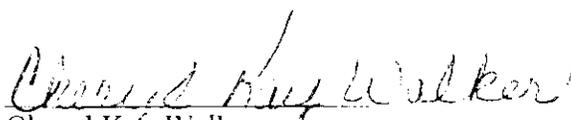
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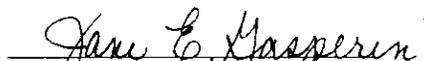
Affidavit of Cheryl Kay Walker

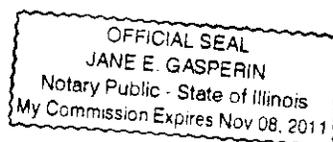
I, Cheryl Kay Walker, having been duly sworn on oath, depose and state as follows:

1. I am an Election Specialist III in the Division of Election Information for the Illinois State Board of Elections.
2. On June 29, 2010 I processed the objections to new party and independent candidates including the Objection to Andy Martin, Illinois Reform party candidate for United States Senate. The objection to Mr. Martin's petition was filed at 4:08 p.m. on June 28, 2010 in the Chicago office of the State Board of Elections.
3. The Illinois' Election Code (10 ILCS 5/10-8) requires that a copy of the objector's petition be transmitted to the candidate via registered mail no later than 12:00 noon on the second business day following receipt of the objection. I prepared the log for registered mail and return card required by the U.S. Post Office. The article number assigned to the envelope containing the copy of the objection to Mr. Martin's petition, the letter from the Chairman notifying Mr. Martin of the objection and the call for the first hearing of the electoral board was RE580206945US. Said envelope was addressed to the address listed on the first page of Mr. Martin's nominating petition; 30 East Huron Street, Suite 4406, Chicago, IL 60611.
4. The registered mail envelope addressed to Mr. Martin was delivered to the Cook Street branch of the U.S. Post Office in Springfield, IL at 10:39 a.m. on June 30, 2010. This information was placed on a log sheet that was then stamped as received by said Post Office. The SBE maintains a copy of such logs and has maintained this particular log.
5. The envelope was returned by the U.S. Post Office to the SBE on either July 6 or July 7, 2010. Affixed to the envelope was a label containing the words: "MOVED LEFT NO ADDRESS 60611".


Cheryl Kay Walker

Signed and sworn to by Cheryl Kay Walker before me on July 30, 2010.


Jane Gasperin, Notary Public



STATEMENT OF CANDIDACY

NEW POLITICAL PARTY

NAME	ADDRESS-ZIP CODE	OFFICE	CITY, VILLAGE, TOWNSHIP, COUNTY, DISTRICT OR STATE	PARTY
Andy Martin	30 E. Huron St-Suite 4406 Chicago IL 60611-4723	U.S. Senator	statewide	Illinois Reform Party

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

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

STATE OF ILLINOIS)
County of Cook) SS.

I, Andy Martin being first duly sworn (~~or affirmed~~), say that I reside at 30 E. Huron St. in the City Village, Unincorporated Area (circle one) of Chicago (if unincorporated, list municipality that provides postal service) Zip Code _____, in the County of Cook, State of Illinois; that I am a qualified voter therein, that I am a candidate for election to the office of U.S. Senator in the state Name of City, Village, Township, County, District or State

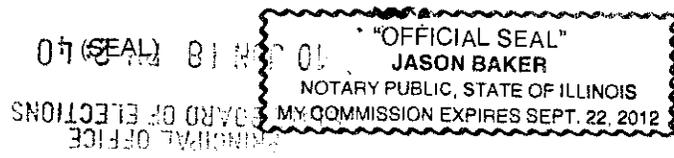
to be voted upon at the election to be held on Nov. 2, 2010 (date of election) and that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek election) to hold such office and that I have filed (or will file by the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for election to such office.

RECEIVED BY MAIL

[Signature]
(Signature of Candidate)

Signed and sworn to (or affirmed) by Andy Martin before me, on 6/17/2010
(Name of Candidate) (insert month, day, year)

[Signature]
(Notary Public's Signature)



State Board of Elections
 1020 South Spring St.
 P.O. Box 4187
 Springfield, IL 62708

**MOVED LEFT
 NO ADDRESS 60611**

A-2

10SOEBGE511
 ANDY MARTIN
 30 EAST HURON STREET
 SUITE 4406
 CHICAGO, IL 60611

REGISTERED MAIL™



RE 580 206 945 US

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: 10SOEBGE511 ANDY MARTIN 30 EAST HURON STREET SUITE 4406 CHICAGO, IL 60611	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

RE 580 206 945 US



Track & Confirm

Search Results

Label/Receipt Number: **RE58 0206 945U S**
Service(s): **Registered Mail™**
Status: **Undeliverable as Addressed**

Track & Confirm

Enter Label/Receipt Number.

Your item was undeliverable as addressed at 8:32 AM on July 6, 2010 in SPRINGFIELD, IL 62703. It is being returned if appropriate information is available.

[Go >](#)

Detailed Results:

- **Undeliverable as Addressed, July 06, 2010, 8:32 am, SPRINGFIELD, IL 62703**
- **Moved, Left no Address, July 03, 2010, 1:02 pm, CHICAGO, IL**
- **Arrival at Unit, July 03, 2010, 8:17 am, CHICAGO, IL 60611**
- **Processed through Sort Facility, June 30, 2010, 4:23 pm, SPRINGFIELD, IL 62703**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



Name and Address of Sender → **KAY WALKER**
State Board of Elections
 1020 S. Spring St.
 Springfield, IL 62704

Indicate type of mail
 Registered Return Receipt
 Insured for Merchandise
 COD Int'l Recorded Del.
 Certified Express Mail

Check appropriate block for Registered Mail:
 With Postal Insurance
 Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

Postmark and Date of Receipt

Line	Article Number	Name of Addressee, Street and Post Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee	Remarks
1	RE580206849US	Thomas P. Dunaway - SBE 504, 505, 506, 507, 508 3823 North Ashland Avenue, Chicago 60613	1.22	10.60								2.30	
2	RE580206852US	Ella White - SBE 504, 505, 506, 507, 508 1336 East 90 th Street, Chicago 60619	1.22										
3	RE580206866US	Jason Rice - SBE 107 203 South Second Street, Buckner 62819	1.07										
4	RE580206870US	Jay D. Webb - SBE 107 104 East Monroe, Apt. C, Herrin 62948	1.05										
5	RE580206883US	Roger Zamparo - 508 4413 North Redwood Drive, Norridge 60706	1.59										
6	RE580206897US	Kevin J. Hendrickson - SBE 510 208 North 6 th Street, Kirkland 60146	1.05										
7	RE580206906US	Terry McLain - SBE 510 220 Beardusk Way, Belvidere 61008	1.05										
8	RE580206910US	Mike Clark - SBE 511 306 East Sheridan Place, Lake Bluff 60044											
9	RE580206923US	Louis Alsaves - SBE 511 745 East Northmoor Road, Lake Forest 60045	1.05										
10	RE580206937US	Stephen F. Estill - SBE 512 37926 E. SR10, Mason City 62664	1.22										
11	RE580206945US	Andy Martin - SBE 513 30 East Huron Street, Suite 4406, Chicago 60611	1.39										
12	RE580206954US	Gregg Moore - SBE 518 1528 North Ashland Avenue, Chicago 60622	1.39										
13	RE580206968US	Andrew Heffeman 3931 Scoville Avenue, Stickney 60402	1.73										

Total Number of Pieces Listed by Sender

12

Total Number of Pieces Received at Post Office

12 Twelve

Postmaster, Per (Name of Receiving Employee)

[Signature]
 D.S.

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500.00 per occurrence. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special Handling charges apply only to third and fourth class parcels.

Heffernan/Nekic v. Libertarian Party slate
10 SOEB GE 567

Candidate: Libertarian slate (Lex Green, Ed Rutledge, Josh Hanson, Bill Malan, James Pauly, Julie Fox, Mike Labno)

Office: Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer, Comptroller, United States Senator

Party: Libertarian

Objector: Andrew Heffernan/Steve Nekic

Attorney For Objector: John Fogarty, Jr. and Brien J. Sheahan

Attorney For Candidate: Andrew B. Spiegel

Number of Signatures Required: 25,000

Number of Signatures Submitted: 47,966

Number of Signatures Objected to: 23,630

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers and circulators, including an allegation that the circulators circulated for candidates of another political party, certain pages contain an extraordinarily high rate of invalid signatures, and certain circulators do not reside at the address listed on the petition. It was alleged that certain petitions were not notarized or were not properly notarized. A pattern of fraud and disregard of the Election Code was also alleged.

Dispositive Motions: Candidate's Motion to Strike and Dismiss Objector's Petition. Objector's Response thereto. Candidate's Reply Memorandum in Further Support of the Motion to Strike and Dismiss

Binder Check Necessary: Yes

Hearing Officer: Philip Krasny

Hearing Officer Findings and Recommendation:

Motion to Strike

The Candidate's Motion to Strike on the basis of a lack of standing of the Objectors should be denied based on the fact that the Candidate failed to submit evidence rebutting the residency and voter registration of the Objectors. The Candidate's Motion to Strike on the basis of petition signers being eligible to sign a new political party petition despite the fact that they had voted in the Primary Election of an established political party is moot, as the Objectors withdrew that portion of their Objection.

Dual Circulation

Paragraph 13 of the Objector's petition which challenged the petitions circulated by a person who also circulated petitions for an Independent candidate should be sustained, as the circulator in question did indeed circulate petitions for an Independent Candidate in addition to the petitions of the Libertarian Party slate, a new political party, in violation of Section 10-4 of the Election Code. This results in a reduction of the valid signature count by 337. (See attachment to this Summary Sheet.)

Circulator Residency Issues

Objectors withdrew their objection to one of the challenged circulators, and did not pursue their objection to an additional challenged circulator. Candidates submitted evidence establishing the residency of another challenged circulator. Therefore, paragraphs 14 and 15 of the Objector's petition should be denied.

Improper Notarization

Since the Objectors failed to present evidence supporting their allegation that the circulator's affidavit/petition sheets were not properly notarized, paragraphs 16 and 17 should be denied.

Pattern of Fraud

The Objector's contention that the petition sheets that contained "an extraordinarily high rate of improper signatures" and therefore exhibit a pattern of fraud, should be stricken in their entirety should be denied. Objector did not produce any evidence of fraudulent intent on the part of the petition circulators and in fact, following the records exam, approximately 70% of the signatures submitted were deemed valid.

Records Examination

After the completion of the records examination, 14,421 objections were sustained and 9,209 were overruled. It was then determined that the Candidate's petition contained no fewer than 33,545 valid signatures. Candidate filed a Rule 9 Motion which claimed that the Candidate's total number of signatures submitted should have been 48,063, and they further submitted that 45 objections were improperly sustained.

Considering the findings made above, the Hearing Officer recommends that the Objector's petition to strike the Candidate's nominating papers be denied.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer and note that in light of the number of presumptively valid signatures that exceeded the minimum number necessary to appear on the ballot, the Hearing Officer did not need to address the two issues raised in the Candidate's Rule 9 Motion.

BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE STATE OFFICERS ELECTORAL BOARD

Andrew Heffernan and)	
Steve Nekic,)	
)	
Petitioners-Objectors,)	
)	
-vs-	)	No. 10 SOEB GE 567
)	
Libertarian Party of Illinois, and its state)	
slate: Lex Green, Ed Rutledge,)	
Josh Hanson, Bill Malan, James Pauly)	
Julie Fox and its U.S. Senate candidate,)	
Mike Labno,)	
)	
Respondents-Candidates.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Libertarian Party of Illinois ("Candidates/Respondents") has filed nominating petitions in support of its placement on the ballot.

Andrew Heffernan and Steve Nekic ("Petitioners/Objectors") have filed certain objections to those nominating petitions.

On July 6, 2010, the State Board of Elections ("SBE") appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the SBE.

A case management conference was held on July 6, 2010 and was attended by the Candidates/Respondents, who were represented by Andrew Spiegall, and the Petitioners/Objectors, who were represented by John Fogarty and Brian Sheahan.

Pursuant to the Rules of Procedures, the Candidates/Respondents filed a Motion to Strike portions of the Objector's petition. Petitioners/Objectors filed a Response and Candidates/Respondents filed a Reply.

Petitioners/Objectors requested that subpoenas be issued for the deposition of two Libertarian Party circulators, Darryl Bonner and Cheryl Forde. The Board granted the request for the issuance of subpoenas. However, no subpoenas were issued.

A binder examination, conducted by SBE in Springfield, was completed on August 11, 2010.

On August 16, 2010 Candidates/Respondents filed a Rule 9 motion seeking to rehabilitate certain signatures and to challenge the mathematical count of the binder examination.

On August 18, 2010, a hearing on the objections to the nominating petitions was conducted at the offices of the State Board of Election, 100 West Randolph, 14th floor, Chicago, Illinois. At the hearing the Candidates/Respondents were represented by Andrew Spiegel, and the Petitioners/Objectors were represented by John Fogarty.

PRE-HEARING MOTIONS

In their Motion to Strike, the Candidates/Respondents challenge the Petitioners/Objectors' standing as well as the legal sufficiency of the Petitioners/Objectors' petition. Some of the challenges to the Petitioners/Objectors' petition, such as "number of signatures" and "signed petition twice", have been addressed by the binder examination. However, other challenges require a factual and/or legal determinations. For example, in its Motion to Strike, the Candidates/Respondents' claim that the Petitioners/Objectors lacked standing to bring the petition. Specifically, paragraph 4 of the Motion to Strike states:

"a check of the registration status of Andrew Heffernan and Steve Nekić reveals that the former may or may not be registered and the latter does not appear to be registered at the address shown in the objectors' petition. See Candidates' Exhibit 1 A (as to Andrew Heffernan) and 1 B (as to Steve Nekić). Said exhibit is attached hereto and made a part hereof.").

In their Response Petitioners/Objectors deny the Candidates/Respondents' claim that Andrew Heffernan and/or Steve Nekić were not registered voters. In support of their position, they have attached certificates of registration showing that Andrew Heffernan and Stephan Q. Nekić are registered voters residing at 3931 Scoville Ave, Berwyn, Illinois and 2027 W. Berteau, Chicago, Illinois, respectively.

Section 10-8 of the Code, governs the objection to nomination papers, and provides, in relevant part, as follows:

* * *

Any 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 * * * shall file an objector's petition * * *. * * *

The objector's petition shall give the objector's name **and residence address**, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board * * *."10 ILCS 5/10-8 (West 1998).

The question of an objector's standing under the Code is an affirmative defense that must be raised by the candidate in a timely fashion. Once raised, the burden of proof is on the candidate to prove lack of standing, *Dunham v. Naperville Township Officers Electoral Board*, 265 Ill. App.3d 719, 723, 640 N.E.2d 314, 317 (1994), and the Candidate has the burden of proving that the Objector's address violated 10 ILCS 5/10-8.

In the instant case, Candidates/Respondents have not produced any evidence refuting the certificates of registration submitted by Petitioners/Objectors showing that Andrew Heffernan and Stephan Q. Nekic are registered voters residing at 3931 Scoville Ave, Berwyn, Illinois and 2027 W. Berteau, Chicago, Illinois, respectively. Accordingly, it is recommended that the Candidates/Respondents' Motion to Strike the petition because neither Heffernan nor Nekvic had standing should be denied.

Candidates/Respondents also have moved to strike paragraph 12 of Petitioners/Objectors' petition wherein Petitioners/Objectors contend that a voter cannot sign a petition for a new political party for the general election, if the voter had cast a vote in the February 2, 2010 General Primary Election. In its Motion to Strike, Candidates/Respondents' contend that:

9. According to the *Candidate's Guide 2010*, the question is: can a voter sign an established party petition and a new party and/or independent petition? (page 48 of the "Candidate's Guide"). The answer is YES.

10. Under the Election Code, 10 ILCS 5/7-10 and 5/10-3, a voter can sign a candidate's petition prior to the Primary and then subsequently sign a petition for a new party or independent candidate for the general election. That being the case, there is no legal basis for the "F" objection.

11. Any voter who voted in the Primary Election is not precluded by the Election Code from signing the LPI nominating petition for the General Election. Paragraph 12 of the Objectors' Petition alleges such a prohibition and must therefore be stricken.

At the hearing conducted on August 16, 2010, Petitioners/Objectors withdrew its objection as set forth in paragraph 12 of its petition. Accordingly, Respondents/Candidates motion to strike paragraph 12 is moot.

In paragraphs 13-17 Petitioners/Objectors allege circulator deficiencies; i.e.; circulators circulated for a candidate of another party; that circulators do not reside at address shown, that circulators' address is incomplete, and that circulators' affidavit were improperly properly notarized.

Specifically, in paragraph 13 Petitioners/Objectors allege that

“Bernice Travis circulated petition sheets for both the Libertarian Party and for Corey Dabney, an Independent candidate for United States Senator. Ms. Travis circulated Libertarian petition sheet nos: 63; 207-214; 220; 221; 228; 230-232; 386-391; 622; 646; 751; 764; 2246; 2340-2342; 2417-2420; 2504; 2505. Ms. Travis also circulated at least page 189 for Corey Dabney, a copy of which is on file with the State Board Elections. All of the aforesaid pages circulated by Ms. Travis must be stricken.”

In support of its position that circulators for the Libertarian Party circulated petitioners for both the Libertarian Party and Corey Dabney, Petitioners/Objectors submitted a copy of a motion for summary judgment filed in the case of *Heffernan and Nekvic v Corey Dabney* 10 SOEB 569. Attached to the motion were exhibits, including petitions allegedly circulated by Bernice Travis in support of the nomination of Corey Dabney for United States Senator¹. In its e-mail submission the Objector indicated

In further support of the Objectors' claim that the petition sheets circulated by Bernice Travis for the Libertarian Party should be stricken, as alleged in Paragraph 13 of the Objectors' Petition for the reason that Ms. Travis simultaneously circulated for both the Libertarian Party and for Corey Dabney, an Independent candidate for United States Senator, attached please find a copy of the Objectors' Motion for Summary Judgment on this issue in the Objection lodged against Mr. Dabney. This pleading (which awaits a ruling, and may be mooted by the records exam numbers in another objection to Mr. Dabney's petitions) includes some, but not all, of the petition pages circulated by Ms. Travis on behalf of Mr. Dabney. As for the Libertarian Party, Ms. Travis circulated Libertarian petition sheet nos: 63; 207-214; 220; 221; 228; 230-232; 386-391; 622; 646; 751; 764; 2246; 2340-2342; 2417-2420; 2504; 2505.

As regards the issue of circulators who circulated for a candidate of another party,

10 ILCS 5/10-4 provides, in pertinent part, as follows:

... 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.

¹ The submission of the supporting documents by Petitioners/Objectors occurred after the conclusion of the August 18, 2010 hearing and with the agreement of the Respondents/Candidates

Further, according to the *Candidate's Guide 2010*,

- c. A petition circulator may not circulate for more than one political party.
(10 ILCS 5/10-4)
- d. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for an established political party or new political party.
(10 ILCS 5/10-4)
- f. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for a new political party.
(10 ILCS 5/10-4).

Accordingly, since the evidence submitted indicates that Bernice Travis circulated petitions for both Corey Dabney and the Libertarian Party, it is recommended that the signatures on the Libertarian Party petitions that had been circulated by Bernice Travis be stricken².

In Paragraphs 14 and 15, Petitioners/Objectors claim that circulators did not reside at address shown and that circulators' addresses were incomplete.

Paragraphs 16 and 17 of Petitioners/Objectors Petition claim that "Circulator's Affidavit not Properly Notarized" and "Sheet not Notarized".

Paragraphs 18-19 of its petition Petitioners/Objectors claim that the aforementioned alleged circulator deficiencies constitute a "Pattern of Fraud". Specifically, in paragraph 19, Petitioners/Objectors allege:

- a. Anthony Bonds, purportedly residing at 6427 S. Ashland Avenue, Chicago, Illinois. The address listed by Mr. Bonds as his home address on his circulator affidavit is not in fact his residence.
- b. Darryl Bonner, resides at 5045 Rose Avenue, Long Beach, CA 90807. Mr. Bonner's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered.
- c. Sarah Dart, 4872 W. St. Paul, Chicago, Illinois 60639. Ms. Dart's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered.

² Although Petitioners/Objectors have listed the petition sheets that were circulated by Bernice Travis, Petitioners/Objectors did not submit the sheets to your hearing officer nor summarize the number of signatures that should be stricken. Accordingly, your hearing officer is unable to recommend how many signatures should be stricken and if any of those signatures were eliminated during the binder examination.

- d. Cheryl Forde, purportedly residing at 143 E. Constitution, Smyrna, Delaware, 19977. Ms. Forde has not listed her true residence address on her circulator's affidavit. In fact, the residence address listed by Ms. Forde on her circulator's affidavit was foreclosed upon in 2009.
- e. Bettina Lindsey-Goode, 7636 S. King Drive, Chicago, Illinois. Ms. Lindsey-Goode's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered.
- f. Ruby James, 155 Elkhorn Lane, Columbia, SC 29229. Ms. James' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered.
- g. Eric Rittberg, 6 Chuckwagon, Arlington, TX 77515. Mr. Rittberg's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered.
- h. Robert Ross, 255 Bellingham, Barrington, IL 60010. Mr. Ross' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered.
- i. Robert Steele, 1100 186th Street, Homewood, Illinois. Mr. Steele's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered.
- J. Dianna Visek, 608 W. Pennsylvania, Urbana, IL. Ms. Visek's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered.

In its Motion to Strike, Respondents/Candidates deny a "pattern of fraud" and state:

16. The objectors attempt to use the "wrong address" allegations as a badge of fraud as well as a basis for the preceding objection. The fact of the matter is that each of the two Circulators actually named in fact reside at the address indicated on their petition sheets.

17. Cheryl Forde is one such circulator. She resides at 143 E. Constitution in Smyrna, Delaware as she stated in her circulator's affidavit. This is the address on her driver's license; it is the address on her motor vehicle registration; it is the address where she pays for service to Kent County Sewer operations. Each of these records are attached hereto and made a part hereof as Candidates' Group Exhibit 2.

18. Since Ms. Forde listed her correct address, paragraph 19(d) must be stricken. It alleges that the listing of her incorrect residence address is indicia of fraud. It cannot be fraudulent for her to list her correct address.

19. The same is true for circulator Anthony Bonds, also alleged to have provided an incorrect address in paragraph 19. Other than the naked allegation that "The address listed by Mr. Bonds as his home address on his circulator affidavit is not in fact his residence," there is no other allegation that the stated address is not in fact the correct address.

20. Mr. Bonds listed 6427 S. Ashland Avenue, Chicago, Illinois as his address. Attached hereto and made parts hereof are his Illinois ID card, a Chase Bank statement, a Foundation for Emergency Services bill and a letter from Harold Washington College, all showing the same address Mr. Bonds stated as his address in his circulator's affidavit.

Each of these records is attached hereto and made a part hereof as Candidates' Group Exhibit 3

21. Paragraphs 19(a), which claims Mr. Bonds failed to list his correct address, and paragraph 19(d) regarding Cheryl Forde must be stricken.

22. Other than parroting the language of cases that discuss the pattern of fraud, these objectors fail to allege any specific acts of fraud committed by any LPI circulator. Paragraph 18 sets forth the general principals, but neither it nor paragraph 19 rises to the level of specificity sufficient to put the candidates on notice of what acts of fraud they need to address to defend against these baseless allegations.

23. The other sub-paragraphs of paragraph 19 reference other circulators whose petition sheets contain signatures which these objectors have interposed objections to on the basis that there are "an extraordinarily high rate of improper signatures." The other allegation is that "on certain of his sheets nearly every single purported voter is not registered." Some of the circulators are objected to on both grounds.

24. The Affidavits of each Circulator state that:

...to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters...and that their respective residences are correctly stated.

LPI nominating petitions, pages 1-2,583. There are no allegations that any of the circulators engaged in any conduct other than collecting signatures, some of which may – but have not yet been proven to be invalid. Once again, this does not amount to fraud.

25. The objectors very coyly add that their allegation of fraud "is made with specific reference to the petition sheets circulated by *at least* the following individuals for *at least* the following reasons...". The implication is that there are additional fraudulent acts the objectors will show at some future hearing.

26. The filing deadline for objections was 5:00p.m. on June 28 2010. Once the deadline has passed, the Election Code does not allow parties to file amendments to their objector's petition and does not authorize an electoral board to raise *sua sponte* objections to nominating petitions. *Siegel v. Lake County Officers Electoral Board*, 385 Ill. App.3d 452, 895 N.E. 2d 69 (2nd Dist., 2008).

27. By failing to allege with specificity any acts of fraud, the objectors have waived that as an issue and cannot now attempt to amend their objectors' petition with specifics not originally included in their objectors' petition.

28. Paragraphs 18 and 19 must be stricken.

At the August 16, 2010 hearing, Petitioners/Objectors withdrew its objection to the residence address of Anthony Bond and had no objection to the residence address of Darryl Bonner. As regards the residence address of Cheryl Forde, Petitioners/Objectors relied on the report of a private investigator which indicated that Ms Ford now resides at 6151 Reach Street, Philadelphia PA and not at 143 E Constitution Smyrna, Delaware, which was the address listed on her affidavit.

In refuting Petitioners/Objectors allegation that Ms. Forde did not reside at the address listed in the circulator's affidavit, Respondents/Candidates submitted a Delaware driver's license, and other documents indicating that Ms. Ford's residence was 143 E. Constitution Dr. Heritage Trace, Smyra Delaware. Accordingly, it is recommended that the Petitioners/Objectors objection to deficiencies in the addresses of circulators be denied.

Further, Petitioners/Objectors did not produce any evidence in support of its allegations in Paragraphs 16 and 17 of that "Circulator's Affidavit not Properly Notarized" and "Sheet not Notarized". Accordingly, it is recommended that the Petitioners/Objectors objection to notary deficiencies be denied.

Petitioners/Objectors allege that the aforementioned circulator deficiencies, coupled with the high "extraordinarily high rate of improper signatures" by circulators, constitute a pattern of fraud.

The elimination of signatures other than those specifically objected to by an Objector has been followed in *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1987), and *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988),

In *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), the electoral board was presented with an objection which contended, inter alia, that certain of the signatures on the candidate's nominating petitions were invalid. During a hearing on the objections, evidence was uncovered that someone other than the person signing the circulator's oath had, in fact, circulated certain of the sheets of the petition. *Fortas*, 122 Ill. App.3d at 699-700. In holding that the electoral board had a right to strike, on that basis, a sheet to which the objector had not specifically objected, the appellate court observed that "when in the course of hearing objections to nominating papers, evidence

beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process." *Fortas*, 122 Ill. App.3d at 701.

In *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201(1987), an objection was filed claiming that certain specified signatures in the candidates nomination petitions were invalid. During the course of a hearing, evidence was presented that that the circulator permitted individuals to sign the names of family members who were not present, and that someone other than the affiant presented the petition to signers. Thus, it was undisputed that the voters did not sign "in their own proper person only." and the electoral board invalidated signatures other than those specified in the objection. *Huskey*, 156 Ill. App.3d at 203-204.

The appellate court, relying upon *Fortas*, upheld the electoral board's right to consider evidence relating to the validity of signatures other than those challenged in the objection and held that the "evidence constitutes a pattern of disregard for the mandatory requirements of the Election Code and affects the integrity of the political process. The fact that the circulator misunderstood her instructions or was not properly instructed and thus did not have fraudulent intent does not alter our holding." *Huskey*, 156 Ill. App.3d at 205.

Election laws exist to preserve the integrity of our government. (*Glenn v. Radden* (1984), 127 Ill. App.3d 712, 469 N.E.2d 616.) Before a candidate is denied a place on the ballot, the rights of both the candidate and the voters must be weighed in the balance. (*Anderson v. Schneider* (1977), 67 Ill.2d 165, 365 N.E.2d 900.) In addition, the State's interest in regulating elections must be recognized. The crucial question is whether it is conceivable that removing the candidate from the ballot has a rational relationship to a legitimate governmental objective. *Havens v. Miller* (1981), 102 Ill. App.3d 558,

The general purpose of the Election Code's signature requirements is to provide an orderly procedure by which qualified persons seeking public office may enter elections. (See

Lewis v. Dunne (1976), 63 Ill.2d 48, 344 N.E.2d 443.) The petitions signed by electors are intended to serve a particular purpose. The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. (Merz v. Volberding (1981), 94 Ill. App.3d 1111, 419 N.E.2d 628.) The obvious purpose of the requirement that each person may only sign his or her own name is to provide an accurate showing of the candidate's support in the community.

Finally, in *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988), the objector alleged that the candidate's nominating petitions were forged and that certain of the other circulators' affidavits were false and perjurious, thereby reducing the number of valid signatures appearing on the petitions below the statutory minimum. *Canter*, 170 Ill. App.3d at 366. Citing *Fortas* and *Husky*, the court held that when the sheets of a nominating petition submitted by purported circulated evidence a pattern of fraud, false swearing and total disregard for the mandatory requirements of the Election Code the sheets purportedly circulated by that individual should be stricken in their entirety. *Canter*, 170 Ill. App.3d 364, 368. This ruling, coupled with stipulations entered into by the parties, left the candidate with fewer than the minimum number of required signatures and his name was removed from the ballot. *Canter*, 170 Ill. App. 3d at 367, 523 N.E.2d at 1301. The circuit court concurred in the Board's action. In turn, the appellate court, relying in part on *Fortas* and *Huskey*, found that the board properly struck the challenged sheets in their entirety. *Canter*, 170 Ill. App. 3d at 368, 523 N.E.2d at 1301. Therefore, the circuit court's ruling affirming the board's decision removing the candidate's name due to insufficient signatures was affirmed. *Canter*, 170 Ill. App. 3d at 370, 523 N.E.2d at 1303.

The common denominator in the aforementioned three cases is that the evidence considered by the electoral board, or which should have been considered, went to the general

objection that the candidate was called upon to answer, namely: whether his nominating petitions contained a sufficient number of valid signatures to satisfy the statutory minimum. Accordingly, if a fact pattern, such as described in *Fortas, Huskey* and *Canter* were shown to exist in the instant case, the Board is authorized to strike all of the signatures circulated on behalf of the Candidate.

In the instant case Petitioners/Objectors have produced no evidence in support of those allegations claiming a "pattern of fraud". Rather, as noted above, but for the one circulator who circulated petitions for Dabney as well as the Libertarian Party, there is no evidence of circulator impropriety. Additionally, as noted below, the binder examination reveals that approximately 70% of the signatures submitted were valid. Accordingly, it is recommended that Petitioners/Objectors' objection based upon a "pattern of fraud" be denied.

BINDER EXAMINATION

The August 11, 2010 binder examination conducted by the SBOE indicated that the Candidates/Respondents submitted 47,966 signatures. 14,421 objections were sustained and 9,209 were overruled, leaving a total of 33,545 valid signatures.

In its Rule 9 motion, Candidates/Respondents contend that that the "total lines submitted should be 48,063, not the 47,966 stated on the summary sheet". Additionally, Candidates/Respondents have submitted 45 certified copies of signatures of registered voters in support of its position that 45 objections were improperly sustained. Accordingly, rather than 33,545 valid signatures, Candidates/Respondents contend that they have submitted in excess of 33,600 valid signatures.

In the instant case, the Candidates need to submit 25,000 valid signatures to be on the ballot. Using the number 33,545, and assuming that the number of signatures contained on

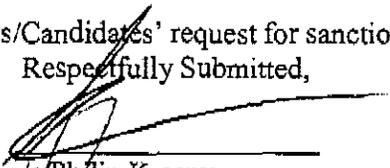
petitions circulated by Bernice Travis did not exceed 8,546, it would appear that the Candidates have collected a minimum of 25,000 valid signatures. Accordingly, it is recommended that the Petitioners/Objectors petition to strike the Libertarian Party from the ballot be denied.

Finally, in its Rule 9 motion Candidates/Respondents have cited Illinois Supreme Court Rule 137 and have asked for the imposition of sanctions against Petitioners/Objectors. It is recommended that the request for sanctions be denied.

SUMMARY OF RECCOMENDATIONS

1. The Candidates/Respondents' Motion to Strike the petition for lack of standing should be denied;
2. All signatures on the Libertarian Party petitions circulated by Bernice Travis should be stricken; That all other Petitioners/Objectors' objection to circulator deficiencies should be denied;
3. The Petitioners/Objector's objection to notary deficiencies should be denied;
4. The Petitioners/Objectors' objection based upon a "pattern of fraud" should be denied;
5. Using the number 33,545 and, assuming that the number of signatures contained on petitions circulated by Bernice Travis did not exceed 8,546, it would appear that the Candidates have collected a minimum of 25,000 valid signatures. Accordingly, it is recommended that the Petitioners/Objectors' petition to strike the Libertarian Party from the ballot be denied;
6. That Respondents/Candidates' request for sanctions should be denied.

Respectfully Submitted,


/s/Philip Krasny
Hearing Officer

8/23/10
date

Sandvoss, Steve

From: John Fogarty [fogartyjr@gmail.com]
Sent: Monday, August 23, 2010 11:25 AM
To: philip krasny; Sandvoss, Steve; spiegel@lawyer.com
Cc: fogartyjr@gmail.com; Brien Sheahan
Subject: Bernice Travis Pages / Libertarian Party
Attachments: Bernice Travis Pages_ Libertarian Party.xlsx

Gentlemen --

After the records exam, the petition pages circulated on behalf of the Libertarian Party by Bernice Travis apparently contained 337 signatures. A spreadsheet is attached.

--

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)

<u>Page Number</u>	<u>Valid Signatures Remaining</u>
63	15
207	10
208	9
209	10
210	8
211	15
212	12
213	9
214	11
220	8
221	9
228	10
230	14
231	9
232	11
386	7
387	8
388	9
389	6
390	3
391	9
622	9
646	8
751	11
764	6
2246	17
2340	12
2341	10
2342	13
2417	10
2418	8
2419	7
2420	6
2504	6
2505	12
TOTAL:	337

**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**

Andrew Heffernan and)
 Steve Nekic,)
 Petitioner-Objectors,)
)
 vs.)
)
 The Libertarian Party as a)
 purported new political party in)
 the State of Illinois; Lex Green as)
 a Candidate for Governor; Ed)
 Rutledge as a Candidate for)
 Lieutenant Governor; Josh)
 Hanson as a Candidate for)
 Secretary of State; Bill Malan as a)
 Candidate for Attorney General;)
 James Pauly as a Candidate for)
 Treasurer; Julie Fox as a)
 Candidate for Comptroller; and)
 Mike Labno as a Candidate for)
 United States Senate;)
)
 Respondent-Candidates.)

567

STATE
BOARD OF ELECTIONS

JUN 28 PM 4: 32

CHICAGO

VERIFIED OBJECTORS' PETITION

Now comes Andrew Heffernan and Steve Nekic (hereinafter referred to as the "Objectors"), and state as follows:

1. Andrew Heffernan resides at 3931 Scoville Avenue, Stickney, Illinois, 60402, in the County of Cook, in 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 petition 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. Steve Nekić resides at 2027 W. Berteau Avenue, #2, Chicago, Illinois, 60618, Cook County, in 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 petition 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.

3. Your Objectors make the following objections to the new political party petition papers of the Libertarian Party and their purported candidates for statewide office in the State of Illinois: Lex Green for Governor; Ed Rutledge for Lieutenant Governor; Josh Hanson for Secretary of State; Bill Malan for Attorney General; James Pauly for Treasurer; Julie Fox for Comptroller; and Mike Labno for United States Senate (“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 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(s), 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 has filed 2,583 petition signature sheets containing a total of 46,749 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

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

7. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT PROPER PERSON OR SIGNATURE NOT GENUINE (A)," 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 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 State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "SIGNER NOT REGISTERED AT THE ADDRESS SHOWN (B)," 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 the said Nomination Papers contain the names of 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 State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the

column designated "SIGNER NOT IN DISTRICT (C)," 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 listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER'S ADDRESS IS MISSING OR INCOMPLETE (D)" 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 further state that said Nomination 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 the column designated "SIGNED PETITION TWICE (E)," with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s) as Sh. ___, L. ___, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. Individuals who signed the Nomination Papers and also the nominating petitions of another political party are also set forth in this column.

12. Your Objectors state that said Nomination Papers contain the signatures of various individuals who have voted in the partisan General Primary Election on February 2, 2010, thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2010 General Election, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER VOTED IN 2010 GENERAL PRIMARY ELECTION (F)" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets for a candidate of a political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided. Moreover, your Objector specifically states that Bernice Travis circulated petition sheets for both the Libertarian Party and for Corey Dabney, an Independent candidate for United States Senator. Ms. Travis circulated Libertarian petition sheet nos: 63; 207-214; 220; 221; 228; 230-232; 386-391; 622; 646; 751; 764; 2246; 2340-2342; 2417-2420; 2504; 2505. Ms. Travis also circulated at least page 189 for Corey Dabney, a copy of which is on file with the State Board of Elections. All of the aforesaid pages circulated by Ms. Travis must be stricken.

14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as

13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets for a candidate of a political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided. Moreover, your Objector specifically states that Bernice Travis circulated petition sheets for both the Libertarian Party and for Corey Dabney, an Independent candidate for United States Senator. Ms. Travis circulated Libertarian petition sheet nos: 63; 207-214; 220; 221; 228; 230-232; 386-391; 622; 646; 751; 764; 2246; 2340-2342; 2417-2420; 2504; 2505. Ms. Travis also circulated at least X page for Corey Dabney, a copy of which is on file with the State Board of Elections. All of the aforesaid pages circulated by Ms. Travis must be stricken.

14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as

set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

16. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S AFFIDAVIT NOT PROPERLY NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

17. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

18. Your Objectors state 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).

19. Your Objector states 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 the petition sheets circulated by at least the following individuals for at least the following reasons:

a. Anthony Bonds, purportedly residing at 6427 S. Ashland Avenue, Chicago, Illinois. The address listed by Mr. Bonds as his home address on his circulator affidavit is not in fact his residence. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his residence address, Mr. Bonds has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Mr. Bonds purported to circulate petition sheet nos. 33, 41, 55, 59, 68, 234, 235, 531, 554, 555, 557, 559, 560, 571, 573, 575, 577, 664, 666, 670, 676, 690, 708, 724, 729, 737, 749, 783, 785, 874, 877, 879, 881, 884, 886, 938, 940, 943, 949, 998, 1051, 1052, 1053, 1053, 1054, 1062, 1063, 1096, 1097, 1098, 1124, 1128, 1129, 1143, 1144, 1145, 1157, 1158, 1175, 1176, 1177, 1178, 1179, 1180, 1208, 1231, 1232, 1237, 1273, 1284, 1286, 1304, 1305, 1322, 1359, 1362, 1367, 1378,

1380, 1386, 1421, 1422, 1486, 1487, 1505, 1506, 1508, 1509, 1510, 1543, 1545, 1558, 1578, 1579, 1590, 1609, 1618, 1620, 1621, 1648, 1673, 1675, 1676, 1700, 1701, 1702, 1703, 1731, 1732, 1733, 1734, 1761, 1762, 1763, 1788, 1789, 1795, 1796, 1797, 1798, 1836, 1837, 1874, 1911, 1912, 1944, 1945, 1968, 1969, 1970, 2019, 2020, 2021, 2056, 2057, 2075, 2086, 2117, 2119, 2138, 2150, 2153, 2156, 2199, 2202, 2210, 2214, 2222, 2225, 2226, 2273, 2290, 2300, 2302, 2304, 2317, 2333, 2351, 2353, 2354, 2376, 2377, 2378, 2398, 2399, 2427, 2441, 2443, 2444, 2494, 2495, 2497, 2498, 2531, 2532, 2533, 2562, 2563.

b. Darryl Bonner, resides at 5045 Rose Avenue, Long Beach, CA 90807. Mr. Bonner's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Bonner should be stricken. Mr. Bonner purported to circulate petition sheet nos. 34, 36, 39, 51, 56, 69, 70, 265, 266, 267, 272, 273, 276, 277, 293, 294, 295, 304, 313, 314, 412, 413, 414, 415, 416, 507, 510, 515, 517, 519, 521, 523, 563, 564, 566, 568, 570, 572, 574, 576, 657, 669, 669, 671, 673, 674, 677, 679, 685, 687, 689, 691, 709, 728, 784, 815, 817, 819, 822, 824, 1140, 1141, 1142, 1205, 1283, 1303, 1306, 1358, 1360, 1363, 1379, 1385, 1409, 1410, 1433, 1434, 1458, 1459, 1483, 1484, 1485, 1530, 1531, 1532, 1553, 1554, 1559, 1575, 1589, 1591, 1610, 1616, 1619, 1626, 1647, 1649, 1677, 1678, 1679, 1682, 1704, 1705, 1706, 1708, 1729, 1730, 1971, 1972, 1999, 2000, 2001, 2002, 2003, 2063, 2064, 2072, 2073, 2074, 2076, 2077, 2087, 2116, 2120, 2137, 2149, 2151, 2154, 2155, 2157, 2197, 2198, 2201, 2209, 2211, 2213, 2215, 2221, 2224, 2227, 2274, 2289, 2291, 2301, 2303, 2318, 2328, 2329, 2330, 2331, 2355, 2356, 2357,

2373, 2374, 2375, 2414, 2415, 2424, 2425, 2442, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2534, 2542, 2544.

c. Sarah Dart, 4872 W. St. Paul, Chicago, Illinois 60639. Ms. Dart's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Dart should be stricken. Ms. Dart purported to circulate petition sheet nos. 37, 42, 71, 336, 337, 338, 340, 543, 545, 546, 550, 565, 567, 569, 611, 686, 711, 713, 747, 779, 786, 1507, 1622, 1681, 2022, 2023, 2024, 2078, 2115, 2121, 2180, 2228, 2371, 2372, 2395, 2428, 2429, 2518, 2519, 2520.

d. Cheryl Forde, purportedly residing at 143 E. Constitution, Smyrna, Delaware, 19977. Ms. Forde has not listed her true residence address on her circulator's affidavit. In fact, the residence address listed by Ms. Forde on her circulator's affidavit was foreclosed upon in 2009. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his residence address, Ms. Forde has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of her sheets must be invalidated. Ms. Forde purported to circulate petition sheet nos. 30, 44, 66, 222, 229, 236, 237, 239, 270, 271, 274, 275, 278, 279, 280, 344, 345, 346, 347, 348, 349, 350, 351, 372, 373, 417, 418, 419, 487, 490, 494, 496, 498, 499, 500, 503, 547, 548, 549, 551, 553, 556, 579, 581, 583, 585, 587, 589, 591, 608, 609, 610, 612, 614,

652, 656, 681, 683, 694, 703, 704, 716, 718, 719, 720, 740, 826, 828, 893, 895, 899, 976, 987, 997, 1012, 1014, 1083, 1084, 1085, 1092, 1093, 1094, 1132, 1133, 1134, 1135, 1159, 1160, 1161, 1173, 1174, 1182, 1193, 1201, 1294, 1295, 1310, 1352, 1365, 1381, 1417, 1418, 1435, 1436, 1437, 1438, 1443, 1488, 1489, 1490, 1491, 1492, 1526, 1528, 1529, 1564, 1623, 1646, 1735, 1742, 1743, 1753, 1754, 1770, 1828, 1829, 1830, 1870, 1871, 1909, 1910, 1948, 1949, 1950, 1963, 1964, 2030, 2031, 2032, 2033, 2046, 2047, 2097, 2098, 2099, 2113, 2188, 2189, 2190, 2191, 2195, 2229, 2231, 2237, 2254, 2275, 2277, 2279, 2287, 2292, 2319, 2326, 2327, 2334, 2335, 2336, 2358, 2401, 2402, 2403, 2449, 2450, 2505, 2528, 2529, 2530.

e. Bettina Lindsey-Goode, 7636 S. King Drive, Chicago, Illinois. Ms. Lindsey-Goode's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Lindsey-Goode should be stricken. Ms. Lindsey-Goode purported to circulate petition sheet nos. 87, 233, 476, 524, 526, 528, 643, 665, 733, 1503.

f. Ruby James, 155 Elkhorn Lane, Columbia, SC 29229. Ms. James' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. James should be stricken. Ms. James purported to circulate petition sheet nos. 52, 79, 100, 240, 241, 242, 243, 434, 457, 458, 461, 463, 464, 529, 534, 536, 538, 618, 630, 636, 667, 700, 796, 802, 810, 811, 911, 914, 916, 918, 920, 923, 932, 934, 990, 995, 1060, 1069, 1226, 1227, 1228, 1245, 1253, 1254, 1265, 1266,

1267, 1271, 1291, 1314, 1333, 1387, 1397, 1467, 1500, 1501, 1502, 1519, 1520, 1521, 1522, 1533, 1535, 1573, 1580, 1581, 1593, 1606, 1607, 1614, 1643, 1717, 1719, 1744, 1745, 1768, 1775, 1776, 1777, 1778, 1784, 1785, 1793, 1794, 1818, 1819, 1820, 1821, 1831, 1832, 1833, 1834, 1850, 1851, 1852, 1853, 1866, 1867, 1868, 1893, 1894, 1895, 1896, 1917, 1918, 1930, 1931, 1989, 1990, 2018, 2084, 2090, 2240, 2265, 2269, 2311, 2320, 2321, 2348, 2426, 2430, 2431, 2550.

g. Eric Rittberg, 6 Chuckwagon, Arlington, TX 77515. Mr. Rittberg's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Rittberg should be stricken. Mr. Rittberg purported to circulate petition sheet nos. 20, 21, 53, 57, 60, 80, 81, 253, 254, 255, 256, 285, 286, 307, 308, 309, 310, 333, 334, 335, 424, 425, 426, 427, 428, 429, 430, 431, 495, 497, 506, 508, 509, 511, 512, 514, 516, 518, 520, 522, 552, 626, 678, 721, 722, 723, 725, 730, 731, 753, 754, 757, 846, 849, 851, 853, 862, 864, 867, 869, 941, 944, 946, 978, 992, 1001, 1002, 1003, 1007, 1008, 1011, 1013, 1015, 1017, 1019, 1022, 1023, 1028, 1029, 1031, 1035, 1036, 1037, 1039, 1041, 1044, 1046, 1070, 1086, 1087, 1107, 1108, 1109, 1110, 1110, 1111, 1147, 1148, 1149, 1150, 1151, 1215, 1216, 1217, 1218, 1219, 1220, 1235, 1236, 1241, 1247, 1248, 1251, 1252, 1255, 1261, 1262, 1263, 1269, 1272, 1274, 1287, 1289, 1290, 1293, 1296, 1297, 1298, 1299, 1302, 1313, 1316, 1319, 1320, 1324, 1326, 1328, 1331, 1332, 1334, 1338, 1340, 1343, 1345, 1347, 1349, 1354, 1356, 1368, 1370, 1372, 1373, 1374, 1383, 1390, 1398, 1404, 1411, 1412, 1413, 1426, 1427, 1428, 1439, 1440, 1441, 1453, 1454, 1455, 1496, 1497, 1498, 1499, 1547, 1548, 1549, 1551, 1555, 1556, 1557, 1571, 1583, 1584, 1590, 1595, 1597, 1603,

1604, 1608, 1612, 1617, 1628, 1629, 1630, 1635, 1637, 1641, 1644, 1650, 1651, 1652, 1653, 1656, 1661, 1662, 1664, 1667, 1668, 1670, 1694, 1695, 1696, 1697, 1716, 1720, 1721, 1722, 1755, 1756, 1757, 1758, 1759, 1760, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1901, 1902, 1903, 1904, 1905, 1913, 1914, 1915, 1916, 2050, 2051, 2052, 2065, 2066, 2067, 2068, 2069, 2081, 2085, 2092, 2093, 2094, 2095, 2105, 2106, 2107, 2135, 2141, 2145, 2146, 2163, 2166, 2168, 2173, 2174, 2181, 2183, 2184, 2185, 2186, 2249, 2260, 2261, 2266, 2268, 2270, 2280, 2283, 2284, 2286, 2293, 2294, 2295, 2296, 2299, 2306, 2309, 2313, 2314, 2411, 2413, 2506, 2507, 2508, 2510, 2511, 2512, 2513, 2514, 2515, 2516.

h. Robert Ross, 255 Bellingham, Barrington, IL 60010. Mr. Ross' petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Ross should be stricken. Further, the signatures on numerous of Mr. Ross's petitions appear to be not genuine, and such signatures appear to have been forged. Mr. Ross purported to circulate petition sheet nos. 23, 50, 215, 216, 219, 226, 227, 640, 693, 743, 744, 1000, 1016, 1090, 1164, 1165, 1197, 1198, 1199, 1229, 1230, 1257, 1258, 1277, 1285, 1327, 1348, 1451, 1452, 1493, 1494, 1495, 1534, 1541, 1542, 1574, 1631, 1654, 1723, 1724, 1956, 1957, 1958, 2104, 2132, 2142, 2169, 2171, 2250, 2251, 2258, 2285, 2297, 2324, 2364, 2365, 2366, 2410, 2412, 2432.

i. Robert Steele, 1100 186th Street, Homewood, Illinois. Mr. Steele's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007),

each and every one of the petition sheets circulated by Mr. Steele should be stricken. Further, the signatures on numerous of Mr. Steele's petitions appear to be not genuine, and such signatures appear to have been forged. Mr. Steele purported to circulate petition sheet nos. 85, 201, 202, 257, 258, 259, 260, 291, 318, 319, 320, 321, 322, 329, 330, 331, 332, 398, 433, 440, 441, 443, 444, 446, 478, 483, 488, 621, 623, 638, 644, 692, 697, 698, 732, 746, 750, 762, 763, 798, 801, 803, 838, 841, 898, 900, 913, 915, 952, 961, 969, 985, 986, 993, 999, 1009, 1018, 1025, 1027, 1042, 1125, 1126, 1127, 1152, 1153, 1154, 1188, 1189, 1209, 1210, 1214, 1233, 1234, 1279, 1281, 1336, 1337, 1342, 1353, 1382, 1391, 1393, 1400, 1402, 1429, 1430, 1431, 1432, 1446, 1449, 1450, 1469, 1471, 1517, 1518, 1611, 1632, 1633, 1655, 1663, 1665, 1683, 1689, 1691, 1771, 1772, 1779, 1780, 1781, 1808, 1809, 1810, 1811, 1826, 1827, 1840, 1841, 1842, 1843, 1844, 1857, 1858, 1859, 1860, 1872, 1873, 1884, 1885, 1886, 1919, 1920, 1921, 1922, 1923, 1927, 1928, 1929, 1954, 1955, 1993, 1994, 2062, 2131, 2144, 2164, 2170, 2248, 2256, 2257, 2261, 2271, 2276, 2282, 2298, 2307, 2316, 2337, 2338, 2339, 2361, 2362, 2363, 2434, 2435, 2546, 2570.

j. Dianna Visek, 608 W. Pennsylvania, Urbana, IL. Ms. Visek's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Visek should be stricken. Ms. Visek purported to circulate petition sheet nos. 24, 25, 26, 48, 54, 62, 67, 82, 326, 327, 328, 393, 394, 395, 396, 436, 437, 438, 439, 442, 445, 447, 453, 600, 604, 624, 629, 742, 840, 842, 844, 845, 887, 889, 890, 905, 907, 942, 945, 947, 960, 962, 964, 971, 981, 982, 984, 991, 994, 1021, 1024, 1030, 1038, 1040, 1043, 1045, 1118, 1119, 1120, 1121, 1122, 1123, 1194, 1195, 1196, 1224,

1242, 1243, 1244, 1246, 1256, 1259, 1264, 1268, 1270, 1278, 1288, 1292, 1311, 1317, 1318, 1321, 1335, 1344, 1346, 1376, 1389, 1399, 1405, 1511, 1512, 1513, 1514, 1515, 1516, 1572, 1577, 1582, 1586, 1587, 1596, 1605, 1658, 1764, 1765, 1766, 1767, 1769, 1773, 1774, 1815, 1816, 1817, 1875, 1876, 1877, 1878, 2015, 2016, 2017, 2079, 2080, 2082, 2091, 2103, 2133, 2172, 2267, 2312, 2343, 2344, 2345, 2346, 2347, 2380, 2381, 2382, 2473, 2474, 2479, 2480, 2481, 2548, 2549, 2569.

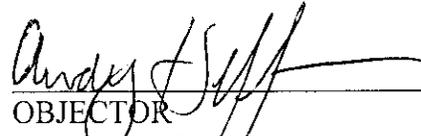
The degree of fraud, false swearing and utter disregard of the Election Code evidenced in these petition sheets justify invalidating the entire petition set. In the alternative, each and every nominating petition sheet submitted by each of the alleged circulators listed above should be stricken.

20. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 46,829 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by at least 26,978, thereby reducing the number of valid signatures submitted to 20,751, or 4,249 below the statutory minimum of 25,000. Moreover, invalidation of the sheets submitted by the circulators listed above further reduces the number of valid signatures presented by the purported Libertarian Party as a new political party in the State of Illinois below the minimum number required by law.

WHEREFORE, your Objectors pray that the purported new political party petition papers of the Libertarian Party and their purported candidates for statewide office in the State of Illinois: Lex Green for Governor; Ed Rutledge for Lieutenant Governor; Josh Hanson for Secretary of State; Bill Malan for Attorney General; James Pauly for Treasurer; Julie Fox for Comptroller; and Mike Labno 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 Libertarian Party not qualify as a new political party at the 2010 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 Libertarian Party shall not qualify as a new political party, and that the names of Lex Green for Governor; Ed Rutledge for Lieutenant Governor; Josh Hanson for Secretary of State; Bill Malan for Attorney General; James Pauly for Treasurer; Julie Fox for Comptroller; and Mike Labno for United States Senate as Candidates of the Libertarian 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 2, 2010.

Respectfully submitted,



OBJECTOR
Andrew Heffernan



OBJECTOR
Steve Nekić

John G. Fogarty, Jr.
Attorney for Objectors
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4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
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Brien Sheahan
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Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

VERIFICATION

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

Andrew Heffernan
OBJECTOR

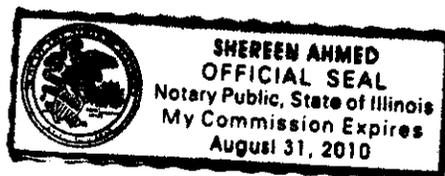
Andrew Heffernan
3931 Scoville Avenue
Stickney, Illinois, 60402-4154

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Andrew Heffernan, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC

My Commission expires: 8/31/10



VERIFICATION

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

Steve Nekic

OBJECTOR
Steve Nekic
2027 W. Berteau Avenue, #2
Chicago, Illinois, 60618

County of Cook)
) ss.
State of Illinois)

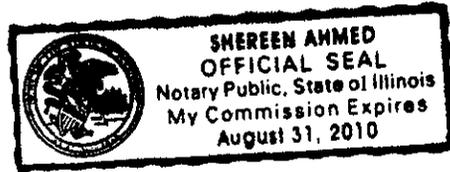
Subscribed to and Sworn before me, a Notary Public, by Steve Nekic, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

[Signature]

(SEAL)

NOTARY PUBLIC

My Commission expires: 8/31/10



**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE STATE OFFICERS ELECTORAL BOARD**

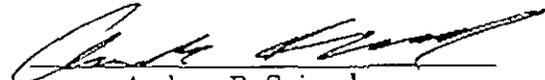
Andrew Heffernan and)
 Steve Nekic,)
)
 Petitioners-Objectors,)
)
 -vs-)
)
 Libertarian Party of Illinois, and its state)
 slate: Lex Green, Ed Rutledge,)
 Josh Hanson, Bill Malan, James Pauly)
 Julie Fox and its U.S. Senate candidate,)
 Mike Labno,)
)
 Respondents-Candidates.)

No. 10 SOEB GE 567

Notice of Filing

To: Philip Krasny by fax to 312 345-9860 State Board 312 814-6485
 John Fogarty, Jr. faxed to 773 549-7147

PLEASE TAKE NOTICE that on July 9, 2010, prior to 3:30p.m. the undersigned faxed to the County Officers Electoral Board and to counsel for the Objector the candidate's Motion to Strike and Dismiss the Objector's Petition, copies of which are attached hereto and herewith served upon you.


 Andrew B. Spiegel

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached Motion on the above persons/entities by facsimile transmission to them at the above numbers prior to 4:30 p.m. on July 9, 2010.


 Andrew B. Spiegel

Attorney for Candidate
 15 Spinning Wheel Road, Suite 126
 Hinsdale, IL 60521
 630 325-5557

BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE STATE OFFICERS ELECTORAL BOARD

Andrew Heffernan and)
 Steve Nekic,)
)
 Petitioners-Objectors,)
)
 -vs-)
)
 Libertarian Party of Illinois, and its state)
 slate: Lex Green, Ed Rutledge,)
 Josh Hanson, Bill Malan, James Pauly)
 Julie Fox and its U.S. Senate candidate,)
 Mike Labno,)
)
 Respondents-Candidates.)

No. 10 SOEB GE 567

**MOTION TO STRIKE AND DISMISS
THE OBJECTORS' PETITION**

NOW COME the Respondents-Candidates and the Libertarian Party of Illinois, by their attorney Andrew B. Spiegel and moving to strike and dismiss the Objectors' Petition pursuant to Rule 7 of the Rules of Procedure, state as follows:

Introduction

1. There are two objectors included in this Objectors' Petition. They are objecting to the LPI as a "purported new political party" in Illinois. They are also objecting to the LPI state slate: Governor- Lex Green, Lieutenant Governor- Ed Rutledge, Secretary of State- Josh Hanson, Attorney General – Bill Malan and Comptroller- James Pauley. Their objection also includes the LPI U.S. Senate candidate – Mike Labno.

2. In this Motion, the Candidates are challenging the standing of these objectors and the legal sufficiency of their objectors' petition.

Standing

3. The candidates first raise the affirmative defense that these objectors lack standing to bring this petition. Any legal voter in the state of Illinois has standing to object to these candidates.

4. A check of the registration status of Andrew Heffernan and Steve Nekić reveals that the former may or may not be registered and the latter does not appear to be registered at the address shown in the objectors' petition. See Candidates' Exhibit 1 A (as to Andrew Heffernan) and 1 B (as to Steve Nekić). Said exhibit is attached hereto and made a part hereof.

5. The Board must order both objectors' to establish their voting registration before anything further proceedings on their objectors' petition. They have no standing to bring it if they are not registered as they claim in that petition.

Number of Signatures

6. The next question is the number of signatures submitted by the LPI. The candidates contend they submitted 48,039 valid signatures. The objectors claim there are 46,749, a substantial difference of 1,290 signatures.

7. The LPI nominating petition contains 20 lines per page. There are 2583 pages (and no dispute about the number of pages). If all lines were filled, the maximum number is 51,660. All lines are not filled and based on the painstaking count by the LPI, the total number of signatures submitted, after taking into account the ones deleted by LPI, is 48,039.

Objection "F" in Paragraph 12 Must Be Stricken

8. The Category F Objection relates to voters who voted in the partisan General Primary Election on February 2, 2010. The objectors claim that if a voter

cast a vote in that election, that voter cannot then sign a petition to form a new political party for the general election.

9. According to the *Candidate's Guide* 2010, the question is: can a voter sign an established party petition and a new party and/or independent petition? (page 48 of the "Candidate's Guide"). The answer is YES.

10. Under the Election Code, 10 ILCS 5/7-10 and 5/10-3, a voter can sign a candidate's petition prior to the Primary and then subsequently sign a petition for a new party or independent candidate for the general election. That being the case, there is no legal basis for the "F" objection.

11. Any voter who voted in the Primary Election is not precluded by the Election Code from signing the LPI nominating petition for the General Election. Paragraph 12 of the Objectors' Petition alleges such a prohibition and must therefore be stricken.

Objection "E" in Paragraph 11 Must Be Stricken

12. The "E" objection – signed petition twice – is insufficient as a matter of law because it does not specify the sheets or lines at which the duplicate signatures allegedly appear. The Appendix Recapitulation sheets insufficiently describe the specifics for this type of object.

13. The Objectors failed to comply with the requirements of 10 ILCS 5/10-8 because they failed to state fully the nature of the objections to the nominating petitions by failing to reference any page or line numbers on which these objections appear. Paragraph 11 must be stricken.

**Paragraph 14 - Circulator Does Not Reside
at Address Shown Must be Stricken**

14. This objection to Circulator addresses is also insufficient as a matter of law because it does not specify which of the 130 people who circulated LPI petitions it is referring to.

14. The Objectors failed to comply with the requirements of 10 ILCS 5/10-8 because they failed to state fully the nature of the objections to the nominating petitions by failing to reference any page on which these objections appear.

15. Paragraph 14 must be stricken because it is incumbent upon the objectors to fully state the specific objections to the LPI petitions. It is not the duty of the candidates to sort through thousands of pages of appendix recapitulation sheets to see which sheets contain circulator objections if those objections are not specified in the objection itself.

Paragraphs 18 – 19 "Pattern of Fraud" Must be Stricken

16. The objectors attempt to use the "wrong address" allegations as a badge of fraud as well as a basis for the preceding objection. The fact of the matter is that each of the two Circulators actually named in fact reside at the address indicated on their petition sheets.

17. Cheryl Forde is one such circulator. She resides at 143 E. Constitution in Smyrna, Delaware as she stated in her circulator's affidavit. This is the address on her driver's license; it is the address on her motor vehicle registration; it is the address where she pays for service to Kent County Sewer operations. Each of these records are attached hereto and made a part hereof as Candidates' Group Exhibit 2.

18. Since Ms. Forde listed her correct address, paragraph 19(d) must be stricken. It alleges that the listing of her incorrect residence address is indicia of fraud. It cannot be fraudulent for her to list her correct address.

19. The same is true for circulator Anthony Bonds, also alleged to have provided an incorrect address in paragraph 19. Other than the naked allegation that "The address listed by Mr. Bonds as his home address on his circulator affidavit is not in fact his residence," there is no other allegation that the stated address is not in fact the correct address.

20. Mr. Bonds listed 6427 S. Ashland Avenue, Chicago, Illinois as his address. Attached hereto and made parts hereof are his Illinois ID card, a Chase Bank statement, a Foundation for Emergency Services bill and a letter from Harold Washington College, all showing the same address Mr. Bonds stated as his address in his circulator's affidavit. Each of these records is attached hereto and made a part hereof as Candidates' Group Exhibit 3

21. Paragraphs 19(a), which claims Mr. Bonds failed to list his correct address, and paragraph 19(d) regarding Cheryl Forde must be stricken.

22. Other than parroting the language of cases that discuss the pattern of fraud, these objectors fail to allege any specific acts of fraud committed by any LPI circulator. Paragraph 18 sets forth the general principals, but neither it nor paragraph 19 rises to the level of specificity sufficient to put the candidates on notice of what acts of fraud they need to address to defend against these baseless allegations.

23. The other sub-paragraphs of paragraph 19 reference other circulators whose petition sheets contain signatures which these objectors have interposed objections to on the basis that there are "an extraordinarily high rate of improper

signatures." The other allegation is that "on certain of his sheets nearly every single purported voter is not registered." Some of the circulators are objected to on both grounds.

24. The Affidavits of each Circulator state that:

...to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters...and that their respective residences are correctly stated.

LPI nominating petitions, pages 1-2,583. There are no allegations that any of the circulators engaged in any conduct other than collecting signatures, some of which may – but have not yet been proven to be invalid. Once again, this does not amount to fraud.

25. The objectors very coyly add that their allegation of fraud "is made with specific reference to the petition sheets circulated by *at least* the following individuals for *at least* the following reasons...". The implication is that there are additional fraudulent acts the objectors will show at some future hearing.

26. The filing deadline for objections was 5:00p.m. on June 28 2010. Once the deadline has passed, the Election Code does not allow parties to file amendments to their objector's petition and does not authorize an electoral board to raise *sua sponte* objections to nominating petitions. *Siegel v. Lake County Officers Electoral Board*, 385 Ill. App.3d 452, 895 N.E. 2d 69 (2nd Dist., 2008).

27. By failing to allege with specificity any acts of fraud, the objectors have waived that as an issue and cannot now attempt to amend their objectors' petition with specifics not originally included in their objectors' petition.

28. Paragraphs 18 and 19 must be stricken.

***The Libertarian Party Must be Stricken
from the Objectors' Petition***

29. The objection process set forth in the Election Code Article 10 is a means by which interested voters can object to candidates. It does not provide a means to strike a political party as an entity in and of itself, unless that party has attempted to adopt one of the *verboden* names prohibited in the Code.

30. The objectors have improperly included in the caption of their objectors petition, the LPI as if it were an actual party to this proceeding. The LPI cannot be a party in these proceedings and must be stricken from the objectors' petition.

Wherefore the Respondents-Candidates and the Libertarian Party of Illinois, by their attorney Andrew B. Spiegel move for entry of an Order that the Objectors' Petition be stricken and dismissed or in the alterative that their objections be overruled and for such other and additional relief as the Board deems just and equitable in the circumstances.

Respectfully submitted,



Andrew B. Spiegel
Candidates' Attorney

Andrew B. Spiegel
15 Spinning Wheel Road, Suite 126
Hinsdale, Illinois 60521
630 325-5557

Am I Registered to Vote in Illinois?
from the State Board of Elections web site

for **Andrew Heffernan**:

Please enter your first name, last name, and ZIP code then click submit to search for your voter registration.

First Name:	<input type="text" value="Andrew"/>
Last Name:	<input type="text" value="Heffernan"/>
Zip Code:	<input type="text" value="60402"/>

We've found multiple voters with your name and ZIP code. Please enter your birthdate to help us refine our search.

Enter your Date of Birth:

Candidates' Exhibit 1 A

for **Steve Nekić**:

We were unable to locate your voter information. Please contact your local jurisdiction (this is usually your county).

You can also re-enter any of the information below and try to search again. Please enter your first name, last name, and ZIP code then click submit to search for your voter registration.

First Name:	Steve
Last Name:	Nekić
Zip Code:	60618

Am I Registered to Vote in Illinois?

We were unable to locate your voter information. Please contact your local jurisdiction (this is usually your county).

You can also re-enter any of the information below and try to search again. Please enter your first name, last name, and ZIP code then click submit to search for your voter registration.

First Name:	Steven
Last Name:	Nekić
Zip Code:	60618

Candidates' Exhibit 1 B

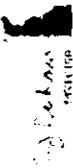
DELAWARE The First State



Lic. No. 1077721
 Class: **D** DRIVER LICENSE
 Issue: 01-27-2009 Expiration: 09-30-2012
 License Type: **REGULAR**

CHERYL L. FORDE
 143 E CONSTITUTION
 DR. HERITAGE TRACE
 SMYRNA, DE 193770600
 SEX: F HT: 505 WT: 156 EYES: BRO HAIR: BRN
 REGISTRATION: 09-30-18-48
 REGISTRATION: **REGULAR**

Cheryl Forde



Candidates'
 Group Exhibit 2

JUL03 10 11:14a



STATE OF DELAWARE

Motor Vehicle Registration Card

Good Only When Signed On Back And Officially Validated

VEHICLE MAY BE INSPECTED AND REGISTRATION RENEWED ANYTIME WITHIN 90 DAYS BEFORE EXPIRATION
A SIMILATE FEE IS CHARGED FOR LATE REGISTRATION RENEWALS



TITLE TAG AND REGISTRATION NO PC452381	SPECIAL TAG, FEES	ODOMETER MILEAGE 15,340	
MANUFACTURER AND YEAR FORD 2000	MODEL XPL	BODY STYLE 4W	YEARLY FEE 40.00
TITLE DATE 12/28/2007	EXPIRATION DATE 12/31/2011	VEHICLE IDENTIFICATION NO. 1FMDU73E8YZC62664	
REGISTRATION	WEIGHT 5,340	USE TRANSFER	COLOR WHI

FORDE CHERYL L
143 E CONSTITUTION
DR HERITAGE TRACE
SMYRNA DE 19977

201001132203600001 119 ERL
\$\$\$90.00 RR PC452381

SEWER OPERATIONS - QUARTERLY BILL
 KENT COUNTY TREASURER, P.O. BOX 1175, DOVER, DELAWARE 19903 (302) 744-2391

NOTE CHANGE OF ADDRESS HERE:

ACCOUNT NUMBER: 12137 01

FORDE, CHERYL
 PO BOX 58507
 PHILADELPHIA PA 19111

PAST DUE AFTER:	7/31/10
AMOUNT DUE:	76.20
AMOUNT PAID:	

MAKE CHECK PAYABLE TO: KENT COUNTY TREASURER
 PLEASE DETACH TOP PORTION AND RETURN WITH PAYMENT

KENT COUNTY - SEWER OPERATIONS - QUARTERLY BILL
 KENT COUNTY TREASURER, P.O. BOX 1175, DOVER, DELAWARE 19903 (302) 744-2391

OFFICE HOURS
 8:00 A.M - 5:00 P.M. MON - FRI

INSTRUCTIONS:

- 1) IF PAYING IN PERSON, PLEASE BRING BOTH PARTS OF THIS STATEMENT TO OUR OFFICE IN DOVER AT 555 BAY ROAD DOVER DE 19901.
- 2) FAILURE TO RECEIVE A SEWER BILL DOES NOT RELIEVE THE PROPERTY OWNER OF HIS OBLIGATION.
- 3) ALL PAYMENTS ARE DEPOSITED UPON RECEIPT, INCLUDING POST DATED CHECKS.
- 4) PAYMENT DROP BOX AVAILABLE AFTER HOURS AT 555 BAY ROAD DOVER DE 19901.
- 5) THE ONLY CREDIT CARD ACCEPTED IS DISCOVER/NOVUS. PLEASE COMPLETE INFORMATION ON BACK OF STATEMENT.

Make check payable to: KENT COUNTY TREASURER

ACCOUNT NUMBER		SERVICE ADDRESS	
12137 01		HSE 143 E CONSTITUTION	
PERIOD	SERVICE DATES	BILLING DATE	PAST DUE DATE
90	4/01/10 6/30/10	6/15/10	7/31/10
			AMOUNT DUE
			76.20
			CODE
			SW
Payments received after June 09, 2010 are not reflected on this bill. Past due balances are due immediately to avoid further penalty. If you took possession of your home during the current billing period, the amount due should have been collected at settlement. Please contact your settlement attorney regarding the status of the payment. Help Kent County keep sewer rates affordable by reading the important maintenance tips on the back of this invoice.			
TOTAL DUE			76.20

CODE	EXPLANATION
SW:	Sewer Fees
CU:	Contract User Fees
HL:	Hauler Fees
LM:	Lime Fees
OT:	Other Charges
PN:	Penalty

1. TERMS NET 30 DAYS. A CHARGE OF 1 1/2% PER MONTH WILL BE PLACED ON ALL OVERDUE BILLS.
2. ALL INQUIRIES CALL:
 PAYMENTS - KENT COUNTY SEWER ACCOUNTING - 744-2391
 OTHER - KENT COUNTY ENGINEER - 744-2430
 IN CASE OF EMERGENCY - 335-6000
3. OFFICE HOURS:
 8:00 AM TO 5:00 PM MON - FR
4. REMITTANCE TO:
 KENT COUNTY TREASURER
 P.O. BOX 1175
 DOVER, DE 19903

Retain This Portion For Your Records

ILLINOIS Jesse White
Secretary of State
ID CARD



Anthony Bonds

Expires: 04-12-11
Expires: 04-12-06

ID. No.: 5320-7590-1058
DOB: 04-12-90 Class:
Expires: 07-12-11
Issued: 06-30-10 Type: COR

ANTHONY P BONDS
6427 S ASHLAND AVE
CHICAGO IL 60636

Male 5'09" 185-lbs HZL Eyes

CHASE

JPMorgan Chase Bank, N.A.
P O Box 260180
Baton Rouge, LA 70826-0180

May 24, 2010 through June 22, 2010

Account Number: ~~XXXXXXXXXXXX~~

CUSTOMER SERVICE INFORMATION

Web site:	Chase.com
Service Center:	1-800-935-9935
Hearing Impaired:	1-800-242-7383
Para Espanol:	1-877-312-4273
International Calls:	1-713-262-1679

00067433 0RE 111 142 17410 - NNNNN T 1 000000000 16 0000

ANTHONY P BONDS
3427 S ASHLAND AVE 2F
CHICAGO IL 60636-2716

*Candidate's
Group Exhibit 3*

STATEMENT SUMMARY

Chase Checking

Ending Balance	AMOUNT	
Deposits and Additions		
& Debit Card Withdrawals		
and Other Withdrawals		
Ending Balance		

3-1

FOUNDATION FOR EMERGENCY SVCS
PO BOX 368
HINSDALE, IL 60522

PAGE: 1 of 1

IF PAYING BY MASTERCARD, VISA OR DEBIT CARD, FILL OUT BELOW.		
CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> VISA	<input type="checkbox"/> DEBIT CARD
CARD NUMBER	SIGNATURE CODE	
SIGNATURE		EXP. DATE
STATEMENT DATE	PAY THIS AMOUNT	ACCT. #
12/15/09		
DUE DATE: 01/05/2010		SHOW AMOUNT PAID HERE \$



RETURN SERVICE REQUESTED
PLEASE DO NOT REMIT PAYMENT TO THE ABOVE ADDRESS

BONDS, ANTHONY
6427 S ASHLAND AVE 2
CHICAGO, IL 60636-2716

FOUNDATION FOR EMERGENCY SVCS
PO BOX 94860
CHICAGO, IL 60690-4860



Harold Washington College

One of the City Colleges of Chicago
Financial Aid Office

April 14, 2010

Anthony P. Bonds
6427 S. Ashland, 2nd Floor Front
Chicago IL 60636

Financial Aid Year 2010-2011
First Notice

Dear Anthony:

We have received your Free Application for Federal Student Aid (FAFSA) at Harold Washington College. After reviewing your application, we have determined that the following documents need to be submitted to complete your financial aid file:

- The FAFSA Application you submitted to the Department of Education has been rejected for missing information. Please complete the information on your Student Aid Report and submit the information to the Department of Education. Your financial aid file cannot be processed until this situation has been remedied.
- Financial Aid Authorization Form. The document may be enclosed within this mailing or you may download the document by navigating to the following webpage <http://hwc.ccc.edu/financialaid/forms.aspx>. Complete the document and return it to the Financial Aid Office for processing.
- 2010-11 Dependent Verification Worksheet. The document may be enclosed within this mailing or you may download the document by navigating to the following webpage <http://hwc.ccc.edu/financialaid/forms2.aspx>. Complete the document and return it to the Financial Aid Office for processing.
- A signed copy of your parents 2009 Federal Tax Return, include all appropriate schedules.

3-2

**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**

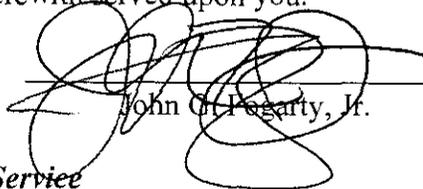
Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.) **10 SOEB GE 567**
)
The Libertarian Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

To: Philip Krasny, by fax to 312-345-9860
Andrew Spiegel, by fax to 630-325-6666
State Board of Elections by fax to 312-814-6485

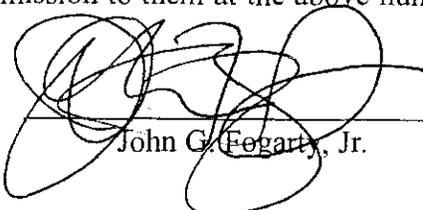
Please take notice that on July 14, 2010, prior to 5:00 P.M., the undersigned faxed the individuals listed above the Objector's Response to the Candidate's Motion to Strike and Dismiss, a copy of which is attached hereto and herewith served upon you.

Proof of Service



John G. Fogarty, Jr.

The undersigned attorney certifies he served copies of this Notice and the attached Response on the above persons by facsimile transmission to them at the above numbers prior to 5:00 p.m. on July 14, 2010.



John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

**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**

Andrew Heffernan and)
 Steve Nekic,)
 Petitioner-Objectors,)
)
 vs.)
)
 The Constitution Party as a)
 purported new political party in)
 the State of Illinois; Michael L.)
 White as a Candidate for)
 Governor; Jeff Trexler as a)
 Candidate for Lieutenant)
 Governor; Louis Cotton as a)
 Candidate for Attorney General;)
 Gary Dunlap as a Candidate for)
 Secretary of State; Timothy)
 Becker as a Candidate for)
 Comptroller; Dawn Czarny as a)
 Candidate for Treasurer; and)
 Randy Stuffelbeam as a Candidate)
 For United States Senate;)
)
 Respondent-Candidates.)

10 SOEB GE 570

RESPONSE TO MOTION TO STRIKE AND DISMISS

Now comes Andrew Heffernan and Steve Nekic (hereinafter referred to as the “Objectors”), and for their Response to the Motion to Strike and Dismiss (“The Motion”) submitted by the Respondent-Candidates, state as follows:

1. In their Motion, the Respondent-Candidates offer neither fact nor law that would justify the extraordinary relief of striking the Objectors’ Petition, either in whole or in part. The Respondent-Candidates utterly fail to meet their burden. Being almost completely without merit, the Motion must be denied.

Objectors to prove their voter registration status before proceeding on the Objection. However, it is well established that an Objector need not prove his or her standing in order to proceed on his or her case-in-chief; rather, lack of standing is an affirmative defense that must be raised and proven by the respondent. *Wollan v. Jacoby*, 274 Ill.App.3d 388 (1st Dist. 1995). Moreover, there is no requirement that an Objector actually be registered to vote. Rather, an Objector must simply be a legal voter – in other words, eligible to vote. 10 ILCS 5/10-8. Nonetheless, both Objectors are duly registered at the addresses set forth in the Objection, as is set forth in the records attached hereto as Exhibit A.¹

3. In Paragraphs 6 and 7, the Respondent-Candidates reference the number of signatures presented in their nominating petitions. The Respondent-Candidates do not offer any grounds to strike or dismiss anything here, and the Objectors respectfully submit that the total number of signatures submitted will be determined by the State Board, and that all parties will have opportunity present evidence supporting their count, should it differ from that determined by the State Board.

3. In Paragraphs 8, 9, 10 and 11 of the Motion, the Respondent-Candidates reference the portion of the Objectors' Petition that would seek to invalidate the signature of an individual who voted in the General Primary Election on February 2, 2010. The Objectors hereby withdraw their objection to petition signatures that have been made on the basis of those signers having voted in the General Primary Election on February 2, 2010. These particular objections are contained in Paragraph 12 of the Objection, and Column F of the Appendix Recap. The Objectors expressly maintain all other grounds for the objections made to any such signatures.

¹ Note that Heffernan's registration record reflects his correct street address and zip code, but lists the address as in Berwyn, rather than Stickney. The Cook County Clerk's records reflect this address because the Berwyn Post Office services Heffernan's residence in Stickney. Mail sent to either address is delivered to Heffernan's residence.

4. In Paragraphs 12 and 13 of the Motion, the Respondent-Candidates claim that Paragraph 11 of the Objection (the “E” column objection) that a voter signed a petition twice, must be stricken as insufficient at law. However, this paragraph in the Objection merely references a category of objection contained in the Appendix Recap. Having failed to identify any instance where said category of objection is improperly made, the Motion on this point must be denied.

5. In Paragraphs 14, 14, and 15 of the Motion, the Respondent-Candidates argue that Paragraph 14 of the Objection – wherein the Objectors note that certain sheets were purportedly circulated by individuals who did not reside at the address shown on their circulators affidavit -- must be stricken because it fails to specify which of the circulators the Objectors are referring to. The Respondent-Candidates’ argument on this point, however, does not make sense. The Appendix Recap sheets simply contain a check-off for this category of objection, and correspond to each petition sheet submitted by Respondent-Candidates. By reading the Appendix Recap, and the corresponding petition sheet, the identity of the purported circulator is easily identified. Moreover, most, (if not all) of these circulators are explicitly referenced for their address failures in other portions of the Objection. Accordingly, these paragraphs in the Motion present no grounds for striking any part of the Objection.

6. In Paragraphs 16 through 22 of the Motion, the Respondent-Candidates argue that the pattern of fraud allegations made against two circulators on false address grounds – Cheryl Forde and Anthony Bonds – must be stricken. However, it is well settled that “false swearing” in connection with a circulator’s affidavit amounts to a “pattern of fraud” as 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). Moreover, as is set forth in cases such as *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994), disclosure of the circulator's correct address is crucial and required, because it enables an electoral board to locate the circulator, to question her about the signatures she has submitted, and to hold her to her oath. Attached to their Motion, the Respondent-Candidates have offered certain documents purporting to show a correct address for Ms. Forde and Mr. Bonds. However, the Objectors here submit the report of a licensed private investigator who has begun a preliminary investigation of Ms. Forde and Mr. Bonds' residences. This preliminary investigation reveals that Ms. Forde has not lived at the address she has listed in her circulator's affidavits since 2007, but rather, now resides at 6151 Reach Street, Philadelphia, PA 19111. Further, the private investigator's report reveals that whether Mr. Bonds resides at 6427 S. Ashland Avenue, Chicago, Illinois, could not be confirmed, nor could Mr. Bonds' birth date, social security number, or other vital records. The private investigator's report on both of these circulators is attached hereto as Exhibit B. In addition, as for Mr. Bonds, the Objectors note that, the address information for Mr. Bonds attached to the Motion reveals that Mr. Bonds has failed to fully list his address on his circulator's affidavit. The Objectors submit that, at a minimum, the true addresses of both Ms. Forde and Mr. Bonds remain a question of fact, and would be inappropriately decided by a summary proceeding such as the Respondent-Candidate's Motion.

7. Further, the Respondent-Candidates complain that the Objectors have alleged a pattern of fraud based on an extraordinarily high rate of improper signatures. However, the Respondent-Candidates conveniently ignore the holding of cases such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), where a pattern of

fraud was found where inordinately large numbers of improper signatures were gathered by circulators. Further, the State Board's rules of procedure explicitly call for an Objector to plead a pattern of fraud under such a circumstance. The State Board's rules explicitly provide:

"If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner as a matter of right on the part of the objector, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion." (Page A-11.)

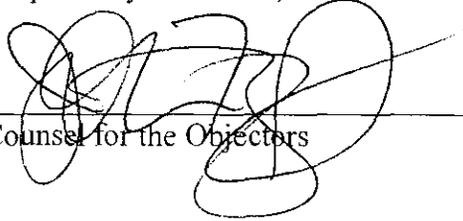
The Objectors' allegations of a pattern of fraud with respect to certain suspect circulators are therefore well-founded, and expressly provided by the State Board's own rules. Accordingly, the Respondent-Candidates' argument that these paragraphs in the Objection should be stricken should be denied.

8. In Paragraphs 29 and 30 of the Motion, the Respondent-Candidates seem to argue that the intent of the Objection with respect to the Libertarian Party of Illinois is to strike it from existence. This is not so. The Libertarian Party of Illinois is a necessary party to this action, given that it is a political party attempting to place a full slate of candidates on the General Election ballot. The Libertarian Party of Illinois will properly be bound by the ruling of the State Board of Elections and any other court that may rule on the propriety of the Respondent-Candidates' petitions. The Motion on this point must be denied.

9. Because the Respondent-Candidates have failed to supply either fact or law that would justify the extraordinary remedy of striking the Objection, the Motion to Strike and Dismiss must be denied.

WHEREFORE, for the reasons set forth above, your Objectors pray that the Respondent-Candidate's Motion to Strike and Dismiss be denied.

Respectfully submitted,


Counsel for the Objectors

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

Brien Sheahan
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

Certification of Registration

I, David Orr, Cook County Clerk for Chicago, IL, do hereby certify that the following information is a true and correct copy of the voter registration record on file in this office for:

ANDREW HEFFERNAN

Date of Registration: 08-20-2006
Certification Number: 98838947
Status: ACTIVE
Address: 3931 SCOVILLE AVE, BERWYN IL 60402
Precinct Number: 9400025 **Sex:** M
Date of Birth: 10-04-1985

Witness my hand and official seal at Cook County, IL on July 13, 2010.

David Orr
Cook County Clerk
David Orr
By: _____



07-13-2010
11:08:08

COOK COOK COUNTY CLERK
VOTING HISTORY REPORT

PAGE 1

ANDREW HEFFERNAN

Registered Address : 3931 SCOVILLE AVE
BERWYN IL 60402

Voter-ID: 98838947 Registered: 08-20-2006
Status: A- Active Total Items: 2

Elec Date	Election Name	Pty How Voted
0408 11/04/2008	GENERAL ELECTION	AT THE POLL
0706 11/07/2006	GENERAL ELECTION	non AT THE POLL

State of ILLINOIS
County of COOK

I, DAVID ORR, COOK COUNTY CLERK, hereby certify
the foregoing to be a true and correct copy of the voting record
of ANDREW HEFFERNAN as it appears on record in my office.

Witness my hand and seal on July 13, 2010.

DAVID ORR
COOK COUNTY CLERK

By: David Orr
Deputy

Blank Voter Registration Application

I am applying to Register to vote in the State of Illinois Change my present voting address Change my name (marriage, etc.) (Check one)

1. Last Name First Name Middle Name or Initial Suffix

HEFFERNAN ANDREW M

2. Voting Address City/Village/Town ZIP Code County Precinct

3931 SCOVILLE STICKNEY 60402 COOK

3. Mailing Address (P.O. Box) City/Village/Town/State ZIP Code

4. Previous Voting Address City, State, ZIP Code 5. Previous Name (if changed)

6. Date of Birth (MM/DD/YY) 7. Sex 8. Telephone Number with Area Code (optional) 9. Application Number

10/04/85 M [REDACTED] 30720050818001

10. Voter Affidavit - Read all statements and sign within the box to the right. If you check "No" to either of these questions, do not complete this form.

I am or will be at least 18 years old on or before the next election Yes No
I will be at least 18 years old on or before the next election Yes No

I will have lived in the State of Illinois and in my precinct at least 30 days before the date of the next election. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

PHONE: 312-603-0906
COOK COUNTY CLERK
69 W. WASHINGTON
ELECTION DEPT 6TH FL
CHICAGO 60602

THIS IS MY SIGNATURE OR MARK IN THE SPACES BELOW

x Andy Heffernan

Date: 05/15/85

RECEIVED
ELECTION DEPARTMENT
2010 JUL 13 AM 11:12
CLERK OF COUNTY CLERK

Commissioners

LANGDON D. NEAL
Chairman
RICHARD A. COWEN
Secretary
MARISEL A. HERNANDEZ



69 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602
(312) 269-7900

LANCE GOUGH
Executive Director

<u>FIELD NAME:</u>	<u>OLD VALUE</u>	<u>NEW VALUE</u>	<u>DATE</u>
Changes for 96592FM -- STEPHEN Q NEKIC			
voter_status	A	I	10/19/2009
voter_status2		C	10/19/2009
reason_id	N	2	10/19/2009
house_num	683	2027	4/27/2010
street_name	WRIGHTWOOD	BERTEAU	4/27/2010
apt_num		2	4/27/2010
voter_status	I	A	4/27/2010
reason_id	2	J	4/27/2010
voter_status2	C		4/27/2010

Illinois Voter Registration Application

I am applying to: Register to vote in the State of Illinois Change my present voting address Change my name (ma

96592FM

1. Last Name - First Name Middle Name or Initial

NEKIC STEPHEN Q

2. Voting Address City/Village/Town Zip Code County Township

683 W WRIGHTWOOD AVE CHICAGO 60614 COOK

3. Mailing Address (P.O. Box) City/Village/Town/State Zip Code

4. Previous Voting Address City, State, Zip Code County 5. Previous Name (if changed)

6. Date of Birth (MM/DD/YY) 7. Sex 8. Telephone Number with Area Code (optional) 9. Application Number

12/05/78 M

10. Voter Affidavit - Read all statements and sign within the box to the right. If you check "No" to either questions, do not vote.

I swear or affirm that: I am a citizen of the United States. I will be at least 18 years old on or before the next election.

Yes No Yes No

I will have lived in the State of Illinois and in my election precinct at least 30 days from the date of the next election. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

PHONE: 312-269-7900
CHICAGO BOARD OF ELECTIONS
69 W WASHINGTON
SUITE 800
CHICAGO 60602

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW

Date: 11/27/07

REC 01 2007

MICHAEL E. CLANCY

53 W. Jackson Blvd. Suite 1401 • Chicago, IL 60604

mclancy202@comcast.net

(312) 505-7675

DATE: July 13, 2010
SUBJECT: Computer residence verification on Cheryl Forde

The undersigned is a private investigator licensed in the State of Illinois, License No. 115001684. The undersigned investigator's preliminary investigation revealed the following:

Cheryl Forde, date of birth, Sept. 30, 1948 resides at 6151 Reach St., Philadelphia, PA 19111. Ms. Forde also lists P.O. Box 56507 in Philadelphia, PA 19111. Ms. Forde resided at 143 E. Constitution in Smyrna, Delaware until 2007. The investigation revealed Ms. Forde no longer resides at 143 E. Constitution in Smyrna, Delaware.

The investigation continues and additional information will be provided in a subsequent report.

Michael E. Clancy

Michael E. Clancy



MICHAEL E. CLANCY

53 W. Jackson Blvd. Suite 1401 • Chicago, IL 60604

mclancy202@comcast.net

(312) 505-7675

DATE: July 13, 2010
SUBJECT: Computer residence verification on Anthony Bonds

The undersigned is a private investigator licensed in the State of Illinois, License No. 115001684. The undersigned investigator's preliminary investigation revealed the following:

A preliminary background investigation by the undersigned investigator could not confirm that Anthony Bonds resides at 6427 S. Ashland Ave., Chicago, Illinois. In addition, a birth date, social security number, driver's license, state issued identification card, employment and bank and phone records were not found registered under the name of Anthony Bonds.

The investigation continues and additional information will be provided in a subsequent report.

Michael E. Clancy

Michael E. Clancy

BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE STATE OFFICERS ELECTORAL BOARD

Andrew Heffernan and)
Steve Nekic,)

Petitioners-Objectors,)

-vs-

No. 10 SOEB GE 567

Libertarian Party of Illinois, and its state)
slate: Lex Green, Ed Rutledge,)
Josh Hanson, Bill Malan, James Pauly)
Julie Fox and its U.S. Senate candidate,)
Mike Labno,)

Respondents-Candidates.)

Reply Memorandum in Further Support of
MOTION TO STRIKE AND DISMISS
THE OBJECTORS' PETITION

NOW COME the Respondents-Candidates and the Libertarian Party of Illinois (hereinafter "LPI"), by their attorney Andrew B. Spiegel and in further support of their motion to strike and dismiss all or a portion of the Objectors' Petition pursuant to Rule 7 of the Rules of Procedure, state as follows:

Introduction

1. The Objectors have conceded certain issues raised in the Candidates' Motion to Strike and Dismiss and as to those concessions at a minimum the motion must be granted.

2. Putting this case in context, the Candidates submitted 48,039 signatures on their nominating petitions. There are roughly 26,978 objections; that are not to the number of lines, but an approximate count that is available at this juncture. If it is used as the number of lines objected to, that leaves 21,061 signatures not objected to prior to the records examination.

3. The withdrawal of all "F" objections by the Objector adds approximately 1,250 F only signatures to the number of total valid signatures. It reduces the number of remaining objections to about 25,728 and raises the number of valid signatures to 22,311.

4. These numbers are significant because if the LPI Candidates need to prevail on just 2,689 of those objections, that means LPI needs to prevail on just 10.5% of the remaining objections in order to meet the 25,000 signature requirement. It also means the nominating petitions cannot have an inordinate amount of invalid signatures and that there is no factual or legal basis for the Objector's allegations of a pattern and practice of fraud.

***The Objectors Have No Standing Which Requires
Dismissal of This Objectors' Petition***

5. The candidates have raised the lack of standing of the Objectors as an affirmative defense in their Motion to Strike and Dismiss. It is axiomatic that the Objectors must give their correct names and residence addresses in the Objectors' Petition. This is a mandatory requirement of the Election Code. 10 ILCS 5/10-8; *Pochie v. Cook County Officers Electoral Board*, 289 Ill. App.3rd 585,586 (1st Dist., 1997). Further, ***whether an objector has standing is determined from the face of the petition and not according to what can be found in the records of the election commission. Pochie, Id., at 588.*** Therefore, Exhibit A attached to the Objectors' response, which consists of various records from the election authorities, is irrelevant to a determination of this issue.

6. The sole question is whether the Candidates can determine, from the face of the Objectors' Petition, whether either objector is a registered voter based on the name and address of each objector as it appears in that petition. Clearly this cannot be done and therefore the Objectors' Petition must be stricken.

7. The Objectors now concede that Andrew Heffernan interchangeably uses either Stickney or Berwyn as his town of residence, which makes it impossible to determine, from the face of the petition whether the name and address of this objector relates to a

registered voter. That is the same as not giving a town at all. In addition, based on the name and address on the petition (the Stickney address), the standing of Andrew Heffernan cannot be determined without further investigation. See Candidates' Exhibit 1A from the State Board of Elections voter search site indicating there were multiple voters with that name and zip code.

8. Steve Nekic, the other Objector, is even more problematic. Candidates' Exhibit 1B, shows there is no Steve Nekic registered at the address as shown in the objectors' petition. Stephen Q. Nekic may or may not be the same person as Steve Nekic. This cannot be determined from the face of the Petition and also requires additional investigation. It is this requirement of further investigation that renders Steve Nekic invalid as an objector.

9. Since the status of neither Objector can be determined from the face of the Objectors' petition, the Objectors lack standing to bring this objection *ab initio*. It is irrelevant that they may in fact be the registered voters in Exhibit A of the Objectors' Response. *Pochie v. Cook County Officers Electoral Board*, 289 Ill. App.3rd 585,586 (1st Dist., 1997).

10. There is no valid objector in this objectors' petition. It must therefore be stricken and dismissed with no further inquiry and no records examination.

***The Libertarian Party Must be Stricken
from the Objectors' Petition***

11. Even if the Board finds standing, the Objectors failed to address the question of whether the objection process set forth in the Election Code Article 10 is a means by which they can object to the LPI as well as to its candidates. There is no escaping the fact that Article 10 of the Election Code does not provide a means to strike a political party as an entity in and of itself.

12. The objectors persist in arguing, without any citation of authority, that the LPI is a necessary party to this action. While LPI Candidates are seeking a place on the ballot, the LPI itself is not, and therefore cannot be a party in these proceedings. The LPI must be stricken from the objectors' petition.

Objection "F" in Paragraph 12 Must Be Stricken

13. The objectors also concede the Category F Objection, relating to voters who voted in the partisan General Primary Election on February 2, 2010 is invalid. This paragraph 12 of the Objectors' Petition should be stricken rather than withdrawn.

14. There were about 1,250 "F" only objections and with that objection stricken, (or withdrawn) that number must be added to the number of valid signatures, bringing the total valid signatures, prior to a records examination to about 22,311.

Objection "E" in Paragraph 11 Must Be Stricken

15. The Objectors misapprehend the nature of the motion to strike the Column "E" objection - that the voter signed the petition twice. In most instances where this objection was made, the Appendix Recapitulation sheet fails to list the duplicate sheet and line number of the challenged voter. This failure is a fatal violation of the specificity requirement of §10-8 of the Code.

16. The Objectors failed to comply with the requirements of 10 ILCS 5/10-8 because they failed to state fully the nature of the objections to the nominating petitions by failing to reference any page or line numbers on which these voters appear to have signed twice. Paragraph 11 must be stricken.

***Paragraph 14 - Circulator Does Not Reside
at Address Shown Must be Stricken***

17. This objection to Circulator addresses is also insufficient as a matter of law. It does not specify which of the 130 people who circulated LPI petitions are being objected to; the mere check off box on the Appendix recap sheets is insufficient specification in the

objectors' petition. It also fails to allege some other address where the Objectors claim a particular circulator lives rather than the address they swore to in their Circulator's Affidavit and therefore lacks the specificity required by §10-8.

18. Paragraph 14 must be stricken because it is incumbent upon the objectors to fully state the specific objections to the LPI petitions.

Paragraphs 18 – 19 "Pattern of Fraud" Must be Stricken

19. The Objectors cannot overcome the sworn Circulator Affidavits of Cheryl Forde and Anthony Bonds and the documents submitted relating to their addresses with inconclusive computer searches by and baseless conclusions of their investigator.

20. There has been no showing of "false swearing" in connection with any LPI circulator's affidavit. Instead, the Objectors have made false allegations of incorrect addresses and then attempt to sustain those false allegations with inconclusive hearsay computer searches and conclusions by their investigator based on those inconclusive records.

21. The fact of the matter is that each of the two Circulators at issue in fact resides at the addresses they indicated on their petition sheets. Cheryl Forde resides at 143 E. Constitution in Smyrna, Delaware as she stated in her circulator's affidavit. This is the address on her driver's license; it is the address on her motor vehicle registration; it is the address where she pays for service to Kent County Sewer operations.

22. Each of those records is attached to the Candidates' Motion to Strike and Dismiss as Candidates' Group Exhibit 2. Ms. Forde listed her correct address, and since paragraph 19(d) falsely alleges the listing of her incorrect residence address as indicia of fraud, it must be stricken. It is not fraudulent for her to list her correct address.

23. The same is true for circulator Anthony Bonds. Now we have, in addition to the naked allegation that "The address listed by Mr. Bonds as his home address on his

circulator affidavit is not in fact his residence," the inconclusive computer search by the Investigator – that cannot conclude whether the objectors' allegation is true or correct.

24. Mr. Bonds listed 6427 S. Ashland Avenue, Chicago, Illinois as his address. The Candidates' attached to their Motion, his Illinois ID card, a Chase Bank statement, a Foundation for Emergency Services bill and a letter from Harold Washington College, all showing the same address Mr. Bonds stated as his address in his circulator's affidavit. Each of these records is attached to the Motion as Candidates' Group Exhibit 3.

25. Paragraphs 19(a), which claims Mr. Bonds failed to list his correct address, and paragraph 19(d) regarding Cheryl Forde must be stricken.

26. Objectors cannot simply parrot the language of cases that discuss the pattern of fraud, without alleging specific acts of fraud in the petition that warrant such a finding, if proven, in the case where they allege it. The objectors here have failed to do so. These objectors fail to allege any specific acts of fraud committed by any LPI circulator.

27. Paragraph 18 sets forth the general principals, but neither it nor paragraph 19 rises to the level of specificity sufficient to put the candidates on notice of what acts of fraud they need to address to defend against these baseless allegations.

28. The other sub-paragraphs of paragraph 19 reference other circulators whose petition sheets are alleged to contain signatures which these objectors claim have "an extraordinarily high rate of improper signatures." The other allegation is that "on certain of his/her sheets nearly every single purported voter is not registered." Some of the circulators are objected to on both grounds.

29. The cases in which fraud has been found involve people other than the actual voter signing the voter's name, or someone other than the circulator circulating the petition sheets. None of that is alleged here. Instead, the Objectors' rely on the two most numerous

objections in their objectors' petition, even though the Candidates need to recover less than 11% of the remaining signatures to have this objection overruled on the facts..

30. The Affidavits of each Circulator state that:

...to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters...and that their respective residences are correctly stated.

LPI nominating petitions, pages 1-2,583. There are no allegations that any of the challenged circulators engaged in any conduct other than collecting signatures, some of which may – but have not yet been proven to be - invalid. Once again, this does not amount to fraud, especially in a case such as this where the Candidates' need to prevail on so few objections.

31. In addition, the time for filing objections ended at 5:00p.m. on June 28 2010. The Objectors' are now barred from amending their petition. Once the deadline has passed, the Election Code does not allow parties to file amendments to their objector's petition and does not authorize an electoral board to raise *sua sponte* objections to nominating petitions. *Siegel v. Lake County Officers Electoral Board*, 385 Ill. App.3d 452, 895 N.E. 2d 69 (2nd Dist., 2008).

32. The failure to include specific allegations of fraudulent conduct by the filing deadline in their objectors' petition means the Objectors have waived fraudulent conduct as an issue. They cannot now attempt to amend their Objectors' Petition with specifics not originally included in that Petition. The Objectors also cannot be allowed to engage in a fishing expedition, with or without private investigators, to attempt to conjure up specific acts of fraud when they have failed to allege any such acts in a timely fashion.

33. This is the reason paragraphs 18 and 19 must be stricken. The allegations of fraud violate 10-8 of the Code by failing to specify what acts of fraudulent conduct any LPI circulator engaged in – other than the act of collecting signatures in and of itself. The

candidates cannot defend against acts of fraudulent conduct when no such acts have been specified in the Objectors' Petition.

Conclusion

The Respondents-Candidates: Governor- Lex Green, Lieutenant Governor- Ed Rutledge, Secretary of State- Josh Hanson, Attorney General – Bill Malan and Comptroller- James Pauley plus U.S. Senate candidate – Mike Labno and the Libertarian Party of Illinois, by their attorney Andrew B. Spiegel have moved for entry of an Order that all or the portions of the Objectors' Petition specified herein be stricken and dismissed or in the alternative that their objections be overruled and for such other and additional relief as the Board deems just and equitable in the circumstances. That Motion should be granted.

Respectfully submitted,



Andrew B. Spiegel
Candidates' Attorney

Andrew B. Spiegel
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Hinsdale, Illinois 60521
630 325-5557

**BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE STATE OFFICERS ELECTORAL BOARD**

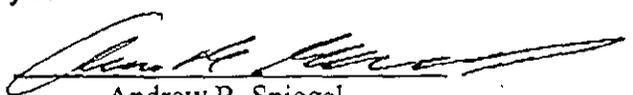
Andrew Heffernan and)
Steve Nekic,)
))
Petitioners-Objectors,)
))
-vs-)
))
Libertarian Party of Illinois, and its state)
slate: Lex Green, Ed Rutledge,)
Josh Hanson, Bill Malan, James Pauly)
Julie Fox and its U.S. Senate candidate,)
Mike Labno,)
))
Respondents-Candidates.)

No. 10 SOEB GE 567

Notice of Filing

To: Philip Krasny, by fax to 312 345-9860
John Fogarty, Jr., by fax to 773 681-7147
State Board of Elections by fax to 312 814-6485 or by personal service

PLEASE TAKE NOTICE that on Jul 19, 2010, prior to 5:00 p.m., the undersigned filed with the State Board of Elections the Candidates' Reply Memorandum in Support of Their Motion to Strike and Dismiss, copies of which are attached hereto and herewith served upon you.



Andrew B. Spiegel

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached submission on each of the above persons/entities by either facsimile transmission or by personal delivery (to the State Board), prior to 5:00 p.m. on July 19, 2010.



Andrew B. Spiegel

Andrew B. Spiegel
15 Spinning Wheel Road, Suite 126
Hinsdale, Illinois 60521
630 325-5557 (office)
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630 567-5379 (cell)

**Heffernan/Nekic v. Constitution Party slate
10 SOEB GE 570**

Candidate: Constitution Party slate (Michael L. White, Jeff Trexler, Louis Cotton, Gary Dunlap, Timothy Becker, Dawn Czarny, Randy Stufflebeam)

Office: Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Treasurer, United States Senator

Party: Constitution

Objector: Andrew Heffernan/Steve Nekic

Attorney For Objector: John Fogarty Jr. and Brien J. Sheahan

Attorney For Candidate: Doug Ibendahl

Number of Signatures Required: 25,000

Number of Signatures Submitted: 32,998

Number of Signatures Objected to: 14,542

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers and circulators, including an allegation that the circulators circulated for candidates of another political party, certain pages contain an extraordinarily high rate of invalid signatures, and certain circulators do not reside at the address listed on the petition or the address is missing or incomplete. It was alleged that the petition contains numerous pages that are not numbered or are misnumbered. It was alleged that certain petitions were not notarized or were not properly notarized. A pattern of fraud and disregard of the Election Code was also alleged.

Dispositive Motions: Candidate's Motion to Strike and Dismiss, Objector's Response thereto, Candidate's Reply to the Response, Objector's Sur-Reply in Further Opposition to Candidate's Motion, Candidate's Sur-Reply thereto, Candidate's and Objector's Motions for Summary Judgment (the Objector's filed three separate MSJ; a) Un-numbered Petition Sheets, b) Improperly Notarized Petition Sheets and c) Petition Sheets Circulated by Rodney Cherizol, Objector's Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido, Candidate's Response thereto.

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Cherf

Hearing Officer Findings and Recommendation:

Failure to Receive Copy of Objection

The Hearing Officer (HO) recommended that that part of the Candidate's Motion to Strike and Dismiss and Motion for Summary Judgment alleging that some if not all of the candidates failed to receive a copy of the objection be denied. No evidence was presented by the Candidate supporting this allegation and even if he had, Counsel and one of the candidates did appear at the initial meeting of the State Officers Electoral Board. Case law cited by the HO states that where a party has actual knowledge of the

objection and attends the related proceedings and presents a defense as to the allegations, the candidate cannot later claim prejudice or challenge the jurisdiction of the electoral board on the grounds that the candidate failed to receive a copy of the objection.

Challenge as to Whether Objectors are the “True” Objectors

The HO recommended that that part of the Candidate’s Motion to Strike and Dismiss and Motion for Summary Judgment asking that the Objection be dismissed and/or an investigation as to who the “true” objectors are be denied. The objectors stated their interest in filing the objection as they were required to do, and in any event, the motive of an objector is irrelevant, and there is no requirement that the electoral board consider the propriety of the methods used to present the objection.

Candidate’s Bad Faith Argument

The Hearing Officer (HO) recommended that that part of the Candidate’s Motion to Strike and Dismiss and Motion for Summary Judgment alleging that the Objectors acted in bad faith, raising a shot gun like objection be denied. The Candidate failed to introduce any evidence that the Objectors did not review the Candidate’s petitions or the appropriate voter registration records. Furthermore, the sustained rate was approximately 55%, which does not support a claim that the objection was brought in bad faith. Case law was cited by the HO to support her recommendation on this point.

Pagination Defects

The HO recommends that the portion of the Objector’s petition and Motion for Summary Judgment alleging unnumbered petition pages, duplicate page numbers and petition pages out of numerical order be overruled, based on the relatively small number of such defects and overall substantial compliance with the numbering requirements contained in the Election Code.

Improperly Notarized Petition Pages

The HO recommends that the portion of the Objector’s petition challenging certain petition pages be sustained in part and denied in part, and the Objector’s Motion for Partial Summary Judgment as to Improperly Notarized Petition Sheet be denied. The Objector submitted at the evidentiary hearing an exhibit that contained petition sheets that were alleged to have defects in their notarization; however the HO only considered those that were originally objected to in the Objector’s Petition. This was a total of six sheets (eight sheets were not considered). Of those sheets considered, the HO recommends that two of them were in substantial compliance and that the Objections as to those should be overruled. The remaining four sheets bore no evidence at all that they had in fact been notarized and as such, the HO recommends that the objections thereto be sustained. Though an affidavit of the circulator of three of those sheets stated that such sheets were all signed by said circulator in his own proper person, it did not address the notarization of such sheets, which is the basis for the objection. As a result of this recommendation, the Candidate’s total number of presumptively valid signatures is reduced by 26.

Sheets Circulated by Rodney Cherizol

The HO recommends that the portion of the Objector’s petition challenging certain petition sheets circulated by Rodney Cherizol be overruled, and the Objector’s Motion for Summary Judgment as to Petition Sheets circulated by Rodney Cherizol be denied. The circulator in question listed an address at which is located a Post Office building. Evidence was presented that Mr. Cherizol is a homeless person lacking a traditional residence, and that at the time of circulating the Candidate’s petitions, he considered

the Post Office building his residence. The Objector failed to present evidence to rebut this claim, therefore the HO recommends that this objection be overruled.

Incomplete Circulator's Address

The HO recommends this portion of the Objector's petition be overruled, as the basis of the objection was that the address listed on the circulator's affidavit failed to include an apartment number. The cited case law held that this was not a fatal defect to the petition pages in question and the Board's Rules of Procedure do not require this as well.

Circulator Does Not Live at Listed Address

The HO recommends this portion of the Objector's petition be overruled for lack of sufficient evidence showing that the circulator did not live at the address he claims to have lived at. The Objector submitted a memorandum and testimony from a private investigator who was of the opinion that the circulator in question never resided at the location listed on his circulator's affidavit. The Candidate submitted an affidavit from the circulator who stated under oath that he did indeed live at that location, albeit for a short time. The HO was persuaded by said affidavit.

Dual Circulation by Circulator

The HO recommends that the portion of the Objector's petition challenging certain petition sheets circulated by Rosanna Pulido be sustained, and the Objector's Motion for Directed Finding as to Petition Sheets circulated by Rosanna Pulido be granted. The HO bases her recommendation on the language of the relevant statute, 10 ILCS 5/10-4 which prohibits such dual circulation for candidates of more than one political party. Here, Ms. Pulido circulated petitions for herself, a candidate of the Republican Party in the most recent General Primary Election. The Candidate argued that since the circulator circulated petitions for different offices and more importantly different elections, that this was not prohibited by Section 10-4. The HO also relied on the cited case law upholding the prohibition, regardless of the fact that it involved two separate elections. As a result of this recommendation, the Candidate's total number of presumptively valid signatures is further reduced by 82.

Records Examination

The SBE staff conducting the records examination sustained 7,981 objections, which resulted in the Candidate's petition containing 25,017 presumptively valid signatures, which is 17 above the statutory minimum necessary to appear on the ballot.

Objector's Rule 9 Motion

As a result of two errors pointed out by the objector in the Board's tally sheet of objections sustained/overruled, the Candidate's number of presumptively valid signatures is further reduced by two. An additional objection not ruled upon at the records examination but later ruled on by SBE staff, was overruled. Certain challenges to 18 rulings by a particular SBE staff person were overruled by the HO, as it was determined that the proper procedure as to illegible signatures was adhered to.

Candidate's Rule 9 Motion

The HO recommends that based on 13 affidavits submitted by the Candidate rebutting SBE staff rulings adverse to the Candidate, that such Motion be granted. This results in an increase in the number of presumptively valid signatures by 13. Regarding Candidate's "Summary" in which he submitted petition

page and line numbers and the corresponding addresses and the bases for the sustained objections, the HO recommends that the Motion be denied as not setting forth evidence rebutting the staff rulings. In addition, the HO noted that in her opinion, the Candidate had sufficient time to gather such evidence, as the date of commencement of the records examination and the due date of Rule 9 Motions was 12 days.

Pattern of Fraud

The Objector introduced a handwriting expert who reviewed numerous signatures contained on petition sheets circulated by five circulators. The details of her opinion as to those signatures is contained in the Recommendation of the HO. In short, the expert witness was of the opinion that the same persons signed the names of numerous voters on the petitions sheets in question, which in the opinion of the HO, constituted a pattern of fraud. As a result, the HO recommended that those petition sheets of those circulators be stricken, in accordance with the cited case law. This would reduce the number of presumptively valid signatures by approximately 2,877. Combined with the other subtractions and additions of signatures addressed above, the Candidate's petition contains roughly 22,043 presumptively valid signatures. Therefore, the HO recommends that the Objector's petition be sustained in part, and the Constitution Party and its candidates should not be certified to appear on the November 2, 2010 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

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

ANDREW HEFFERNAN AND)
STEVE NEKIC,)
)
Petitioner-Objectors,)
)
v.)
)
THE CONSTITUTION PARTY AS A,)
PURPORTED NEW POLITICAL PARTY IN)
THE STATE OF ILLINOIS; MICHAEL L.)
WHITE AS A CANDIDATE FOR)
GOVERNOR; JEFF TREXLER AS A)
CANDIDATE FOR LIEUTENANT)
GOVERNOR; LOUIS COTTON AS A)
CANDIDATE FOR ATTORNEY GENERAL;)
GARY DUNLAP AS A CANDIDATE FOR)
SECRETARY OF STATE; TIMOTHY)
BECKER AS A CANDIDATE FOR)
COMPTROLLER; DAWN CZARNY AS A)
CANDIDATE FOR TREASURER; AND)
RANDY STUFFLEBEAM AS A CANDIDATE)
FOR UNITED STATES SENATE;)
)
Respondent-Candidates.)

No. 10 SOEB GE570

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

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

I. PRELIMINARY FACTS

The Candidates, the Constitution Party, as a purported new political party in the State of Illinois, Michael L. White as a Candidate for Governor, Jeff Trexler, as a Candidate for Lieutenant Governor, Louis Cotton, as a Candidate for Attorney General, Gary Dunlap, as a Candidate for Secretary of State, Timothy Becker, as a Candidate for Comptroller, Dawn Czarny, as a Candidate for Treasurer and Randy Stufflebeam, as a Candidate for United States Senate (the "Candidates"), timely filed Nomination Papers to qualify as a new political party at the 2010 General Election.

On June 28, 2010, the Objectors Andrew Heffernan and Steve Nekic (the "Objectors") timely filed their Verified Objectors' Petition. In the Petition, the Objectors allege that the Candidates' Nomination Papers contain: a) names of persons who are not registered voters at the addresses shown opposite their respective names; b) signatures which are not genuine; c) names of persons whose addresses are not within the State of Illinois; and d) names of persons for whom the signer's address is missing or incomplete and names of persons who have signed the Nomination Papers more than one time.¹ The Objectors also make the following objections with regard to certain circulators: a) certain circulators, namely Rosanna Pulido, "circulated for a candidate of another political party;" b) certain circulators, including Rodney Cherizol, Dawn Jackson and Tommy Spalding, do not reside at the address stated in the circulator's address in their affidavit; c) the address of certain circulators, including Gayle Cotor, is incomplete; and d) the affidavits of certain circulators are not notarized or not properly notarized. The Objectors also argue that certain petitions are not numbered or misnumbered. Finally, the Objectors contend that the petition sheets of certain circulators be stricken as they evidence a pattern of fraud.

An initial hearing and case management conference on this matter was held on July 26, 2010. John Fogarty and Brien Sheehan appeared on behalf of the Objectors, and Doug Ibendahl appeared on behalf of the Candidates. Michael White, the Candidate for Governor, also appeared. Both parties filed Appearances. (Copies of the Appearances are attached as Exhibit A; the Initial Hearing/Case Management Order is attached as Exhibit B).

The Candidates filed a Motion to Strike and Dismiss which was fully briefed, including a sur-reply and sur-sur reply (which was filed without leave). In the Motion to Strike, the Candidates argue against the Objectors' objections and further contend that; a) some, if not all, of the Candidates did not receive their own copy of the Objection from the Board as specified in 10 ILCS 5/10-8; and b) the Objectors Heffernan and Nekic "have not stated their true intent in allowing their names to be attached to the Objection."

The Records Examination commenced on July 26, 2010 and continued until July 29, 2010. Both parties were present at the Records Examination. The Candidates needed 25,000 signatures to be on the ballot. The Candidates submitted 32,998 signatures. There were 14,542 objections ruled on by the Board at the Records Examination. 7,981 objections were sustained leaving 25,017 valid signatures. On August 3, 2010, the Board sent each party a printout of the results of the Records Examination.

At the case management conference on August 2, 2010, Candidates asked for additional time to file evidence pursuant to Rule 9 of the Board's Rules of Procedures. This request was denied. (Case Management Order dated August 4, 2010 is attached as Exhibit C). On August 6, 2010, Objectors filed a written request to extend the Rule 9 period by one day and for copies of the sheets a certain record examiner checked during the Records Examination. (Objectors' letter is attached as Exhibit D). The request for additional time was denied, but the Hearing Officer

¹ The Objectors also allege in their Verified Petition that the Nomination papers contain the signatures of individuals who voted in the General Primary Election on February 2, 2010 thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2010 General Election. This objection has been withdrawn. See Objectors' Response to Motion to Strike at ¶ 7.

asked the Board to produce the information requested by the Objectors. (Recommendation Regarding Objectors' Request for Information Related to the Records Examination is attached as Exhibit E.). At the case management conference on August 6, 2010, both parties were directed to file their Rule 9 Motions by August 6, 2010 at 5:00 p.m. (Case Management Order dated August 6, 2010 is attached as Exhibit F).

On August 6, 2010, both parties filed Rule 9 Motions. Both parties also filed Motions for Summary Judgment which were fully briefed. The Candidates, in their Motion for Summary Judgment, re-allege the arguments set forth in their Motion to Dismiss and further argue that the subject Objections were made in bad faith. The Objectors filed the following Motions for Summary Judgment: a) Motion for Summary Judgment as to Unnumbered Petition Sheets; b) Motion for Summary Judgment as to Improperly Notarized Petition Sheets; and c) Motion for Summary Judgment as to Petitions Sheets Circulated by Rodney Cherizol.

The evidentiary hearing on this matter was held on August 16, 18 and 19, 2010. For their case in chief, the Objectors presented two witnesses: Mike Clancy, a private investigator and Tam Kaiden, a handwriting analyst. For their case in chief, the Candidates presented one witness, i.e. Rosanna Pulido.² Neither party presented witnesses for their rebuttal. Both parties also introduced evidence into the record. In addition, the Objector filed a Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido. The Candidate filed a Response to this Motion.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Many of the issues in this case are addressed several times in the Objectors' Petition, Candidates' Motion to Strike, the various Motions for Summary Judgment, the Rule 9 Motions and the Objectors' Motion for Directed Finding. The issues are addressed below with a reference to the appropriate pleading(s).

A. The Candidates' Alleged Failure to Receive Copies of the Objections

In the Candidates' Motion to Strike and Dismiss, the Candidates contend that, "Some, if not all, of the Respondent-Candidates did not receive their own individual copy of the Objection for the State Board of Elections." (See Motion to Strike at ¶3). In their Motion for Summary Judgment, the Candidates argue that "None of the seven Constitution Party candidates ever received a copy of the Objection" (Candidates' Motion for Summary Judgment at ¶ 4).

² Pursuant to the Case Management Order dated August 6, 2010 (Exhibit F), the parties were directed to identify the names of all witnesses for their case in chief. The August 6, 2010 Case Management Order specifically states: "Only those names of witnesses/exhibits submitted on August 10th and 12th may be introduced as evidence for purposes of the hearing." (Exhibit F at p. 2) For their case in chief, the Candidates asked that witnesses that were not identified on the witness list be allowed to testify, namely some of the candidates themselves. The Objectors objected. The hearing officer denied this request on the basis that the witnesses were not identified on the Candidates' witness list. (Candidates' witness list is attached as Exhibit G) (Transcript of hearing, August 18, 2010 at p. 32). The Objectors later made an oral motion to reconsider the hearing officer's ruling which also was denied. (Transcript of hearing, August 19, 2010 at p. 39-40; see also Transcript of hearing, August 18, 2010 at p. 44.)

As an initial matter, I would like to point out that the Candidates did not submit any evidence, such as an affidavit, that demonstrates that the Candidates did not in fact receive the Objections. However, even if they did introduce the appropriate evidence, I would submit that the Candidates cannot claim prejudice as they did obtain counsel who appeared at the initial hearing and case management conference on July 6, 2010 and who also filed an appearance on that date. (See Exhibits A and Exhibits B). Moreover, the Candidate White also appeared at the initial case management conference. (Exhibit B). Where the candidate has actual knowledge of the objections to his petitions, attended hearings on the objections and presented a defense to the objections, the candidate cannot claim prejudice or object to the Board's jurisdiction on the grounds that the candidate did not receive a copy of the objections. See *Shipley v. Stephenson Co. Electoral Bd.*, 130 Ill. App. 3d 900, 903-04 (2nd Dist. 1985); *Cornett v. Sheldon*, 894 F. Supp. 715 (S.D.N.Y. 1995). Therefore, I recommend that any objection with regard to the alleged failure of the Candidates receiving a copy of the Objections be rejected and that the Candidates' Motion to Strike and Dismiss and Motion for Summary Judgment with regard to this argument be denied.

B. The Candidates' Request that the Objections Be Dismissed, or an Investigation/Hearing be Conducted by the Board as to Whether Heffernan and Nekić are the "True" Objectors

10 ILCS § 5/10-8 states: "The objector's petition . . . shall state the interest of the objector and shall state what relief is requested of the electoral board." In their Objection, both Heffernan and Nekić state:

[T]hat 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.

(Objections at ¶¶ 1, 2). Heffernan and Nekić have stated valid interests in compliance with 10 ILCS § 5/10-8. See *Wollan v. Jacoby*, 274 Ill. App.3d 388, 392 (1st Dist. 1995). In addition, the motive behind the objection is irrelevant. *Id.* See also *Hagen v. Stone*, 277 Ill. App. 3d 388, 390 (1st Dist 1995). Further, "nowhere in the Election Code is the Electoral Board allowed or required to conduct an investigation into the propriety of the methods used by the objector in raising his objections to a candidate's nominating petition." *Nader v. Illinois State Board of Elections*, 354 Ill. App. 3d, 335, 344 (1st Dist. 2004). Therefore, I recommend that the Candidates' request that the objections be dismissed or an investigation and/or hearing be conducted by the Board as to whether Heffernan and Nekić are the "true" Objectors of the Objections be denied and similarly that the Candidates' argument on this point in their Motion to Strike and Dismiss and Motion for Summary Judgment be denied.

C. The Candidates' Bad Faith or "Shot Gun" Argument

In their Motion to Strike and Dismiss and their Motion for Summary Argument and throughout the hearing in this proceeding, the Candidates have repeatedly alleged that the Objectors' Petition was a "shot gun" petition and made in bad faith. However, the Candidates failed to submit any evidence that demonstrated that the Objectors failed to review the Candidates' Nomination Papers and/or the appropriate records. Moreover, approximately 55% of the objections were sustained which is insufficient on its own to show that Petition was a "shot gun" petition. See *Johnson v. McClain*, 04-EB-WC-21, February 12, 2004 (Candidate's motion to strike the objections alleging that the objection was a "shot gun" petition was denied where 66% of the objections were sustained during the records examination). Compare *Arafat v. Shaw*, 91-EB-REP-81, CBEC, January 1991 (finding a "shot gun" petition where every signature had an objection and a partial binder check showed objections being overruled at a rate of 75%). Therefore, I recommend that the Board deny that portion of the Candidates' Motion to Strike and Dismiss and Motion for Summary Judgment which relies upon the "shot gun"/bad faith argument.

D. Page Numbering Defects

In their Objection, Objectors argue that the Candidates' Entire Petition Set, or at a minimum, the subject petition sheets, be invalidated for the following numbering defects: a) there are seven (7) unnumbered petition sheets; b) one duplicate numbered petition sheet; and c) and thirty two (32) petition sheets that are out of order. Objectors' argument for their Motion for Summary Judgment is based exclusively on the unnumbered petition sheets.³

The Election Code requires that the candidate's petition sheets "shall then be numbered consecutively." 10 ILCS § 5/10-4. The Illinois Courts have found the page numbering requirements to be mandatory. *King v. Justice Party*, 284 Ill. App. 3d 886, 890 (1st Dist. 1996). However, the Illinois courts also have held that with regard to the page numbering requirements, "substantial compliance can satisfy even mandatory provisions of the Code." *Id.*

In the instant case, the Candidates submitted what looks to be approximately 3,500 petitions sheets containing 32,967 signatures. The Objectors claim that out of these 3,500 petitions sheets, eight (8) are missing numbers or are a duplicate and thirty two (32) are out of order. All of the relevant cases cited by the Objectors in their opening brief of their Motion for Summary Judgment, i.e. *Hagen v. Stone*, 277 Ill. App. 3d 388 (1st Dist. 1995), *Wollan v. Jacoby*, 274 Ill. App. 3d 388 (1st Dist. 1995) ("respondents failure to consecutively number all of the pages of their petitions requires removal from the ballot"), *Jones v. Dodendorf*, 190 Ill. App. 3d 557,562 (2nd Dist. 1989) and *El-Aboudi v. Thompson*, 293 Ill. App. 3d 191 (2nd Dist. 1997), are cases in which the candidate failed to number *any* of the petition sheets. Thus, the courts found that "there was no substantial compliance with section 10-4 as the petitions in issue were entirely unnumbered." *King*, 284 Ill. App. 3d at 890. This case is more similar to the facts in *King v. Justice Party*, 284 Ill. App. 3d 886, 890 (1st Dist. 1996) where 4,427 pages were numbered but

³ The Motion for Summary Judgment does not address one of the missing numbered petition sheets which is listed in the objection, i.e. the petition page between 252 and 253. However, upon my review of the petition pages, there does not appear to be a missing page between 252 and 253.

sixteen (16) pages were not and the petition set was missing pages 1791 and 1792. In *King*, the Appellate Court held: “[W]e find no error in the Board’s determination that the Petition complied with the requirements of section 10-4 of the Code. Compliance was not strict, it was substantial; but it was compliance nonetheless.” *Id* at 891. Similarly, in the instant case, I believe that the Candidates substantially complied with the numbering requirements of Section 10-4 of the Code.

The Objectors do cite to *King* in their Reply to their Motion for Summary Judgment for their contention that “at a minimum, the petition pages submitted by the Candidates that do not include pages numbers should not be counted – which was the same remedy ordered by the electoral board and affirmed by both the Circuit Court and Appellate Court in *King*.” (Objectors’ Reply to the Motion for Summary Judgment as to Unnumbered Page Sheets at ¶ 6). In *King*, the court did state that “Discounting the signatures contained on the 16 unnumbered pages of the Petition as did the Board, and taking into consideration the absence of pages number 1791 and 1792, we find no error in the Board’s determination that the Petition complied with the requirements of section 10-4 of the Code.” *King*, 284 Ill. App. 3d at 890-91. However, this is *obiter dicta*. *Cates v. Cates*, 156 Ill. 2d 76, 80 (1993). The remedy, if any, for when the Candidates have been found to have substantially complied with numbering requirements was not an issue addressed by the *King* court. Rather, I believe that other cases addressing substantial compliance of other mandatory provisions of the election code, e.g. *Panarese v. Hosty*, 104 Ill. App. 3d 627 (1st Dist. 1982) are more directly on point as whether there is a “remedy” in a substantial compliance situation. In *Panarese*, the objector alleged that one of the sheets of the candidate’s nominating petition omitted the number and street of the residence of the circulator in violation of Section 7-10 of the Election Code, thereby invalidating that sheet and reducing the number of signatures below the statutory minimum required for the candidate to be printed on the primary ballot. *Id.* at 628. The court found there was substantial compliance with the mandatory requirements of Section 7-10 and affirmed the trial court and the Cook County Officers Electoral Board’s decision in overruling the objector’s objection and refusing to strike the subject petition sheet. *Id.* Accordingly, it is my recommendation that none of the petitions sheets be stricken.

I recommend that the Board overrule the Objectors’ objection with regard to the numbering defects as the Candidates are in substantial compliance with Section 10-4 of the Election Code. Similarly, I recommend that the Board deny the Objectors’ Motion for Summary Judgment as to Unnumbered Petition Sheets.

E. Improperly Notarized Petition Sheets

In their Petition, the Objectors identify specific petition sheets that they claim were not properly notarized and therefore, should be stricken. (Objectors’ Petition at ¶¶ 16, 17, 19). The Objectors filed a Motion for Partial Summary Judgment as to Improperly Notarized Petition Sheets in which they argued one sheet (page no. 2855) failed to comply with 10 ILCS § 5/10-4 in that the notary did not affix her seal on the page. At the hearing and for their case in chief, the Objectors also introduced a set of petitions sheets and the corresponding appendix-recapitulation sheets (Objectors’ Exhibit 12) for their argument that certain petition sheets were not properly notarized and were not in compliance with 10 ILCS §5/10-4 and therefore, should be stricken. With regard to Exhibit 12, only the following petitions pages and corresponding appendix-

recapitulation sheets will be considered regarding the improper notarization issue: 73, 74, 75, 3239, 3432; the others, i.e. 208, 1888, 1889, 1907, 2726, 3054, 3057, 3476 were not objected to on the basis of notarization in the Objectors' Petition and therefore, should not be considered.

In response to the Objectors' notary argument, the Candidates argue that the failure to affix a seal is a technical violation which does not invalidate the petition sheet. In response to the other notary objections which were presented at the hearing, the Candidates introduced into evidence the Affidavit of Randall Stufflebeam (Candidate's Exhibit 26) which states: "I have reviewed nominating petition sheets 0073, 0074 and 0075 . . . The nominating petition sheets . . . were all signed by me, as circulator, in my own proper person."

Section 10-4 of the Election Code requires that the circulator's statement that appears at the bottom of the page must be signed and "[s]uch statement shall be sworn to before some officer authorized to administer oaths in this State." 10 ILCS §5/10-4. Objectors argue that the notary requirement is mandatory and requires strict compliance of the statute. In support of their argument, they rely upon *Knobeloch v. Electoral Board of Granite City*, 337 Ill. App. 3d 1137 (5th Dist. 2003). In *Knobeloch*, the court rejected the candidate's argument that substantial compliance of a mandatory provision is sufficient because of the Illinois Supreme Court's decision in *DeFabio v. Gummersheimer*, 192 Ill. 2d 63 (2000) which the *Knobeloch* court interpreted as a rejection of the substantial-compliance theory for mandatory provisions of the Election Code. *Knobeloch*, 337 Ill. App. 3d at 1140. The Candidates' argument rests upon the substantial-compliance theory.

Although not cited by either party, two appellate courts have rejected the holding of *Knobeloch* in its interpretation that the Illinois Supreme Court in *DeFabio* rejected the substantial-compliance theory. See *Jakstas v. Koske*, 352 Ill. App. 3d 861(2nd Dist. 2004); *Bergman v. Vachata*, 347 Ill. App. 3d 339 (1st Dist. 2004). The *Bergman* court found that the *DeFabio* case involved non-compliance and not substantial compliance and that the decision in the Illinois Supreme Court case of *Lewis v. Dunne*, 63 Ill. 2d 48 (1976) remains good law. *Bergman*, 347 Ill. App. 3d at 345. In *Lewis*, "the Illinois Supreme Court held that a candidate's name should appear on the ballot where there was substantial compliance with section 7-10 of the Election Code." *Id.* The *Jakstas* court agreed with the *Bergman* court and its interpretation of *DeFabio*.

I recommend that the Board follow the decisions of *Lewis*, *Bergman* and *Jakstas* and apply the substantial-compliance theory to the notary public issues in this case. Therefore the Board should decide whether the subject petition sheets, i.e. 73, 74, 75, 2855, 3239, 3432 (which are collectively attached as Exhibit H), are in substantial compliance with the relevant provision in Section 10-4 of the Election Code. I believe that petition sheet 2855 which did not include the notary's seal is in substantial compliance. *Young v. Cook County Officers Electoral Board*, Circuit Court of Cook County, January 24, 1990 (Failure of the notary to properly affix his seal to a petition sheet is deemed to be a technical violation that does not invalidate the petition sheet). I also believe petition sheet 3432 is in substantial compliance. However, I do not believe that the other subject petitions sheets are in substantial compliance. In fact, petition sheets 73, 74, 75 and 3432 do not include any indication that the circulator's statement "was sworn to before some officer authorized to administer oaths in this State." 10 ILCS §5/10-4. Missing is

the signature, date or seal of any notary. Although I have no reason to doubt the statements in Mr. Stufflebean's (the circulator of petition pages 73, 74 and 75) affidavit, the affidavit does not provide evidence that a notary public witnessed Mr. Stufflebean signing the petition sheets. See *Williams v. Butler*, 35 Ill. App. 3d 532, 536-9 (4th Dist. 1976).

Therefore, I recommend that the Board find that petitions sheets 73, 74, 75 and 3432 are in non-compliance with the notary requirement of Section 10-4 of the Election Code. I further recommend that those petition sheets be stricken, as well as the signatures contained therein which (not including those to which an objection was sustained) amount to 26 signatures. I also recommend that the Objectors' Petition with regard to the notary objection be overruled in part and sustained in part and that Objectors' Partial Motion for Summary Judgment as to Improperly Notarized Petition Sheets (i.e. petition sheet 2855) be denied.

F. The Petition Sheets Circulated by Rodney Cherizol

In their objection and for their Motion for Summary Judgment as to Petition Sheets Circulated by Rodney Cherizol, the Objectors argue that the purported address (433 W. Harrison, c/o General Delivery, Chicago, Illinois, 60699) listed on the petition sheets he circulated is not Mr. Cherizol's residence but rather that of a United States Post office and office building. The Candidates rely upon the listing attached at Exhibit B to their Motion for Summary Judgment which shows that a United States Post Office is located at that address. The Objectors also introduced into evidence as Objectors' Exhibit 4 white pages and internet listing showing the same.

In response to this argument, the Candidates argue that Mr. Cherizol is a homeless person who does not have a traditional residence and that during the time Mr. Cherizol circulated the subject petitions, his "non-traditional residence" was the post office. The Candidates rely on the fact that Mr. Cherizol swore under penalty of perjury that 433 W. Harrison was his legal residence during the period he circulated the subject petitions. The Candidates also introduced into evidence, without objection, the affidavits of Sandra Melton James (Candidates Exhibit 10) and Janis Hahn (Candidates Exhibit 11). Ms. James was the notary on Mr. Cherizol's petition papers, and she states that Mr. Cherizol represented and affirmed to her that 433 W. Harrison was his true and actual residence during the period that he circulated the petition pages. Ms. Hahn states in her Affidavit that Mr. Cherizol did consider the post office to be his residence during the time in question and that Mr. Cherizol received mail at that post office location.

Section 10-4 of the Election Code requires that a circulator certify his or her "street address or rural route number, as the case may be, as well as the county, city, village or town and the state . . ." 10 ILCS § 5/10-4. While no one disputes that the address listed on Mr. Cherizol's petition sheets is the location of the post office, the Objector has failed to submit any proof that Mr. Cherizol, a person who is apparently homeless and does not have a traditional residence, did not consider the post office to be his residence during the time in question. Therefore, I recommend that the objections regarding Mr. Cherizol's petition pages be overruled and the

Objectors' Motion for Summary Judgment as to Petition Sheets Circulated by Rodney Cherzol be denied.⁴

G. The Incomplete Address of Circulator Gayle Cotor

In their Petition, the Objectors argue that the petition sheets circulated by Gayle Cotor should be stricken because she did not list her complete address as is required under Section 10-4 of the Election Code. Apparently, the only item missing from her address is her apartment number. In their Motion to Strike and Dismiss, the Candidates argue that the failure to list an apartment number is not a basis for finding noncompliance with the Code. I agree. The purpose of including a circulator's address, i.e. to ensure the integrity of the electoral process and enable the Board "to locate her, question her about the signatures, and hold her responsible for her oath" (*Sakony v. Lindsey*, 261 Ill. App. 3d 821 (5th Dist. 1994) is still served even if she fails to list her apartment number. See *Mendoza v. Perez*, 99 EB-ALD-066, CBEC, January 22, 1999 (finding substantial compliance of Section 7-10 of the Election Code when the circulator misidentifies address as "street" instead of "boulevard"). See also the Board's Rules of Procedure at Appendix A, II, D which states "[t]he circulator's address must be complete as usage in his or her town, county or state requires;" the Rules do not state that failure to include the apartment number renders the address incomplete.

I recommend that the objection regarding Ms. Cotor be overruled and that the Candidates' Motion to Strike and Dismiss on this issue be granted.⁵

H. The Address of Circulator Tommy Spaulding

The Objectors argue that Circulator Tommy Spaulding does not reside and has never resided at the address Mr. Spaulding listed on the petition sheets he circulated, i.e. 5 E. Burlington, Apt. B, Riverside Illinois 60549. In support for this argument, the Objectors introduced into evidence white pages notation for the realty company located at that address and a memorandum from private investigator Mike Clancy who also testified at the hearing that based upon his investigation, a Tommy Spaulding never resided at the apartment complex located 5 E. Burlington. (Objectors' Group Exhibit 6). For their rebuttal, the Candidates introduced into evidence the Affidavit of Tommy Spaulding (Candidates' Exhibit 15). In the Affidavit, Mr. Spaulding states, *inter alia*, that "during the entire time I circulated petitions for the Constitution Party's slate of candidates I did in fact reside at 5 E. Burlington, Apt. 6, Riverside, Illinois 60546."

For purposes of ruling on whether Mr. Spaulding resided at the 5 E. Burlington location during the time at question, I recommend that the Board consider Mr. Spaulding's petition papers and Affidavit and find that he did reside at the address he listed on the petition papers. Mr.

⁴ In their Petition, Objectors also contend that Mr. Cherzol's petition sheets exhibit an extraordinarily high rate of improper signatures. However, the Objectors did not submit any evidence that supports this allegation with regard to Mr. Cherzol.

⁵ In their Petition, Objectors also contend that Ms. Cotor's petition sheets exhibit an extraordinarily high rate of improper signatures. However, the Objectors did not submit any evidence that supports this allegation with regard to Ms. Cotor.

Spaulding submitted an affidavit stating that he did reside at this address during the relevant time period. Moreover, for his petition papers, he swore under oath that he resided at this address (or apparently at 5 W. Burlington according to his Affidavit). Although Mr. Clancy was certainly a credible witness, there is a possibility that no one remembered Mr. Spaulding at the location because he resided at the location for a “relatively short time” (Spaulding Affidavit, Exhibit 15 at ¶ 5) and/or that he subleased the apartment which might explain why the realty company did not have any records pertaining to Mr. Spaulding. Therefore, I recommend that the objections pertaining to Mr. Spaulding be overruled.⁶

I. The Petitions Circulated by Rosanna Pulido who Previously Circulated Nominating Petitions for the Republican Party

In their Petition and for their Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido, the Objectors argue that petition pages circulated by Rosanna Pulido (Nos. 2963-69, 2974, 2978-82) should be stricken under Section 10-4 of the Election Code as Ms. Pulido circulated nominating petitions for a candidate (herself) of the Illinois Republican Party for the nomination of the office of Representative in Congress for the 5th Congressional District for the February 2, 2010 primary election. In support of this objection, the Objectors introduced into evidence the petition pages circulated by Ms. Pulido for the Constitution Party and the corresponding appendix-recapitulation sheets (Objectors’ Group Exhibit 1) and pages circulated by Ms. Pulido for the Republican candidate for the February 2, 2010 primary election (Objectors’ Group Exhibit 2). The Candidates filed a Response to the Objectors’ Motion and also presented Ms. Pulido as a witness during their rebuttal.

The relevant portion of Section 10-4 of the Election Code states: “No person shall circulate or certify petitions for candidates of more than 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. The Objectors rely upon the case of *Citizens for John W. Moore Party v. Board of Elec. Comm’rs of the City of Chicago*, 794 F.2d 1254 (7th Cir. 1986) in support of the argument that the courts have upheld the dual circulation prohibition of Section 10-4 of the Election Code. The decision in *Schoeber v. Young*, 322 Ill. App. 3d 996 (4th Dist. 2001) was submitted as additional authority. In both cases, the facts are similar to the facts concerning Ms. Pulido; the circulator of petition pages for an independent party which sought nomination in the general election also circulated petition pages for a candidate of an established party for nomination in the primary party during the same election season. The courts in both cases held that the circulator was barred from circulating petitions for the independent party.

In their Response, the Candidates rely upon 10 ILCS 5/9-1.9 for a definition of “election cycle” and argues that Ms. Pulido circulated petitions for different offices and different candidates during “separate and independent election cycles.” (Objectors’ Response to Motion for Directed Finding at ¶ 7). This reference to the definition of “election cycle” set forth in

⁶ In their Petition, Objectors also contend that Mr. Spaulding’s petition sheets exhibit an extraordinarily high rate of improper signatures. However, the Objectors did not submit any evidence that supports this allegation with regard to Mr. Spaulding.

Article 9 (Disclosure and Regulation of Campaign Contributions and Expenditures) is unavailing as the relevant language in Section 10-4 does not refer to “election cycle” but to “the next primary or general election.” 10 ILCS §5/10-4. In addition, as noted by the court in *Schober*, the relevant time period is the “primary and the following general election.” *Schober*, 322 Ill. App. 3d at 1002-3.

Based on the foregoing, I recommend that the Board sustain the dual-circulation objection referring to Ms. Pulido and grant the Objectors’ Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido. I further recommend that the petition pages circulated by Ms. Pulido (Nos. 2963-69, 2974, 2978-82), as well as the signatures contained therein which (not including those to which an objection was sustained) amount to 82 signatures.⁷

J. Objectors’ Rule 9 Motion

The following arguments in Objectors’ Rule 9 Motion and my corresponding recommendations are as follows:

1. Incorrect tallying by the Board staff (Objectors’ Rule 9 Exhibit B)

a. Petition sheet 196 – The staff’s count reflects 10 signatures presented, with 1 objection and 0 overruled for a total of 9 valid signatures. Objectors argue that the true count is 10 signatures presented, with 2 objections sustained and 3 overruled for a total of 8 valid signatures. I reviewed Objectors’ Rule 9 Exhibit B and agree with the Objectors’ argument and therefore, recommend that the Board grant the Objectors’ Rule 9 Motion with regard to petition sheet 196 thereby reducing the valid signatures by 1.

b. Petition sheet 197 – The staff’s count reflects 10 signatures presented, with 0 objections sustained and 0 overruled, for a total of 10 valid signatures. Objectors argue that the true count is 10 signatures presented, with 1 objection sustained and 0 overruled for a total of 9 valid signatures. I reviewed Objectors’ Rule 9 Exhibit B and agree with the Objectors’ argument and therefore, recommend that the Board grant the Objectors’ Rule 9 Motion with regard to petition sheet 197 thereby reducing the valid signatures by 1.

c. Petition sheet 1251 -- The staff’s count reflects 10 signatures presented, with 2 objections sustained and 3 overruled, for a total of 8 valid signatures. Objectors argue that the true count is 10 signatures presented, with 4 objection sustained and 1 overruled for a total of 6 valid signatures. I reviewed Objectors’ Rule 9 Exhibit B and disagree with the Objectors’ argument and therefore, recommend that the Board deny the Objectors’ Rule 9 Motion with regard to petition sheet 1251.

⁷ At the hearing, the Objectors also marked as Objectors’ Exhibit 13 a group of petition sheets from individuals who circulated on behalf of Scott Lee Cohen, candidate for Lieutenant Governor for the Democratic Party, for nomination for the Primary Election on February 2, 2010. The Candidates’ objected to the Exhibit on the grounds that it was not previously identified as an exhibit. I recommend that the objection be sustained.

2. Request for ruling on the objection to petition sheet 1523, line 7

The hearing officer was advised that the objection was overruled.

3. Request for ruling on the objection to petition sheet 684, lines 1 and 5.

Page 684 was not included as part of the Objector's Appendix-Recapitulation that was filed with the Board.

4. Request for another ruling on those objections ruled upon by a staff member who professed that he made it a practice to overrule objections to signatures he found illegible.

I reviewed the eighteen (18) objections that were the subject of Objectors' Rule 9 Motion with regard to alleged errant rulings. Most of the signatures were legible. For those signatures that might have been illegible, the corresponding address was legible. The Board's Rules require that the objection be sustained only if the signature and the address is illegible and the candidate cannot sufficiently, in a reasonably short period of time, identify the signatory so to permit the records examiner to check the signature against a voter record. *See Appendix A.I.E to the Board's Rules of Procedure.* Therefore, I recommend that the Board deny the Objectors' Rule 9 Motion as it pertains to the alleged errant ruling by the staff member.

K. The Candidates' Rule 9 Motion

For its Rule 9 Motion, the Candidates submitted an 8 page "Summary" of the sheet, line, name, address and reason for rebutting the staff's rulings. The "Summary" refers to 145 objections which were apparently sustained by the staff. The Candidates also submitted 13 affidavits of individuals who testified that the signature on the following sheets and lines were signed by them "personally in my own proper form:"

1. Sheet 3376, Line 1
2. Sheet 3368, Line 3
3. Sheet 3441, Line 8
4. Sheet 553, Line 2
5. Sheet 535, Line 5
6. Sheet 607, Line 4
7. Sheet 580, Line 6
8. Sheet 599, Line 9
9. Sheet 603, Line 10
10. Sheet 510, Line 3
11. Sheet 826, Line 8
12. Sheet 532, Line 9
13. Sheet 3286, Line 2

The Summary and the 13 Exhibits were also introduced into evidence during the Candidates' Case in Chief and marked as Candidates' Exhibit 7.⁸ In their Rule 9 Motion, the Candidates also "request that certified copies of the registration records corresponding to the attached list be prepared by the State Board of Elections and presented at the subject hearing."

As an initial matter, I want to address the Candidates' request from the Board for certified copies of the registration records which they apparently wanted to include as part of their Rule 9 Motion. Rule 9 of the Board's Rules of Procedures states: "[E]vidence offered to refute the staff finding must be submitted to the Board or the hearing officer no later than 5PM on the third business day following the date of the sending of the printout . . . unless extended by the hearing officer or Board." Rule 9 of the Board's Rules of Procedures. The records examination commenced on July 26, 2010 and was completed on July 29, 2010. Both parties were present at the records examination. The parties received the printout five (5) days later on August 3, 2010, thus triggering the commencement of the three days for filing the Rule 9 Motions. The Rule 9 Motions were due on August 6, 2010. Both parties on two separate occasions asked for extensions of time by which to file their Rule 9 Motions. Both requests were denied. (Case Management Order dated August 4, 2010, Exhibit C; Recommendation regarding Objectors' Request, Exhibit E).

In an email to counsel on August 14, 2010 (attached hereto as Exhibit 1), I recommended that the Candidates' request from the Board for certified copies of registration records be denied because "a) Rule 9 of the Board's Rules of Procedure requires that 'any evidence offered to refute the staff finding must be submitted to the Board or the hearing officer no later than 5 PM on the third business day following the date of the sending of the printout; and b) in any event, the Board does not have the capability of producing the requested records."

The Candidates have since made an oral motion for reconsideration (Transcript on August 18, 2010 at pp. 41-44) and also filed a motion for reconsideration. The motions for reconsideration are based upon the argument that the Board does have the capability to produce the registration records and should be required to produce said records. Regardless of whether the Board has the capability of producing the records (which apparently they do), the Candidates failed to make this request and/or obtain these documents prior to 5PM on August 6, 2010 -- the three day cutoff for submitting evidence. Moreover, I would like to point out that the Candidates' representatives attended the records examination and therefore, from the time the records examination commenced (when they witnessed the rulings by the staff) until the end of business on August 6, 2010, the Candidates had twelve (12) days to gather their evidence for the Rule 9 Motion.

Based on the foregoing, I recommend that the Board deny the Candidates' request for records as well as the Motions for Reconsideration.

⁸ The Candidates also marked as Candidates' Exhibits 8, 28 and 29 affidavits signed by individuals testifying that they signed the subject nominating petition. The Objectors objected to the submission of said exhibits as untimely. I recommended that the objection be sustained as none of these exhibits were filed with the Candidates' Rule 9 Motion as required by the Rules.

I also would like to address my recommended ruling regarding the Candidates' "Summary" which was attached to the Candidates' Rule 9 Motion. The Objectors objected on the grounds that it lacks foundation. I recommend that the objection be sustained. The Objectors requested that the parties be allowed to testify about their efforts in preparing the "Summary" (Transcript on August 19, 2010 at pp 37-38; 44). However, consistent with my earlier recommendation that witnesses not previously identified on the witness list not be allowed to testify in a party's case in chief, I recommended that the request be denied.

With regard to the evidence that was submitted, i.e. the thirteen (13) affidavits, I do find that they rebut the objections sustained by the staff regarding those individuals' signatures. For their rebuttal, the Objectors submitted the petition papers signed by some of the individuals who signed the affidavits. However, the petition papers do not rebut the evidence submitted by the Candidates. Therefore, I recommend that the Candidates' Rule 9 Motion with respect to the 13 affidavits be granted and the objections with regard to the thirteen (13) individuals who signed on the sheets and line numbers listed above be overruled.

L. The Objectors' Pattern of Fraud Argument

For their pattern of fraud argument, the Objectors presented Ms Tamara Kaiden, a forensic document examiner. Ms. Kaiden has been studying handwriting identification and characteristics for approximately 16 years and has been a certified forensic document examiner for 3 years. (Transcript of Aug. 16, 2010 at p. 21). Prior to being certified, she attended a two-year apprenticeship training program and passed a proficiency test. (Transcript of Aug. 16, 2010 at p 42). Ms. Kaiden testified that she has analyzed over 6,000 documents and has rendered an opinion on approximately 300 cases. (Transcript of Aug. 16, 2010 at p. 42). She has testified as an expert on two occasions in both state and federal court. (Transcript of Aug. 16, 2010 at p 43).

In summary, Ms. Kaiden testified that it was her opinion that based upon her review of the Candidates' petition pages, there were several "writers" who forged signatures on the petitions signed by the following circulators: 1) James Jackson; 2) Dawn Jackson; 3) Jacqueline Jackson; 4) Jasmine Richardson and 5) Julian Washington. Ms. Kaiden went through the Objectors' Group Exhibit 7 (petition pages circulated by James Jackson), Objectors' Group Exhibit 8 (petition pages circulated by Dawn Jackson), Group Exhibit 9 (petitions pages circulated by Jacqueline Jackson), Group Exhibit 10 (petition pages circulated by Jasmine Richardson) and Group Exhibit 11 (petition pages circulated by Julian Washington).⁹ Ms. Kaiden identified those signatures which she believed were signed by the same person. For approximately five (5) hours, Ms. Kaiden provided extremely detailed testimony explaining repeated patterns and identifiable habits of approximately 444 signatures which is the basis for her opinion. (Transcript of Aug. 16, 2010 at pp. 43-248).

⁹ Although the Objectors' Petition also claimed a pattern of fraud with regard to the petition pages circulated by Carlos Pinedo, the Objectors did not introduce any evidence with regard to Mr. Pinedo and therefore, the objection with regard to Mr. Pinedo should be overruled.

1. Mr. James Jackson

With regard to the petition pages circulated by Mr. James Jackson, Ms. Kaiden testified that it was her opinion that 5 different writers forged signatures on his petition pages.

For the first writer, Ms. Kaiden testified to the similarities among approximately 54 signatures on the petition pages circulated by James Jackson, specifically pointing out that most of these signatures have the same following characteristics: a) slightly exceeds the left margin; b) similar base line; c) similar formations for the letters "e" and "s;" d) similar spacing; and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 43-76). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1112, lines 1 and 5; page 1113, line 1; page 1114, lines 4 and 5.

For the second writer, Ms. Kaiden testified to the similarities among approximately 20 signatures on the James Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) little circles or loops that that are formed for the letters "n," "f," and "l;" b) the ending stroke for the letter "n" goes up; c) muddiness in the handwriting; d) a hump that exists prior to the letter "y;" e) a teardrop looking "s;" f) the printed "s" is missing the top part of the letter; g) anvil letter "r;" and h) other characteristics. (Transcript of Aug. 16, 2010 at pp. 76- 95). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1005, line 2; page 1006, line 7; page 1003, line 6; page 1039, line 7.

For the third writer, Ms. Kaiden testified to the similarities among approximately 7 signatures on the James Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) stroke structure for the letter "p;" b) the dots on the letter "i;" c) the small size of the handwriting; d) tiny ties; and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 95-102). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1076, line 8; page 1077, line 4; and page 1078, line 3.

For the fourth writer, Ms. Kaiden testified to the similarities among approximately 3 signatures on the James Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) consistent styling of the letter; b) the same slants; and c) other characteristics. (Transcript of Aug. 16, 2010 at pp. 102-104). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1080, lines 2, 5 and 9; and page 1112, line 9.

For the fifth writer, Ms. Kaiden testified to the similarities among approximately 26 signatures on the James Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) the same size of the writing; b) the letter "o" looks like an olive; c) similar stroke structure for letters "u" and "n;" and d) other characteristics. (Transcript of Aug. 16, 2010 at pp. 104-123). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1113, line 9; page 1115, line 4; and page 1115, line 9.

2. Ms. Dawn Jackson

With regard to the petition pages circulated by Dawn Jackson, Ms. Kaiden testified that it was her opinion that 3 different writers forged signatures on her petition pages.

For the first writer, Ms. Kaiden testified to the similarities among approximately 68 signatures on the petition pages circulated by Dawn Jackson, specifically pointing out that most of these signatures have the same following characteristics: a) the letter "n" looks like the letter "m;" b) drag marks on the letter "E;" c) the letter "r" has a needle shape; d) the dot on the letter "i" is more like a slash; e) the letter "s" has a sailboat structure; and f) other characteristics (Transcript of Aug. 16, 2010 at pp. 124-159). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1173, line 10; page 1177, line 9; page 1178, line 1; page 1179, line 9; and page 1590, line 8.

For the second writer, Ms. Kaiden testified to the similarities among approximately 7 signatures on the Dawn Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) the oblong loop in the lead stroke on the letter "r;" b) the "r" and "k" have the same stroke structure; c) the letter "n" has a fluted top; d) a connecting stroke with the letter "y;" e) three humps for the letter "m" and f) other characteristics. (Transcript of Aug. 16, 2010 at pp. 159-165). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 993, line 2; page 1004, line 5; page 1007, line 4; and page 1042, line 3.

For the third writer, Ms. Kaiden testified to the similarities among approximately 7 signatures on the Dawn Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) same size of writing; b) same spacing; c) same placement on the lines; d) same letter forms; and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 165-170). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1064, line 4; page 1065, line 3; and page 1067, line 5.

3. Ms. Jacqueline Jackson

With regard to the petition pages circulated by Jacqueline Jackson, Ms. Kaiden testified that it was her opinion that 3 different writers forged signatures on her petition pages.

For the first writer, Ms. Kaiden testified to the similarities among approximately 36 signatures on the petition pages circulated by Jacqueline Jackson, specifically pointing out that most of these signatures have the same following characteristics: a) little circles or loops that are formed for the letters "n," "f," and "l;" b) the ending stroke for the letter "n" goes up; c) muddiness in the handwriting; d) a hump that exists prior to the letter "y;" e) a teardrop looking "s;" f) the printed "s" is missing the top part of the letter; g) anvil letter "r;" and h) other characteristics. (Transcript of Aug. 16, 2010 at pp. 170-192). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1062, line 6; page 1083, line 5; page 1085, line 4; page 1086, line 9; and 1091, lines 2 and 7. In addition,

Ms. Kaiden testified that it was her opinion that "writer no. 1" for Jacqueline Jackson is the same writer as "writer no. 2" for James Jackson. (Transcript of Aug. 16, 2010 at p. 192).

For the second writer, Ms. Kaiden testified to the similarities among approximately 60 signatures on the Jacqueline Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) the letter "n" looks like the letter "m;" b) drag marks on the letter "E;" c) the letter "r" has a needle shape; d) the dot on the letter "i" is more like a slash; e) the letter "s" has a sailboat structure and f) other characteristics. (Transcript of Aug. 16, 2010 at pp. 192-209). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1062, line 9; page 1063, line 9; page 1085, lines 6 and 10. In addition, Ms. Kaiden testified that it was her opinion that "writer no. 2" for Jacqueline Jackson is the same writer as "writer no. 1" for Dawn Jackson. (Transcript of Aug. 16, 2010 at p. 209).

For the third writer, Ms. Kaiden testified to the similarities among approximately 9 signatures on the Jacqueline Jackson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) muddiness; b) the ending strokes of the letter "n" go up; c) anvil shaped "r;" d) unusual shaped "m;" and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 95-102). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1109, line 8; page 1099, line 8; and page 1110, line 4.

4. Ms. Jasmine Richardson

With regard to the petition pages circulated by Ms. Richardson, Ms. Kaiden testified that it was her opinion that 5 different writers forged signatures on her petition pages.

For the first writer, Ms. Kaiden testified to the similarities among approximately 16 signatures on the petition pages circulated by Ms. Richardson, specifically pointing out that most of these signatures have the same following characteristics: a) the lead in stroke for the letter "m;" b) the humps in the letter "m;" c) identical letter "s;" d) the lead in loop for the letter "F;" e) tremor in the writing; and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 217-223). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1525, line 10; page 1773, line 7; page 1938, lines 4.

For the second writer, Ms. Kaiden testified to the similarities among approximately 27 signatures on the Ms. Richardson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) unusual shaped "D;" b) little tiny bumps; c) the letter "y" and d) other characteristics. (Transcript of Aug. 16, 2010 at pp. 223-228). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1525, line 1; page 1526, line 10; page 1564, line 10; page 1565, line 8.

For the third writer, Ms. Kaiden testified to the similarities among approximately 40 signatures on the Ms. Richardson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) they exceed the line space and go into the spacing above it; b) the letters "a," "c," "g" and "s;" c) a hook in the letter "A;" and d) other

characteristics. (Transcript of Aug. 16, 2010 at pp. 228-237). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1564, line 1; page 1565, line 1; and page 1567, line 3.

For the fourth writer, Ms. Kaiden testified to the similarities among approximately 13 signatures on the Ms. Richardson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) the letter "r;" b) the letter "d;" c) the letter "s;" d) certain letters are above the baseline and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 237-241). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1563, lines 5; page 1564, line 9; page 1565, line 7; and page 1578, line 7.

For the fifth writer, Ms. Kaiden testified to the similarities among approximately 12 signatures on the Ms. Richardson petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) very clean and compressed writing; b) the letter "r;" c) the middle zone is tiny; and d) other characteristics. (Transcript of Aug. 16, 2010 at pp. 241-245). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1525, line 2; page 1563, line 10; and page 1564, line 7.

5. Mr. Julian Washington

With regard to the petition pages circulated by Julian Washington, Mr. Washington testified that it was her opinion that 3 different writers forged signatures on his petition pages.

For the first writer, Ms. Kaiden testified to the similarities among approximately 21 signatures on the petition pages circulated by Mr. Washington, specifically pointing out that most of these signatures have the same following characteristics: a) extension of the first and last initials beyond the allotted space; b) the hook in the letter "a;" c) the letters "s" and "d;" d) the letter "e;" and e) other characteristics. (Transcript of Aug. 16, 2010 at pp. 245-251). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1988, line 5; page 1990, line 4; page 1992, line 1.

For the second writer, Ms. Kaiden testified to the similarities among approximately 14 signatures on the Mr. Washington petition pages, specifically pointing out that most of these signatures have the same following characteristics: a) oblong loops that lead into the capital letter; b) flat topped "r;" c) similar ending strokes; and h) other characteristics. (Transcript of Aug. 16, 2010 at pp. 251- 256). A few examples of the similarities on which Ms. Kaiden testified are found on the following page and line numbers: page 1988, line 4; page 1989, line 10; page 1992, line 4; page 2015, line 2.

For the third writer, Ms. Kaiden testified that the signature on page 2062, line 3 had the same characteristics as "writer no. 2" for James Jackson and therefore it is her opinion that "writer no. 3" for Mr. Washington was the same person as "writer no. 2" for James Jackson (Transcript of Aug. 16, 2010 at pp. 256-258).

For their rebuttal (which occurred at a hearing three days after Ms. Kaiden testified), the Candidates did not introduce any witnesses or affidavits that refuted the testimony of Ms. Kaiden. Instead, the Candidates introduced demonstrative exhibits which indicated the percentage of objections based upon the form of signature which were overturned. Specifically, Candidates introduced such demonstrative exhibits for Ms. Richardson (Candidate Exhibit No. 20), Jacqueline Jackson (Candidate Exhibit No. 21), Dawn Jackson (Candidate Exhibit No. 23) and James Jackson (Candidate Exhibit No. 24).¹⁰ The Candidates also submitted a chart which purports to show that of 380 signatures that Ms. Kaiden did review, 180 of them were not objected to by the Objectors and of those remaining 200 signatures which had objections, 114 were overruled by the Board staff during the records examination. (Candidates' Exhibit No. 25).

Section 10-4 of the Election Code requires that the candidate's petition sheets contain signatures of qualified primary electors "in their own proper persons only" and that the circulator sign a statement under oath at the bottom of the petition sheet certifying that the signatures on the sheet were signed in his or her presence and are genuine. *Huskey v. Municipal Officers Electoral Board for the Village of Oak Lawn*, 156 Ill. App. 3d 201, 204-05 (1st Dist. 1987). Section 10-4 of the Election Code further provides that the result of non-compliance with the petition requirements is that "No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this section are complied with." *Id.* (citing Section 10-4 of the Election Code).

In the instant case, Objectors contend that many of the signatures on the petition pages of several of the circulators for the Candidates were forged and not genuine which demonstrates a pattern of fraud and a disregard for the mandatory requirements set forth in Section 10-4 of the Election Code. Objectors request that the petitions pages for those circulators engaged in the fraud be stricken consistent with the principles set forth in *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill. App. 3d 111, 864 (1st Dist. 2007); *Canter v. Cook county Officers Electoral Bd.*, 170 Ill. App. 3d 364 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill. App. 3d 201 (1st Dist. 1987) and *Fortas v. Dixon*, 122 Ill. App. 3d 697 (1st Dist. 1984).

In order to demonstrate a pattern of fraud with regard to a circulator's petition, the Objectors have the burden of demonstrating by a fair preponderance of the evidence that the circulator had acted fraudulently in obtaining false signatures. See *In re Bower*, 41 Ill. 2d 277,285 (1968). See also Rule 11 of the Board's Rules of Procedure. For their case in chief, the Objectors presented Ms. Kaiden, a certified forensic document examine. Based upon her training, experience and the fact that she previously testified as an expert in two other cases, I find Ms. Kaiden to be a qualified expert with regard to handwriting analysis. Ms. Kaiden provided her opinion with regard to the habits, patterns and characteristics of 444 signatures and found that based upon her review of the petition pages that there were several "writers" who forged signatures on the petitions signed by the following circulators: 1) James Jackson; 2) Dawn Jackson; 3) Jacqueline Jackson; 4) Jasmine Richardson and 5) Julian Washington. Based upon Ms. Kaiden's testimony, I believe that the Objectors met their burden of proof of demonstrating

¹⁰ Candidates' Exhibit Nos. 20-25 were objected to by the Objectors for lack of foundation. I recommend that the objection be sustained but that the exhibits be used as demonstrative exhibits.

by a preponderance of the evidence that James Jackson, Dawn Jackson, Jacqueline Jackson, Jasmine Richardson and Julian Washington had acted fraudulently in obtaining false signatures.

The Candidates failed to introduce any evidence to rebut the testimony of Ms. Kaiden. For instance, missing from the rebuttal was testimony or an affidavit of any handwriting expert, a circulator or an individual whose signatures was opined upon by Ms. Kaiden. Instead, the Candidates relied upon some demonstrative exhibits which purport to summarize the rulings of the objections at the records examination. However, these exhibits actually support the Objectors' position that there was pattern of fraud. See *Harmon*, 371 Ill. App. 3d at 864 (the clerk's finding sustaining 50% or more of the signature objections "sufficiently supports the Board's finding that these pages evidence a pattern of false swearing that warranted the decision to strike these pages altogether.") The exhibit for Ms. Richardson (Candidates' Exhibit No. 20) shows that 45% of the objections based upon signature on her petition sheets were sustained. The exhibit for Jacqueline Jackson (Candidates' Exhibit No. 21) shows that 50% of the objections based upon signature on her petition sheets were sustained. The exhibit for Dawn Jackson (Candidates' Exhibit No. 23) shows that 54% of the objections based upon signature on her petition sheets were sustained. The exhibit for James Jackson (Candidates' Exhibit No. 24) also shows that 50% of the objections based upon signature on her his petition sheets were sustained. The Candidates also argued, through Candidates' Exhibit No. 23 (a demonstrative exhibit) that the staff who conducted the records examination overruled slightly over 50% of the objections based upon the 380 signatures "targeted" by Ms. Kaiden. However, this in itself is not sufficient evidence for rebutting the testimony of Ms. Kaiden.

Based upon the uncontested evidence introduced by the Objectors, I recommend that the Board sustain the Objectors' objection with regard to circulators James Jackson, Dawn Jackson, Jacqueline Jackson, Jasmine Richardson and Julian Washington and further find that there is sufficient evidence demonstrating that a pattern of fraud existed with regard to these circulators. I further recommend that the Board strike those petition sheets circulated by these circulators under the principles set forth in *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill. App. 3d 111, 864 (1st Dist. 2007); *Canter v. Cook county Officers Electoral Bd.*, 170 Ill. App. 3d 364 (1st Dist. 1988); and *Fortas v. Dixon*, 122 Ill. App. 3d 697 (1st Dist. 1984), which includes a close estimate of 2,877 signatures (not including those to which an objection was sustained) which is broken down as follows:

- a. James Jackson – approximately 820 signatures;
- b. Dawn Jackson – approximately 693 signatures;
- c. Jacqueline Jackson – approximately 570 signatures;
- d. Jasmine Jackson – approximately 525 signatures; and
- e. Julian Washington – approximately 269 signatures.

III. CONCLUSION

The hearing officer recommends the following:

1. The part of Candidates' Motion to Strike and Dismiss and Motion for Summary Judgment which relies upon the argument that the Candidates did not receive a copy of the Objection Petition should be denied;

2. The Candidates' request that the objections be dismissed or an investigation and/or hearing be conducted by the Board as to whether Heffernan and Nekic are the "true" Objectors of the Objections should be denied and the part of Candidates' Motion to Strike and Dismiss and Motion for Summary Judgment which relies upon the Candidates' "true" objector argument should be denied;

3. The part of the Candidates' Motion to Strike and Dismiss and Motion for Summary Judgment which relies upon the "shot gun"/bad faith argument should be denied;

4. The objection with regard to the numbering defects should be overruled and the Objectors' Motion for Summary Judgment as to Unnumbered Petition Sheets should be denied;

5. The objection with regard to the notary sheets should be overruled in part and sustained in part specifically as follows:

a. The objections with regard to petition sheets 2844 and 3432 should be overruled and the Objectors' Partial Motion for Summary Judgment as to Improperly Notarized Petition Sheets (i.e. petition sheet 2855) should be denied; and

b. The objections with regard to petitions sheets 73, 74, 75 and 3432 should be sustained; the petition sheets 73, 74, 75 and 3432, as well as the signatures contained therein which (not including those to which an objection was sustained) are approximately 26 signatures, should be stricken.

6. The objection regarding Mr. Cherizol's petition pages should be overruled, and the Objectors' Motion for Summary Judgment as to Petition Sheets Circulated by Rodney Cherziol should be denied;

7. The objection regarding Ms. Cotor should be overruled, and the Candidates' Motion to Strike and Dismiss on this issue should be granted;

8. The objection pertaining to Mr. Spaulding should be overruled;

9. The dual-circulation objection referring to Ms. Pulido should be sustained and the Objectors' Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido should be granted; the petition pages circulated by Ms. Pulido (Nos. 2963-69, 2974, 2978-82), as well as

the signatures contained therein which (not including those to which an objection was sustained) are approximately 82 signatures, should be stricken.

10. The Objectors' Rule 9 Motion be denied in part and granted in part specifically as follows:

a. The part addressing petition sheets and appendix-recapitulation sheets 196 and 197 should be granted and the valid signatures for the Candidates' nomination papers should be reduced by 2 signatures;

b. The part addressing petition sheets and appendix-recapitulation sheets 1251, 1523, 684 should be denied; and

c. The part addressing the rulings by a certain staff member of the Board should be denied.

11. The Candidates' Rule 9 Motion should be denied in part and granted in part specifically as follows:

a. The part addressing registration and/or address objections should be denied and also the Candidates' request for registration records from the board and the accompanying motions for reconsideration on that issue should be denied;

b. The part addressing the signatures objections should be granted and the objections originally sustained during the records examination for the thirteen (13) identified signatures should be overruled thereby adding thirteen (13) signatures to the nomination papers;

12. The Objectors' pattern of fraud objection should be sustained; the petition pages circulated by the following circulators, as well as the signatures contained therein which (not including those to which an objection was sustained) are a close estimate of 2,877 signatures, which is broken down as follows, should be stricken:

a. James Jackson – approximately 820 signatures;

b. Dawn Jackson – approximately 693 signatures;

c. Jacqueline Jackson – approximately 570 signatures;

d. Jasmine Jackson – approximately 525 signatures; and

e. Julian Washington – approximately 269 signatures.

13. The Candidates needed 25,000 signatures to be on the ballot. The Candidates submitted 32,998 signatures. There were 14,542 objections ruled on by the Board at the Records Examination and 7,981 objections were sustained leaving 25,017 valid signatures. The Candidates have 22,043 signatures based upon the foregoing specific recommendations:

- a. 26 signatures being stricken for the notary objection;
- b. 82 signatures being stricken for the dual-circulation objection;
- c. 2 signatures being invalidated under the Objectors' Rule 9 Motion;
- d. 13 signatures being added under the Candidates' Rule 9 Motion; and
- e. 2,877 signatures being stricken for the pattern of fraud objection.

14. The new political party petition papers of the Constitution Party and their candidates for statewide office in the State of Illinois Candidates are insufficient and therefore the Constitution Party does not qualify as a new political party at the 2010 General Election and none of the Candidates names for the Constitution Party should be printed on the official ballot at the General Election to be held on November 2, 2010.

Dated: August 24, 2010



Kelly McCloskey Cherf
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

ANDREW HEFFERNAN and STEVE NEKIC,)
Petitioner-Objectors,)
)
vs.)
)
The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for)
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
for Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
)
Respondent-Candidates.)

No. 10 SOEB GE570

APPEARANCE

The undersigned, a duly licensed attorney in the State of Illinois, hereby makes his appearance for the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate for Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate; this 6th day of July 2010, and designates the following addresses and telephone numbers for Service or Notice of Filing.

Name: Doug E. Ibendahl
Address: 165 N. Canal Street
Suite 1215
Chicago, IL 60606
Telephone Number: (312) 648-0061 *EXT SAME*
Cell Number: (312) 218-9508
Email: dibendahl@mail.com


DOUG E. IBENDAHL, Attorney at Law

EXHIBIT

A

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

Andrew Heffernan and)
Steve Nekic,)
Petitioner-Objectors,)
)
vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; Michael L.)
White as a Candidate for)
Governor; Jeff Trexler as a)
Candidate for Lieutenant)
Governor; Louis Cotton as a)
Candidate for Attorney General;)
Gary Dunlap as a Candidate for)
Secretary of State; Timothy)
Becker as a Candidate for)
Comptroller; Dawn Czarny as a)
Candidate for Treasurer; and)
Randy Stufflebeam as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

No. 10 SOEB GE 570

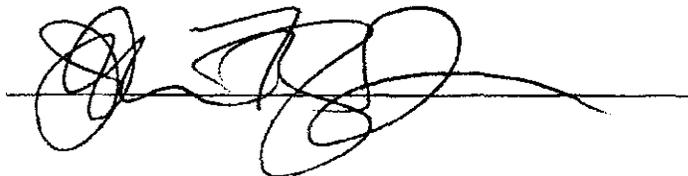
APPEARANCE

IN THE MATTER OF OBJECTIONS BY Andrew Heffernan and Steve Nekic, the undersigned attorney enters an appearance on behalf of the OBJECTORS:

Appearing: Attorney,

John Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
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(773) 681-7147 (fax)
fogartyjr@gmail.com

Signature: _____



**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE PETITION
PAPERS FOR INDEPENDENT CANDIDATES FOR THE OFFICE OF
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Andrew Heffernan and)
Steve Nekić,)
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vs.)
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The Constitution Party as a)
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the State of Illinois; Michael L.)
White as a Candidate for)
Governor; Jeff Trexler as a)
Candidate for Lieutenant)
Governor; Louis Cotton as a)
Candidate for Attorney General;)
Gary Dunlap as a Candidate for)
Secretary of State; Timothy)
Becker as a Candidate for)
Comptroller; Dawn Czarny as a)
Candidate for Treasurer; and)
Randy Stufflebeam as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

No. 10 SOEB GE 570

APPEARANCE

IN THE MATTER OF OBJECTIONS BY Andrew Heffernan and Steve Nekić, the undersigned attorney enters an appearance on behalf of the OBJECTORS:

Appearing: Attorney,

Brien J. Sheahan
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(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

Signature: _____



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

ANDREW HEFFERNAN AND)
 STEVE NEKIC,)
)
 Petitioner-Objectors,)
)
 v.)
)
 THE CONSTITUTION PARTY AS A,)
 PURPORTED NEW POLITICAL PARTY IN)
 THE STATE OF ILLINOIS; MICHAEL L.)
 WHITE AS A CANDIDATE FOR)
 GOVERNOR; JEFF TREXLER AS A)
 CANDIDATE FOR LIEUTENANT)
 GOVERNOR; LOUIS COTTON AS A)
 CANDIDATE FOR ATTORNEY GENERAL;)
 GARY DUNLAP AS A CANDIDATE FOR)
 SECRETARY OF STATE; TIMOTHY)
 BECKER AS A CANDIDATE FOR)
 COMPTROLLER; DAWN CZARNY AS A)
 CANDIDATE FOR TREASURER; AND)
 RANDY STUFFLEBEAM AS A CANDIDATE)
 FOR UNITED STATES SENATE;)
)
 Respondent-Candidates.)

No. 10 SOEB GE570

INITIAL HEARING/INITIAL CASE MANAGEMENT CONFERENCE ORDER

This cause coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the hearing officer on the initial hearing and the initial case management conference on July 6, 2010, present were Michael White, the Respondent-Candidate for Governor and Doug Ibendahl, appearing on behalf of the Respondents-Candidates and John Fogarty and Brien Sheahan, appearing on behalf of Petitioners-Objectors Andrew Heffernan and Steve Nekic, it is hereby ordered that:

EXHIBIT

B

1. Respondents-Candidates' motion to strike shall be filed by July 9, 2010 by 5:00 p.m.;

2. Petitioners-Objectors' response to the motion to strike shall be filed by July 14, 2010 by 5:00 p.m.;

3. Respondents-Candidates' reply shall be filed by July 19, 2010 by 5:00 p.m.;

4. A telephonic case management conference is set for July 20, 2010 at 10:00 a.m.

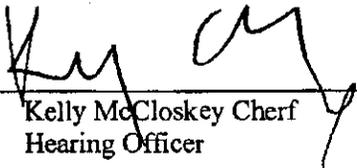
The hearing officer will initiate the telephone conference and will contact Mr. Ibendahl at 312-648-0061 and Mr. Fogarty at 773-680-4962 unless instructed otherwise by a party;

5. The parties agree that they will accept service via email;

6. All pleadings shall be served on the hearing officer at her email address of kmc@hmltd.com; and

7. This matter shall be referred to the staff of the Illinois State Board of Elections for the scheduling of a records examination. The hearing officer will notify the parties of the date and other relevant information regarding the records examination.

Dated: July 9, 2010



Kelly McCloskey Churf
Hearing Officer

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

ANDREW HEFFERNAN AND)
STEVE NEKIC,)

Petitioner-Objectors,)

v.)

THE CONSTITUTION PARTY AS A,)
PURPORTED NEW POLITICAL PARTY IN)
THE STATE OF ILLINOIS; MICHAEL L.)
WHITE AS A CANDIDATE FOR)
GOVERNOR; JEFF TREXLER AS A)
CANDIDATE FOR LIEUTENANT)
GOVERNOR; LOUIS COTTON AS A)
CANDIDATE FOR ATTORNEY GENERAL;)
GARY DUNLAP AS A CANDIDATE FOR)
SECRETARY OF STATE; TIMOTHY)
BECKER AS A CANDIDATE FOR)
COMPTROLLER; DAWN CZARNY AS A)
CANDIDATE FOR TREASURER; AND)
RANDY STUFFLEBEAM AS A CANDIDATE)
FOR UNITED STATES SENATE;)

No. 10 SOEB GE570

Respondent-Candidates.)

CASE MANAGEMENT CONFERENCE ORDER

This cause coming before the hearing officer on the case management conference hearing conducted telephonically on August 2, 2010, present were Michael White, the Respondent-Candidate for Governor, Randy Stufflebeam, the Respondent-Candidate for United States Senate and Doug Ibendahl, appearing on behalf of the Respondents-Candidates and John Fogarty and Brien Sheehan appearing on behalf of Petitioners-Objectors Andrew Heffernan and Steve Nekic, it is hereby ordered that:

EXHIBIT

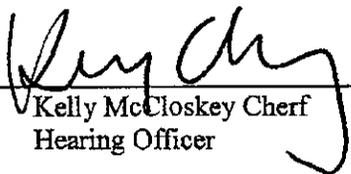
C

1. The Candidates' oral request for additional time to file evidence pursuant to Rule 9 of the Board's Rules of Procedure is denied.

2. The parties' motions for summary judgment, if any, must be filed no later than August 4, 2010. The responses to any motions for summary judgment must be filed by August 9, 2010. Any reply briefs must be filed by August 12, 2010.

3. A telephonic case management conference is set for August 6, 2010 at 10:00 a.m. The hearing officer will email to counsel the call-in instructions.

Dated: August 4, 2010



Kelly McCloskey Cherf
Hearing Officer

--- On Fri, 8/6/10, John Fogarty <fogartyjr@gmail.com> wrote:

From: John Fogarty <fogartyjr@gmail.com>
Subject: This morning's letter
To: kcherf@yahoo.com
Cc: dibendahl@mail.com, "Brien Sheahan" <brien.sheahan@gmail.com>, fogartyjr@gmail.com
Date: Friday, August 6, 2010, 10:22 AM

--
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

8/21/2010

EXHIBIT

D

LAW OFFICE OF JOHN FOGARTY, JR.
4043 North Ravenswood, Suite #226
Chicago, IL 60613
(773) 549-2647 (phone)
(773) 681-7147 (fax)
fogartyjr@gmail.com

August 21, 2010

Ms. Kelly McCloskey Cherf
Illinois State Board of Elections
100 West Randolph, Suite 14-100
Chicago, Illinois 60601

Re: Heffernan, et al. v. Constitution Party, et al., 10 SOEB GE 570

Dear Ms. Cherf:

It has come to my attention that one of the State Board of Elections staff members working on the records exam in this case made rulings consistently contrary to the Rules of Procedure adopted by the State Board of Elections on July 6, 2010, and specifically with regard to the rule set forth in Appendix A, I. E. We believe this person to be named "Jason." Earlier this week, "Jason" informed one of the volunteers working for the Objectors that, among other things, when he was not able to read the name or address of the signer to whom an objection had been made, he simply overruled that objection. This result is contrary the rule set forth in Appendix A, I. E. "Jason" maintained that this has been his practice during all of the records exams in which he has participated. We will shortly provide an affidavit to setting forth the factual basis for our assertion.

We have identified 40 petition pages that appear to have been checked by someone named "Jason." However, most of the State Board's staff recaps that were sent to the parties are missing the cover sheet that contains the records checker's name. I enquired of the General Counsel yesterday as to whether it would be possible to determine the page numbers of the petitions checked by a particular checker. The substance of my e-mail was as follows:

"Steve and Bernadette – an issue arose early this week between one of our volunteers and a records examiner by the name of Jason. I don't know his last name, and don't need to, or want to know (and I know that may be sensitive regardless). I would like to know, if possible, the sheets this person checked during the Constitution Party records exam. If its not possible, that's fine. I do know that each small bunch of sheets that are checked by a particular examiner are signed by the examiner, I just cannot read all of the signatures. If you'd like for me to make a formal request on this, to the Hearing Officer, copied to opposing counsel, I would be happy to do so."

The General Counsel advised that it would be possible and that a formal request should be made.

Accordingly, please accept this correspondence as a formal request for a list of the page numbers checked by "Jason." Further, the Objectors respectfully request to extend the Rule 9 period one additional day, to Saturday, August 7, 2010 at 5:00 P.M., in order to review the sheets that were checked by this particular State Board staff member.

Thank you for your consideration.

Sincerely,

s/ John G. Fogarty, Jr. /s

John G. Fogarty, Jr.

cc: Brien Sheahan
Doug Ibendahl
Steve Sandvoss

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

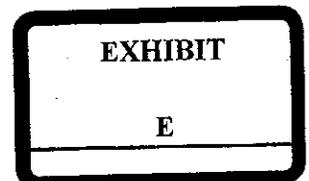
ANDREW HEFFERNAN AND)
STEVE NEKIC,)
)
Petitioner-Objectors,)
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THE CONSTITUTION PARTY AS A,)
PURPORTED NEW POLITICAL PARTY IN)
THE STATE OF ILLINOIS; MICHAEL L.)
WHITE AS A CANDIDATE FOR)
GOVERNOR; JEFF TREXLER AS A)
CANDIDATE FOR LIEUTENANT)
GOVERNOR; LOUIS COTTON AS A)
CANDIDATE FOR ATTORNEY GENERAL;)
GARY DUNLAP AS A CANDIDATE FOR)
SECRETARY OF STATE; TIMOTHY)
BECKER AS A CANDIDATE FOR)
COMPTROLLER; DAWN CZARNY AS A)
CANDIDATE FOR TREASURER; AND)
RANDY STUFFLEBEAM AS A CANDIDATE)
FOR UNITED STATES SENATE,)
)
Respondent-Candidates.)

No. 10 SOEB GE570

**RECOMMENDATION REGARDING OBJECTOR'S REQUEST FOR
INFORMATION RELATED TO THE RECORDS EXAMINATION**

This cause coming before the hearing officer on the Petitioners-Objectors' August 6, 2010 letter request for the "sheets [a certain record examiner] checked during the Constitution Party records exam," and "to extend the Rule 9 period one additional day, to Saturday, August 7, 2010 at 5:00 p.m.," the hearing officer makes the following recommendation:

1. The Board should produce the information requested with regard to the records examination; and
2. The request to extend the Rule 9 period is denied.



Dated: August 6, 2010



Kelly McCloskey Cherf
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

ANDREW HEFFERNAN and STEVE NEKIC,
Petitioner-Objectors,

vs.

The CONSTITUTION PARTY as a
new political party in the State of Illinois;
MICHAEL L. WHITE as a Candidate for
Governor; JEFF TREXLER as a Candidate for
Lieutenant Governor; LOUIS COTTON as a
Candidate for Attorney General; GARY
DUNLAP as a Candidate for Secretary of
State; TIMOTHY BECKER as a Candidate for
Comptroller; DAWN GZARNY as a Candidate
For Treasurer; and RANDY STUFFLEBEAM
as a Candidate for United States Senate;

Respondent-Candidates.

No. 10 SOEB GE570

WITNESS LIST

The Respondent-Candidates would like to reserve the right to call the following witness:

Pat Brady
Chairman of the Illinois Republican Party

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

No. 10 SOEB GE570

EXHIBIT

G

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 10th day of August, 2010:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126

Kelly McCloskey Cherf
Hearing Examiner
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

APPENDIX-RECAPITULATION: Constitution Party

An "X" indicates that the signature on the designated sheet and line is objected to for the reason set forth above the column in which the "X" appears, in accordance with the Objector's Petition of which this Appendix-Recapitulation is made part.

Sheet Number <u>73</u>	OBJECTIONS					
Line Number	(A) Signer not a proper person or signature is not genuine	(B) Signer not registered at the address shown	(C) Signer does not reside in the district	(D) Signer's address is missing or incomplete	(E) Signer signed petition more than once at sheet and line number indicated	(F) Signer voted in 2010 General Primary Election
1.						
✓ 2.						X
3.	X					
4.						
5.						
6.		X				
✓ 7.		X (Reg at 797 Stockbridge)				X
8.						
✓ 9.		X				
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
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20.						

(G) Circulator Objections (place an "X" next to all objections that apply)

- | | |
|---|--|
| <input type="checkbox"/> Circulator is under 18 years old | <input type="checkbox"/> Circulator's affidavit not properly notarized |
| <input type="checkbox"/> Circulator did not sign petition sheet | <input type="checkbox"/> Purported circulator did not circulate sheet |
| <input type="checkbox"/> Circulator does not reside at address shown | <input type="checkbox"/> Circulator did not appear before notary |
| <input type="checkbox"/> Circulator's signature not genuine | <input type="checkbox"/> Sheet not notarized |
| <input type="checkbox"/> Circulator's address incomplete | <input type="checkbox"/> Dates of circulation not provided |
| <input type="checkbox"/> Circulator circulated for a Candidate of another party | <input type="checkbox"/> Dates of circulation incomplete |
| <input checked="" type="checkbox"/> Purported notary did not notarize sheet | |

EXHIBIT
H

Total Signatures on Sheet 9 Total Uncontested Signatures 0 Total Objections 9

Objector's Ex. 12

APPENDIX-RECAPITULATION: Constitution Party

An "X" indicates that the signature on the designated sheet and line is objected to for the reason set forth above the column in which the "X" appears, in accordance with the Objector's Petition of which this Appendix-Recapitulation is made part.

Sheet Number	OBJECTIONS						
0074	Line Number	(A) Signer not a proper person or signature is not genuine	(B) Signer not registered at the address shown	(C) Signer does not reside in the district	(D) Signer's address is missing or incomplete	(E) Signer signed petition more than once at sheet and line number indicated	(F) Signer voted in 2010 General Primary Election
	1.		X				
✓	2.						X
	3.						
✓	4.	X					X
	5.						
	6.						
✓	7.						X
	8.						
	9.						
	10.						
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	12.						
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	14.						
	15.						
	16.						
	17.						
	18.						
	19.						
	20.						

(G) Circulator Objections (place an "X" next to all objections that apply)

- | | |
|---|---|
| <input type="checkbox"/> Circulator is under 18 years old
<input type="checkbox"/> Circulator did not sign petition sheet
<input type="checkbox"/> Circulator does not reside at address shown
<input type="checkbox"/> Circulator's signature not genuine
<input type="checkbox"/> Circulator's address incomplete
<input type="checkbox"/> Circulator circulated for a Candidate of another party
<input checked="" type="checkbox"/> Purported notary did not notarize sheet | <input type="checkbox"/> Circulator's affidavit not properly notarized
<input type="checkbox"/> Purported circulator did not circulate sheet
<input type="checkbox"/> Circulator did not appear before notary
<input type="checkbox"/> Sheet not notarized
<input type="checkbox"/> Dates of circulation not provided
<input type="checkbox"/> Dates of circulation incomplete |
|---|---|

Total Signatures on Sheet 8 Total Uncontested Signatures 0 Total Objections 8

APPENDIX-RECAPITULATION: Constitution Party

An "X" indicates that the signature on the designated sheet and line is objected to for the reason set forth above the column in which the "X" appears, in accordance with the Objector's Petition of which this Appendix-Recapitulation is made part.

Sheet Number	OBJECTIONS					
<u>0075</u>						
Line Number	(A) Signer not a proper person or signature is not genuine	(B) Signer not registered at the address shown	(C) Signer does not reside in the district	(D) Signer's address is missing or incomplete	(E) Signer signed petition more than once at sheet and line number indicated	(F) Signer voted in 2010 General Primary Election
✓ 1.						X
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
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12.						
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(G) Circulator Objections (place an "X" next to all objections that apply)

- | | |
|---|---|
| <input type="checkbox"/> Circulator is under 18 years old
<input type="checkbox"/> Circulator did not sign petition sheet
<input type="checkbox"/> Circulator does not reside at address shown
<input type="checkbox"/> Circulator's signature not genuine
<input type="checkbox"/> Circulator's address incomplete
<input type="checkbox"/> Circulator circulated for a Candidate of another party
<input checked="" type="checkbox"/> Purported notary did not notarize sheet | <input type="checkbox"/> Circulator's affidavit not properly notarized
<input type="checkbox"/> Purported circulator did not circulate sheet
<input type="checkbox"/> Circulator did not appear before notary
<input type="checkbox"/> Sheet not notarized
<input type="checkbox"/> Dates of circulation not provided
<input type="checkbox"/> Dates of circulation incomplete |
|---|---|

Total Signatures on Sheet 1 Total Uncontested Signatures 0 Total Objections 1

APPENDIX-RECAPITULATION: Constitution Party

An "X" indicates that the signature on the designated sheet and line is objected to for the reason set forth above the column in which the "X" appears, in accordance with the Objector's Petition of which this Appendix-Recapitulation is made part.

Sheet Number <u>3239</u>	OBJECTIONS					
Line Number	(A) Signer not a proper person or signature is not genuine	(B) Signer not registered at the address shown	(C) Signer does not reside in the district	(D) Signer's address is missing or incomplete	(E) Signer signed petition more than once at sheet and line number indicated	(F) Signer voted in 2010 General Primary Election
1.						
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20.						

(G) Circulator Objections (place an "X" next to all objections that apply)

- | | |
|---|---|
| <input type="checkbox"/> Circulator is under 18 years old | <input checked="" type="checkbox"/> Circulator's affidavit not properly notarized |
| <input type="checkbox"/> Circulator did not sign petition sheet | <input type="checkbox"/> Purported circulator did not circulate sheet |
| <input type="checkbox"/> Circulator does not reside at address shown | <input type="checkbox"/> Circulator did not appear before notary |
| <input type="checkbox"/> Circulator's signature not genuine | <input type="checkbox"/> Sheet not notarized |
| <input type="checkbox"/> Circulator's address incomplete | <input type="checkbox"/> Dates of circulation not provided |
| <input type="checkbox"/> Circulator circulated for a Candidate of another party | <input type="checkbox"/> Dates of circulation incomplete |
| <input type="checkbox"/> Purported notary did not notarize sheet | |

Two different circulators

Total Signatures on Sheet 10 Total Uncontested Signatures 0 Total Objections 10

APPENDIX-RECAPITULATION: Constitution Party

An "X" indicates that the signature on the designated sheet and line is objected to for the reason set forth above the column in which the "X" appears, in accordance with the Objector's Petition of which this Appendix-Recapitulation is made part.

Sheet Number	OBJECTIONS					
<u>3432</u>						
Line Number	(A) Signer not a proper person or signature is not genuine	(B) Signer not registered at the address shown	(C) Signer does not reside in the district	(D) Signer's address is missing or incomplete	(E) Signer signed petition more than once at sheet and line number indicated	(F) Signer voted in 2010 General Primary Election
1.						
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5.						
6.						
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8.						
9.						
10.						
11.						
12.						
13.						
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18.						
19.						
20.						

(G) Circulator Objections (place an "X" next to all objections that apply)

- | | |
|--|--|
| <input type="checkbox"/> Circulator is under 18 years old
<input type="checkbox"/> Circulator did not sign petition sheet
<input type="checkbox"/> Circulator does not reside at address shown
<input type="checkbox"/> Circulator's signature not genuine
<input type="checkbox"/> Circulator's address incomplete
<input type="checkbox"/> Circulator circulated for a Candidate of another party
<input type="checkbox"/> Purported notary did not notarize sheet | <input checked="" type="checkbox"/> Circulator's affidavit not properly notarized
<input type="checkbox"/> Purported circulator did not circulate sheet
<input type="checkbox"/> Circulator did not appear before notary
<input type="checkbox"/> Sheet not notarized
<input type="checkbox"/> Dates of circulation not provided
<input type="checkbox"/> Dates of circulation incomplete |
|--|--|

Total Signatures on Sheet 10 Total Uncontested Signatures 0 Total Objections 10

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Treadar	Li. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Soranto, IL 62088
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czorny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Staffbeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Sean Howard JEAN HOWARD	Howard, Jean	Chicago	Cook	IL
2. Francis Johnson Francis Johnson	456 E 91st	Chicago	Cook	IL
3. J. Frank Smith J. Frank Smith	4544 S. Indiana	Chicago	Cook	IL
4. L. Lewis L. Lewis	5115 N. Bernard	Chicago	Cook	IL
5. Mathew Lynch Mathew Lynch	7517 S. Creyer	Chicago	Cook	IL
6. James Johnson James Johnson	7532 S. Woodlawn	Chicago	Cook	IL
7. William Woods William Woods	6836 A. Colfax	Chicago	Cook	IL
8. Colin Johnson Colin Johnson	8637 S. Essex	Chicago	Cook	IL
9. Dwight Turner Dwight Turner	1011 N. Clark St	Chicago	Cook	IL
10. Shane Walker Shane Walker	3724 S. Muskegon	Chicago	Cook	IL

State of ILLINOIS

County of Cook) SS.

I, James Jackson, do hereby certify that I reside at 10824 S
 in the South Holland Village or South Holland (City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) 60473 (Zip Code)

County of Cook, State of ILLINOIS; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) James Jackson
 (Name of Circulator)

James Jackson
 (Signature of Circulator)
 before me, on 6-4-10
 (Date Notarized of month, day, year)

(Seal)

Sandra Melton
 (Notary Public's Signature)

Kelly M. Cherf

From: Kelly M. Cherf
Sent: Saturday, August 14, 2010 7:52 AM
To: 'John Fogarty'; dibendahl@mail.com; Sandvoss, Steve
Cc: Brien Sheahan
Subject: Heffernan v. Constitution Party -- Rule 9 Motions

Gentlemen:

After our case management conference yesterday, I had an opportunity to speak with Steve Sandvoss about some of the issues that we discussed regarding the Rule 9 motions. Please note the following:

1. With regard to the Objectors' request that staff rulings be made on certain objections, I have been advised that: a) the objection on page 1523, line 7 was overruled; and b) page 684 was not included as part of the appendix that was filed with the Board.

2. With regard to the Candidates' request from the Board that it present "certified copies of registration records" corresponding to the list attached to the Candidates' Rule 9 motion, I recommend that this request be denied for the following reasons: a) Rule 9 of the Board's Rules of Procedure requires that "any evidence offered to refute the staff finding must be submitted to the Board or the hearing officer no later than 5 PM on the third business day following the date of the sending of the printout;" and b) in any event, the Board does not have the capability of producing the requested records.

I will read the foregoing into the record on Monday but wanted to give this information before the hearing on Monday.

Kelly McCloskey Cherf
Hogan Marren, Ltd.
180 N. Wacker Dr., Suite 600
Chicago, Illinois 60606
(312) 946-1800
(312) 946- 9818 (fax)

TAX ADVICE WAIVER: In accordance with the requirements imposed on professionals who practice before the Internal Revenue Service, we advise you that any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

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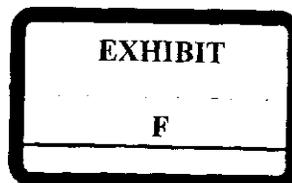
BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE PETITION OF PAPERS FOR CANDIDATES OF NEW
POLITICAL PARTIES IN THE STATE OF ILLINOIS

ANDREW HEFFERNAN AND)
STEVE NEKIC,)
)
Petitioner-Objectors,)
)
v.)
)
THE CONSTITUTION PARTY AS A,)
PURPORTED NEW POLITICAL PARTY IN)
THE STATE OF ILLINOIS; MICHAEL L.)
WHITE AS A CANDIDATE FOR)
GOVERNOR; JEFF TREXLER AS A)
CANDIDATE FOR LIEUTENANT)
GOVERNOR; LOUIS COTTON AS A)
CANDIDATE FOR ATTORNEY GENERAL;)
GARY DUNLAP AS A CANDIDATE FOR)
SECRETARY OF STATE; TIMOTHY)
BECKER AS A CANDIDATE FOR)
COMPTROLLER; DAWN CZARNY AS A)
CANDIDATE FOR TREASURER; AND)
RANDY STUFFLEBEAM AS A CANDIDATE)
FOR UNITED STATES SENATE,)
)
Respondent-Candidates.)

No. 10 SOEB GE570

CASE MANAGEMENT CONFERENCE ORDER

1. The parties are to file their Rule 9 motions today by 5:00 p.m.
2. The evidentiary hearing will commence on Monday, August 16, 2010 at 10:00 a.m. at the James R. Thompson Center, 100 W. Randolph Street, 14th Floor, Chicago, IL 60601.
3. By August 10, 2010 at 5:00 p.m., each party will serve the hearing officer and the other party with the following:
 - a) for its/their case in chief, a list of any witnesses the party intends to call at the hearing; and



b) copies of all exhibits the party intends to introduce as evidence at the hearing.

4. By August 12, 2010 at 5:00 p.m., each party will serve the hearing officer and the other party with the following for its rebuttal:

a) a list of any rebuttal witness; and

b) copies of all exhibits the party intends to introduce for rebuttal purposes.

5. Only those names of witnesses/exhibits submitted on August 10th and 12th may be introduced as evidence for purposes of the hearing.

6. A telephonic case management is set for August 13, 2010 at 3:00 p.m. The hearing officer will email to counsel the dial-in instructions.

Dated: August 6, 2010



Kelly McCloskey Cherf
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**

Andrew Heffernan and)
 Steve Nekić,)
 Petitioner-Objectors,)
)
 vs.)
)
 The Constitution Party as a)
 purported new political party in)
 the State of Illinois; Michael L.)
 White as a Candidate for)
 Governor; Jeff Trexler as a)
 Candidate for Lieutenant)
 Governor; Louis Cotton as a)
 Candidate for Attorney General;)
 Gary Dunlap as a Candidate for)
 Secretary of State; Timothy)
 Becker as a Candidate for)
 Comptroller; Dawn Czarny as a)
 Candidate for Treasurer; and)
 Randy Stufflebeam as a Candidate)
 For United States Senate;)
)
 Respondent-Candidates.)

570

CHICAGO
 JUN 28 PM 4: 26
 STATE
 BOARD OF ELECTIONS

VERIFIED OBJECTORS' PETITION

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and state as follows:

1. Andrew Heffernan resides at 3931 Scoville Avenue, Stickney, Illinois, 60402, in the Cook County, 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. Steve Nekic resides at 2027 W. Berteau Avenue, #2, Chicago, Illinois, 60618, Cook County, in 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 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.

3. Your Objectors 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: Michael L. White for Governor; Jeff Trexler for Lieutenant Governor; Louis Cotton for Attorney General; Gary Dunlap for Secretary of State; Timothy Becker for Comptroller; Dawn Czarny for Treasurer; and Randy Stuffelbeam for United States Senate (“the Nomination Papers”), and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 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.

5. Your Objectors state that the Constitution Party has filed 3,459 petition signature sheets containing a total of 32,967 signatures of allegedly duly qualified, legal, and registered voters of the State of Illinois.

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

7. Your Objectors further state that the said Nomination Papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT PROPER PERSON OR SIGNATURE NOT GENUINE (A)," 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 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 State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "SIGNER NOT REGISTERED AT THE ADDRESS SHOWN (B)," 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 the said Nomination Papers contain the names of 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 State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the

column designated "SIGNER NOT IN DISTRICT (C)," 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 listed incomplete addresses as their own legal addresses, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER'S ADDRESS IS MISSING OR INCOMPLETE (D)" 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 further state that said Nomination 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 the column designated "SIGNED PETITION TWICE (E)," with a further notation therein of the sheet and line numbers of the alleged duplicate signature(s) as Sh. ____, L. ____, attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. Where a voter has signed more than one petition for more than one new party, or another independent candidate, said objection is made in this column.

12. Your Objectors state that said Nomination Papers contain the signatures of various individuals who have voted in the partisan General Primary Election on February 2, 2010, thereby precluding them from petitioning to form a new political party and attempt to access the ballot in the 2010 General Election, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNER VOTED IN 2010 GENERAL PRIMARY ELECTION (F)" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

13. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets for a candidate of a political party as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR CIRCULATED FOR A CANDIDATE OF ANOTHER POLITICAL PARTY" attached hereto and made a part hereof, all of said petition sheets being in violation of the statutes in such cases made and provided.

14. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets who circulated petition sheets who do not reside at the address stated in their circulator's affidavit as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR DOES NOT RESIDE AT ADDRESS SHOWN" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

15. Your Objectors state that said Nomination Papers contain petition sheets containing the names of persons as circulators of said petition sheets whose stated address is incomplete as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S ADDRESS INCOMPLETE" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

16. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "CIRCULATOR'S AFFIDAVIT NOT PROPERLY NOTARIZED" attached hereto and made a part hereof, and as set forth in the

following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

17. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator's affidavit is not notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated "SHEET NOT NOTARIZED" attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided.

18. Your Objectors state 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).

19. Your Objector states 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 the petition sheets circulated by at least the following individuals for at least the following reasons:

a. Rodney Cherizol, allegedly living at 433 West Harrison, Chicago, IL. This address, however, is not Cherizol's residence, but rather that of a United States Post Office and office building. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide his correct residence address, Mr. Cherizol has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Moreover, Mr. Cherizol's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Cherizol should be stricken. The pages purported to have been circulated by Ms. Cherizol are: 1202-1204; 1329; 1333-1339; 1533-1535; 1551; 1552.

b. Gayle Cotor, purportedly residing at 4500 N. Winchester, Chicago, Illinois, 60640, has provided an incomplete address. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide her

residence address, Ms. Cotor has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Moreover, Ms. Cotor's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Cotor should be stricken. The pages purported to have been circulated by Ms. Cotor are 1633-1640; 1643-1652; 1660-1662; 2588; 2589; 2882; 2885-2892; 2943-2948; 2970.

c. Dawn Jackson, purportedly residing at 16824 South Park, South Holland, Illinois, 60473. Your Objectors believe Ms. Jackson does not actually live at said address. It is well established that a circulator must provide his or her address in order to ensure the integrity of the electoral process. *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). Disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. By failing to provide her residence address, Ms. Jackson has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of his sheets must be invalidated. Moreover, Ms. Jackson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Jackson should be stricken. Moreover, the signatures on numerous of Ms. Jackson's petitions appear to be not genuine, and

such signatures appear to have been forged. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves. Ms. Jackson purports to have circulated sheet nos. 992-994; 1002-1004; 1007-1011; 1020-1022; 1027-1031; 1034; 1037-1038; 1042; 1043; 1052-1061; 1064-1071; 1162; 1173-1181; 1409-1411; 1505; 1524; 15301531; 1543; 1544; 1556-1562; 1569-1570; 1575-1577; 1583-1591; 1594; 1596-1598; 1614; 2878; 2879; 2901; 2907; 2908; 2913; 2918; 2932; 2935; 2937-2942; 2952; 2953; 2956-2959; 2972.

d. Jacqueline Jackson, purportedly residing at 16824 South Park, South Holland, Illinois, 60473. Ms. Jackson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Ms. Jackson should be stricken. Moreover, the signatures on numerous of Ms. Jackson's petitions appear to be not genuine, and such signatures appear to have been forged. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves. Ms. Jackson purports to have circulated sheet nos. 1062; 1063; 1082-1086; 1088; 1090; 1091; 1093; 1095-1001; 1109-1111; 1121; 1132; 1142; 1148-1161; 1164-1171; 1323; 1414-1421; 1442-1453; 1461-1466; 1481-1483; 1496-1502; 1534; 2910, 2911, 2931, 2936.

e. James Jackson, purportedly residing at 16824 South Park, South Holland, Illinois, 60473. Mr. Jackson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers*

Electoral Board, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Jackson should be stricken. Moreover, the signatures on numerous of Mr. Jackson's petitions appear to be not genuine, and such signatures appear to have been forged. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves. Ms. Jackson purports to have circulated sheet nos. 995-999; 1005; 1006; 1032; 1033; 1035; 1036; 1039-1041; 1044-1051; 1072-1081; 1087; 1089; 1112-1120; 1122-1131; 1133-1141; 1145-1147; 1163; 1358-1360; 1372-1378; 1382-1401; 1412, 1413; 1431; 14541460; 1467-1471; 1532; 1555; 1571; 2084; 2101-2103; 2881; 2883; 2893; 2895-2897; 2899; 2900; 2902; 2904; 2905; 2909; 2912; 2914-2917; 2919; 2920; 2923-2930; 2934; 2960-2962.

f. Carlos Pinedo, purporting to reside at 1N077 Coolidge Avenue, West Chicago, Illinois, 60185. Mr. Pinedo's signatures in his various circulator's affidavits are inconsistent throughout his petitions. Moreover, Mr. Pinedo's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Pinedo should be stricken. The petition sheets purported to be passed by Mr. Pinedo are 1793-1795; 2192; 2193; 2196-2203; 3023; 3026-3032.

g. Jasmine Richardson, purporting to reside at 1118 E. 161st Place, South Holland, Illinois, 60473. Ms. Richardson's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition

sheets circulated by Mr. Jackson should be stricken. Moreover, the signatures on numerous of Mr. Jackson's petitions appear to be not genuine, and such signatures appear to have been forged. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves. Ms. Richardson purports to have circulated sheet nos. 1525-1529; 1541; 1563-1568; 1578-1582; 1592; 1593; 1595; 1599; 1600; 1773; 1833; 1834; 1934-1943; 1964; 1966; 1972; 1978-1987; 1994-2006; 2070-2073; 2081; 2082; 2085-2092; 2104-2105; 2109; 2110; 2345; 2894; 2933; 2954; 2955.

h. Tommy Spalding, purporting to reside at 5 E. Burlington, Apt. B, Riverside, Illinois 60549. Mr. Spalding's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of his sheets nearly every single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Spalding should be stricken. Moreover, the signatures on numerous of Mr. Spalding's petitions appear to be not genuine, and such signatures appear to have been forged. Many of the so-called petition signers spelled their own names incorrectly or put the incorrect house address or street address for themselves. Mr. Spalding purports to have circulated sheet nos. 1012; 1014; 1015; 1094; 1402-1408; 1506-1509; 1514-1520; 1536-1542; 1545-1550; 1601-1608; 1613; 1615-1632; 1641; 1642; 1823; 1846; 1893-1899.

i. Julian Washington, purportedly residing at 123 Indianwood, Thornton, Illinois, 60876. Mr. Washington, at several pages, listed his zip code incorrectly, thereby justifying all signatures on that particular page, and giving rise to the notion that an individual other than Mr. Washington completed his circulator's affidavit. Moreover, Mr. Washington's petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of her sheets nearly every

single purported voter is not registered. Pursuant to the principles set forth in decisions such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), each and every one of the petition sheets circulated by Mr. Washington should be stricken. The pages purported to have been circulated by Mr. Washington are: 1825; 1988-1993; 2015-2023; 2044-2062; 2064-2069.

20. Your Objectors state that the Election Code requires the petition sheets contained in the Nomination Papers shall be numbered consecutively. 10 ILCS5/10-4. The Nomination Papers contain numerous petition sheets that are not numbered whatsoever, therefore making it impossible to review said petition sheets, in violation of this mandatory requirement of the Election Code. There exist unnumbered petition sheets between petition pages 252 and 253; 288 and 289; 295 and 296; 398 and 399; 451 and 452; 3444 and 3445; 3299 and 3300. Moreover, the Nomination Papers contain certain pages that are numbered in duplicate – page 3373 -- again, making it impossible to review said petition sheets.

21. Finally, your Objector states that numerous petition pages have been completely misnumbered, particularly at the end of the petition set. The last page of the petition set -- the one stamped by the State Board of Elections as the last page – bears the number 3459. Indeed, the last few pages of the petition set bear the numbers 3455, 3456, 3457, 3458 and 3459. However, the petition set bears petition pages with numbers 3460 to 3492, all pages that have been placed out of order, and are therefore not numbered consecutively as required by statute. Accordingly, said failure to adhere to this mandatory requirement of the Election Code justifies invalidating the entire set of petitions. In the alternative, all misnumbered, not-numbered and double-numbered petition sheets must be stricken.

22. Your Objectors state that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 32,967 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by at least 17,369 or to 15,598, or 9,402 below the statutory minimum of 25,000. Moreover, invalidation of the sheets submitted by the circulators listed above further reduces the number of valid signatures presented by the purported Constitution Party as a new political party in the State of Illinois below the minimum number required by law.

WHEREFORE, your Objectors pray that the purported new political party petition papers of the Constitution Party and their purported candidates for statewide office in the State of Illinois: Michael L. White for Governor; Jeff Trexler for Lieutenant Governor; Louis Cotton for Attorney General; Gary Dunlap for Secretary of State; Timothy Becker for Comptroller; Dawn Czarny for Treasurer; and Randy Stufflebeam 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 2010 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 Michael L. White for Governor; Jeff Trexler for Lieutenant Governor; Louis Cotton for Attorney General; Gary Dunlap for Secretary of State; Timothy Becker for Comptroller; Dawn Czarny for Treasurer; and Randy Stufflebeam 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 2, 2010.

Respectfully submitted,



OBJECTOR
Andrew Heffernan



OBJECTOR
Steve Nekić

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VERIFICATION

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

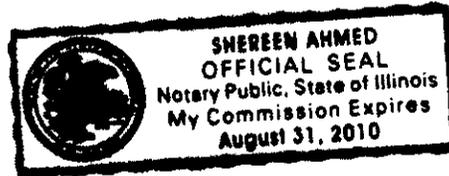
Andrew Heffernan
OBJECTOR
Andrew Heffernan
3931 Scoville Avenue
Stickney, Illinois, 60402-4154

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Andrew Heffernan, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC

My Commission expires: 8/31/10



VERIFICATION

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

Steve Nekic

OBJECTOR
Steve Nekic
2027 W. Berteau Avenue, #2
Chicago, Illinois, 60618

County of Cook)
) ss.
State of Illinois)

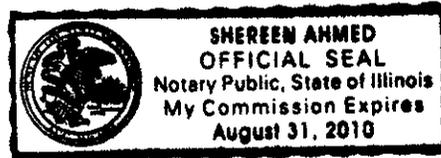
Subscribed to and Sworn before me, a Notary Public, by Steve Nekic, the Objector, on this the 28th day of June 2010, at Chicago, Illinois.

Sheren Ahmed

(SEAL)

NOTARY PUBLIC

My Commission expires: 8/31/10



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

ANDREW HEFFERNAN and STEVE NEKIC,)
Petitioner-Objectors,)
)
vs.)
)
The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for)
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
)
Respondent-Candidates.)

No. 10 SOEB GE570

MOTION TO STRIKE AND DISMISS

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, moves to dismiss this action in its entirety, or in the alternative to strike and dismiss certain objections, and in support thereof, states as follows:

1. On June 21, 2010, Respondent-Candidates filed new political party petition papers ("Nomination Papers") of the CONSTITUTION PARTY and their candidates for statewide office in the state of Illinois: MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate ("Respondent-Candidates"), to be voted at the General

Election on November 2, 2010 ("Election"), and such Nomination Papers contained the signatures of not fewer than 25,000 duly qualified, registered legal voters of the State of Illinois.

2. On June 28, 2010 ANDREW HEFFERNAN and STEVE NEKIC ("Petitioner-Objectors") filed a Verified Objector's Petition ("Objection") to the Nomination Papers of the Respondent-Candidates.

3. Some, if not all, of the Respondent-Candidates did not receive their own individual copy of the Objection from the State Board of Elections as specified in *10 ILCS 5/10-8* which provides in pertinent part: ". . . and shall transmit a copy by registered mail or receipted personal delivery of the objector's petition, to the candidate whose certificate of nomination or nomination papers are objected to, addressed to the place of residence designated in said certificate of nomination or nomination papers." Further, Respondent-Candidate Timothy Becker did not receive regular mail notice of the July 6, 2010, State Board of Elections hearing regarding subject Objection until the afternoon of July 6, 2010.

4. Purported Petitioner-Objectors Andrew Heffernan and Steve Nekic each claim 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 . . . are properly complied with . . ." Respondent-Candidates request that the Objection be dismissed in its entirety because to proceed further would make a mockery of the Illinois Election Code, the State Board of Elections, and the voters of the State of Illinois. Even a cursory investigation by the State Board of Elections would surely reveal that Messrs. Heffernan and Nekic have improperly stated their true intent in allowing their names to be attached to the Objection. The true objector is clearly the Illinois Republican Party which is seeking to eliminate perceived competition from the ballot, and is further seeking to deny the voters of Illinois greater choice through the perpetuation of a dishonest scheme which attempts to utilize shill objectors. As evidence, note that the attorneys for Messrs. Heffernan and Nekic have in fact been retained by the Illinois Republican Party. Further, note that the Illinois Republican Party is also using Messrs. Heffernan and/or Nekic as the placeholder(s) on at least ten other objections currently pending with the State Board of Elections. The State Board of Elections surely cannot close its

eyes to the fact that the purported concern of Messrs. Heffernan and Neki in the integrity of our electoral process does not extend beyond those new political parties or candidates which are perceived as potential competition to the candidates endorsed by the true objector, the Illinois Republican Party. Absent an immediate ruling dismissing the Objection in its entirety for bad faith, Respondent-Candidates request a preliminary investigation and hearing be conducted by the State Board of Elections where at a minimum Messrs. Heffernan and Neki, as well as appropriate officials and staff of the Illinois Republican Party be called to testify under oath as to collusion intended to obscure the name of the true objector in this case. Such a preliminary hearing would surely reveal that Messrs. Heffernan and Neki have not stated their true intent in allowing their names to be attached to the Objection as required by the Illinois Election Code, but in fact Messrs. Heffernan and Neki were recruited by affiliated persons or agents of the true objector, the Illinois Republican Party, as part of a scheme to shield from both the State Board of Elections and the people of Illinois, the true nature and intent of the Objection.

5. Petitioner-Objectors allege in Paragraph 7 of the Objection that the 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," but Petitioner-Objectors provide absolutely no evidence to support the allegation. Further, it is clear that the Petitioner-Objectors did not meet a minimum burden by using all of the information available to them, including but not limited to, the most current voter registration records of the Illinois Board of Elections, in determining signature validity. It is clear from the sloppy and inaccurate nature of the Objection that Petitioner-Objectors made no attempt to compare the signatures on petition sheets against the signature records on file, which can only be viewed at the State Board of Elections or official office of a county election authority. Therefore there would be no substantive basis on which to allege that such signatures are invalid, and in addition it would be further proof that the entire Objection has not been made in good faith. To the extent Petitioner-Objectors did not adequately and sufficiently demonstrate a good faith effort in determining signature validity, any portion of the Objection that relates to the genuineness of signatures should be deemed frivolous and therefore invalid. Petitioner-Objectors should not be permitted to misuse the time and

resources of the Illinois Board of Elections to engage in a fishing expedition whose sole purpose is to harass Respondent-Candidates, and to eliminate competition on the ballot and squelch greater choice for the voters of Illinois. For these reasons, the Respondent-Candidates request that these objections be dismissed in their entirety.

6. Paragraph 8 of the Objection alleges that the Nomination Papers contain the names of persons who are not duly qualified, registered, and legal voters at the addresses shown opposite their names. However, a high percentage of the Petitioner-Objectors' allegations are simply false as is evident from any good faith review of the voter registration records of the State of Illinois. The Objection does not present credible evidence to sustain a minimal burden of proof by the Petitioner-Objectors in light of the high percentage of bad faith and/or false objections. Petitioner-Objectors' attempt to remove such a high number of perceived competitors from the ballot has undoubtedly contributed to the sloppiness and inaccuracy contained in the subject Objection. Proof of a reckless "cut-and-paste" unserious effort is evident for example in paragraphs 19.a, 19.f, and 19.i, where although the circulator referenced is obviously male, the Objection refers to "her," and thus indicates that boilerplate language was simply cut-and-pasted from another section of the Objection without regard for accuracy. Further disregard for accuracy and due diligence is page 301 of the Petitioner-Objectors prepared "Appendix-Recapitulation" which is printed with the name "Libertarian Party." The number of persons claimed by Petitioner-Objectors to be unregistered voters – against signers who are in fact are registered, legal voters of the State of Illinois at the address indicated - provides further proof that Petitioner-Objectors are in fact only engaged in a fishing expedition and towards that purpose have made "shotgun" objections as a substitute for a proper, good faith filing. For all of these reasons, the Respondent-Candidates request that these objections be dismissed.

7. Paragraph 12 of the Objection refers to signatures from individuals who voted in the General Primary Election on February 2nd. It is well established that voters in Illinois have the freedom to freely associate and to change their party preference at any time. Further, the Petitioner-Objectors identify no precedent that should preclude a duly registered, legal voter in Illinois from exercising his or her freedom to assist candidates seeking to obtain ballot access in a

separate and subsequent election such as the General Election of November 2, 2010. For these reasons, the Respondent-Candidates request that this objection be dismissed.

8. Petitioner-Objectors failed to provide adequate evidentiary or other support for the allegations made in Paragraph 13 of the Objection, and for these reasons, the Respondent-Candidates request that this objection be dismissed.

9. Paragraphs 14, 15, 17, 18, and 19 of the Objection contain allegations related to certain petition circulators. Petitioner-Objectors have made reckless allegations of fraud and other misconduct but provide no evidence. Further, any good faith review of voter registration records for the State of Illinois reveals that many of the petition signatures that Petitioner-Objectors claim are invalid, are in fact from duly registered, legal voters of the State of Illinois. To the extent Petitioner-Objectors did not adequately and sufficiently demonstrate a good faith effort in determining signature validity, any portion of the Objection that relates to the genuineness of signatures or registration should be deemed frivolous and therefore invalid. Merely alleging a "pattern of fraud" without alleging specific facts is insufficient to invalidate the Nominating Papers and is subject to a motion to strike. (See for example, *Davis v. Hendon*, 02-EB-SS-09, CBEC, January 31, 2002.) Throughout paragraph 19, the Objection includes the same "cut-and-pasted" allegation with respect to nine separate circulators that "petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of [his] sheets nearly every single purported voter is not registered." Even a minimal level of good faith due diligence and preparation would have revealed this allegation as empirically false, and it is further evidence that the entire Objection was not filed in a good faith manner using even a minimal level of appropriate diligence. Further, given the fact that Petitioner-Objectors have shown such disregard for good faith review, coupled with the reckless and unsupported accusations of misconduct against Respondent-Candidates, the Objection should be dismissed in its entirety.

10. Paragraph 19.b of the Objection alleges that circulator Gayle Cotor has provided an incomplete address. The address for Gayle Cotor is in fact complete and only omits an apartment number. As the address requirement has been adequately satisfied pursuant to the Illinois Election Code, Respondent-Candidates ask that the objection be stricken.

11. The Nomination Papers contain petition sheets which are in fact notarized so as to satisfactorily comply with the Illinois Election Code in all cases, and for this reason the objection contained in paragraph 16 of the Objection should be dismissed.

12. Failure to number a small portion of the individual petition sheets does not invalidate the nomination papers, as has been well established in numerous decisions including *Preski v. McFarlane*, 92-EB-WC-66, CBEC, January 24, 1992, citing *Stevenson v. County Officers Electoral Board*, 372 N.E.2d 1043 (3rd Dist. 1978). The Respondent-Candidates have substantially complied with the page-numbering requirements of the Illinois Election Code, and such compliance is more than adequate to prevent tampering and to preserve the integrity of the election process. Any administrative errors in page-numbering are small and merely technical in nature. For these reasons, the Respondent-Candidates request that any such objections be dismissed.

13. After consideration of any valid objections to individual signatures, the Respondent-Candidates' Nomination Papers still contain well in excess of the minimum 25,000 signatures of qualified and duly registered legal voters of the State of Illinois. Further, in light of the number and seriousness of unsubstantiated claims, the Objection is inconsistent and at variance with both the intent and spirit of the Illinois Election Code governing Elections and shows disregard to the honesty and integrity of the electoral process.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates move that the Petitioner-Objector's Objection be dismissed and stricken in its entirety, or in the alternative, stricken and dismissed in pertinent part as set forth in this Motion to Strike and Dismiss.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 9th day of July, 2010:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126

Kelly McCloskey Chert
Hearing Examiner
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

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

Andrew Heffernan and)
 Steve Nekić,)
 Petitioner-Objectors,)
)
 vs.)
)
 The Constitution Party as a)
 purported new political party in)
 the State of Illinois; Michael L.)
 White as a Candidate for)
 Governor; Jeff Trexler as a)
 Candidate for Lieutenant)
 Governor; Louis Cotton as a)
 Candidate for Attorney General;)
 Gary Dunlap as a Candidate for)
 Secretary of State; Timothy)
 Becker as a Candidate for)
 Comptroller; Dawn Czarny as a)
 Candidate for Treasurer; and)
 Randy Stufflebeam as a Candidate)
 For United States Senate;)
)
 Respondent-Candidates.)

10 SOEB GE 570

STATE BOARD OF ELECTIONS

2010 JUL 15 AM 9:46

CHICAGO

RESPONSE TO MOTION TO STRIKE AND DISMISS

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Response to the Motion to Strike and Dismiss ("The Motion") submitted by the Respondent-Candidates, state as follows:

1. In their Motion, the Respondent-Candidates offer neither fact nor law that would justify the extraordinary relief of striking the Objectors' Petition, either in whole or in part. The Respondent-Candidates utterly fail to meet their burden. Being almost completely without merit, the Motion must be denied.

Objectors to prove their voter registration status before proceeding on the Objection. However, it is well established that an Objector need not prove his or her standing in order to proceed on his or her case-in-chief; rather, lack of standing is an affirmative defense that must be raised and proven by the respondent. *Wollan v. Jacoby*, 274 Ill.App.3d 388 (1st Dist. 1995). Moreover, there is no requirement that an Objector actually be registered to vote. Rather, an Objector must simply be a legal voter – in other words, eligible to vote. 10 ILCS 5/10-8. Nonetheless, both Objectors are duly registered at the addresses set forth in the Objection, as is set forth in the records attached hereto as Exhibit A.¹

3. In Paragraphs 6 and 7, the Respondent-Candidates reference the number of signatures presented in their nominating petitions. The Respondent-Candidates do not offer any grounds to strike or dismiss anything here, and the Objectors respectfully submit that the total number of signatures submitted will be determined by the State Board, and that all parties will have opportunity present evidence supporting their count, should it differ from that determined by the State Board.

3. In Paragraphs 8, 9, 10 and 11 of the Motion, the Respondent-Candidates reference the portion of the Objectors' Petition that would seek to invalidate the signature of an individual who voted in the General Primary Election on February 2, 2010. The Objectors hereby withdraw their objection to petition signatures that have been made on the basis of those signers having voted in the General Primary Election on February 2, 2010. These particular objections are contained in Paragraph 12 of the Objection, and Column F of the Appendix Recap. The Objectors expressly maintain all other grounds for the objections made to any such signatures.

¹ Note that Heffernan's registration record reflects his correct street address and zip code, but lists the address as in Berwyn, rather than Stickney. The Cook County Clerk's records reflect this address because the Berwyn Post Office services Heffernan's residence in Stickney. Mail sent to either address is delivered to Heffernan's residence.

4. In Paragraphs 12 and 13 of the Motion, the Respondent-Candidates claim that Paragraph 11 of the Objection (the "E" column objection) that a voter signed a petition twice, must be stricken as insufficient at law. However, this paragraph in the Objection merely references a category of objection contained in the Appendix Recap. Having failed to identify any instance where said category of objection is improperly made, the Motion on this point must be denied.

5. In Paragraphs 14, 14, and 15 of the Motion, the Respondent-Candidates argue that Paragraph 14 of the Objection – wherein the Objectors note that certain sheets were purportedly circulated by individuals who did not reside at the address shown on their circulators affidavit – must be stricken because it fails to specify which of the circulators the Objectors are referring to. The Respondent-Candidates' argument on this point, however, does not make sense. The Appendix Recap sheets simply contain a check-off for this category of objection, and correspond to each petition sheet submitted by Respondent-Candidates. By reading the Appendix Recap, and the corresponding petition sheet, the identity of the purported circulator is easily identified. Moreover, most, (if not all) of these circulators are explicitly referenced for their address failures in other portions of the Objection. Accordingly, these paragraphs in the Motion present no grounds for striking any part of the Objection.

6. In Paragraphs 16 through 22 of the Motion, the Respondent-Candidates argue that the pattern of fraud allegations made against two circulators on false address grounds – Cheryle Forde and Anthony Bonds – must be stricken. However, it is well settled that "false swearing" in connection with a circulator's affidavit amounts to a "pattern of fraud" as 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). Moreover, as is set forth in cases such as *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994), disclosure of the circulator's correct address is crucial and required, because it enables an electoral board to locate the circulator, to question her about the signatures she has submitted, and to hold her to her oath. Attached to their Motion, the Respondent-Candidates have offered certain documents purporting to show a correct address for Ms. Forde and Mr. Bonds. However, the Objectors here submit the report of a licensed private investigator who has begun a preliminary investigation of Ms. Forde and Mr. Bonds' residences. This preliminary investigation reveals that Ms. Forde has not lived at the address she has listed in her circulator's affidavits since 2007, but rather, now resides at 6151 Reach Street, Philadelphia, PA 19111. Further, the private investigator's report reveals that whether Mr. Bonds resides at 6427 S. Ashland Avenue, Chicago, Illinois, could not be confirmed, nor could Mr. Bonds' birth date, social security number, or other vital records. The private investigator's report on both of these circulators is attached hereto as Exhibit B. In addition, as for Mr. Bonds, the Objectors note that, the address information for Mr. Bonds attached to the Motion reveals that Mr. Bonds has failed to fully list his address on his circulator's affidavit. The Objectors submit that, at a minimum, the true addresses of both Ms. Forde and Mr. Bonds remain a question of fact, and would be inappropriately decided by a summary proceeding such as the Respondent-Candidate's Motion.

7. Further, the Respondent-Candidates complain that the Objectors have alleged a pattern of fraud based on an extraordinarily high rate of improper signatures. However, the Respondent-Candidates conveniently ignore the holding of cases such as *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 864 N.E.2d 996 (1st Dist. 2007), where a pattern of

fraud was found where inordinately large numbers of improper signatures were gathered by circulators. Further, the State Board's rules of procedure explicitly call for an Objector to plead a pattern of fraud under such a circumstance. The State Board's rules explicitly provide:

"If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner as a matter of right on the part of the objector, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion." (Page A-11.)

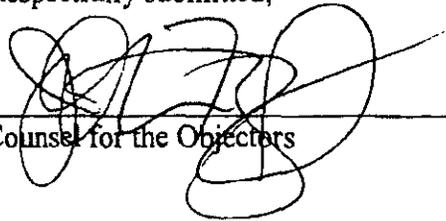
The Objectors' allegations of a pattern of fraud with respect to certain suspect circulators are therefore well-founded, and expressly provided by the State Board's own rules. Accordingly, the Respondent-Candidates' argument that these paragraphs in the Objection should be stricken should be denied.

8. In Paragraphs 29 and 30 of the Motion, the Respondent-Candidates seem to argue that the intent of the Objection with respect to the Libertarian Party of Illinois is to strike it from existence. This is not so. The Libertarian Party of Illinois is a necessary party to this action, given that it is a political party attempting to place a full slate of candidates on the General Election ballot. The Libertarian Party of Illinois will properly be bound by the ruling of the State Board of Elections and any other court that may rule on the propriety of the Respondent-Candidates' petitions. The Motion on this point must be denied.

9. Because the Respondent-Candidates have failed to supply either fact or law that would justify the extraordinary remedy of striking the Objection, the Motion to Strike and Dismiss must be denied.

WHEREFORE, for the reasons set forth above, your Objectors pray that the Respondent-Candidate's Motion to Strike and Dismiss be denied.

Respectfully submitted,


Counsel for the Objectors

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
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(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

Brien Sheahan
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Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

Certification of Registration

I, David Orr, Cook County Clerk for Chicago, IL, do hereby certify that the following information is a true and correct copy of the voter registration record on file in this office for:

ANDREW HEFFERNAN

Date of Registration: 08-20-2006
Certification Number: 98838947
Status: ACTIVE
Address: 3931 SCOVILLE AVE, BERWYN IL 60402
Precinct Number: 9400025 **Sex:** M
Date of Birth: 10-04-1985

Witness my hand and official seal at Cook County, IL on July 13, 2010.

David Orr
Cook County Clerk
David Orr
By: _____



07-13-2010
11:08:08

COOK COOK COUNTY CLERK
VOTING HISTORY REPORT

ANDREW HEFFERNAN

Registered Address : 3931 SCOVILLE AVE
BERWYN IL 60402

Voter-ID: 98838947 Registered: 08-20-2006
Status: A- Active Total Items: 2

Elec Date	Election Name	Pty	How Voted
0408 11/04/2008	GENERAL ELECTION		AT THE POLL
0706 11/07/2006	GENERAL ELECTION	non	AT THE POLL

State of ILLINOIS
County of COOK

I, DAVID ORR, COOK COUNTY CLERK, hereby certify
the foregoing to be a true and correct copy of the voting record
of ANDREW HEFFERNAN as it appears on record in my office.

Witness my hand and seal on July 13, 2010.

DAVID ORR
COOK COUNTY CLERK



By: _____
Deputy

98838947 / 7R8QWL2Y

HEFFERNAN, ANDREW
3931 SCOVILLE AVE

10/04/1985
BERWYN 940025 A

11:06:21

Illinois Voter Registration Application

I am applying to Register to vote in the State of Illinois Change my present voting address Change my name (marriage, etc.) (Check one)

1. Last Name: HEFFERNAN First Name: ANDREW Middle Name or Initial: M Suffix:

2. Mailing Address: 3931 SCOVILLE STICKNEY 60802 City/Village/Town: COOK ZIP Code: County: Precinct:

3. Mailing Address (P.O. Box): City/Village/Town/State: ZIP Code:

4. Previous Voting Address: City, State, ZIP Code: County: 5. Previous Name (if changed):

6. Date of Birth (MM/DD/YYYY): 10/04/86 7. Sex: M 8. Telephone Number with Area Code (optional): 30720050818001 9. Applicant Number:

10. Voter Affidavit - Read all statements carefully within the box to the right. If you check "No" to either of these questions, do not complete this form.

11. I am a citizen of the United States Yes No

12. I will have been 18 years old on or before the next election Yes No

The information in this affidavit is my choice and is not to be used for any other purpose. The information I have provided here is true and correct to the best of my knowledge and belief. I understand that this information, if false, is a crime, and I understand that I will be held liable for any such crime.

PHONE: 812-683-0906
COOK COUNTY CLERK
69 W. WASHINGTON
ELECTION DEPT 6TH FL
CHICAGO 60602

THIS IS MY SIGNATURE OR MARK IN THE SPACES BELOW

X Andy Heffernan

Date: 05/15/05

RECEIVED
JUN 13 2010 11:12
CLERK OF COUNTY CLERK

Commissioners

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



69 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602
(312) 269-7900
FAX (312) 263-3649
TTY (312) 269-0027
WWW.CHICAGOELECTIONS.COM
E-mail Address: CBOE@CHICAGOELECTIONS.COM

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Lance Gough, Executive Director of the Board of Election Commissioners in the County and State aforesaid and keeper of the records and files of said Board, do hereby certify that the following named person is a registered voter. This individual is currently registered at the address indicated below;

NAME: STEPHEN Q NEKIC

ADDRESS: 2027 W BERTEAU AV 2
 CHICAGO, ILLINOIS 60618

REGISTRATION NO: 96592FM

and that a copy of the original registration card and voter change information (if any) is attached

all of which appears from the records and files of said Board.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Seal of said Board at
my office in the City of Chicago, this
13th day of July A. D. 2010

LANCE GOUGH
Executive Director

Commissioners

LANGDON D. NEAL
Chairman
RICHARD A. COWEN
Secretary
MARISEL A. HERNANDEZ



69 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602
(312) 269-7900

LANCE GOUGH
Executive Director

FIELD NAME:	OLD VALUE	NEW VALUE	DATE
Changes for 96592FM -- STEPHEN Q NEKIC			
voter_status	A	I	10/19/2009
voter_status2		C	10/19/2009
reason_id	N	2	10/19/2009
house_num	683	2027	4/27/2010
street_name	WRIGHTWOOD	BERTEAU	4/27/2010
apt_num		2	4/27/2010
voter_status	I	A	4/27/2010
reason_id	2	J	4/27/2010
voter_status2	C		4/27/2010

Illinois Voter Registration Application

I am applying to: Register to vote in the State of Illinois Change my present voting address Change my name (ma

96592FM

1. Last Name - NEKIC First Name STEPHEN Middle Name or Initial Q

2. Voting Address 683 W WRIGHTWOOD AVE City/Village/Town CHICAGO 60614 Zip Code 60614 County COOK Township

3. Mailing Address (P.O. Box) City/Village/Town/State Zip Code

4. Previous Voting Address City, State, Zip Code 5. Previous Name (if changed)

6. Date of Birth (MM/DD/YY) 12/05/78 7. Sex M 8. Telephone Number with Area Code (optional) 9. Application Number

10. Voter Affidavit - Read all statements and sign within the box to the right. If you check "No" to either questions, do not sign.

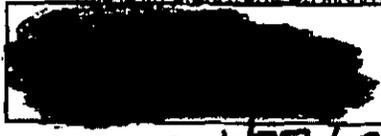
I swear or affirm that: I am a citizen of the United States. Yes No

I will be at least 18 years old on or before the next election. Yes No

I will have lived in the State of Illinois and in my election precinct at least 30 days from the date of the next election. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

PHONE: 312-269-7900
 CHICAGO BOARD OF ELECTIONS
 69 W WASHINGTON
 SUITE 600
 CHICAGO 60602

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW



Date: 11/27/07

PAPER 01 2007

MICHAEL E. CLANCY

53 W. Jackson Blvd. Suite 1401 • Chicago, IL 60604
mclancy202@comcast.net
(312) 505-7675

DATE: July 13, 2010
SUBJECT: Computer residence verification on Cheryl Forde

The undersigned is a private investigator licensed in the State of Illinois, License No. 115001684. The undersigned investigator's preliminary investigation revealed the following:

Cheryl Forde, date of birth, Sept. 30, 1948 resides at 6151 Reach St., Philadelphia, PA 19111. Ms. Forde also lists P.O. Box 56507 in Philadelphia, PA 19111. Ms. Forde resided at 143 E. Constitution in Smyrna, Delaware until 2007. The investigation revealed Ms. Forde no longer resides at 143 E. Constitution in Smyrna, Delaware.

The investigation continues and additional information will be provided in a subsequent report.

Michael E. Clancy
Michael E. Clancy



MICHAEL E. CLANCY

53 W. Jackson Blvd. Suite 1401 • Chicago, IL 60604
mclancy202@comcast.net
(312) 505-7675

DATE: July 13, 2010
SUBJECT: Computer residence verification on Anthony Bonds

The undersigned is a private investigator licensed in the State of Illinois, License No. 115001684. The undersigned investigator's preliminary investigation revealed the following:

A preliminary background investigation by the undersigned investigator could not confirm that Anthony Bonds resides at 6427 S. Ashland Ave., Chicago, Illinois. In addition, a birth date, social security number, driver's license, state issued identification card, employment and bank and phone records were not found registered under the name of Anthony Bonds.

The investigation continues and additional information will be provided in a subsequent report.

Michael E. Clancy
Michael E. Clancy

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

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.)
)
The Libertarian Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

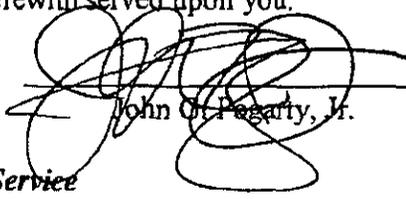
10 SOEB GE 567

CHICAGO
JUL 15 AM 9:46
STATE BOARD OF ELECTIONS

NOTICE OF FILING AND SERVICE

To: Philip Krasny, by fax to 312-345-9860
Andrew Spiegel, by fax to 630-325-6666
State Board of Elections by fax to 312-814-6485

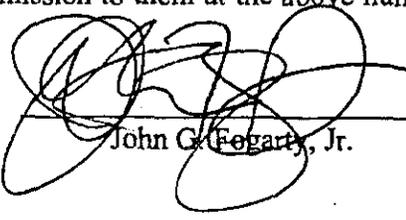
Please take notice that on July 14, 2010, prior to 5:00 P.M., the undersigned faxed the individuals listed above the Objector's Response to the Candidate's Motion to Strike and Dismiss, a copy of which is attached hereto and herewith served upon you.



John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached Response on the above persons by facsimile transmission to them at the above numbers prior to 5:00 p.m. on July 14, 2010.



John G. Fogarty, Jr.

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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

ANDREW HEFFERNAN and STEVE NEKIC,)
Petitioner-Objectors,)
)
v.)
)
The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for)
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
)
Respondent-Candidates.)

No. 10 SOEB GE570

REPLY TO THE RESPONSE TO MOTION TO STRIKE AND DISMISS

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, in Reply (this "Reply") to the Response to Motion to Strike and Dismiss submitted by the Petitioner-Objectors (the "Response"), state as follows:

1. In the Response, Petitioners-Objectors seem confused about who has the burden of proof in this case. The Response is predominantly concerned with attempting to blame Respondent-Candidates for the fact that the original Objection filed by Petitioner-Objectors on June 28, 2010, was grossly inadequate and failed to meet the requirements set forth in 10 ILCS 5/10-8. Hence, Respondent-Candidates renew their request for dismissal of the Objection as set forth in the Motion to Strike and Dismiss.

2. In Paragraph 3 of the Response, Petitioners-Objectors do not even attempt to address the true issue raised in Paragraph 4 of the Motion to Strike and Dismiss. The true objector in his case is the Illinois Republican Party and counsel in the Response does not even attempt to deny this fact – because it can't be denied. Instead, opposing counsel attempts to keep up the charade through more obfuscation and reference to “objectors” that counsel knows are not the true objectors. It is beyond outrageous that the same counsel who make reckless and completely unsubstantiated accusations of “fraud and false swearing” in its original Objection, is in fact truly engaged in a scheme to deceive the State Board of Elections and the voters of Illinois. It is an age old legal maxim that “*he who seeks equity must do equity.*” (See for example, *Myers v. Hurley Motor Co.*, 273 U.S. 18 (1927)). The objectors and their counsel come to the State Board of Elections with unclean hands. The entire Objection is dishonest to the core and demonstrates a complete lack of good faith and respect for the State Board of Elections and the voters of the State of Illinois. In a cynical and entirely transparent attempt to prevent the voters of Illinois from having greater choice and in an effort to eliminate perceived competition to the true objector, the Illinois Republican Party, Petitioner-Objectors have made a desperate “Hail Mary pass” in the form of a poorly prepared Objection that is not grounded in fact or in law. The record clearly reveals that the Objection, on its face, has not been made as a result of a reasonable inquiry or investigation of the facts, and has not been made in good faith. The Response submitted by Petitioner-Objectors provided absolutely no evidence or support to change this conclusion. Petitioner-Objectors have clearly failed to satisfy even the minimum burden of proof necessary to proceed. As the entire Objection fails to meet the requirements set forth in 10 ILCS 5/10-8 and further as the Objection is not well grounded in fact or law, Respondent-Candidates renew their request for dismissal of the Objection. Attached to this Reply as *Exhibit A* is a by now widely circulated email letter from the Republican Organization of Lyons Township dated June 20, 2010, which eliminates any doubt that might exist that the Illinois Republican Party is in fact the true objector in this case and others pending before the State Board of Elections. To the extent that the State Board of Elections requires additional proof, the Respondent-Candidates renew their request for a preliminary investigation and hearing which will confirm that the purported

"objectors" are in fact only straw persons recruited by the true objector, the Illinois Republican Party, in an attempt to conceal from the State Board of Elections and the people of Illinois, the true nature and intent of the Objection.

3. In Paragraph 4 of the Response, Petitioner-Objectors do not even try to deny that signatures on the Nomination Papers were not compared to the signatures on file with the State Board of Elections or official county election authority, the only locations where signatures on the Nomination Papers could be compared for accuracy. Petitioner-Objectors did not even attempt to compare signatures contained on the Nomination Papers to those actually on file, and therefore objections on that basis demonstrate a lack of good faith preparation. Objections by the Petitioner-Objectors on the basis of signature validity are in truth "shotgun" objections, and yet another desperate "Hail Mary pass" where Petitioner-Objectors merely hope that blind luck and any human error factor during any records examination, will substitute for the filing of a valid Objection prepared in good faith and after reasonable inquiry and investigation. Petitioner-Objectors provide no evidence to support their naked assertions, and therefore the burden of proof has not been satisfied to support the Objection. For these reasons the Respondent-Candidates renew their request that the State Board of Elections strike the Objection in its entirety, or in the alternative and at a minimum, any objection noted in Column A of the Appendix Recap sheets should be struck as having not been prepared on the basis of reasonable inquiry or investigation.

4. Paragraphs 5 and 8 of the Response relate to the same fatal flaws in the original Objection and Petitioner-Objectors still provide no evidentiary support to repair such fatal flaws or to satisfy even an initial burden of proof to sustain the Objection. As noted in the Motion to Strike and Dismiss, the Objection is a sloppy, haphazard effort unworthy of further consideration by the State Board of Elections. For example, Petitioner-Objectors used "cut-and-pasted" language throughout the Objection with apparent little concern for accuracy. Essentially the identical phrase "*[name of circulator]'s petition sheets exhibit an extraordinarily high rate of improper signatures; on certain of [her] sheets nearly every single purported voter is not registered*" is used with respect to nine circulators singled out by Petitioner-Objectors for unknown reasons. However,

even the Petitioner-Objectors' own filing contradicts this absurd claim. For example, with respect to the circulator Carlos Pinedo, Mr. Pinedo obtained a total of 209 signatures. Incredibly, despite the claim that "*on certain of [her] sheets nearly every single purported voter is not registered,*" the Appendix Recap sheets prepared by Petitioner-Objectors list objections to only 35 of those 209 signatures on the basis of "not registered" (Column B of the Appendix Recap sheets). Further, the highest number of objections on the basis of "not registered" on any single page was six, out of 10 total signatures on the page (page 1793). Most of the pages circulated Mr. Pinedo have only one or two objections on the basis of "not registered." Seven of the 21 pages circulated by Mr. Pinedo have no objections at all on the basis of "not registered" (Column B of the Appendix Recap sheets). The findings are similar with respect to the other eight circulators singled out by Petitioner-Objectors. The Response fails to address these issues. Petitioner-Objectors have filed an Objection that is in fact so factually in error and so internally contradictory, it is often impossible to determine what in fact the Petitioner-Objectors are attempting to object to. It should not be the responsibility of the State Board of Elections or the Respondent-Candidates to waste their time and effort attempting to derive what the Petitioner-Objectors intended. It seems clear that the Petitioner-Objectors are attempting to keep so many candidates off the ballot, they failed to perform even the minimum level of preparation. Boilerplate language was haphazardly inserted throughout, without regard to facts and without regard to who would be slandered. The State Board of Elections should not be required to entertain the sloppy fishing expedition sought by the Petitioner-Objectors. As Petitioner-Objectors have clearly failed to satisfy even a minimum level of proof, the Objection should be dismissed in its entirety.

5. In addition to the serious deficiencies detailed in Paragraph 4 above, Respondent-Candidates again note a further level of major deficiency with the Objection. Once again using the petitions circulated by Carlos Pinedo as just one example, we again note that just 35 of the 209 signatures circulated by Mr. Pinedo were objected to on the basis of "Signer not registered at the address shown" (Column B of the Appendix Recap sheets). But further, of the 35 signatures objected to on that basis, at least 16 of the voters are in fact registered at the identical addresses as indicated on the petition sheets, and any good faith review would have easily

revealed this fact. Here are petition pages and the baseless objections registered in Column B of the Appendix Recap sheets. The following petition signers are in fact lawfully registered voters at the address indicted on the petition sheets:

<u>Petition Sheet Page</u>	<u>Line(s) with "Column B" objection but signer is in fact duly registered</u>
1793	2, 3, 4, 9
1794	7
2196	9
2197	Line 5 was in fact a self-deletion by Respondent-Candidates.
2201	3
2202	1, 8
2203	1, 3, 4
3023	3
3026	2, 3
3029	8

The analysis above demonstrates that with respect to the subject circulator, Carlos Pinedo, at least 49% of the objections made under Column B of the Appendix Recap sheets are completely without merit and even a minimal level of due diligence in preparation of the Objection would have revealed these facts. An analysis of the objections made to the petition sheets circulated by other circulators reveals a similar lack of good faith and appropriate investigation by Petitioner-Objectors. Petitioner-Objectors cannot be allowed to misuse the objection process in furtherance of a fishing expedition that is devoid of good faith and proper diligence on the Petitioner-Objectors' part. For these reasons, the Objection must be dismissed.

6. Further proof of the absurdity and frivolous nature of the Objection is the fact that while Petitioner-Objectors repeatedly "copied and pasted" the same unsubstantiated claim that *"on certain of [her] sheets nearly every single purported voter is not registered"* – this is once again internally contradicted by other claims made in Petitioner-Objectors' own original filing. For example, with respect to the 209 signatures gathered by the circulator Carlos Pinedo, Petitioner-Objectors originally claimed in the Objection that 54 signers (fully 26% of the signatures gathered

by Mr. Pinedo) had voted in the 2010 General Primary Election (Column F of the Appendix Recap sheets). In other words, one claim made by the Petitioner-Objectors internally contradicts another claim made by Petitioner-Objectors, specifically that "*on certain of [her] sheets nearly every single purported voter is not registered.*" By the Petitioner-Objectors' own admission a high percentage of the signers were registered, as Petitioner-Objectors noted they voted in the recent Primary Election. The same is true with respect to the contradictory and unsubstantiated claims made against the other circulators also specifically referenced in the Objection. Carlos Pinedo's petition sheets are just one representative example. Again, the Petitioner-Objectors have come to the State Board of Elections with an Objection that is so sloppily prepared and internally inconsistent, it is often impossible to sort out any real claims from the absurd or frivolous ones. It surely cannot be the responsibility of the State Board of Elections and the Respondent-Candidates to conduct the investigation and preparation that was in fact the duty of the Petitioner-Objectors prior to any filing. Petitioner-Objectors have come with unclean hands expecting all other parties to participate in their ill conceived and poorly executed fishing expedition. Such cannot be the duty of the State Board of Elections. For all of these reasons, the Respondent-Candidates renew their request that the Objection be dismissed in its entirety.

7. The full address of circulator Gayle Cotor is 4500 N. Winchester, Apt. 707, Chicago, Illinois, 60640.

8. In light of the number and seriousness of unsubstantiated and contradictory objections, the Respondent-Candidates renew their claim that the Objection is inconsistent and at variance with both the intent and spirit of the Illinois Election Code governing Elections and shows disregard to the honesty and integrity of the electoral process. Further, Petitioner-Objectors provided absolutely nothing in the Response that would mediate these concerns. Petitioner-Objectors have clearly failed to meet their duty of providing even the minimal level of proof required for proceeding. The overall record demonstrates that Objection was not made as a result of a reasonable inquiry or investigation of the facts, and such Objection was not made in good faith.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates again move that the Petitioner-Objector's Objection be dismissed and stricken in its entirety, or in the alternative, stricken and dismissed in pertinent part as set forth in the Motion to Strike and Dismiss and in this Reply.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 19th day of July, 2010 by email:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126

Kelly McCloskey Cherf
Hearing Officer
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
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Chicago, IL 60606
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--- On Sun, 6/20/10, Republican Organization of Lyons Township <rol@illinois1.com> wrote:

From: Republican Organization of Lyons Township <rol@illinois1.com>
Subject: Attention EVERY Republican!
To:
Date: Sunday, June 20, 2010, 12:55 PM

Everyone - Now is the time!

The Illinois GOP is diverting all efforts to challenge those candidates' petitions that may have a negative impact on OUR Republican nominees (it is our belief that these candidates will steal votes from Republicans.) Starting Tuesday through Saturday it is a must that we fill up all terminals.

All the Committeemen, Precinct Captains and Republicans (County, township and ward) statewide are being asked to divert their time and volunteers to this effort. We have 25 terminals and must fill those throughout the week to achieve victory in 2010.

This information is time sensitive - - One hour or two hours is needed CALL NOW.

For more information or to help in this effort, please contact ASAP:

Lyons Township contact:

Ray Hodson (708-496-0930) Or John Small (708-458-6857)

Precinct Captain Coordinators

or

Jonathan Callaway
Director of Volunteers
Cook County Republican Party
708-670-5543
jcallaway@cookrepublicanparty.com

Thank you.

Executive Committee Republican Organization of Lyons Township

EXHIBIT A

**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**

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; Michael L.)
White as a Candidate for)
Governor; Jeff Trexler as a)
Candidate for Lieutenant)
Governor; Louis Cotton as a)
Candidate for Attorney General;)
Gary Dunlap as a Candidate for)
Secretary of State; Timothy)
Becker as a Candidate for)
Comptroller; Dawn Czarny as a)
Candidate for Treasurer; and)
Randy Stufflebeam as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

RECEIVED

JUL 22 2010

State Board of Elections

10 SOEB GE 570

**OBJECTORS' SUR-REPLY IN FURTHER OPPOSITION TO RESPONDENT-
CANDIDATES' MOTION TO STRIKE AND DISMISS**

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Sur-Reply In Further Opposition to the Respondent-Candidates' Motion to Strike and Dismiss ("The Motion"), state as follows:

1. The Respondent-Candidates filed their Motion on July 9, 2010, purported seeking to strike the Objectors' Petition, either in whole or in part. The Motion was unverified or otherwise unsupported by any factual or legal basis that would justify the extraordinary relief they sought. On July 19, 2010, the Respondent-Candidates filed a Reply in support of their Motion. This Reply was similarly unverified, and unsupported by affidavit, but also improperly

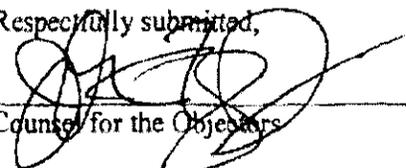
introduced new matters not raised by the Respondent-Candidates initially in their Motion. Those new matters are the subject of this Sur-Reply, and in accordance with long-settled rules of pleading, those new matters raised on reply must be deemed waived.

2. Its well settled that matters raised for the first time in a reply are deemed waived. See, e.g., *People v. Accardo*, 139 Ill.App.3d 813, 487 N.E.2d 664 (2nd Dist. 1985); *Murdy v. Edgar*, 103 Ill.2d 384, 469 M.E.2d 1085 (1984).

3. In Paragraphs 4 and 5 of the Reply, the Respondent-Candidates take issue with particular signature objections made to pages passed by Carlos Pinedo. In these two paragraphs, the Respondent-Candidates raise points in the Reply that were not raised in the Motion initially, and thus must be deemed waived. Moreover, the factual issues raised as to Mr. Pinedo can only be resolved by a records examination, and are thus inappropriate for resolution by a Motion to Strike and Dismiss.

WHEREFORE, your Objectors pray that the Respondent-Candidate's Motion to Strike and Dismiss be denied.

Respectfully submitted,


Counsel for the Objectors

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**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**

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Steve Nckic,)
Petitioner-Objectors,)
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vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

10 SOEB GE 570

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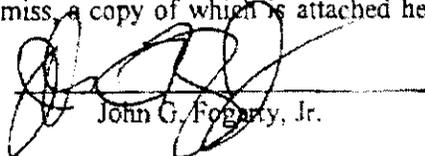
JUL 22 2010

State Board of Elections

NOTICE OF FILING AND SERVICE

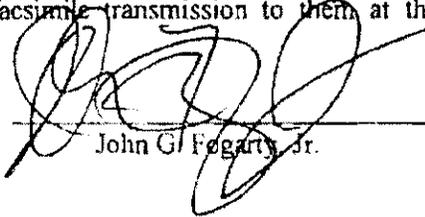
To: Kelly McCloskey Chert, by email to kmc@hrmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by fax to 312-814-6485

Please take notice that on July 21, 2010, prior to 5:00 P.M., the undersigned faxed and e-mailed to the individuals listed above the Objector's Sur-Reply In Further Opposition To Respondent-Candidate's Motion to Strike and Dismiss, a copy of which is attached hereto and herewith served upon you.


John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail and facsimile transmission to them at the above numbers prior to 5:00 p.m. on July 21, 2010.


John G. Fogarty, Jr.

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for) No. 10 SOEB GE570
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
)
Respondent-Candidates.)

RESPONDENT-CANDIDATES' SUR-REPLY IN FURTHER SUPPORT
OF MOTION TO STRIKE AND DISMISS

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, for this Sur-Reply in Further Support of the Respondent-Candidates' Motion to Strike and Dismiss, state as follows:

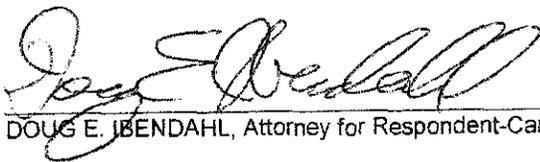
1. In their Sur-Reply of July 21, 2010, Objectors falsely claim that Respondent-Candidates introduced new matters not raised by the Respondent-Candidates initially in their Motion to Strike and Dismiss. Such claim is empirically false as all matters raised in subsequent filings have in fact related to issues originally raised in Respondent-Candidates' Motion to Strike and Dismiss.

2. Respondent-Candidates have provided additional detail in support of the Motion to Strike and Dismiss, but no such detail related to new matters. As Respondent-Candidates have previously noted, the subject Objection is only one of at least 11 objections currently being

reviewed by the State Board of Elections where the true objecting party in interest is the Illinois Republican Party. As Respondent-Candidates have also previously noted, the attempt by the Illinois Republican Party to keep so many candidates off the ballot has clearly contributed to the incredibly sloppy and even internally contradictory nature of the subject Objection. As Respondent-Candidates have previously noted, "cut-and-paste" language is contained throughout the Objection which is often inserted in a way that makes any purported objection nonsensical. Similar cut-and-paste language is included in at least some of the other 10 objections filed by the true objector in interest, the Illinois Republican Party. Objectors have come to the State Board of Elections with a poorly prepared Objection that was not submitted in good faith, or with serious preparation and investigation. Clumsy attempts have even been made to obscure the true objector through a cynical, hollow charade, and as such the bad faith goes to the very core of the Objection. Dishonest schemes by their very nature take time to be exposed. To the extent the Respondent-Candidates have added additional detail in subsequent filings for the purpose of clarifying issues originally raised in the Motion to Strike and Dismiss, this is largely a function of the fact that the original Objection deliberately attempts to obscure the truth and actual intent, and often includes internally contradictory claims such that it's often impossible to derive what's being objected to.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates again move that the Petitioner-Objectors' Objection be dismissed and stricken in its entirety, or in the alternative, stricken and dismissed in pertinent part as set forth in the Motion to Strike and Dismiss and in the Reply.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

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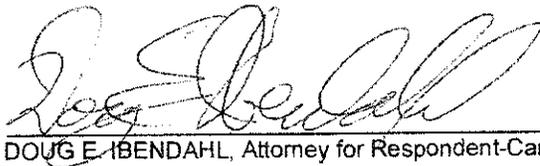
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 23rd day of July, 2010 by email:

John G. Fogarty, Jr.
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Kelly McCloskey Cherf
Hearing Officer
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

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(312) 648-0061

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
Respondent-Candidates.)

RESPONDENT-CANDIDATES' MOTION FOR SUMMARY JUDGMENT

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, moves for Summary Judgment and in support thereof, states as follows:

1. On June 21, 2010, Respondent-Candidates filed new political party petition papers ("Nomination Papers") of the CONSTITUTION PARTY and their candidates for statewide office in the state of Illinois: MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate ("Respondent-Candidates"), to be voted at the General

Election on November 2, 2010 ("Election"), and such Nomination Papers contained the signatures of not fewer than 25,000 duly qualified, registered legal voters of the State of Illinois.

2. On August 3, 2010, the State Board of Elections issued its official findings in the matter of the records examination of the Nomination Papers. The records examination revealed 32,998 signatures were filed as part of the Nomination Papers. In addition, 6,561 objections were overruled and 7,981 objections were sustained by staff of the State Board of Elections.

3. After completion of the records examination, and even prior to any rehabilitation evidence being submitted by the Respondent-Candidates, the Nomination Papers were found to contain 25,017 valid signatures from duly registered voters, or 17 more than the statutory minimum required of 25,000 valid signatures.

4. The results of the records examination provide still more proof that the subject Objection was not filed in a good faith manner using even a minimal level of appropriate diligence. Fully 45 percent of the total objections considered at the records examination were overruled on their face by the State Board of Elections. Petitioner-Objectors made 6,561 objections which were found to have no basis in either fact or law. As Respondent-Candidates have noted in prior motions and filings, Petitioner-Objectors are attempting to prevent ballot access to so many candidates, their Objection consists mostly of incredibly sloppy, defamatory, blanket accusations, "cut-and-pasted" across their objection filings, few of which contain any basis in law or fact. The records examination simply provided more proof.

5. None of the seven Constitution Party candidates ever received a copy of the Objection from the State Board of Elections as required by 10 ILCS 5/10-8 which provides in pertinent part that the State Board of Elections: "*shall transmit a copy by registered mail or receipted personal delivery of the objector's petition, to the candidate whose certificate of nomination or nomination papers are objected to, addressed to the place of residence designated in said certificate of nomination or nomination papers.*" The Respondent-Candidates continue to make every effort to cooperate and work in good faith, even as a clear statutory requirement continues to be ignored.

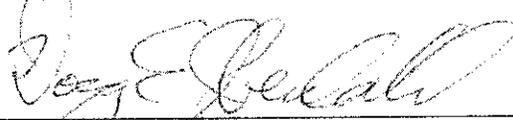
6. The subject Objection remains fraudulent to the core because the true and correct objectors have still not been legally disclosed. Further proof that the Illinois Republican

Party is the true objector in interest was openly on display during the records examination as observers for the Illinois Republican Party did not even attempt to hide their true affiliation and employer. Further, counsel for the objector, Mr. John G. Fogary, Jr. recently represented on an official case management conference call that evidence of the "objectors" utilizing computers at the Cook County Board of Elections to prepare the Objection could be freely found. But in fact no such evidence exists. A FOIA request revealed that several individuals signed-in representing the "Illinois Republican Party," "State GOP," or some derivation thereof, but no one signed-in during the period in interest representing the purported objectors, including the purported objectors themselves. Counsel for the "objectors" still have not even attempted to deny that the Objection is at its core an effort to deceive and mislead the State Board of Elections and the voting public.

7. As the records examination further proved, as more sunshine is placed on the Objection, the more the bad faith becomes apparent. Given the level of disregard for good faith review, coupled with the reckless and unsupported accusations already proven to be untrue, it's time to stop the fishing expedition. Petitioner-Objectors, through their own dishonesty and bad faith, have forfeited their right to further inconvenience and harass the Respondent-Candidates. It's time to let the voters of Illinois decide. More than sufficient evidence has already been produced to conclude that the Objection is inconsistent and at variance with both the intent and spirit of the Illinois Election Code governing Elections and shows disregard to the honesty and integrity of the electoral process.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates pray that this Motion for Summary Judgment be granted and that the Objection be dismissed and stricken in its entirety.

Respectfully submitted,



DOUG E. BENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 4th day of August, 2010:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Eimhurst, Illinois 60126

Kelly McCloskey Chert
Hearing Examiner
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
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(312) 648-0061

**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**

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.)
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; Michael L.)
White as a Candidate for)
Governor; Jeff Trexler as a)
Candidate for Lieutenant)
Governor; Louis Cotton as a)
Candidate for Attorney General;)
Gary Dunlap as a Candidate for)
Secretary of State; Timothy)
Becker as a Candidate for)
Comptroller; Dawn Czarny as a)
Candidate for Treasurer; and)
Randy Stufflebeam as a Candidate)
For United States Senate;)
)
Respondent-Candidates.)

10 SOEB GE 570

RESPONSE TO MOTION FOR SUMMARY JUDGMENT

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the “Objectors”), and for their Response to the Motion for Summary Judgment (“The Motion”) submitted by the Respondent-Candidates, state as follows:

1. In their Motion, the Respondent-Candidates offer neither fact nor law that would justify the extraordinary relief of granting them summary judgment on the Objectors’ Petition. Indeed, given that the records exam in this case shows the Respondent-Candidates with barely over the minimum number of signatures, before resolution of Rule 9 issues and before

adjudication of the other outstanding legal issues in this case, the Motion is completely out of place. Being wholly without merit, the Motion must be denied.

2. The basis for the Motion seems to be counsel's shrill, baseless cries of "bad faith," rather than any particular fact or point of law. Because objections to signatures were overruled, counsel cries "bad faith." Counsel says nothing of the thousands of signature objections that were sustained, or the numerous other issues alleged in the Objectors' Petition. Rather, counsel simply asserts, just because he thinks so, that this whole exercise is in "bad faith."

3. The Respondent-Candidates again complain (as they did in their Motion to Strike) that they did not receive a copy of the Objection. Again, to the extent the Respondent-Candidates are claiming some sort of prejudice, such a claim should be ignored, in light of the fact that Respondent-Candidates were able to obtain counsel, who appeared for each of them in the State Board's initial meeting, and who has argued for them throughout the Objection process. Again, to the extent the Respondent-Candidates are making some sort of jurisdictional argument, they have failed to do so, and such an argument is waived. At any rate, such an argument would be particularly unavailing in light of the decision of *Shipleigh v. Stephenson Co. Electoral Bd.*, 130 Ill.App.3d 900, 474 N.E.2d 905 (2nd Dist. 1985).

4. Counsel for Respondent-Candidates again fixates on what he claims is the identity of the "true objector" in this case. Counsel willfully ignores (for his own political purposes) the requisites of Section 10-8, and the cases construing the necessary interest of an Objector. Indeed, at least one court has held that an objector need not even prove his interest, which is, after all, irrelevant for determining the validity of nominating petitions. *Hagen v. Stone*, 277 Ill.App.3d 388 (1st Dist. 1995). This follows counsel's earlier calls for an "investigation" into

what they term as the “true intent” of the Objectors herein. Again, the Respondent-Candidates offer no verifiable facts or law to support their absurd claims, and the Motion on this point must be denied.

5. Because the Respondent-Candidates have failed to supply either fact or law that would justify the extraordinary remedy of granting them summary judgment, their Motion for Summary Judgment must be denied.

WHEREFORE, your Objectors pray that the Respondent-Candidate’s Motion for Summary Judgment be denied.

Respectfully submitted,

/s/ John Fogarty, Jr. /s/
Counsel for the Objectors

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
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Brien Sheahan
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bsheahan@sheahanlaw.com

**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**

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.) **10 SOEB GE 570**
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

To: Kelly McCloskey Churf, by email to kmc@hmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on August 9, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Response to Respondent-Candidates' Motion for Summary Judgment, a copy of which is attached hereto and herewith served upon you.

/s/ John Fogarty, Jr. /s/
John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 5:00 p.m. on August 9, 2010.

/s/ John Fogarty, Jr. /s/
John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
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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

ANDREW HEFFERNAN and STEVE NEKIC, Petitioner-Objectors,)	
)	
vs.)	
)	
The CONSTITUTION PARTY as a new political party in the State of Illinois;)	
MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate;	)	No. 10 SOEB GE570
)	
Respondent-Candidates.)	

CANDIDATES' REPLY TO OBJECTOR'S RESPONSE TO
MOTION FOR SUMMARY JUDGMENT

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, in Reply to Objector's Response to Motion for Summary Judgment, state as follows:

1. Counsel for Objector take issue at being caught filing an objection in bad faith. Yet there can be no other conclusion after the records examination performed by the State Board of Elections found that 6,561 objections were made without merit, and such total does not even reflect rehabilitative evidence submitted by Candidates. The actual number of meritless claims is in fact much larger than 6,561. The State Board of Elections' own review has already demonstrated that the Objection was not prepared as the result of a reasonable inquiry or investigation of the facts and was not made in good faith. More than sufficient proof is now

available to conclude that the Objection as originally filed did not comply with Section 10-8 of the Election Code. As the Candidates have always maintained, the original Objection was a sloppily, haphazardly prepared fishing expedition. The State Board of Elections' rejection of 6,561 claims to date provides the proof that the Objection was "shotgun" in nature. Candidates' Motion for Summary Judgment should be granted because further continuation will only encourage objectors in the future to file similarly defective objections for the purpose of harassing prospective candidates. Objector should not be rewarded simply because a portion of their "shotgun blast" managed to find a legitimate target in certain cases. It is the very nature of a "shotgun" objection that the Objector hopes to get lucky enough times to politically kill the opposing candidates. But surely no Objector can expect to waste more of the State Board of Elections' or the Candidates' time after having been exposed making over 6,500 invalid objections. The number of meritless objections made by the same Objector and the same counsel against the petitions filed by the Libertarian Party and its candidates is reportedly even greater. When similar meritless objections filed by this same Objector and its same counsel against petitions filed by multiple independent candidates are included, the total number of invalid claims currently being litigated at the State Board of Elections is conservatively estimated to be well over 20,000.

2. The legal requirement that the State Board of Elections provide all Candidates a copy of the Objection is clearly set forth in the Illinois Election Code and such provision cannot be ignored. Surely all the burden cannot rest with Candidates during this objection process. For example, Candidates and their volunteers have been forced to transverse the State of Illinois collecting affidavits from persons who did in fact sign the subject petitions in their own proper person. Such signers are essentially being required to "prove their innocence" simply because a signature on a petition didn't closely enough resemble – in the subjective opinion of a State Board of Elections employee - a signature on file which possibly was provided decades ago at the time of registration. Candidates have willingly gone above and beyond any statutory requirement in order to protect their right to appear on the ballot in Illinois. Surely the State Board of Elections cannot ignore its own clear and unmistakable statutory obligation at the same time Candidates

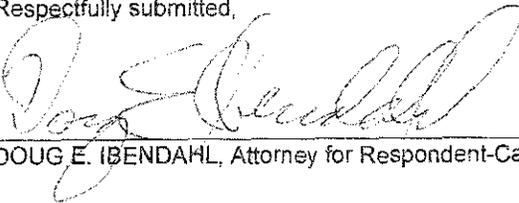
are making every effort to defend themselves against a bad faith Objection, a bad faith Objection the Candidates did not even receive in the manner clearly required by the Illinois Election Code. Further, the cost of providing a copy of the Objection to each of seven candidates is considerable. Illinois law explicitly puts that burden on the State Board of Elections. That cost is considerably greater thanks to the outrageous number of bogus claims made by the Objector, bogus claims which added to the page volume of the Objection. Such cost prevented some of the Candidates from ever receiving their own copy of the Objection as required by the Illinois Election Code. Candidates cannot be financially penalized for the bad faith fishing expedition the Objector and its counsel have attempted. As the Candidates have clearly been unduly prejudiced by the noncompliance of others with the Illinois Election Code, the Candidates pray that the Motion for Summary Judgment be granted.

3. Paragraph 4 of the Objector's Response augments the 20,000-plus baseless claims counsel is currently litigating, with the most absurd charge yet. Objector's counsel accuses Candidates' counsel of having "his own political purposes." This counsel is uncertain what that even means given that this entire process centers-around ballot access, which is by definition all about our political system. Further, counsel's fumbling arguments are circular and all beg the question as to why such lengths are being taken to hide the identity of the true objector, especially given the fact it is by now common knowledge in the Illinois political community that the Illinois Republican Party is behind the subject Objection. Testimony from the Illinois Republican Party's Chairman is expected to provide further proof that the listed objectors in this case were in fact recruited by the Illinois Republican Party and that in fact the listed objectors attached their names to this Objection for reasons contrary to those represented. It is in fact opposing counsel and their employer who are "playing politics" by filing multiple bad faith objections in a desperate attempt to keep candidates off the ballot who are seen as "competitors" to candidates backed by the Illinois Republican Party. Objector and its counsel set out to file this and other objections with the intent to hide from the State Board of Elections and the voters of Illinois the true nature and intent of their actions. This dishonesty and bad intent render the Objection fraudulent to the core. And the continued attempts by Objector, through counsel, to obfuscate (but not deny) the truth

are an insult to the intelligence of every citizen of the State of Illinois. It is an age old legal maxim that "*he who seeks equity must do equity.*" (See for example, *Myers v. Hurley Motor Co.*, 273 U.S. 18 (1927)). The Objector and its counsel come to the State Board of Elections with unclean hands. As such, their continued bad faith efforts to deny the voters of Illinois greater ballot choice should be ruled at an end.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates again pray that their Motion for Summary Judgment be granted.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
165 N. Canal Street
Suite 1215
Chicago, IL 60606
(312) 648-0061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 12th day of August, 2010:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126

Keily McCloskey Cherf
Hearing Examiner
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
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(312) 648-0061

**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**

Andrew Heffernan and)	
Steve Nekić,)	
Petitioner-Objectors,)	
)	
vs.	)	10 SOEB GE 570
)	
The Constitution Party as a)	
purported new political party in)	
the State of Illinois; et al.)	
)	
Respondent-Candidates.)	

**OBJECTORS' MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
IMPROPERLY NOTARIZED PETITION SHEETS**

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Motion for Summary Judgment as to the improperly notarized nominating petitions submitted by the Candidates herein, state as follows:

1. The Candidates herein have submitted nominating petitions in an effort to form a new political party in the State of Illinois, the Constitution Party. The Candidates have also, by their nominating petitions, offered themselves as a slate of Candidates for the Constitution Party, and seek to appear on the ballot statewide at the November 2, 2010 General Election.

2. Certain of those petition sheets have obvious, manifest defects, as alleged in the Objectors' Petition. For example, certain of the nominating petitions are not properly notarized, as alleged in Paragraph 16 of the Objectors' Petition. The petitions pages suffering from this defect are page no. 2855. Said petition sheet purports to contain a total of 10 signatures. A true and correct copy of the improperly notarized petition sheet is attached hereto as Exhibit A.

3. The Election Code requires that a nominating petition be properly notarized in order to be valid. Section 10-4 of the Election Code requires that, for a petition page to be

considered to be valid, the circulator of that petition sheet must make a sworn statement averring that the signatures contained on the page are genuine, that the signatures were made in the circulator's presence, and were collected within the prescribed time frame. 10 ILCS 5/10-4. Of the circulator's affidavit, § 10-4 plainly requires that:

“Such statement shall be sworn to before some officer authorized to administer oaths in the State.”

10 ILCS 5/10-4.

4. The requirements contained in Section 10-4 of the Election Code are mandatory, as Section 10-4 imposes a penalty for noncompliance, in that “[n]o signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.” 10 ILCS 5/10-4.

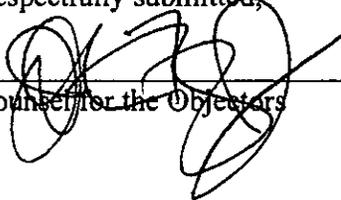
5. Indeed, the Court in *Knobeloch v. Electoral Board of Granite City*, 337 Ill.App.3d 1137, 788 N.E.2d 130 (5th Dist. 2003) held that even innocent noncompliance with mandatory requirements of Section 10-4 justified the invalidation of improperly notarized petition sheets. There, the notary fully executed her duties, but was not an Illinois notary, but rather, was a Missouri notary.

6. Here, with respect to petition page 2855, the purported notary failed to execute her notarial duties and function by stamping the page she purports to have witnessed. Accordingly, because this sheet fails to conform to the mandatory requirements of Section 10-4, it should be invalidated, and none of the signatures thereon counted in favor of the Candidates herein.

7. Because there exists no genuine issue of material fact as to the improperly notarized petition pages submitted by the Candidates, and the Objectors are entitled to judgment

as a matter of law, the Objectors' motion for summary judgment as to the improperly notarized petition sheets is warranted.

Respectfully submitted,


Counsel for the Objectors

John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
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fogartyjr@gmail.com

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Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

EXHIBIT A

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Treadler	LI. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Durdap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Casey	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stauffbeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. <u>Jean Howard</u> Sign: <u>JEAN HOWARD</u>	<u>Howard, Jean</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
2. <u>Monique Johnson</u> Sign: <u>Monique John</u>	<u>456 E 91st</u>	<u>Chgo</u>	<u>Cook</u>	<u>IL</u>
3. <u>Liffany Smith</u> Sign: <u>Liffany Smith</u>	<u>4544 S. Indiana</u>	<u>Chgo</u>	<u>Cook</u>	<u>IL</u>
4. <u>L. Lewis</u> Sign: <u>L. Lewis</u>	<u>5115 N. Bernard</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
5. <u>ARTHUR LYNCH</u> Sign: <u>Arthur Lynch</u>	<u>7517 S. Cregier</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
6. <u>James Johnson</u> Sign: <u>James Johnson</u>	<u>7532 S. Woodlawn</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
7. <u>Willard Woods</u> Sign: <u>Willard Woods</u>	<u>6836 A. Colfax Ave</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
8. <u>GLORIA JOHNSON</u> Sign: <u>GLORIA JOHNSON</u>	<u>8637 S. Essex</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
9. <u>DWIGHT TURNER</u> Sign: <u>DWIGHT TURNER</u>	<u>1011 N. Clark St</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
10. <u>SHARAWA WALKER</u> Sign: <u>SHARAWA WALKER</u>	<u>8724 S. Mustang</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>

State of ILLINOIS)
County of COOK) SS.

I, James Jackson, do hereby certify that I reside at 10824 S
in the South Holland village of South Holland, 60473
(City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of COOK, State of ILLINOIS; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) James Jackson
(Name of Circulator)

James Jackson
(Signature of Circulator)
before me, on 6-4-10
(Date Notary in month, day, year)

(Seal)

Sandra Melton
(Notary Public's Signature)

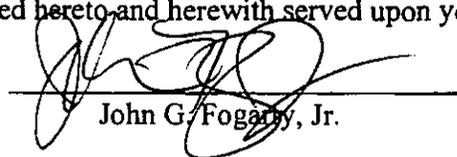
**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Andrew Heffernan and)
Steve Nekic,)
Petitioner-Objectors,)
)
vs.) **10 SOEB GE 570**
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

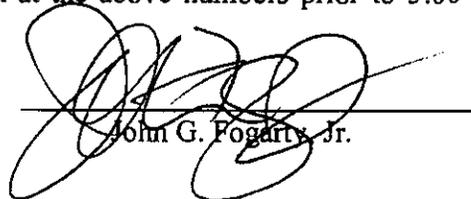
To: Kelly McCloskey Churf, by email to kmc@hmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on August 4, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Motion for Summary Judgment as to Improperly Notarized Petition Sheets, a copy of which is attached hereto and herewith served upon you.


John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above numbers prior to 5:00 p.m. on August 4, 2010.


John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
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(773) 549-2647 (phone)
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fogartyjr@gmail.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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the State of Illinois; et al.)
)
Respondent-Candidates.)

**OBJECTORS' MOTION FOR SUMMARY JUDGMENT AS TO PETITION SHEETS
CIRCULATED BY RODNEY CHERIZOL**

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Motion for Summary Judgment as to nominating petition pages circulated by Rodney Cherizol, state as follows:

1. The Candidates herein have submitted nominating petitions in an effort to form a new political party in the State of Illinois, the Constitution Party. The Candidates have also, by their nominating petitions, offered themselves as a slate of Candidates for the Constitution Party, and seek to appear on the ballot statewide at the November 2, 2010 General Election.

2. Rodney Cherizol, purportedly residing at 433 W. Harrison, c/o General Delivery, Chicago, Illinois, 60699, has circulated a number of the nominating petitions submitted by the Candidates. In fact, Mr. Cherizol is listed as the circulator on at least page nos.: 1202-1204; 1329; 1333-1339; 1533-1535; 1551; 1552. Said petition sheets purport to contain a total of 160 signatures. A true and correct copy of the petitions circulated by Mr. Cherizol are attached hereto as Exhibit A.

3. Mr. Cherizol, however, does not reside at 433 W. Harrison, c/o General Delivery, Chicago, Illinois, 60699. Rather, a branch of the United States Post Office is located at that address. See Exhibit B.

4. No candidate's name may be placed on the ballot unless his or her nominating petition pages are submitted in accordance with Section 10-4 of the Election Code. Indeed, the requisites of Section 10-4 are mandatory, given that Section 10-4 expressly imposes a penalty for noncompliance: "[n]o signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." 10 ILCS 5/10-4. See, e.g., *Knobeloch v. Electoral Board of Granite City*, 337 Ill.App.3d 1137, 788 N.E.2d 130 (5th Dist. 2003)(invalidation of improperly notarized sheets was appropriate even for innocent noncompliance with mandatory requirements of Section 10-4).

5. Section 10-4 of the Election Code requires that a petition circulator certify his or her "street address or rural route number, as the case may be, as well as the county, city, village or town, and the state . . ." 10 ILCS 5/10-4.

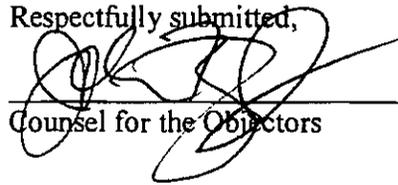
6. The reason for this requirement is obvious. As the Court stated in *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994), disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi*, 261 Ill. App. 3d at 826, 634 N.E.2d at 447. The oath is critical in protecting the integrity of the election process. As the *Sakonyi* Court further stated, "It is assumed by [the circulator's] sworn statement that the circulator is subjecting herself to possible perjury prosecution. Thus, the circulator's affidavit requirement is considered a meaningful and realistic method of eliminating fraudulent signatures and protecting the integrity of the political process." *Sakony*, 261 Ill.App.3d at 826.

7. In fact, the First District has held that where the residence address of the circulator cannot be ascertained, the particular petition sheet is declared invalid. *Schumann v. Kumarich*, 102 Ill.App.3d 454, 430 N.E.2d 99 (1st Dist. 1981); See also *Lucas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637 (Ill. 1997)(residence address of the circulator required).

8. Because there exists no genuine issue of material fact as to the petitions circulated by Mr. Cherizol, and the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the petition sheets circulated by Mr. Cherizol is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the petitions submitted by Rodney Cherizol be granted, that the aforesaid petition sheets be therefore stricken, and that no signature from any of such sheets be counted in favor of the Candidates herein.

Respectfully submitted,


Counsel for the Objectors

John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

Brien Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

EXHIBIT A

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

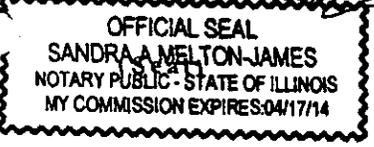
A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czorny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

No.	Name	Street Address or RR Number	City, Town or Village	County	IL
1.	Print: <u>Berta Danyl Townsend</u> Sign: <u>Berta Danyl Townsend</u>	288 Spring Lake	Round Lake	Lake County	IL
2.	Print: <u>Edna Ester</u> Sign: <u>Edna Ester</u>	5569 W Adams St	Chicago	COOK	IL
3.	Print: <u>Linda Swans</u> Sign: <u>Linda Swans</u>	7135 Indiana	Chicago	COOK	IL
4.	Print: <u>ISAIAH A. AVELL</u> Sign: <u>Isomence</u>	315 S. Jefferson	Chicago	COOK	IL
5.	Print: <u>Andy Brown</u> Sign: <u>Andy Brown</u>	11303 S. Langley	Chicago	COOK	IL
6.	Print: <u>Alton McKinley</u> Sign: <u>Alton McKinley</u>	4125 S. Pauline	Chicago	COOK	IL
7.	Print: <u>Cheryl Lee</u> Sign: <u>Cheryl Lee</u>	222 N. Lawrence	Chicago	COOK	IL
8.	Print: <u>Anthony S. Reschke</u> Sign: <u>Tom Reschke</u>	136 Abbeywood Cir	Streamwood	COOK	IL
9.	Print: <u>Malinda Jones</u> Sign: <u>Malinda Jones</u>	PO Box 09627	Chicago	COOK	IL
10.	Print: <u>Lisa Jones</u> Sign: <u>Lisa Jones</u>	229 Kentucky	Park Forest	COOK	IL

State of ILLINOIS)
 County of Cook) SS.
 I, Rodney Cherizol, do hereby certify that I reside at c/o General Delivery
 (Circulator's Printed Name) 433 W. Harrison 2nd flr
 in the City of Chicago, IL 60699
 (City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol before me on 6/4/10
 (Name of Circulator) (Date Month, day, year)

Sandra A. Melton-James
 (Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE STATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 19, Murphysboro, IL 62968
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print <u>EMILIA MALLIN</u> Sign _____	<u>111 W. Maple Street</u> <u>Chicago, IL</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
2. Print <u>Michael Anderson</u> Sign _____	<u>626 A. E 133 St.</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
3. Print <u>Gene Vock</u> Sign _____	<u>433 W. HARRISON</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>
4. Print <u>Andrew R. H.</u> Sign <u>Andrew R. H.</u>	<u>906 Ramona Dr</u>	<u>Normal</u>	<u>M. LEAN</u>	<u>IL</u>
5. Print <u>Tina Bowers</u> Sign <u>Tina Bowers</u>	<u>700 E. 39th Pl</u> <u>Chicago IL 60653</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
6. Print <u>Patricia Wilson</u> Sign <u>Patricia Wilson</u>	<u>7821 S. Chappel</u> <u>Chicago, IL 60649</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
Print <u>Hammou Muhammad</u> Sign <u>H. Muhammad</u>	<u>4110 S. Colfax Ave</u> <u>CHICAGO</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
8. Print <u>CHRIS PETERSON</u> Sign <u>Chris Peterson</u>	<u>16 PARK CT</u> <u>DALMEIER BLVD</u>	<u>Brockton</u>	<u>WILL</u>	<u>IL</u>
9. Print <u>Bertel Miller</u> Sign _____	<u>15 W 240 Prairie Ave</u> <u>Burr Ridge IL 60521</u>	<u>Burr Ridge</u>	<u>DuPage</u>	<u>IL</u>
10. Print <u>Michael Shaw</u> Sign <u>Michael P. Shaw</u>	<u>1301 100th Street Pl</u> <u>Oak Park, IL, 60453</u>	<u>Oak Park</u>	<u>COOK</u>	<u>IL</u>

State of ILLINOIS)
 County of Cook) SS. mailing address c/o General Delivery
433 W. Harrison 12nd floor
Chicago, IL 60699
 I, Rodney Cherizol, do hereby certify that I reside at Chicago, IL 60699
 (Circulator's Printed Name) (Street Address)
 in the Chicago City of Chicago 60699
 (City / Village / Unincorporated Area) (If unincorporated list municipality that provides postal service) (Zip Code)

County of Cook, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed) before me on _____
 OFFICIAL SEAL
SANDRA A MELTON-JAMES
 NOTARY PUBLIC - STATE OF ILLINOIS
 MY COMMISSION EXPIRES 04/17/14

Rodney Cherizol before me on 6/4/10
 (Signature of Circulator) (Date dictated - month, day, year)
Sandra A. Melton-James
 (Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

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A COMPLETE STATE IS HEREBY PRESENTED

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Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

No.	Name	Street Address or RR Number	City, Town or Village	County	State
1.	Print: <u>Hever Williams</u> Sign: <u>Hever Williams</u>	906 N. St. Louis	Chicago	Cook	IL
2.	Print: <u>Jimmy Braks</u> Sign: <u>Jimmy Braks</u>	335 Riley Dr.	Bloomington	McLean	IL
3.	Print: <u>HASSAN Adur</u> Sign: <u>HASSAN Adur</u>	9045 S. Lufkin	Chicago	Cook	IL
4.	Print: <u>Kelli Brennan</u> Sign: <u>Kelli Brennan</u>	2105 Eastman	Rolling Meadows	Cook	IL
5.	Print: <u>PEBBE Batts</u> Sign: <u>PEBBE Batts</u>	7100 N. Bosworth	Chicago	Cook	IL
6.	Print: <u>Jim Tarkasha</u> Sign: <u>Jim Tarkasha</u>	3271 N. 16th	LaGrange	Cook	IL
	Print: <u>Norlene Hannell</u> Sign: <u>Norlene Hannell</u>	8743 S. Racine	Chicago	Cook	IL
8.	Print: <u>C. Smith</u> Sign: <u>C. Smith</u>	125 E 83rd	CHICAGO	Cook	IL
9.	Print: <u>M. Greay</u> Sign: <u>M. Greay</u>	7851 S. South Shore, #C	Chicago	Cook	IL
10.	Print: <u>C. Bax</u> Sign: <u>C. Bax</u>	1145 Fairwood Dr.	Elgin	Kane	IL

State of ILLINOIS)
 County of Cook) SS.

I, Rodney Cherizol, do hereby certify that I reside at Chicago, IL 60699
(Circulator's Printed Name) (Street Address)
 in the Chicago of Chicago, 60699
(City, Village, or Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

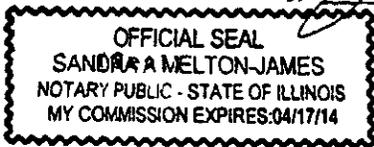
County of Cook, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol
(Name of Circulator)

Rodney Cherizol
(Signature of Circulator)

before me, on 6/4/10
(Date in full - month, day, year)

Samuel Melton-James
(Notary Public's Signature)



PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

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Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorrento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
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Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	State
1. Print <u>Curtis Burgess</u> Sign <u>Curtis Burgess</u>	<u>5811 W Superior</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
2. Print John Doe Sign John Doe		<u>Chicago</u>		<u>IL</u>
3. Print <u>BRYAN DOYLE</u> Sign <u>Bryan Doyle</u>	<u>26 S LINDEN AVE</u>	<u>PALATINE</u>	<u>COOK</u>	<u>IL</u>
4. Print <u>SEAN FINNEGAN</u> Sign <u>Sean Finnegan</u>	<u>3226 ALMOND MCHENRY</u>	<u>MCHENRY</u>	<u>MCHENRY</u>	<u>IL</u>
5. Print <u>John G. ...</u> Sign <u>John G. ...</u>	<u>733 Elm Street, Apt 302</u>	<u>Winnetka</u>	<u>Cook</u>	<u>IL</u>
6. Print <u>MARY BLEST</u> Sign <u>Mary Blest</u>	<u>740 TULLAIN</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>
7. Print <u>MARY HOLT</u> Sign <u>Mary Holt</u>	<u>800 N CANAL</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>
8. Print <u>Mrs Coleman</u> Sign <u>Mrs Coleman</u>	<u>820 W. Bellington</u>	<u>Chicago</u>	<u>COOK 60613</u>	<u>IL</u>
9. Print <u>TAMMY ...</u> Sign <u>Tammy ...</u>	<u>702 & 101 CHIGO</u>	<u>CHGO</u>	<u>60608 COOK</u>	<u>IL</u>
10. Print <u>L. Fauntleroy</u> Sign <u>L. Fauntleroy</u>	<u>1741, L 97 St.</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>

State of ILLINOIS)
 County of Cook) SS. 430 General Delivery
Chicago, IL 60699
 in the City of Chicago 60699
(City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to before me on 6/4/10 before me, on 6/4/10
(Day, Month, Day, Year) (Day, Month, Day, Year)
 Signed and sworn to by Rodney Cherizol before me, on 6/4/10
(Name of Circulator) (Day, Month, Day, Year)
 OFFICIAL SEAL: SANDRA A MELTON-JAMES, NOTARY PUBLIC - STATE OF ILLINOIS, MY COMMISSION EXPIRES: 04/17/14
 SHEET NO. 1329
 (Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

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Louis Cotton	Attorney General	1273 Bluebird Rd., Sorrento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stuffebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print David Dousillo Sign <i>[Signature]</i>	2909 N Standard Rd Apt 1702	Chicago, IL	Cook Co.	IL
2. Print MEAGAN MCNICHOLS Sign <i>[Signature]</i>	412 S. Kensington	Lagrange IL	COOK CO	IL
3. Print JEFF DAVIS Sign <i>[Signature]</i>	2222W DIVERSEY	CHICAGO IL	COOK CO	IL
4. Print Dawn Komecz Sign <i>[Signature]</i>	4554 N CHYME Apt 616	MORRIS IL	COOK CO	IL
5. Print Matthew Hay Sign <i>[Signature]</i>	4905 N. Winchester Ave	Chicago	Cook	IL
6. Print Michelle Butler Sign <i>[Signature]</i>	4603 N Western	Chicago	Cook	IL
Print John Martin Sign <i>[Signature]</i>	1050 Green Bay	Highland Park	LAKE	IL
8. Print Thomas Brown Sign <i>[Signature]</i>	4801 S. Kimbark	Chicago, IL	Cook	IL
9. Print Erin Hale Sign <i>[Signature]</i>	1816 N Sedgwick	Chicago	Cook	IL
10. Print Emily McKellan Sign <i>[Signature]</i>	429 W Belden	Chicago	Cook	IL

State of ILLINOIS)

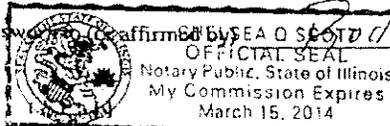
County of Cook) SS.

I, Rodney Cherizol, do hereby certify that I reside at _____

in the City of Chicago, _____

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the

United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to before me by Rodney Cherizol

 Notary Public, State of Illinois
 My Commission Expires March 15, 2014

Rodney Cherizol
 (Signature of Circulator)
 before me, on 6/10/10
John D. Fall
 (Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

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Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print Anthony Mason Sign <i>Anthony Mason</i>	4321 W. Jackson	Chicago	Cook	IL
2. Print JIM GIANNI Sign <i>Jim Gianni</i>	1924 N Sedgwick	Chicago	Cook	IL
3. Print CALVIN A. COYNE Sign <i>Calvin Coyne</i>	436 67TH ST	Chicago	COOK	IL
4. Print JAMES J. ROBINSON Sign <i>James J. Robinson</i>	1140 N. WASHINGTON	CHICAGO	COOK	IL
5. Print TARIQUA WASHINGTON Sign <i>Tariqua Washington</i>	7235 S. Dobson	Chicago	Cook	IL
6. Print Alexandra Rybczynska Sign <i>Alexandra Rybczynska</i>	300 N. State St.	Chicago	Cook	IL
7. Print Sam Moore Sign <i>Sam Moore</i>	1406 ^{South} Austin	Chicago	Cook	IL
8. Print Zak Dan Sign <i>Zak Dan</i>	7817 W. Diversey	Chicago	Cook	IL
9. Print JOSE RODRIGUEZ Sign <i>Jose Rodriguez</i>	721 W. KOSTNER AVE	CHICAGO	COOK COUNTY	IL
10. Print Warren Anderson Sign <i>Warren Anderson</i>	421 N. Ashland Ave. CHICAGO, IL	CHICAGO, IL	COOK	IL

State of ILLINOIS)

County of Cook) SS.

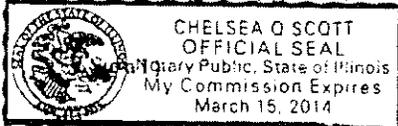
I, Rodney Cherizol, do hereby certify that I reside at C/O General Delivery
(Circulator's Printed Name) (Street Address)

in the Chicago of Chicago, 60699
(City / Village / Unincorporated Area) (If unincorporated, the municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol
(Name of Circulator)

Rodney Cherizol
(Signature of Circulator)
before me, on 6-11-10
Chelsea Q. Scott
(Notary Public's Signature)



SHEET NO. 1334

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

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Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stuffebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

No.	Name	Street Address or RR Number	City, Town or Village	County	Stating Intention
1	Print: Anthony J. Centeno Sign: Anthony J. Centeno	N/A	N/A	N/A	Stating Intention - Cook County at present
2	Print: Paul Rice Sign: Paul Rice	915 Holly Dr	Naperville	Dupage	IL
3	Print: James Sullivan Sign: James Sullivan	761450 ABERDEEN	Chicago	Cook	IL
4	Print: Marisa Girawong Sign: Marisa Girawong	625 W. Madison	Chicago	Cook	IL
5	Print: Jerome Clark Sign: Jerome Clark	1700 Wedgewood Dr	Burnee	Lake	IL
6	Print: Lythia Whittfield Sign: Lythia Whittfield	1101 S STATE ST	CHICAGO	COOK	IL
7	Print: Lythia Whittfield Sign: Lythia Whittfield	1223 Rudolph	Calumet City	COOK	IL
8	Print: GILLY MORENO Sign: Gilly Moreno	2215 S OAK ST	CHICAGO	COOK	IL
9	Print: Theresa Wilson Sign: Theresa Wilson	17415 S. Shore	CHICAGO	COOK	IL
10	Print: Tamara Hunt Sign: Tamara Hunt	7710 S. Cole	Chicago	COOK	IL

State of ILLINOIS

County of Cook

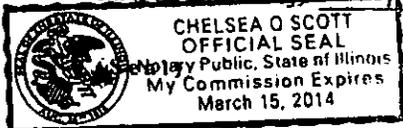
I, Rodney Cherizol, do hereby certify that I reside at

in the City of Chicago

County of Cook, State of Illinois

that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol



SHEET NO. 1335

c/o General Delivery
433 W. Harrison 2nd Floor

Rodney Cherizol
(Signature of Circulator)

before me, on 6-11-10

Chelsea O. Scott
(Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE STATE IS HEREBY PRESENTED

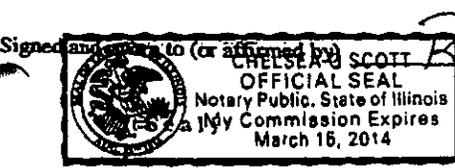
NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62968
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print <u>Brian Wright</u> Sign <u>[Signature]</u>	1251 W. Broad St	Chicago	Cook	IL
2. Print <u>Divelle Lathor</u> Sign <u>[Signature]</u>	409 E. 113 St	Chicago	Cook	IL
3. Print <u>Miranda Adams</u> Sign <u>[Signature]</u>	7126 S. Euclid	Chicago	Cook	IL
4. Print <u>Antonio Green</u> Sign <u>[Signature]</u>	3533 W. Vanbrun	Chicago	Cook	IL
5. Print <u>Mike Brown</u> Sign <u>[Signature]</u>	332 W. Harrison	Chicago	Cook	IL
6. Print <u>Kellie Adams</u> Sign <u>[Signature]</u>	444 S. State	Chicago	Cook	IL
7. Print <u>Tara Hopkins</u> Sign <u>[Signature]</u>	366 W. Lexington	Chicago	Cook	IL
8. Print <u>Theresa Bush</u> Sign <u>[Signature]</u>	2415 W. Washburn	Chicago	Cook	IL
9. Print <u>Anita Sims</u> Sign <u>[Signature]</u>	4780 Hickory Creek	Richton Park	Cook	IL
10. Print <u>Rick Williams</u> Sign <u>[Signature]</u>	12700 S. Union	Chicago	Cook	IL

State of ILLINOIS)
County of Cook) SS. c/o General Delivery
433 W. Harrison

I, Rodney Cherizol, do hereby certify that I reside at 433 W. Harrison
(Circulator's Printed Name) (Street Address)
in the City of Chicago, 60699
(City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.



Rodney Cherizol
(Name of Circulator)

Rodney Cherizol
(Signature of Circulator)
before me, on 6-11-10
Chelsea Scott
(Notary Public's Signature)

1336

SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	State
1. Print <u>Bryan DeWitt</u> Sign <u>Bryan DeWitt</u>	3535 N. Fremont St.	Chicago	Cook	IL
2. Print <u>John Habsch</u> Sign <u>John Habsch</u>	670 W. Weyman Apt 907	Chicago	Cook	IL
3. Print <u>Colleen Swidson</u> Sign <u>Colleen Swidson</u>	702 Capedare	Schaumburg	Cook	IL
4. Print <u>Catalie Miller</u> Sign <u>Catalie Miller</u>	731 W. Bittersweet Pl apt 211	Chicago	Cook	IL
5. Print <u>Joseph G. Lane</u> Sign <u>Joseph G. Lane</u>	3216 N Clark St. #210	Chicago	Cook	IL
6. Print <u>Walter Winkler</u> Sign <u>Walter Winkler</u>	2627 W. Athill St	Chicago	Cook	IL
7. Print <u>Vernon Esmond</u> Sign <u>Vernon Esmond</u>	613 W Wells	Chicago	Cook	IL
8. Print <u>Roger Newlin</u> Sign <u>Roger Newlin</u>	3551 W Roosevelt Rd	Chicago	Cook	IL
9. Print <u>Phil Dietz</u> Sign <u>Phil Dietz</u>	6167 N Broadway #329 Chicago IL 60660	Chicago	Cook	IL
10. Print <u>Kevin Gosztoja</u> Sign <u>Kevin Gosztoja</u>	59 E Van Buren St 701A Chicago, IL 60605	Chicago	Cook	IL

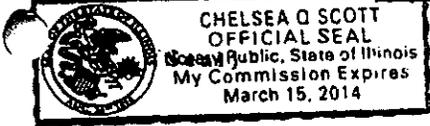
State of ILLINOIS)
County of Cook) SS. C/O General Delivery
433 W. Harrison 2nd Floor

I, Rodney Cherizol, do hereby certify that I reside at _____ (Street Address)
in the City of Chicago (If unincorporated, list municipality that provides postal service) 60699 (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol
(Name of Circulator)

Rodney Cherizol
(Signature of Circulator)
before me, on 6-11-10
(Date Notarized - month, day, year)
Chelsea Q. Scott
(Notary Public's Signature)



PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

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Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	LL Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print: <u>Arlene Walker</u> Sign: <u>Arlene Walker</u>	<u>8234</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
2. Print: <u>Dante Smith</u> Sign: <u>Dante Smith</u>	<u>7232</u> <u>3. Ashland</u>	<u>Chic.</u>	<u>Cook</u>	<u>IL</u>
3. Print: <u>Chris Clark</u> Sign: <u>Chris Clark</u>	<u>2105 Visura Pl</u>	<u>Chic.</u>	<u>Cook</u>	<u>IL</u>
4. Print: <u>Jamie Harris</u> Sign: <u>Jamie Harris</u>	<u>12 King Street</u> <u>Northlake IL</u>	<u>Northlake</u>	<u>Cook</u>	<u>IL</u>
5. Print: <u>JANISKA ASTOR</u> Sign: <u>JANISKA ASTOR</u>	<u>3236 S Drexel</u> <u>CHICAGO</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
6. Print: <u>Masha Shields</u> Sign: <u>Masha Shields</u>	<u>14506 S. Normal</u> <u>Riverdale IL</u>	<u>Riverdale</u>	<u>Cook</u>	<u>IL</u>
7. Print: <u>HERESE A. BURNS</u> Sign: <u>HERESE A. BURNS</u>	<u>4066 W. WARWICK</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
8. Print: <u>Annette Mendoza</u> Sign: <u>Annette Mendoza</u>	<u>2242 Colorado Ave</u> <u>ELLIN, IL 60123</u>	<u>Elgin</u>	<u>Kane</u>	<u>IL</u>
9. Print: <u>STANLEY ROSE</u> Sign: <u>Stanley Rose</u>	<u>3942 N. HAROLD</u> <u>60630 MARIETTA</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
10. Print: <u>T. K. ...</u> Sign: <u>T. K. ...</u>	<u>43225 HERIDAN</u>	<u>CHICAGO</u>	<u>Cook</u>	<u>IL</u>

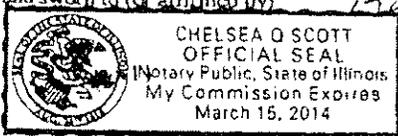
State of ILLINOIS)
County of Cook) SS. C/O General Delivery
433 W. Harrison 2nd Floor

I, Rodney Cherizol, do hereby certify that I reside at Chicago (Street Address)
in the City of Chicago 60699 (City/Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol before me on 6-11-10
(Name of Circulator)

Rodney Cherizol
(Signature of Circulator)
Chelsea D. Scott
(Notary Public's Signature)



SHEET NO. 1338

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Traxler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd, Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. Print: <u>Jon Czuma</u> Sign: <u>[Signature]</u>	<u>5050 W. School St</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
2. Print: <u>Reccus Barnes</u> Sign: <u>[Signature]</u>	<u>510 S. King</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
3. Print: <u>Jason Caldwell</u> Sign: <u>[Signature]</u>	<u>10821 S. Lowe</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
4. Print: <u>Jerry Maurer</u> Sign: <u>[Signature]</u>	<u>990 Hunter Ct.</u>	<u>Desfield</u>	<u>Lake</u>	<u>IL</u>
5. Print: <u>Michaela Coleman</u> Sign: <u>[Signature]</u>	<u>4054 W. 115th Apt. 405</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
6. Print: <u>LeRoy Jenkins</u> Sign: <u>[Signature]</u>	<u>739 E 80th St</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
Print: <u>Bruce Williamson Jr.</u> Sign: <u>[Signature]</u>	<u>11636 S. Princeton</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
8. Print: <u>David Dizon</u> Sign: <u>[Signature]</u>	<u>4832 N. Calhoun</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
9. Print: <u>Shana Hoxner</u> Sign: <u>[Signature]</u>	<u>307 N. Michigan</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
10. Print: <u>Jerry Perry</u> Sign: <u>[Signature]</u>	<u>1628 W 18</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>

State of ILLINOIS)
County of Cook) SS.

C/o General Delivery
433. W. Harrison 2nd Floor

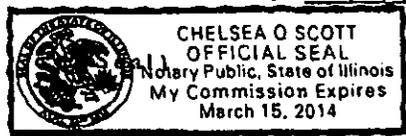
I, Rodney Cherizol, do hereby certify that I reside at _____ (Street Address)
in the City of Chicago, _____ (Zip Code)
(City / Village / Unincorporated Area) (If unincorporated list municipality that provides postal service)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol
(Name of Circulator)

[Signature]
(Signature of Circulator)

before me, on 6-11-10
(Date Notarized, month, day, year)



[Signature]
(Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

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Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	State
1. Print <u>Dan Harrison</u> Sign <u>[Signature]</u>	<u>2314 SHILOH DR</u>	<u>AREEDA, IL</u>	<u>WILL</u>	<u>IL</u>
2. Print <u>USA WOKER</u> Sign <u>[Signature]</u>	<u>5703 W. WATNPI</u>	<u>CHGO, IL</u>	<u>COOK</u>	<u>IL</u>
3. Print <u>Maria Lopez</u> Sign <u>[Signature]</u>	<u>9439 S. Walden Ln</u>	<u>CRETE, IL</u>	<u>WILL</u>	<u>IL</u>
4. Print <u>LISA HARRIS</u> Sign <u>[Signature]</u>	<u>PO BOX 2612</u>	<u>CHICAGO IL</u>	<u>COOK</u>	<u>IL</u>
5. Print <u>FELICIA KLUKARSKI</u> Sign <u>[Signature]</u>	<u>714 S. Scherbert</u>	<u>CHICAGO IL</u>	<u>COOK</u>	<u>IL</u>
6. Print <u>RIMONKA MAESTRI</u> Sign <u>[Signature]</u>	<u>16841 Louis Ct</u>	<u>S Holland IL</u>	<u>COOK</u>	<u>IL</u>
7. Print <u>LARRY PIGNON</u> Sign <u>[Signature]</u>	<u>6132 S. Cottage</u>	<u>CHICAGO IL</u>	<u>COOK</u>	<u>IL</u>
8. Print <u>Ann Juenhall</u> Sign <u>[Signature]</u>	<u>110 N Peoria St #201</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>
9. Print <u>ROBERT LAZO</u> Sign <u>[Signature]</u>	<u>10642 S. Avenue 'G'</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>
10. Print <u>Limericus Jaffold</u> Sign <u>[Signature]</u>	<u>6341 S. Carpenter</u>	<u>CHICAGO</u>	<u>COOK</u>	<u>IL</u>

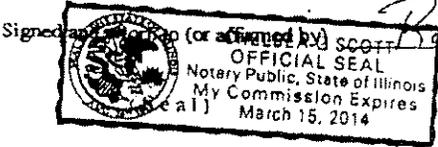
State of ILLINOIS)

County of Cook) SS.

I, Rodney Cherizol do hereby certify that I reside at c/o General Delivery
(Circulator's Printed Name) (Street Address)

in the City of Chicago 60699
(City/Village/Unincorporated Area) (If unincorporated, by municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.



Rodney Cherizol
(Name of Circulator)

[Signature]
(Signature of Circulator)

before me, on 6-11-10
(Date dictated - month, day, year)
[Signature]
(Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE STATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Li. Governor	8074 Old Highway 13, Murphysboro, IL 62968
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

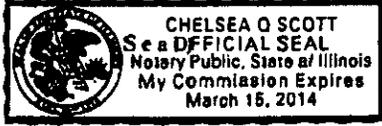
No.	Name	Street Address or RR Number	City, Town or Village	County	State
1.	Print: CALVIN A. NICHOLS Sign: Calvin Nichols	1528 267th	CHGO	COOK	IL
2.	Print: Beverly Kellum Sign: Beverly Kellum	16930 S Bell	CHGO	COOK	IL
3.	Print: A. W. K. Hood Sign: A. W. K. Hood	11912 S. Eggleston	CHGO	COOK	IL
4.	Print: STEVE WHEEL Sign: Steve Wheel	6911 S. May	CHGO	COOK	IL
5.	Print: THOMAS NIXON Sign: Tom Nixon	9101 S. Halsted	CHGO	COOK	IL
6.	Print: Bryan Mayfield Sign: Bryan Mayfield	6930 So. Woodlawn	Chicago	COOK	IL
7.	Print: Stanley Bailey Sign: Stanley Bailey	7127 Greenwood	CHGO	COOK	IL
8.	Print: Travis Smith Sign: Travis Smith	2238 W 71st	Chicago	COOK	IL
9.	Print: Lee Tucker Sign: Lee Tucker	15035 Normal	CHGO	COOK	IL
10.	Print: JESSICA BATHURST Sign: JESSICA BATHURST	19545 S. HARVARD	Chicago	COOK	IL

State of ILLINOIS)
County of COOK) SS.

I, Jacqueline Jackson do hereby certify that I reside at 16824 South Park
(Circulator's Printed Name) (Street Address)
in the Village of South Holland, 60473
(City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of COOK, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Jacqueline Jackson before me, on 6/11/10
(Name of Circulator) (Date Notarized - month, day, year)
Chelsea O. Scott
(Notary Public's Signature)



1534

SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

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Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Linderburg, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

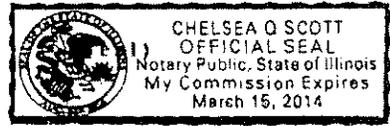
No.	Name	Street Address or RR Number	City, Town or Village	County	State
1.	Print: <u>Ruane Mench</u> Sign: <u>[Signature]</u>	1525 W. Augustin Blvd	Chicago	Cook	IL
2.	Print: <u>Shirley Jones</u> Sign: <u>[Signature]</u>	7906 Madison St	Chicago	Cook	IL
3.	Print: <u>ORIAN EVANS</u> Sign: <u>[Signature]</u>	2435 W 65th St #6029	Chicago	Cook	IL
4.	Print: <u>Ramona Patricia Ortiz</u> Sign: <u>[Signature]</u>	7414 N. Halsted	Chicago	COOK	IL
5.	Print: <u>Khundi Sverdrup</u> Sign: <u>[Signature]</u>	104 Presidio Ct # 407	Schaumburg	Cook	IL
6.	Print: <u>Joel F. Reul</u> Sign: <u>[Signature]</u>	259 Lenox Ln Mundelein, IL	Mundelein	Lake	IL
7.	Print: <u>[Signature]</u> Sign: <u>[Signature]</u>	4030 W. VanDure	Chgo	Cook	IL
8.	Print: <u>[Signature]</u> Sign: <u>[Signature]</u>	1357 W. 107th Pl	Chgo	Cook	IL
9.	Print: <u>LEVETT BELL</u> Sign: <u>[Signature]</u>	257 W. 107th Pl	Chicago	COOK	IL
10.	Print: <u>Katey Goff</u> Sign: <u>[Signature]</u>	2543 W 115th St	Chicago	Cook	IL

State of ILLINOIS)
County of Cook) SS. c/o General Delivery
433 W. Harrison 2nd floor

I, Rodney Cherizol, do hereby certify that I reside at (Street Address)
in the City of Chicago of Chicago, 60699
(City/Village/Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Rodney Cherizol before me, on 6/11/10
(Name of Circulator) (Date Now/Day, Month, Year)
[Signature] (Notary Public's Signature)



SHEET NO. 1535

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Traylor	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorrento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czorny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Street Address or RR Number City, Town or Village County

1. Print <u>Jessamine Onofre</u> Sign <u>Jessamine Onofre</u>	<u>429 W. Belden</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
2. Print <u>David Hart</u> Sign <u>David Hart</u>	<u>516 E Garfield</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
3. Print <u>RONALD L. WELZ</u> Sign <u>Ronald L. Welz</u>	<u>1325 MARquette</u>	<u>WHEATON</u>	<u>DU PAGE</u>	<u>IL</u>
4. Print <u>Irene Vega</u> Sign <u>Irene Vega</u>	<u>3839 N. Narragansett</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
5. Print <u>Laura Hoagy</u> Sign <u>Laura Hoagy</u>	<u>5838 W. Leno</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
6. Print <u>Silvia Thango</u> Sign <u>Silvia Thango</u>	<u>10 S Rosall</u> <u>St. Charles</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
7. Print <u>John Johnson</u> Sign <u>John Johnson</u>	<u>111 W 124th</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
8. Print <u>Billy Peavy</u> Sign <u>Billy Peavy</u>	<u>426 Clark</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
9. Print <u>Sharonda J. Barr</u> Sign <u>Sharonda J. Barr</u>	<u>616 E. 84th Pl.</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>
10. Print <u>Sarah Myers</u> Sign <u>Sarah Myers</u>	<u>2310 W. Huron #4</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>

State of ILLINOIS)

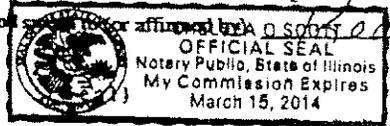
County of Cook) SS.

c/o General Delivery
433 W. Harrison 2nd Floor

I Rodney Cherizol do hereby certify that I reside at _____ (Street Address)

in the City of Chicago _____ (City / Village / Unincorporated Area) _____ (If unincorporated list municipality that provides postal service) 60699 (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and attested before me on _____

Rodney Cherizol
 (Name of Circulator)

Rodney Cherizol
 (Signature of Circulator)
 before me, on 6-11-10
John D. Smith
 (Notary Public's Signature)

1551

SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Traxler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louise Cotton	Attorney General	1279 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	State
1. Print <u>Brandon McGill</u> Sign <u>Brandon McGill</u>	2924 E 91st St	Chicago IL	Cook	IL
2. Print <u>Michael Kozol</u> Sign <u>Michael Kozol</u>	7224 W. Fitch Ave	Chicago	Cook	IL
3. Print <u>Beverly Smith</u> Sign <u>Beverly Smith</u>	19351 Chestnut	Country Club Hills	COOK	IL
4. Print <u>Charles Bendell</u> Sign <u>Charles Bendell</u>	11713 S Throp St	Chicago	Cook	IL
5. Print <u>NATHAN HUPPES</u> Sign <u>Nathan Hupes</u>	5057 N. Northwest Hwy	Chicago	COOK	IL
6. Print <u>Jonathan Aron</u> Sign <u>Jonathan Aron</u>	175 W JACKSON	Chicago	COOK	IL
7. Print <u>Jill Hewitt</u> Sign <u>Jill Hewitt</u>	8809 W 107th St	Palos Hills	COOK	IL
8. Print <u>Rick Lambert</u> Sign <u>Rick Lambert</u>	3020 Hill St.	EVANSTON	USA Cook	IL
9. Print <u>Paul E. Sistrup</u> Sign <u>Paul E. Sistrup</u>	1473 N. Greenwood	Chicago	COOK	IL
10. Print <u>John Kaminhardt</u> Sign <u>John Kaminhardt</u>	1477 N. C. Levee	Chicago	Cook	IL

State of ILLINOIS)
 County of Cook) SS. c/o General Delivery
433 W. Harrison 2nd Floor

I, Radney Cherizol, do hereby certify that I reside at 433 W. Harrison 2nd Floor
(Circulator's Printed Name) (Street Address)
 in the City of Chicago, 60699
(City / Village / Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petition; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

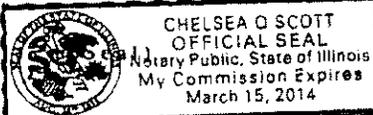
Signed and sworn to (or affirmed by) Radney Cherizol before me, on 6-11-10
(Name of Circulator) (Date Signed month, day, year)
 Chelsea O. Scott
(Notary Public's Signature)

EXHIBIT B

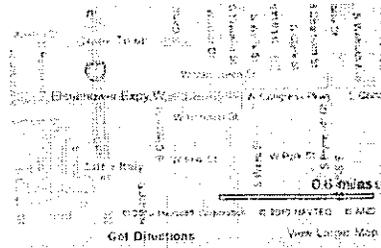


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Categories (1)

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Hours of Operation
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- Bulk Mailings
- Business Accounts
- Certificates
- Direct Marketing
- Direct Mail
- Envelopes
- Federal Government
- Fulfillment
- Greeting Cards
- Handling
- Heating
- Mail Delivery
- Mail Forwarding
- Mail Processing
- Mail Return
- Mailing Supplies
- Marketing
- Mailing
- Office Supplies
- Package Insurance
- Package Services
- Postage stamps
- Postage stamps
- Postcards
- Returns
- Screening
- Signs & Postcards
- Special Deliveries
- Tracking & Reporting
- Tubes

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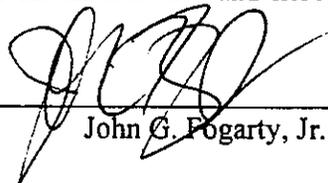
**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.) **10 SOEB GE 570**
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

To: Kelly McCloskey Churf, by email to kmc@hmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

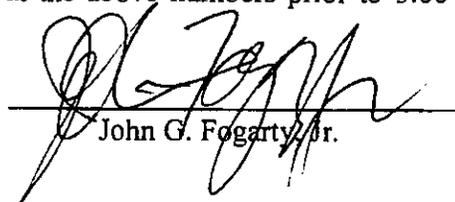
Please take notice that on August 4, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Motion for Summary Judgment as to Petition Sheets Circulated By Rodney Cherizol, a copy of which is attached hereto and herewith served upon you.



John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above numbers prior to 5:00 p.m. on August 4, 2010.



John G. Fogarty, Jr.

Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

**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**

Andrew Heffernan and)	
Steve Nekic,)	
Petitioner-Objectors,)	
)	
vs.	)	10 SOEB GE 570
)	
The Constitution Party as a)	
purported new political party in)	
the State of Illinois; et al.)	
)	
Respondent-Candidates.)	

**OBJECTORS' MOTION FOR SUMMARY JUDGMENT AS TO
UNNUMBERED PETITION SHEETS**

Now comes Andrew Heffernan and Steve Nekic (hereinafter referred to as the "Objectors"), and for their Motion for Summary Judgment as to the unnumbered nominating petition pages submitted by the Candidates herein, state as follows:

1. The Candidates herein have submitted nominating petitions in an effort to form a new political party in the State of Illinois, the Constitution Party. The Candidates have also, by their nominating petitions, offered themselves as a slate of Candidates for the Constitution Party, and seek to appear on the ballot statewide at the November 2, 2010 General Election.

2. Certain of those petition sheets have obvious, manifest defects, as alleged in the Objectors' Petition. For example, certain of the nominating petitions are not numbered, as alleged in Paragraph 20 of the Objectors' Petition. The petitions pages suffering from this defect are found between petition pages 288 and 289; 295 and 296; 398 and 399; 451 and 452; 3299 and 3300; 3444 and 3445. Said petition sheets purport to contain a total of 60 signatures. True and correct copies of the unnumbered petition sheets are attached hereto as Exhibit A.

3. The Election Code requires that, before a candidate's name may be placed on the ballot, his or her nominating petition pages must be submitted in accordance with the Election Code and those petition pages "shall be numbered consecutively." 10 ILCS 5/10-4. Moreover, Section 10-4 imposes a penalty for noncompliance, in that "[n]o signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." 10 ILCS 5/10-4.

4. The requirement that petition pages be numbered consecutively is a mandatory requirement of the Election Code. *Hagen v. Stone*, 277 Ill.App.3d 388, 660 N.E.2d 189 (1st Dist. 1995); *Wollan v. Jacoby*, 274 Ill.App.3d 388, 653 N.E.2d 1303 (1st Dist. 1995). Failure to satisfy a mandatory requirement of the Election Code justifies the invalidation of a candidate's petitions and removal from the ballot. *Jones v. Dodendorf*, 190 Ill.App.3d 557, 546 N.E.2d 92 (2nd Dist. 1989); *El-Aboudi v. Thompson*, 293 Ill.App.3d 191, 687 N.E.2d 1166 (2nd Dist. 1997). See also *Knobeloch v. Electoral Board of Granite City*, 337 Ill.App.3d 1137, 788 N.E.2d 130 (5th Dist. 2003)(invalidation of improperly notarized sheets was appropriate even for innocent noncompliance with mandatory requirements of Section 10-4).

5. The reason for demanding strict compliance with the page numbering requirement is that 1) the consecutive numbering requirement aids in the identification and description of each petition, and 2) the consecutive numbering requirement prevents tampering, thereby preserving the integrity of the election process. *Jones*, 190 Ill.App.3d at 562; *Nader v. Illinois State Board of Elections*, 819 N.E.2d 1148 (1st Dist. 2004).

6. Here, the Candidates have submitted six wholly unnumbered petition sheets, frustrating the ability of the Objectors and the State Board to adequately identify, describe and quantify the information contained on those petition sheets. Further, the failure to number those

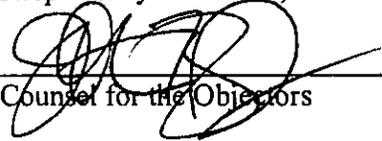
sheets implicates that integrity of the election process in that it is impossible to discern absolutely how and when those sheets may have been presented to the State Board.

7. The Candidates' failure to comply with the mandatory requirements of Section 10-4 of the Election Code could justify invalidation of the entire petition set. At a minimum, though, because the Candidates have completely omitted a statutory requirement on each of the unnumbered pages, each of those particular pages should be invalidated, and no signatures contained on those pages counted in favor of the Candidates.

8. Because there exists no genuine issue of material fact as to the unnumbered petition pages submitted by the Candidates, and the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the unnumbered petition sheets is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the unnumbered petition pages submitted by the Candidates be granted, that the aforesaid petition sheets be therefore stricken, and that no signature from any of such sheets be counted in favor of the Candidates herein.

Respectfully submitted,



Counsel for the Objectors

John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647 (phone)
(773) 680-4962 (cell)
(773) 681-7147 (fax)
fogartyjr@gmail.com

Brien Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126
(630) 728-4641 (phone)
(866) 796-5676 (fax)
bsheahan@sheahanlaw.com

EXHIBIT A

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Address	City	State	Zip
1. Print: <u>Kathryn Waggoner</u> Sign: <u>Kathryn Waggoner</u>	<u>99 Guinzu Hill</u>	<u>Collinsville IL</u>	<u>Madison</u>	<u>IL</u>
2. Print: <u>Leslie S. Waggoner</u> Sign: <u>Leslie S. Waggoner</u>	<u>99 Guinzu Hill</u>	<u>Collinsville IL</u>	<u>Madison</u>	<u>IL</u>
3. Print: <u>MARIS PORTER</u> Sign: <u>Maris Porter</u>	<u>700 N MARKET</u>	<u>GRAFTON</u>	<u>NEW JERSEY</u>	<u>IL</u>
4. Print: <u>Lorrie Laughlin</u> Sign: <u>Lorrie Laughlin</u>	<u>1810 Liberty St</u>	<u>Alton</u>	<u>Madison</u>	<u>IL</u>
5. Print: <u>Travis Huff</u> Sign: <u>Travis Huff</u>	<u>1047 K-11th Rd</u>	<u>Marysville</u>	<u>SC. #</u>	<u>IL</u>
6. Print: <u>Amanda Miller</u> Sign: <u>Amanda Miller</u>	<u>800 S Washington</u>	<u>Lexington</u>	<u>NEW JERSEY</u>	<u>IL</u>
7. Print: <u>Theresa Hammon</u> Sign: <u>Theresa Hammon</u>	<u>119 Greenbrier</u>	<u>Bethalto</u>	<u>Madison</u>	<u>IL</u>
8. Print: <u>JANE CARROLL</u> Sign: <u>Jane Carroll</u>	<u>306 N Hillman</u>	<u>Hennsville</u>	<u>NEW JERSEY</u>	<u>IL</u>
9. Print: <u>Pat Wynn</u> Sign: <u>Pat Wynn</u>	<u>PITTSFIELD</u>	<u>3109310</u>	<u>PIKE</u>	<u>IL</u>
10. Print: <u>Soudka Lohide</u> Sign: <u>Soudka Lohide</u>	<u>Springfield</u>	<u>62035</u>	<u>Madison</u>	<u>IL</u>

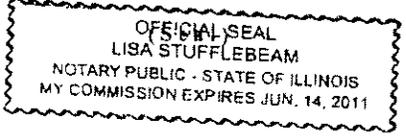
State of ILLINOIS)
) SS.
 County of ST. CLAIR)

I, Marshall Swing, do hereby certify that I reside at 315 Salem St. in the City of Mascoutah, 62258, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (Or affirmed by) Marshall Swing
 (Name of Circulator)

Marshall Swing
 (Signature of Circulator)
 before me, on 6-18-10
 (Date Notarized - month, day, year)

Lisa Stufflebeam
 (Notary Public's Signature)



SHEET NO. 0288

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
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Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Durlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60048
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. Richard Williams	878 N. Sleight	Naperville	DuPage	IL
2. Trevor Williams	1004 West Montgomery Ave.	St. Charles	DuPage	IL
3. Autumn Cunningham	1049 Sheridan circle	Naperville	DuPage	IL
4. Patricia Cunningham	1049 Sheridan circle	Naperville	DuPage	IL
5. Sherry Peltz	545 Oak Ave.	Aurora	Kane	IL
6. Dale Jones	509 Aurora Ave	Naperville	DuPage	IL
7. MARY BAYER	4450 WOODWARD	Downers Gr.	DuPage	IL
8. Mike Muckenheide	1532 Chippewa Dr	Naperville	DuPage	IL
9. Lynn Muckenheide	1532 Chippewa	Naperville	DuPage	IL
10. Robin Longbars	1305 W Jefferson Ave	Naperville	DuPage	IL

State of ILLINOIS)
 County of Will) SS.

I, Ann Whitcomb, do hereby certify that I reside at 107 Chennabon St
(Circulator's Printed Name) (Street Address)
 in the Village of Shorewood, 60404
(City/Village/Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Will, State of Ill; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Ann M Whitcomb before me on June 14, 2010
(Name of Circulator) (Date Written - month, day, year)
Susan Shannon
(Notary Public's Signature)



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE STATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. <u>SERGE G. ROLESKE</u>	<u>314 5th St</u> <u>Aurora, IL 60505</u>	<u>Aurora</u>	<u>KANE</u>	<u>IL</u>
2. <u>CAROL MANUW</u> <u>Carol Manuwa</u>	<u>1602 MANHATTAN</u> <u>Bolingbrook, IL 60440</u>	<u>Bolingbrook</u>	<u>WILL</u>	<u>IL</u>
3. <u>Stephanie Walker</u> <u>SN CO</u>	<u>25110 W. Mary Lane</u> <u>Plainfield, IL 60559</u>	<u>Plainfield</u>	<u>WILL</u>	<u>IL</u>
4. <u>ALLEN PINNELLO</u> <u>Mr. F. Pinello</u>	<u>185 BRAVER CREEK DR</u> <u>Bolingbrook, IL 60440</u>	<u>Bolingbrook</u>	<u>WILL</u>	<u>IL</u>
5. <u>BILL SIBBERT</u> <u>Bill Sibbert</u>	<u>15180 SPRING LN</u> <u>OAK FOREST, IL 60452</u>	<u>OAK FOREST</u>	<u>COOK</u>	<u>IL</u>
6. <u>Shelley Fox</u> <u>Shelley Fox</u>	<u>7340 W 107th St</u>	<u>WORTH</u>	<u>COOK</u>	<u>IL</u>
7. <u>RITA DUNBAR</u> <u>Rita Dunbar</u>	<u>220441 TAMARACK DR</u> <u>Glen Ellyn, IL 60137</u>	<u>Glen Ellyn</u>	<u>DuPage</u>	<u>IL</u>
8. <u>RUSSEL E. MILLER</u> <u>Russell Miller</u>	<u>7645 MASON</u> <u>Burbank, IL 60459</u>	<u>Burbank</u>	<u>COOK</u>	<u>IL</u>
9. <u>Bill Meyer</u> <u>Bill Meyer</u>	<u>834 S. CANTON</u> <u>LAYMAN, IL 60525</u>	<u>La Grange</u>	<u>COOK</u>	<u>IL</u>
10. <u>Veresa McClelland</u> <u>Veresa McClelland</u>	<u>33000 SEOLA</u> <u>Chicago, IL 60630</u>	<u>Chicago</u>	<u>COOK</u>	<u>IL</u>

State of ILLINOIS

County of Will) SS.

I, Hann Whitcomb, do hereby certify that I reside at 107 Chennahan St

in the Shorewood Village of Shorewood, 60404

County of Will, State of Ill; that I am 18 years of age or older; that I am a citizen of the

United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Hann Whitcomb before me, on July 4, 2010

OFFICIAL SEAL
SUSAN SHANNON
Notary Public - State of Illinois
My Commission Expires May 11, 2011

SHEET NO. 0289

Hann Whitcomb
(Signature of Circulator)
Diana D...
(Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. <u>Christine Luccas</u> Sign <u>Christine Luccas</u>	6219 W 45 th LOT 194	JANESVILLE WI	WI	IL
2. <u>David Ashby Plotz</u> Sign <u>David Ashby Plotz</u>	7902 Westlake Street	Rockford	Win	IL
3. <u>Joel Maderico</u> Sign <u>Joel Maderico</u>	56406 Daphne	Elberonville	FL	IL
4. <u>Tom Tilton</u> Sign <u>Tom Tilton</u>	6526 GARDVIEW DR	TINLEY PARK	COOK	IL
5. <u>TOM ZORDANI</u> Sign <u>TOM ZORDANI</u>	16946 SHANNON	TINLEY PARK	COOK	IL
6. <u>Russell R. Worland</u> Sign <u>Russell R. Worland</u>	3304 Old Castle Rd.	Joliet IL 60431	Will	IL
7. <u>Michael Bendickson</u> Sign <u>Michael Bendickson</u>	1408 Blackhawk Blvd Apt 8	So Beloit, Win	WINNEBAGO	IL
8. <u>Adrian Parker</u> Sign <u>Adrian Parker</u>	5612 S NASHVILLE	CHICAGO	COOK	IL
9. <u>Alex Davis</u> Sign <u>Alex Davis</u>	54 Congress Dr.	Bolingbrook	Will	IL
10. <u>Dawn Thomas</u> Sign <u>Dawn Thomas</u>	5537 Woodview Way	Rockford	WINNEBAGO	IL

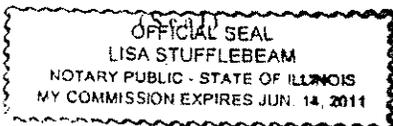
State of ILLINOIS)
) SS.
 County of ST. CLAIR)

I, Randall C. Stufflebeam, do hereby certify that I reside at 304 Lincolnshire Blvd in the City of Belleville, 62221, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Randy Stufflebeam
 (Name of Circulator)

before me, on 6-19-10
 (Date Notarized - month day year)

Randy Stufflebeam
 (Notary Public's Signature)



SHEET NO. 0295

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Print & Sign your Name	Street Address or RR Number	City Town or Village	County	
1. Dan Herbeck	1525 W. Argyle	Chicago	COOK	IL
2. Kristin Harper	875 19th St	Chicago	COOK	IL
3. Letitia Wright	10217 Chicago	Chicago	COOK	IL
4. Luis Felipe	4527 N. Christiana	Chicago	COOK	IL
5. B. Curry	1110 W. Pinedview Ct	DECATUR	MACON	IL
6. Madama Setu	5844 N. MANKHAM AVE.	CHICAGO	COOK	IL
7. William Brown	7130 E. Chycount	CHGO	COOK	IL
8. Walter T. Barnes Jr.	3550 P. Lakeshore Dr	CHICAGO	COOK	IL
9. Matthew T. Adams	7226 SOUTH 91ST ST	Chicago	COOK	IL
10. Jennifer Adams	1003 N Vanburien	Sullivan	Moultrie	IL

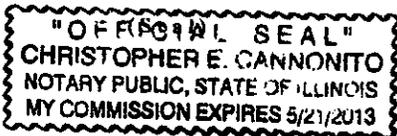
State of ILLINOIS)
 County of Cook) SS.

I, Tim Becker, do hereby certify that I reside at 1247 Oakmont Ave.
(Circulator's Printed Name) (Street Address)
 in the Village of Flossmoor, 60422
(City, Village, or unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Tim Becker before me, on 6-14-10
(Name of Circulator) (Date Signed - month, day, year)

(County Public's Signature)



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Robert M. Fopp Sign Robert M. Fopp	2302 Maplewood Drive	Pekin, IL	Tazewell	IL
Steven King Sign Steven King				IL
2. Michelle Wells Sign Michelle Wells	546 Wildwood Dr.	Broadland, IL	Tazewell	IL
3. John Thompson Sign John Thompson	108 E Garden Rd	Garden, IL	McCain	IL
4. Kevin O'Shaughnessy Sign Kevin O'Shaughnessy	1509 S 18th	Pekin	Tazewell	IL
5. Debbie Park Road Sign Debbie Park Road	7267 S. Oldfield Rd	Marengo	Tazewell	IL
6. Connie Betson Sign Connie Betson	1525 Baden St	Pekin	Tazewell	IL
7. Andy Beechan Sign Andy Beechan	113 S. Sampson	Tremont	Tazewell	IL
8. Linda Beechan Sign Linda Beechan	608 Hancock	TREMONT	Tazewell	IL
9. Gandy Shores Sign Gandy Shores				IL

State of ILLINOIS)
County of St. Clair) SS.

I, Randall C. Stufflebeam, do hereby certify that I reside at 304 Lincolnshire Blvd in the City of Belleville, 62221, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Randall C. Stufflebeam before me, on 6-13-10
(Name of Circulator) (Date Notarized - month, day, year)

Lisa Stufflebeam
(Notary Public Signature)



SHEET NO. 0296

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

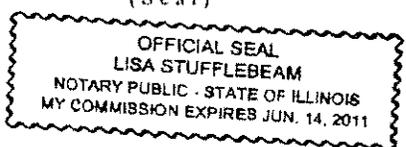
Name	Street Address or RR Number	City, Town or Village	County
1. Tina Firth Sign Tina Firth	206 Cardinal	Woodlawn	Jefferson
2. Dusty L. Colp Sign Dusty L. Colp	417 Chathamville Rd	Herrin	WILKINSON
3. Peggy C. Cole Sign Peggy Cole	2708 N 17 St	Herrin	WILLIAMS
4. HAROLD COOPER Sign Harold S. Cooper	9940 PWAY RD.	PLAINFIELD, IL.	WILLIAMSON
5. SHARON SHADOWEN Sign Sharon Shadowen	8739 DUKEWAY RD	PLAINFIELD	WILLIAMSON
6. Addie Emberton Sign Addie Emberton	2109 Forest	Eldorado	Saline
7. Angela Meyers Sign Angela Meyers	2353 Pickle City Rd	Benton	Franklin
8. Patsy Taylor Sign Patsy Taylor	1709 Tee Lane	Centerville	Marion
9. LEONARD R. W. WALKER Sign Leonard R. Walker	64 Hwy 37	W. Frankfort	FRANKLIN
10. TANA WELLS Sign Tana Wells	104 Hwy 37	W. Frankfort,	FRANKLIN

State of ILLINOIS)
) SS.
 County of ST. CLAIR)

I, Randall C. Stufflebeam, do hereby certify that I reside at 304 Lincolnshire Blvd in the City of Belleville, 62221, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Randall C Stufflebeam before me, on 5-30-10
(Name of Circulator) (Date Notarized - month, day, year)

Lisa Stufflebeam
(Notary Public Signature)



SHEET NO! 0393

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE STATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	LI. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czorny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. Print <u>KEVIN G. DANKA</u> Sign <u>[Signature]</u>	642 DAVID ST	Lake in the Hills	McHenry	IL
2. Print <u>CHRISTINE DECKER</u> Sign <u>[Signature]</u>	642 DAVID ST	Lake in the Hills	McHenry	IL
3. Print <u>EDWARD J. BRENNAN</u> Sign <u>[Signature]</u>	1423 WINDSOR	CARPENTERSVILLE	KANE	IL
4. Print <u>EDWARD J. BRENNAN</u> Sign <u>[Signature]</u>	1423 WINDSOR	CARPENTERSVILLE	KANE	IL
5. Print <u>KEVIN RYNDEN</u> Sign <u>[Signature]</u>	523 VIEW	WINDSOR	KANE	IL
6. Print <u>TOM MIKULOV</u> Sign <u>[Signature]</u>	105 BROOK ST	CARPENTERSVILLE	KANE	IL
7. Print <u>KATHY WASNER</u> Sign <u>[Signature]</u>	1098 VIEW POINT	Lake in the Hills	McHenry	IL
8. Print <u>JULIE SATTIPANI</u> Sign <u>[Signature]</u>	3203 1st St.	Algonquin	McHenry	IL
9. Print <u>MARY E DELONG</u> Sign <u>[Signature]</u>	925 ROSE WOOD DR	CARPENTERSVILLE	KANE	IL
10. Print <u>NORMAN J. THOMAS</u> Sign <u>[Signature]</u>	101 KING AVE	E Dundee	KANE	IL

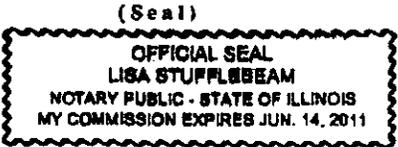
State of ILLINOIS)
County of St Clair) SS.

I, Gary L. Dunlap, do hereby certify that I reside at 4780 Calvert Dr., D2
(Circulator's Printed Name) (Street Address)
in the City of Rolling Meadows, 60008
(City/Village/Unincorporated Area) (if unincorporated, list municipality that provides postal service) (Zip Code)

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Gary L. Dunlap before me, on 6-13-10
(Name of Circulator) (Date Notarized - month, day, year)

[Signature]
(Signature of Circulator)
[Signature]
(Notary Public's Signature)



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

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Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorrento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

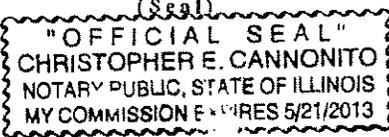
1. Print: JOANNE P. DRONG Sign: Joanne P. Drong	13740 DIXON WAY DE LEMONT	LEMONT	COOK	IL
2. Print: RICHARD DRONG Sign: Richard Drong	13740 DIXON WAY DIX. LEMONT	LEMONT	COOK	IL
3. Print: [unclear] Sign: [unclear]	134 [unclear] [unclear]	[unclear]	LAKE	IL
4. Print: MELANI PATHYIL Sign: [unclear]	525 WARWICK RD PALATINE IL 60074	PALATINE	COOK	IL
5. Print: TAMIA JOHNSON Sign: Tamia Johnson	145 FOREST PARK LN HOFFMAN ESTATES IL	HOFFMAN ESTATES	COOK	IL
6. Print: MARTIN MCCANN Sign: Martin McCann	251 MILLERS CROSSING ITASCA, IL 60143	ITASCA	COOK	IL
7. Print: Jhanna Shah Sign: Jhanna Shah	1809 Morgan Circle Naperville, IL 60565	Naperville	DUPAGE	IL
8. Print: Anthony Santos Sign: Anthony Santos	3720 W. Rutherford Ave Chicago IL 60634	Chicago	COOK	IL
9. Print: AGNES MACIEJAK Sign: Agnes Maciejak	2700 Brookwood Way #208	ROLLING MEADOWS	COOK	IL
10. Print: Lisa Drong Sign: Lisa Drong	15047 S. Hillside Dr Lockport IL	Lockport	WILL	IL

State of ILLINOIS
County of Will) SS.

I, Glenn Drong, do hereby certify that I reside at 15047 S. Hillside Dr.
(Circulator's Printed Name) (Street Address)
in the City of Lockport, 60441
(City/Village/Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)

County of Will, State of Illinois; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Glenn Drong before me, on 6-14-10
(Name of Circulator) (Date Notarized - month, day, year)



SHEET NO. 0399

[Signature]
(Signature of Circulator)
[Signature]
(Notary Public's Signature)

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

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Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. LINDSAY N. GARRETT Sign: <i>Lindsay Garrett</i>	1715 PAGE AVE	BELEVILLE	ST. CLAIR	IL
2. <i>Carla Harman</i> Sign: <i>Carla Harman</i>	1715 PAGE AVE	ALTON	MADISON	IL
3. <i>Ashley Daniels</i> Sign: <i>Ashley Daniels</i>	5 FOXMOOR DR.	MARYVILLE	MADISON	IL
4. <i>Jim Batta</i> Sign: <i>Jim Batta</i>	135 WILKIN DR	BELLEVIEW	ST CLAIR	IL
5. <i>James Smith</i> Sign: <i>James Smith</i>	106 SOUTH 18TH	BELLEVILLE	ST CLAIR	IL
6. <i>Shelene Creason</i> Sign: <i>Shelene Creason</i>	106 S 18	BELLEVIEW	ST CLAIR	IL
7. <i>Ruby J. Meersse</i> Sign: <i>Ruby J. Meersse</i>	409 HUNTERS GLEN	BELLEVIEW	ST CLAIR	IL
8. <i>MARK YUNG</i> Sign: <i>Mark Yung</i>	3729 RHODES LUDG	BELLEVILLE	ST CLAIR	IL
9. <i>Debra Ann Deel</i> Sign: <i>Debra Ann Deel</i>	1815 BELMAR	CATAWBA, IL	ST CLAIR	IL
10. <i>Kimberly</i> Sign: <i>Kimberly</i>	304 SCINION ST	W. MANTON	ST CLAIR	IL

State of ILLINOIS)
County of ST. CLAIR) SS.

I, Marshall Swing, do hereby certify that I reside at 315 Salem St., in the City of Mascoutah, 62258, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Marshall Swing before me, on 6-18-10
Lisa Stufflebeam



SHEET NO. 0451

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

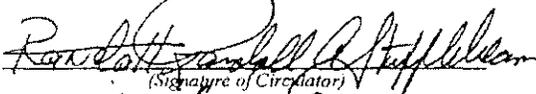
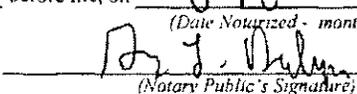
NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

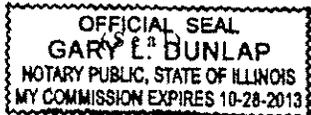
Name	Address	City	State
1. Print: Sue Strucka Sign: Susan S. Strucka	650 S. Park Rd #512	Des Plaines	IL
2. Print: R. Nelson Sign: R. Nelson	369 ANTHONY RD	AURORA	IL
3. Print: LISA ACOSTA Sign: Lisa Acosta	699 Washington	Crystal Lake	IL
4. Print: Elliott Rowe Sign: Elliott Rowe	249 N. Dunton Ave.	Arlington Hts.	IL
5. Print: Stephanie Pichis Sign: Stephanie Pichis	77 N. Ashburn Ave.	Bolingbrook	IL
6. Print: DAVID F. FILLIE Sign: David F. Fillie	1515 WILCOX, FR 2	EVANSTON	IL
7. Print: Alicia Smith Sign: Alicia Smith	601 E Prospect	Mt Prospect	IL
8. Print: Bob Lukers Sign: Bob Lukers	1805 Wistaria	Mt Prospect	IL
9. Print: Terry La Barbera Sign: Terrance La Barbera	1611 Linden St	Des Plaines	IL
10. Print: Luis Ramirez Sign: Luis Ramirez	1404 Dixie Ct 202	Schaumburg	IL

State of ILLINOIS)
County of Cook) ss.

I, **Randall C. Stufflebeam**, do hereby certify that I reside at **304 Lincolnshire Blvd** in the **City of Belleville, 62221**, County of **St. Clair**, State of **IL**; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between **March 23, 2010** and **June 21, 2010**; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Randall C. Stufflebeam before me, on 6-10-2010
(Name of Circulator) (Date Notarized - month, day, year)


(Signature of Circulator)

(Notary Public's Signature)



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Coitton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Rhonda Ac. Lillard Rhonda Ac. Lillard	700 S. Lewis Lane #1150	Carbondale	Jackson	IL
2. Christina Hale Christina Hale	2601 W. 13th ST	Herrin	Williamson	IL
3. Robert Harris R Harris	220 Kane Drive	Herrin	Williamson	IL
4. Norma Simis Norma Simis	12338 Pease Rd	MARION	WILLIAMSON	IL
5. Mogene Harris Mogene Harris	220 Kane Dr	Herrin	Williamson	IL
6. Elizabeth Jones Elizabeth Jones	1809 Jessica Ln.	Herrin	Williamson	IL
7. Pauline Spitzer Pauline Spitzer	1704 N. 12th St	Herrin	Williamson	IL
8. Laura Jackson Laura Jackson	180 Jackson Ln.	Energy	Williamson	IL
9. Florence Craig Florence Craig	764 Florence St	Herrin	Williamson	IL
10. Stan Curtis Stan Curtis	1221 W. Adams	Herrin	Williamson	IL

State of ILLINOIS)

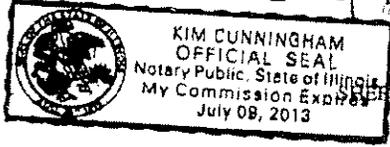
County of Massac) SS.

I, Stephen Russell, do hereby certify that I reside at 3634 Corson Lane

in the City of Metropolis, 62960.

County of Massac, State of ILLINOIS; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Stephen Russell before me, on June 14, 2010



0452

[Signature]
Notary Public's Signature

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

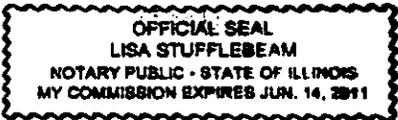
NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stuffelbeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. <i>ANGELA R. LUBY</i> <small>Sign</small> <i>Angela R. Luby</i>	37 CORAL DRIVE	BELLEVILLE, IL.	ST. CLAIR	IL
2. <i>Dianna Wilson</i> <small>Sign</small> <i>Dianna Wilson</i>	136 Arabelle Dr.	Belleville IL	St. Clair	IL
3. <i>MARGARET MEYER</i> <small>Sign</small> <i>Marge Meyer</i>	2 Butt <i>Butt</i>	Belleville, IL	St. Clair	IL
4. <i>JANET HEITZE</i> <small>Sign</small> <i>Janet Heitze</i>	2609 Madison <i>Madison</i>	Belleville	St. Clair	IL
5. <i>CAROL YEASIAN</i> <small>Sign</small> <i>Carol Yeasian</i>	850 Autumn Rice Lane	Columbia	St. Clair	IL
6. <i>Shane Yearian</i> <small>Sign</small> <i>Shane Yearian</i>	852 Autumn Rice Lane	Columbia	St. Clair	IL
7. <i>Elizabeth Kohlmeier</i> <small>Sign</small> <i>Elizabeth Kohlmeier</i>	1329 NRT. 3	Waterloo, IL.	Monroe	IL
8. <i>Beth Thomas</i> <small>Sign</small> <i>Beth Thomas</i>	616 Sundance Trail	Tracy	Madison	IL
9. <i>HARRY KINGSTON</i> <small>Sign</small> <i>Harry Kingston</i>	133 Joseph Dr	Fairview Hts	ST. CLAIR	IL
10. <i>CAROL KINGSTON</i> <small>Sign</small> <i>Carol Kingston</i>	133 JOSEPH DR	FAIRVIEW HTS	ST CLAIR	IL

State of ILLINOIS)
County of ST. CLAIR) SS.

I, Marshall Swing, do hereby certify that I reside at 315 Salem St. in the City of Mascoutah, 62258, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Marshall Swing before me, on 6-18-10
Lisa Stuffelbeam



SHEET NO. 3441

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
1. Brian L. Schreuth Sign <i>Brian Schreuth</i>	1500 Foster Dr.	Belleville	ST. CLAIR	IL
2. Michael Kelly Sign <i>M Kelly</i>	209 Highland Dr.	Belleville	St. Clair	IL
3. Morgan Cavins Sign <i>Morgan Cavins</i>	1116 Micheals Rd	Oroville IL	Johnson county	IL
4. Jamie Smith Sign <i>Jamie Smith</i>	PO Box 544	Herrin IL	Williamson	IL
5. Kevin Kelly Sign <i>Kevin Kelly</i>	603 North Highway	West Frankfort	Franklin	IL
6. Nolan Hancock Sign <i>Nolan Hancock</i>	603 west 18th Ave.	Joneston City	Williamson	IL
7. Ashley Smith Sign <i>Ashley Smith</i>	1251 old Frankfort Rd.	Marion	Williamson	IL
8. Thomas Newell Sign <i>Thomas Newell</i>	1170 Birch St.	Pulaski IL	Pulaski	IL
9. Jonathan Gille Jr Sign <i>Jonathan Gille Jr</i>	512 N 12 St	Herrin	Williamson	IL
10. John Rosenblatt Sign <i>John Rosenblatt</i>	610 S Russell Apt A	Marion	Villages	IL

State of ILLINOIS)
County of ST. CLAIR) SS.

I, Marshall Swing, do hereby certify that I reside at 315 Salem St. in the City of Mascoutah, 62258, County of St. Clair, State of IL; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Marshall Swing before me, on 6-18-10
Lisa Stufflebeam



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

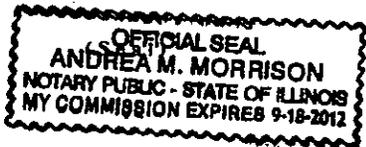
A COMPLETE SLATE IS HEREBY PRESENTED

NAME	OFFICE	ADDRESS - ZIP CODE
Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print <u>Jacob Ziak</u> Sign <u>[Signature]</u>	<u>237 W. Birch St</u>	<u>Carton</u>	<u>Fulton</u>	IL
2. Print <u>Michelle S. [Signature]</u> Sign <u>[Signature]</u>	<u>174723 Duncan Mill</u>	<u>Lewisboro</u>	<u>Fulton</u>	IL
Print <u>Nancy [Signature]</u> Sign <u>[Signature]</u>	<u>3016 Morris St</u>	<u>Morton</u>	<u>Tazewell</u>	IL
Print <u>[Signature]</u> Sign <u>[Signature]</u>			<u>Tazewell</u>	IL
Print <u>[Signature]</u> Sign <u>[Signature]</u>		<u>HANNA CITY</u>	<u>PEORIA</u>	IL
6. Print Sign				IL
7. Print Sign				IL
8. Print Sign				IL
9. Print Sign				IL
10. Print Sign				IL

State of ILLINOIS)
 County of Fulton) SS.
 I, Russell Duty, do hereby certify that I reside at 8186 Calico Ct.
(Circulator's Printed Name) (Street Address)
 in the City of DANBURY, 48423
(City, Village, Unincorporated Area) (If unincorporated, list municipality that provides postal service) (Zip Code)
 County of FRANKFORD, State of MA; that I am 18 years of age or older; that I am a citizen of the United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Russell Duty before me, on 6/15/10
(Name of Circulator) (Date Notarized - month, day, year)



SHEET NO. 3445

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

A COMPLETE SLATE IS HEREBY PRESENTED

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Michael L. White	Governor	208 Thrush Cr., Lindenhurst, IL 60046
Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czarny	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

No.	Name	Street Address or RR Number	City, Town or Village	County	State
1.	Print: Jonathan Heller Sign: Jonathan Heller	5127 W. Arsdale St	Chicago	Cook	IL
2.	Print: Kimberly Washington Sign: Kimberly Washington	4630 W. West End Ave	Chicago	Cook	IL
3.	Print: Todd Kemp Sign: Todd Kemp	1038 Brooks Dr Deer Creek	Deerfield	Lake	IL
4.	Print: Steve Fish Sign: Steve Fish	4145 N. Springfield Chicago, IL 60618	Chicago	Cook	IL
5.	Print: Renee Grischner Sign: Renee Grischner	1446 W Lexington	Chicago	Cook	IL
6.	Print: Emily Filippetti Sign: Emily Filippetti	5006 Brummel	Skokie	Cook	IL
7.	Print: Young Ransome Sign: Young Ransome	9207 Blue Park Rd	Morton	Cook	IL
8.	Print: Irene Gorbunov Sign: I. GOR	602 Dunstan Cir North	Northbrook	Cook	IL
9.	Print: A.I. SHEIKH Sign: A.I. SHEIKH	8719 N. Lockwood	Skokie	Cook	IL
10.	Print: Bob's Keenan Sign: Bob's Keenan	500 Maranda Ln	Wheeling	Cook	IL

State of ILLINOIS

County of St. Clair) SS.

I, Gary L. Dunlap, do hereby certify that I reside at 4780 Calvert Dr., D2

in the City of Rolling Meadows, 60008

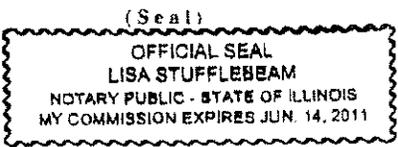
County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the

United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Gary L. Dunlap before me, on 6-13-10

[Signature]
(Signature of Circulator)

[Signature]
(Notary Public's Signature)



SHEET NO. 3299

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the Constitution Party, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on November 2, 2010.

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Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	IL
Print: <u>STACY BRANDS</u> Sign: <u>[Signature]</u>	<u>829 MARYMOORE</u>	<u>Lockport</u>	<u>Will</u>	<u>IL</u>
Print: <u>Robert Swanson</u> Sign: <u>[Signature]</u>	<u>11711 WISJ McQuill</u>	<u>Lukyt</u>	<u>Will</u>	<u>IL</u>
Print: <u>JOHN D. H. GRAY</u> Sign: <u>[Signature]</u>	<u>21121 S. DEER PATH</u>	<u>FRANKFURT</u>	<u>Will</u>	<u>IL</u>
Print: <u>DAVID P. PATAK</u> Sign: <u>[Signature]</u>	<u>1114 N. CARTER DR</u>	<u>Volant</u>	<u>Will</u>	<u>IL</u>
Print: <u>Chris Boereha</u> Sign: <u>[Signature]</u>	<u>25019 CASHAL BAY</u>	<u>Manhattan</u>	<u>Will</u>	<u>IL</u>
Print: <u>[Signature]</u> Sign: <u>[Signature]</u>	<u>25010 COLL BY RD</u>	<u>Mt. CO</u>	<u>Will</u>	<u>IL</u>
Print: <u>[Signature]</u> Sign: <u>[Signature]</u>	<u>2843 W. 107S</u>	<u>Chicago</u>	<u>Cook</u>	<u>IL</u>
Print: <u>GARY FREEMAN</u> Sign: <u>[Signature]</u>	<u>272 S. COOPER</u>	<u>NEW LENOX</u>	<u>Will</u>	<u>IL</u>
Print: <u>JAMES S. COLUMBY P</u> Sign: <u>[Signature]</u>	<u>1518 LAUREN</u>	<u>SALIE T</u>	<u>Will</u>	<u>IL</u>
Print: <u>ROBERT CARROLL</u> Sign: <u>[Signature]</u>	<u>805 SHORWOOD</u>	<u>JOLIET</u>	<u>Will</u>	<u>IL</u>

State of ILLINOIS)

County of St Clair) SS.

I, Gary L. Dunlap, do hereby certify that I reside at 4780 Calvert Av., D2

in the City of Rolling Meadows, 60008

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the

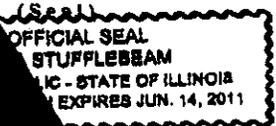
United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

and sworn to (or affirmed by) Gary L. Dunlap

[Signature]
(Signature of Circulator)

before me, on 6-13-10

[Signature]
(Notary Public's Signature)



SHEET NO. _____

PETITION FOR NOMINATION (To Form a New Political Party)

We, the undersigned, qualified voters in the state of Illinois do declare that it is our intention to form a new political party in the political division aforesaid, to be known and designated as the **Constitution Party**, and do hereby petition that the following named persons shall be candidates for the offices hereinafter specified, to be voted at the General Election to be held on **November 2, 2010**.

A COMPLETE SLATE IS HEREBY PRESENTED

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Jeff Trexler	Lt. Governor	8074 Old Highway 13, Murphysboro, IL 62966
Louis Cotton	Attorney General	1273 Bluebird Rd., Sorento, IL 62086
Gary Dunlap	Secretary of State	4780 Calvert Dr., D2, Rolling Meadows, IL 60008
Timothy Becker	Comptroller	1247 Oakmont Ave., Flossmoor, IL 60422
Dawn Czamy	Treasurer	208 Thrush Cr., Lindenhurst, IL 60046
Randy Stufflebeam	U.S. Senator	304 Lincolnshire Blvd., Belleville, IL 62221

Name	Street Address or RR Number	City, Town or Village	County	
1. Print <u>MIKE ALASKA</u> Sign <u>[Signature]</u>	<u>915 E. BENDLEY</u>	<u>NEW HAVEN</u>	<u>WILL</u>	IL
2. Print <u>Chris Lasch</u> Sign <u>[Signature]</u>	<u>262140 Tallgrass</u>	<u>Channahon</u>	<u>WILL</u>	IL
3. Print <u>Chris Lasch</u> Sign <u>[Signature]</u>	<u>413 E Chapin St</u>	<u>Morris</u>	<u>Grundy</u>	IL
4. Print <u>Cheryl DeFisch</u> Sign <u>[Signature]</u>	<u>205 OSAGE ST</u>	<u>MINOOKA</u>	<u>Grundy</u>	IL
5. Print <u>Sharon Faltz</u> Sign <u>[Signature]</u>	<u>12810 W. Lauffer Rd</u>	<u>COMOKENA</u>	<u>WILL</u>	IL
6. Print <u>[Signature]</u> Sign <u>[Signature]</u>	<u>24747 SONY ISLAND CIRCLE</u>	<u>[Signature]</u>	<u>WILL</u>	IL
7. Print <u>BRIAN J. GILM</u> Sign <u>[Signature]</u>	<u>20746 S. BRADWOOD LN</u>	<u>KRAOKROFT</u>	<u>WILL</u>	IL
8. Print <u>JERRY STAM</u> Sign <u>[Signature]</u>	<u>517 Winston Dr</u>	<u>Chapel Hill</u>	<u>COOK</u>	IL
9. Print <u>Rocco Schmale</u> Sign <u>[Signature]</u>	<u>PO 135</u>	<u>MONEE</u>	<u>WILL</u>	IL
10. Print <u>Joel Niswanger</u> Sign <u>[Signature]</u>	<u>410 S Reed St</u>	<u>JOLIET</u>	<u>WILL</u>	IL

State of ILLINOIS)

County of St Clair) SS.

I, Gary L. Dunlap, do hereby certify that I reside at 4780 Calvert Dr., D2

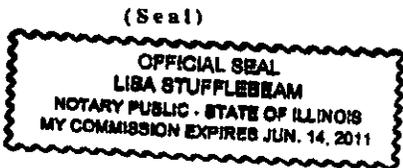
in the City of Rolling Meadows, 60008

County of Cook, State of Illinois; that I am 18 years of age or older; that I am a citizen of the

United States; that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions; that this petition was circulated between March 23, 2010 and June 21, 2010; that the signatures are genuine; that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office; and that their respective residences are correctly stated as set forth above.

Signed and sworn to (or affirmed by) Gary L. Dunlap before me, on 6-13-10

[Signature]
(Signature of Circulator)
[Signature]
(Notary Public Signature)



SHEET NO. 3300

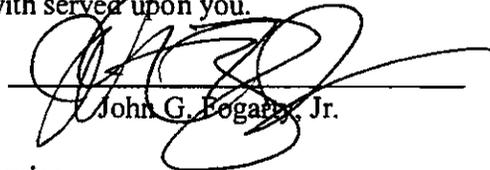
**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS**

Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)
)
vs.) **10 SOEB GE 570**
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

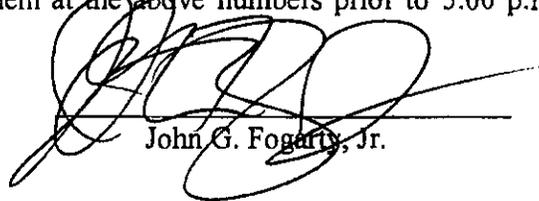
To: Kelly McCloskey Cherf, by email to kmc@hmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on August 4, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Motion for Summary Judgment as to Unnumbered Pages, a copy of which is attached hereto and herewith served upon you.


John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above numbers prior to 5:00 p.m. on August 4, 2010.


John G. Fogarty, Jr.

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(773) 681-7147 (fax)
fogartyjr@gmail.com

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

ANDREW HEFFERNAN and STEVE NEKIC,)
Petitioner-Objectors,)
)
v.)
)
The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for)
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
Respondent-Candidates.)

No. 10 SOEB GE570

CANDIDATES' RESPONSE TO OBJECTORS' MOTIONS FOR SUMMARY JUDGEMENT

NOW CDMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendahl, pursuant to the Illinois Election Code, in Response to Motions for Summary Judgment submitted by the Petitioner-Objectors, state as follows:

1. In its Motion for Summary Judgment as to Petition Sheets Circulated by Rodney Cherizol, the Objectors add to the over 6,500 false objections already made by falsely asserting "Mr. Cherizol, however, does not reside at 433 W. Harrison..." Mr. Cherizol has already sworn under penalty of perjury that 433 W. Harrison was in fact his legal residence during the period he circulated the subject petitions. Further, Sandra A. Melton-James has also sworn under penalty of perjury that she had knowledge of Mr. Cherizol's homeless status and that the post office at 433 W. Harrison in Chicago was in fact the location considered by Mr. Cherizol to be his true and legal residence. Ms. Melton-James notarized a portion of Mr. Cherizol's petitions and Mr. Cherizol appeared before her. 10 ILCS 5/1-3 defines a "homeless

individual" as "any person who has a nontraditional residence, including but not limited to, a shelter, day shelter, park bench, street corner, or space under a bridge." Mr. Cherizol, as a homeless individual, does in fact have such a nontraditional residence. During the time Mr. Cherizol circulated the subject petitions, that nontraditional residence was in fact on the premises, including all or partially outdoors, at the post office located at 433 W. Harrison in Chicago, exactly as Mr. Cherizol represented. Attached is an Affidavit by Sandra A. Melton-James testifying as to these facts. The Respondent-Candidates also have a working cell phone number and email address for Mr. Cherizol, so it is not the case that Mr. Cherizol has provided no means of contact. Further, pursuant to the regulations of the U.S. Postal Service, a homeless person may receive General Delivery mail service indefinitely, and Mr. Cherizol has done exactly that. It is also interesting to note that the true objector in this case, the Illinois Republican Party, currently has in fact a candidate running as a Republican for State Representative who officially lists his address as "homeless" with the State Board of Elections. That individual filed his nomination papers as Sylvester "Junebug" Hendricks. It is an absurd position for Objectors to maintain that a homeless person can be one of their candidates for public office, but yet a homeless person cannot merely circulate a petition to assist others seeking ballot access. As Objectors have submitted no evidence or law to support their claims, the Motion for Summary Judgment must be denied.

2. The Objectors' Motion for Summary Judgment as to Unnumbered Petition Sheets must also be denied. Failure to number a small portion of the individual petition sheets does not invalidate the nomination papers, as has been well established in numerous decisions including *Preski v. McFarlane*, 92-EB-WC-66, CBEC, January 24, 1992, citing *Stevenson v. County Officers Electoral Board*, 372 N.E.2d 1043 (3rd Dist. 1978). The Respondent-Candidates have substantially complied with the page-numbering requirements of the Illinois Election Code, and such compliance is more than adequate to prevent tampering and to preserve the integrity of the election process. Any administrative errors in page-numbering are small and merely technical in nature. The claims made by Petitioners-Objectors are frivolous as it has now been proven that no confusion exists and no related problems for example were encountered during the recent records examination performed by the State Board of Elections. Petitioners-Objectors' claim that "it is impossible to discern absolutely how and when those sheets may have been presented to the State Board" is entirely unsupported by the evidence and in fact such claim

has been proven false. For all of these reasons, the Respondent-Candidates pray that the subject Motion be denied.

3. The Objectors' Motion for Partial Summary Judgment as to Improperly Notarized Petition Sheets must also be denied. With respect to the petition page in question, the same Notary Public also notarized other petition sheets. The signature of the Notary is clear and unmistakable. All portions prepared by the subject Notary on page 2855 are entirely consistent with other pages notarized by the same individual. The small, administrative error with respect to one missing stamp is immaterial as such stamp is clearly present on other pages. There can be no serious question remaining as to the fact James Jackson did in fact appear before the subject Notary Public. Further, it is well settled that failure of the Notary to properly affix her seal to a petition sheet is deemed to be a technical violation which does not invalidate the petition sheet where the Notary actually signed the notary portion of the petition sheets. See for example: *Griffin v. Hazard*, 04-EB-WC-24, January 20, 2004; *Linchecky v. Rundle*, 97-EB-ALD-001, CBEC, January 14, 1997; *Sistrunk v. Tillman*, 91-EB-ALD-155, CBEC, January 8, 1991; *Washington v. Williams*, 92-EB-REP-31, CBEC, February 10, 1992, and *Maltbia v. Perry*, 92-EB-WC-64; January 22, 1992.

WHEREFORE, as the Petitioner-Objectors have failed to provide the facts or law necessary, in any case, to justify the extraordinary remedy of summary judgment, the Respondent-Candidates pray that all such Motions be denied.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

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Suite 1215
Chicago, IL 60606
(312) 648-0061

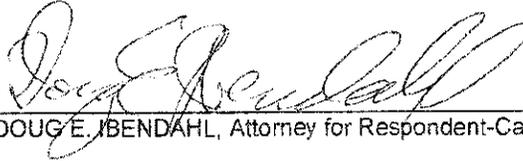
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 9th day of August, 2010
by email:

John G. Fogarty, Jr.
Attorney for Objectors
Law Office of John G. Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613

Brien J. Sheahan
Attorney for Objectors
Law Office of Brien J. Sheahan
5 St. Regis Court
Elmhurst, Illinois 60126

Kelly McCloskey Chert
Hearing Officer
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

DOUG E. IBENDAHL
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**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**

Andrew Heffernan and)	
Steve Nekić,)	
Petitioner-Objectors,)	
)	
vs.	)	10 SOEB GE 570
)	
The Constitution Party as a)	
purported new political party in)	
the State of Illinois; et al.)	
)	
Respondent-Candidates.)	

**REPLY IN SUPPORT OF OBJECTORS' MOTION FOR SUMMARY JUDGMENT AS
TO IMPROPERLY NOTARIZED PAGE**

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Reply in Support of their Motion for Summary Judgment as to improperly notarized nominating petition pages submitted by the Candidates herein, state as follows:

1. The Objectors have moved for summary judgment with respect to the failure of a particular petition page to be properly notarized.
2. The Candidates respond by arguing, in essence, that the failure of the notary to stamp his or her signature is a mere ministerial act that is too a small an error to invalidate the particular petition sheet, where the notary has signed the sheet.
3. The Objectors contend that decisions such as *Knobeloch v. Electoral Board of Granite City*, 337 Ill.App.3d 1137, 788 N.E.2d 130 (5th Dist. 2003) call for invalidation of improperly notarized sheets even where the noncompliance is innocent, given the mandatory requirements of § 10-4.

4. Because there exists no genuine issue of material fact as to the improperly notarized petition page at issue here, the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the improperly notarized petition sheets is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the improperly notarized petition pages submitted by the Candidates be granted, that the aforesaid petition sheet be therefore stricken, and that no signature from any such sheet be counted in favor of the Candidates herein.

Respectfully submitted,

/s/ John Fogarty /s/
Counsel for the Objectors

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bsheahan@sheahanlaw.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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Andrew Heffernan and)
Steve Nekić,)
Petitioner-Objectors,)

vs.)

10 SOEB GE 570

The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)

Respondent-Candidates.)

**OBJECTORS' REPLY IN SUPPORT OF THEIR MOTION FOR SUMMARY
JUDGMENT AS TO PETITION SHEETS CIRCULATED BY RODNEY CHERIZOL**

Now comes Andrew Heffernan and Steve Nekić (hereinafter referred to as the "Objectors"), and for their Reply In Support of their Motion for Summary Judgment as to nominating petition pages circulated by Rodney Cherizol, state as follows:

1. The Objectors herein moved for summary judgment as to the nominating petition pages submitted by Rodney Cherizol on the grounds that Mr. Cherizol listed 433 W. Harrison, General Delivery, Chicago, Illinois, as his residence in his circulator's affidavit. That address is of the United States Post Office.

2. In their Response, the Candidates assert that Mr. Cherizol is a homeless person, as defined by the Election Code, and considers his residence to be the United States Post Office at 433 W. Harrison. In support of this assertion, though, the Candidates offer only a hearsay statement contained in the affidavit executed by one of their notaries, Sandra Melton-James. Because the statement contained in Ms. Melton-James' affidavit regarding Mr. Cherizol's purported residence is itself hearsay, that statement must not be considered here. A proper offer

of evidentiary proof to establish Mr. Cherizol's homeless status and thus counter the Objectors' motion would have been an affidavit from Mr. Cherizol himself.

3. Further, the Candidates, in their Response, assert facts that are even outside of Ms. Melton-James' affidavit, and as such, cannot be considered here. The Candidates assert, without basis: (1) that Mr. Cherizol represented that his premises was "all or partially outdoors" at the post office; (2) that the Respondent-Candidates have a working cell phone number and e-mail address for Mr. Cherizol; and (3) that Mr. Cherizol has elected to receive his mail at the post office indefinitely. (Resp. ¶ 1.) Because the Candidates have not provided a factual basis for these assertions, they must likewise be disregarded.

4. Accordingly, the Objectors take the position that the Candidates have not established the existence of a material fact to prevent the imposition of summary judgment as to the petition pages submitted by Mr. Cherizol.

5. Further, Illinois law is clear that the purpose of the requirement that a circulator and certify his or her "street address or rural route number, as the case may be, as well as the county, city, village or town, and the state" is because disclosure of the circulator's address "enables the [Electoral] Board to locate her, question her about the signatures, and hold her responsible for her oath." *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (1st Dist. 1994). This oath is critical in protecting the integrity of the election process. *Sakonyi*, 261 Ill.App.3d at 826.

6. Here, it is unclear how any electoral board would ever be able to locate Mr. Cherizol, question him with regard to the signatures, and hold him responsible for his oath. It is noteworthy that the Candidates did not provide an affidavit from Mr. Cherizol in response to this motion. Not casting any aspersions on Mr. Cherizol, the integrity of the electoral process

demands that the circulator of a petition be available for questioning with regard to the signatures. Accordingly, the Objectors contend that Mr. Cherizol's circulator's affidavit in the petitions at issue here does not comply with the requisites of § 10-4 of the Election Code.

7. Because there exists no genuine issue of material fact as to the petitions circulated by Mr. Cherizol, and the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the petition sheets circulated by Mr. Cherizol is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the petitions submitted by Rodney Cherizol be granted, that the aforesaid petition sheets be therefore stricken, and that no signature from any of such sheets be counted in favor of the Candidates herein.

Respectfully submitted,

/s/ John Fogarty, Jr. /s/
Counsel for the Objectors

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Chicago, Illinois 60613
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Brien Sheahan
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bsheahan@sheahanlaw.com

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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vs.)	10 SOEB GE 570
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The Constitution Party as a)	
purported new political party in)	
the State of Illinois; et al.)	
)	
Respondent-Candidates.)	

**OBJECTORS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT AS
TO UNNUMBERED PETITION SHEETS**

Now comes Andrew Heffernan and Steve Nekic (hereinafter referred to as the "Objectors"), and for their Reply In Support of their Motion for Summary Judgment as to the unnumbered nominating petition pages submitted by the Candidates herein, state as follows:

1. In their Response, the Candidates argue that the failure to number individual petition sheets does not invalidate the nominating papers, relying on *Preski v. McFarlane*, 92-EB-WC-66, and *Stevenson v. County Officers Electoral Board*, 372 N.E.2d 1043 (3rd District 1978).

2. The Candidates' reliance on *Stevenson*, however, is misplaced. As the First District noted in *Wollan v. Jacoby*, 274 Ill.App.3d 388 (1st Dist. 1995), the *Stevenson* Court construed § 7-10 of the Election Code, rather than § 10-4 of the Code. While the language concerning page numbering in § 7-10 is similar to that found in § 10-4, § 7-10 does not contain the penalty provision provided in § 10-4. *Wollan*, 274 Ill.App.3d at 393. The *Wollan* Court also found that § 7-10 employs "substantial compliance"-type language, in contradiction to § 10-4. *Id.*

3. Much more instructive is the decision of the First District in *King v. Justice Party*, 284 Ill.App.3d 886, 672 N.E.2d 900 (1st Dist. 1996), which construed § 10-4. The *King* Court found, among other things, that the signatures found on unnumbered petition sheets are simply not counted, as opposed to invalidating the entire petition set. The *King* case supports the Objectors' request here that the unnumbered petition pages submitted by the Candidates be stricken.

4. The objectors in *King* sought to invalidate the entire petition set submitted by the candidates due to the candidates' failure to number certain petition pages. The candidates in *King* submitted over 100,000 signatures on 4,427 petition pages, of which 16 pages were unnumbered. The *King* objectors made no objection to 60,000 of the candidates' signatures. Thus, even if all of the signature objections made had been sustained, the candidates would still have had over twice the number of signatures (25,000) required by statute.

5. The electoral board in *King* did not invalidate the entire petition set as requested by the Objectors, but rather, simply invalidated the petition sheets that contained no page numbers. *King*, 284 Ill.App.3d 890, 891. The *King* Court agreed that this was the appropriate remedy, and agreed with the electoral board that even if the signatures on those sheets were invalidated, the candidates had far more than enough signatures to qualify for the ballot. *Id.*

6. Here, the Objectors have argued that, at a minimum, the petition pages submitted by the Candidates that do not include page numbers should not be counted – which was the same remedy ordered by the electoral board and affirmed by both the Circuit Court and Appellate Court in *King*.

7. While the Candidates argue that they have substantially complied with the mandatory requirements of Section 10-4 as to their entire petition set, they cannot argue that they

have complied with the mandatory requirement of § 10-4 as to each unnumbered page. A candidate does not substantially comply with the requirements of the Code where he or she completely ignores one of the statutory elements. *El-Aboudi v. Thompson*, 293 Ill.App.3d 191, 194. On each unnumbered page, therefore, the Candidates have demonstrated complete non-compliance, and the appropriate remedy is to discount the signatures contained on each such page.

8. Because there exists no genuine issue of material fact as to the unnumbered petition pages submitted by the Candidates, and the Objectors are entitled to judgment as a matter of law, the Objectors' motion for summary judgment as to the unnumbered petition sheets is warranted.

WHEREFORE, your Objectors pray that this Motion for Summary Judgment as to the unnumbered petition pages submitted by the Candidates be granted, that the aforesaid petition sheets be therefore stricken, and that no signature from any of such sheets be counted in favor of the Candidates herein.

Respectfully submitted,

/s/ John Fogarty, Jr. /s/
Counsel for the Objectors

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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Andrew Heffernan and)
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vs.) **10 SOEB GE 570**
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

To: Kelly McCloskey Cherf, by email to kmc@hmltd.com and kcherf@yahoo.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

Please take notice that on August 12, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Replies in support of their Motions for Summary Judgment, a copy of each is attached hereto and herewith served upon you.

/s/ John Fogarty, Jr. /s/
John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 5:00 p.m. on August 12, 2010.

/s/ John Fogarty, Jr. /s/
John G. Fogarty, Jr.

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
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the State of Illinois; et al.)	
)	
Respondent-Candidates.)	

OBJECTORS' RULE 9 MOTION

Now comes Andrew Heffernan and Steve Nekic (hereinafter referred to as the "Objectors"), and pursuant to Rule 9 of the adopted Rules of Procedure, present this Board with evidence of staff rulings made in error. In support of their Motion, the Objectors state as follows:

1. The records exam in this matter concluded on Tuesday, August 3, 2010 at approximately 4:30 P.M., when the official count was presented to the parties by email. That official count is contained in an excel document, which is attached hereto and made part hereof as Exhibit A.

2. The signature totals computed by the State Board's staff are: 32,998 signatures submitted by the Candidates, with 7,981 objections sustained, and 6,561 objections overruled, leaving a total of 25,017 presumptively valid signatures.

3. However, the staff's count on a number of the petition sheets is incorrect, resulting in a net of 4 fewer valid signatures for the Candidates, as set forth below. Each of the appendix recapitulation sheets at issue below are attached hereto as Exhibit B.

a. Page 196. The staff's count reflects 10 signatures presented, with 1 objection sustained and 0 overruled, for a total of 9 presumptively valid signatures on that page. However, the true count for page 196 is 10 signatures presented, with 2 objections sustained and 3 overruled, for a total of only 8 presumptively valid signatures on that page. (-1)

correct

b. Page 197. The staff's count reflects 10 signatures presented, with 0 objection sustained and 0 overruled, for a total of 10 presumptively valid signatures on that page. However, the true count for page 197 is 10 signatures presented, with 1 objection sustained and 0 overruled, for a total of only 9 presumptively valid signatures on that page. (-1)

correct

c. Page 1251. The staff's count reflects 10 signatures presented, with 2 objections sustained and 3 overruled, for a total of 8 presumptively valid signatures on that page. However, the true count for page 1251 is 10 signatures presented, with 4 objections sustained and 1 overruled, for a total of only 6 presumptively valid signatures on that page. (-2)

wrong

4. In addition, the staff's count does not reflect any ruling on a signature objection made to the signer at page 1523, Line 7. This individual has been objected to as not registered at address shown (Column B), but the staff has apparently not made a ruling on this signature objection. Petition page 1523 and its corresponding recap sheet are attached hereto as Exhibit C.

need ruling

5. In addition, the staff's count does not reflect any ruling on signature objections made to the signers at petition page 684, Line 1 and Line 5. The signer at Line 1 has been objected to as not registered at address shown (Column B). The signer at Line 5 has been objected to on the grounds the signature is not genuine (Column A). The staff's count for page 684 reflects 7 signatures presented, with 0 objections sustained and 0 overruled, for a total of 7 presumptively valid signatures on that page. However, not only is there no ruling reflected for the signature objections made on that page, the staff's official recap sheet for that page is

not submitted by objector

missing, and the true count for petition page 684 is therefore not ascertainable. Petition page 684 and the appendix recap sheet for that page included in the Objectors' Petition is attached hereto as Exhibit D.

6. Further, the Objectors herein take exception to errant rulings rendered by a staff person by the name of "Jason" who professed to one of the Objectors volunteers that he made it a practice to simply overrule objections to signatures he found to be illegible, in direct contravention of the Rules of Procedure adopted by the State Board of Elections on July 6, 2010, Appendix A I. E. The Objectors attach hereto as Exhibit E an affidavit from Doug Jameson, a volunteer for the Objectors, providing a factual basis for this assertion.

The Objectors believe they have identified the pages checked by "Jason," as determined by the State Board, and take issue with 18 signature rulings incorrectly made by "Jason" in contravention the rule set forth at Appendix A. I. E. Those page and line numbers are:

- a. Page 2102, line 7;
- b. Page 2102, line 8;
- c. Page 2103, line 8;
- d. Page 2114, line 10;
- e. Page 2116, line 1;
- f. Page 2116, line 7;
- g. Page 2119, line 2;
- h. Page 2582, line 2;
- i. Page 2583, line 9;
- j. Page 2586, line 7;
- k. Page 2589, line 1;
- l. Page 2589, line 5;
- m. Page 2589, line 10;
- n. Page 2590, line 1;
- o. Page 2598, line 3;
- p. Page 2599, line 6;
- q. Page 2599, line 7;
- r. Page 2600, line 6;

The above-referenced petition pages and appendix recaps reflecting staff rulings are attached as Exhibit F.

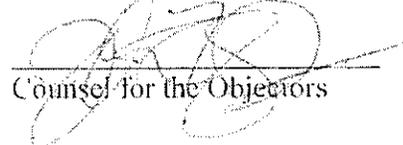
WHEREFORE, your Objectors pray that this Rule 9 Motion be granted, that:

A. The State Board's official count be corrected to reflect the rulings set forth in Paragraph 3 a, b, and c of this Motion; and

B. Staff rulings be made to the signature objections listed on petition pages 684 and 1523, as set forth in Paragraphs 4 and 5 of this Motion and that the State Board's official count be adjusted accordingly; and

C. Fresh staff rulings be made to the page and line numbers set forth in Paragraph 6 of this Motion, and that the State Board's official count be adjusted accordingly.

Respectfully submitted,


Counsel for the Objectors

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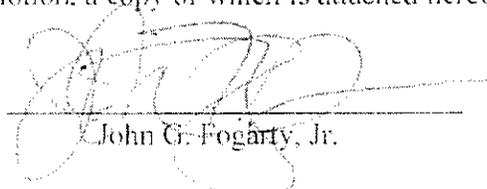
BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE PETITION PAPERS FOR
CANDIDATES OF NEW POLITICAL PARTIES IN THE STATE OF ILLINOIS

Andrew Heffernan and)
Steve Neki,)
Petitioner-Objectors,)
)
vs.) 10 SOEB GE 570
)
The Constitution Party as a)
purported new political party in)
the State of Illinois; et al.)
)
Respondent-Candidates.)

NOTICE OF FILING AND SERVICE

To: Kelly McCloskey Chertl, by email to kmc@hmltd.com
Doug Ibendahl, by email to dibendahl@mail.com
State Board of Elections by email to ssandvoss@elections.il.gov

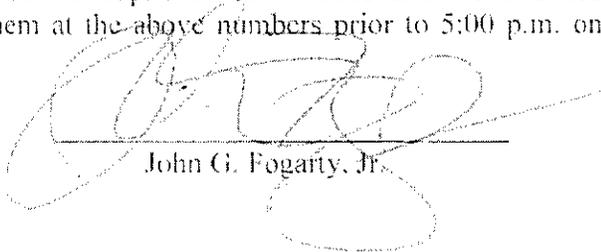
Please take notice that on August 6, 2010, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Objectors' Rule 9 Motion, a copy of which is attached hereto and herewith served upon you.



John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above numbers prior to 5:00 p.m. on August 6, 2010.



John G. Fogarty, Jr.

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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

ANDREW HEFFERNAN and STEVE NEKIC,)
Petitioner-Objectors,)
vs.)
The CONSTITUTION PARTY as a)
new political party in the State of Illinois;)
MICHAEL L. WHITE as a Candidate for)
Governor; JEFF TREXLER as a Candidate for)
Lieutenant Governor; LOUIS COTTON as a)
Candidate for Attorney General; GARY)
DUNLAP as a Candidate for Secretary of)
State; TIMOTHY BECKER as a Candidate for)
Comptroller; DAWN CZARNY as a Candidate)
For Treasurer; and RANDY STUFFLEBEAM)
as a Candidate for United States Senate;)
Respondent-Candidates.)

No. 10 SOEB GE570

MOTION TO RECONSIDER RULING ON RULE 9 EVIDENCE

NOW COMES the Respondent-Candidates, the CONSTITUTION PARTY as a new political party in the State of Illinois; MICHAEL L. WHITE as a Candidate for Governor; JEFF TREXLER as a Candidate for Lieutenant Governor; LOUIS COTTON as a Candidate for Attorney General; GARY DUNLAP as a Candidate for Secretary of State; TIMOTHY BECKER as a Candidate for Comptroller; DAWN CZARNY as a Candidate For Treasurer; and RANDY STUFFLEBEAM as a Candidate for United States Senate, by their Attorney, Doug E. Ibendaht, pursuant to the Illinois Election Code and in light of recent conflicting statements made by Board staff, and which statements appear to remain in conflict, moves to request reconsideration of a ruling on Rule 9 evidence, and in support thereof, states as follows:

1. On August 6, 2010, Candidates filed a Rule 9 Motion requesting that a hearing be held to restore certain signatures, as objections to such signatures had been sustained during the Board's records examination conducted during the week beginning July 26, 2010, in Springfield, Illinois. The sheet, line, name, address and reason for disqualification were set forth in the Candidates' Rule 9 Motion Summary attached thereto. Candidates further requested that certified copies of the registration records corresponding to the Candidates' Rule 9 Motion

Summary be prepared by the State Board of Elections and presented at the subject evidentiary hearing which began on August 16, 2010, in Chicago, Illinois.

2. Candidates provided two types of evidence as part of their Rule 9 Motion. Affidavits were provided from 13 petition signers in order to prove they did in fact sign the petition as originally represented. These 13 Affidavits were submitted primarily for the purpose of proving the petition page signatures were in fact valid - despite sustained objections at the records examination with respect to objections made in "column A" of the original Objection's recapitulation schedule. Each Affidavit contained additional specimen signatures from each subject petition signer for comparison and ruling by the Board.

3. The second form of evidence filed with the Rule 9 Motion on August 6, 2010, was a schedule of voters who are in fact legal registered voters at the address he or she indicated on the petition. Candidates prepared this schedule utilizing the voter database (presumably compliant with the Help America Vote Act (HAVA)) recently purchased by Candidates from the State Board of Elections. It is Candidates' understanding that the database it purchased from the State Board of Elections and utilized in preparing its Rule 9 Motion Summary, is for all essential purposes, the same one used by the State Board of Elections to conduct the records examination during the week of July 26, 2010. Working subsequent to the records examination, Candidates utilized that database to identify petition signers who were in fact "registered at the address shown" at the time they signed the petition. It is Candidates' assertion that simple honest errors were made by Board staff during the records examination which resulted in a "sustained" objection with respect to the petition signers listed in the Rule 9 Motion.

4. On August 14, 2010, the Hearing Officer sent an email to all parties with her ruling on Candidates' Rule 9 Motion which in pertinent part states as follows:

After our case management conference yesterday, I had an opportunity to speak with Steve Sandvoss about some of the issues that we discussed regarding the Rule 9 motions. Please note the following: . . .

2. With regard to the Candidates' request from the Board that it present "certified copies of registration records" corresponding to the list attached to the Candidates' Rule 9 motion, I recommend that this request be denied for the following reasons: a) Rule 9 of the Board's Rules of Procedure requires that "any evidence offered to refute the staff finding must be submitted to the Board or the

hearing officer no later than 5 PM on the third business day following the date of the sending of the printout," and b) in any event, the Board does not have the capability of producing the requested records.

5. On August 15, 2010, Candidates' counsel responded to said ruling by email asking for review and consideration of the Help America Vote Act of 2002 and issues related to the creation and modernization of a central voter database required by that important federal statute.

6. On August 17, 2010, Candidates' counsel requested a clarification from Steve Sandvoss regarding the Rule 9 related issue. Counsel's email to Mr. Sandvoss stated in relevant part:

"Also, from our hearing yesterday, it is still unclear to me. Did you advise the Hearing Examiner that you CAN'T supply certified copies of voter records as the Constitution Party requested, or that you WON'T supply certified copies as the Constitution Party requested?

Either way, I have serious concerns about possible violations of the Help America Vote Act."

7. On August 19, 2010, at 9:22 a.m., Mr. Sandvoss responded by email to Candidates' counsel's August 17, 2010 inquiry and request for clarification. Counsel was at that hour a participant in the final hearing in the subject case and did not have an opportunity to read Mr. Sandvoss' response until several hours after delivery. Mr. Sandvoss stated as follows in his email:

"As for supplying copies of the voter registration records, I believe I told the Hearing Officer that I wasn't sure if we had the capability to print out copies of voter registration records with the signature clips attached thereto. I have since been informed that we do have such capability.

However, disclosure of such records to any person or entity is generally prohibited [10 ILCS 5/1A-25], except to political committees and to governmental entities for a governmental purpose. In addition, persons viewing the list under this exception are prohibited from copying or printing the list. Therefore, even though the Constitution Party is a political committee, it would not be able to obtain copies of such records due to the restrictions contained in Section 1A-25."

8. Mr. Sandvoss' August 19th response injects irrelevant side issues and adds confusion to what need not be a confusing situation. It also appears to contradict previous representations. Note that Candidates' Rule 9 Motion never requested copies of voter records for

Candidates to take into permanent possession. Instead, Candidates' Rule 9 Motion plainly requested that such records only be presented "at the subject hearing." Candidates' intent was that such official records be presented at the evidentiary hearing to assist the Hearing Officer in weighing Candidates' good faith claim included in the Rule 9 Motion that 145 signatures were invalidated during the records examination in error by Board staff. Further, with respect to at least 132 of the 145 petition signers referenced in the Rule 9 Motion, "signature clips" are not even required as Candidates are only appealing a sustained ruling with respect to "Signer not registered at the address shown." Further, with respect to the 13 petition signers who further supported their innocence by providing an Affidavit, "signature clips" are likely not needed to prevent their disenfranchisement either. As form of signature is the issue with respect to those 13, a comparison of each Affidavit to the subject signature contained on the original petition page (already in evidence) is likely all that is needed to preserve the intent of those legal and qualified petition signers.

9. Candidates' remain confused as to how they could have better complied or better facilitated this process. The records examination was performed entirely at one central location, the State Board of Elections. This is appropriate as HAVA requires this central database for all voters statewide. Candidates are at a loss to understand why that same central database would not be the appropriate and superior source for the remainder of the litigation process in this case. Requiring Candidates to travel the state during a very narrow time window to various county courthouses to search for records already available in one central location (and already utilized) might be what the Objector's want (i.e., Candidates to waste time), but it would not be in the interest of anyone truly concerned about protecting the integrity of our electoral process.

10. Candidates also strongly disagree with the assertion by the Board's general counsel that HAVA does not have application in the present case. At its core, HAVA is all about improving the administration of elections and helping to ensure that every legal vote counts. The subject case involves a federal election (i.e., a candidate for U.S. Senate) and surely any unnecessary restriction on ballot access (e.g., being forced to use county records from multiple locations when a superior and more convenient central database is available) would have a

foreseeable negative impact on any subsequent election, especially if voter choice is unfairly limited by unnecessary burdens put in place by a state agency during the candidate qualifying period. These are precisely the kinds of confusing, unfair, and unnecessary limitations and/or burdens on voting HAVA was intended to eliminate.

11. Candidates and their petition signers shouldn't have to prove their innocence, yet they have always been willing to do so as required during this process. However, key to that endeavor was obtaining the necessary records from the State Board of Elections for review and consideration at the evidentiary hearing. From what Candidates can glean from Mr. Sandvoss' correspondence, it appears that his first position was that such information wasn't available, then it was available but Candidates weren't entitled to it, then maybe Candidates were entitled to it but they should have asked sooner.

12. Candidates accept the fact they had only three days to prepare a Rule 9 Motion with supporting evidence already in their possession. It has also been suggested that Candidates should have prospectively requested voter records, before final rulings were even known. Candidates have accepted all of the burdens and have tried to comply to the best of their ability with all of the Board's requirements, even though the Candidates do not bear the burden of proof in this case. However, Candidates are disappointed that over 14 days have passed since the Rule 9 Motion was filed and yet materially contradictory information was received by Candidates from Board staff as recently as 48 hours ago.

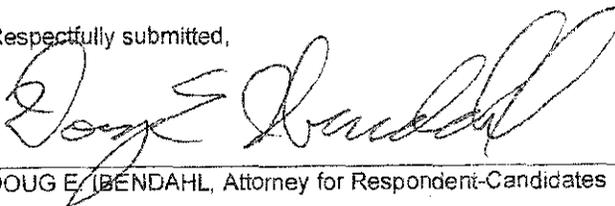
13. It is Candidates' good faith belief that this matter is in fact a simple one. Candidates supplied a quite small list of petition signers (145 in total) with its Rule 9 Motion. That reasonable number reflects Candidates serious desire to be certain that the rulings being appealed were those positively in error. These voters did sign the subject petitions in their own proper person and all are in fact duly registered and legal voters. Those petition signers are innocent parties. While they may not be candidates themselves, they have participated in our electoral process. Their intent and their participation should not be allowed to be discarded, simply because the petition sheets they signed have been drawn into the middle of a ballot access fight. It is Candidates' belief that a true interest in protecting the integrity of our electoral

process places a duty upon the State Board of Elections to ensure that all valid petition signatures count, especially when evidence has been presented to it that valid signatures are about to be discarded on the basis of simple, correctable mistakes – mistakes made by its own staff. Candidates would acknowledge they are reasonable and understandable mistakes given the pressures of any records examination and the imperfection of any technology and the inability to always find every petition signer online in the short time allotted, especially when honest mistakes can be made when reading handwritten petition sheets and keying in data at computers. Fortunately Candidates have spent countless hours performing additional due diligence subsequent to the records examination and they have provided evidence which is more than sufficient to shift the burden back to the Objector to explain why valid petition signatures should be discarded prior to further review by the Board, such further review to be performed in the manner originally requested by the Candidates in their Rule 9 Motion.

14. In sum, the Hearing Officer based her prior ruling in this matter on information provided by Mr. Steve Sandvoss, information that Mr. Sandvoss has now acknowledged was incorrect.

WHEREFORE, for all the reasons set forth above, the Candidates respectfully request that the Hearing Officer reconsider her ruling on Candidates' Rule 9 Motion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Doug E. Bendaahl", written in black ink over a horizontal line.

DOUG E. BENDAHL, Attorney for Respondent-Candidates

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Chicago, IL 60606
(312) 648-0061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 21st day of August, 2010:

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Chicago, Illinois 60613

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Attorney for Objectors
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Kelly McCloskey Chert
Hearing Officer
State Board of Elections
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

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NEWS IN BRIEF

A Republican Congressman Could Endorse a Democrat for Congress

A Republican congressman from Chicago's north suburbs could be open to endorsing a Democratic candidate for Congress. Mark Kirk says he's done a lot of work with State Representative John Fritchey of Chicago. Kirk laughed when asked if he'll make an endorsement in the fifth district special election.

KIRK: I told him I would either condemn him or endorse him, which ever helps.

A spokesman for Fritchey says he's glad the representative's reputation as an effective legislator is widespread. He adds that Kirk and Fritchey would be on opposite sides of many issues if they serve together.

John Curry, the 32nd Ward Republican Committeeman has posted the following bulletin regarding Ms. Pulido this evening on his website. Mr. Curry had previously sent Ms. Pulido private correspondence regarding her inflammatory comments about Cardinal George, which she chose to repost on Free Republic. This bulletin clarifies that Mr. Curry, acting in his capacity as a representative of the Republican Party, does not endorse Ms. Pulido and encourages a write-in vote instead.

I DO NOT ENDORSE ROSANNA PULIDO”

I wish to report to Republicans in the 32nd Ward and in the 5th Congressional District that I do not endorse Rosanna Pulido. Since the primary election and more particularly over the last two weeks, I have become aware of extremely disturbing information relating to Ms. Pulido. That information can be summarized as follows:

Pulido has an established relationship with another political party, America’s Independent Party.

Pulido has not dispelled concerns that she is running as a “Trojan Horse” candidate, one who exploits the name of the Republican Party to her personal advantage only to promote a non-Republican or anti-Republican, fringe agenda.

Pulido is on record as making groundless and reprehensible remarks, unworthy of a good citizen, disparaging the Cardinal of the Catholic Archdiocese of Chicago, gays, Mexicans, African Americans, and others.

Little, if anything, is known about Pulido’s personal and professional background.

Pulido has refused to respond to reasonable requests from the Republican Party to account for her actions and the actions of her campaign or to cooperate with the Republican Party in any professional or reasonable way.

Based on the above, I do not endorse Rosanna Pulido or recommend that any Republican vote for her for Congress in the upcoming Special Election. Instead, I encourage all Republican voters who wish to show their support for the true principles of the Republican Party and protest the absence of a worthy candidate on this ballot to cast a write in vote for “Abraham Lincoln” as their candidate. You may ask for assistance from the election judges on how to write in “Abraham Lincoln”, and they are required to provide you with that assistance.

I take this action in order to uphold the integrity of the name of the Republican Party.

-April 2, 2009

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

ANDREW HEFFERNAN AND)
STEVE NEKIC,)

Petitioner-Objectors,)

v.)

THE CONSTITUTION PARTY AS A,)
PURPORTED NEW POLITICAL PARTY IN)
THE STATE OF ILLINOIS; MICHAEL L.)

WHITE AS A CANDIDATE FOR)

GOVERNOR; JEFF TREXLER AS A)

CANDIDATE FOR LIEUTENANT)

GOVERNOR; LOUIS COTTON AS A)

CANDIDATE FOR ATTORNEY GENERAL;)

GARY DUNLAP AS A CANDIDATE FOR)

SECRETARY OF STATE; TIMOTHY)

BECKER AS A CANDIDATE FOR)

COMPTROLLER; DAWN CZARNY AS A)

CANDIDATE FOR TREASURER; AND)

RANDY STUFFLEBEAM AS A CANDIDATE)

FOR UNITED STATES SENATE,)

Respondent-Candidates.)

No. 10 SOEB GE570

**RECOMMENDATION REGARDING OBJECTOR'S REQUEST FOR
INFORMATION RELATED TO THE RECORDS EXAMINATION**

This cause coming before the hearing officer on the Petitioners-Objectors' August 6, 2010 letter request for the "sheets [a certain record examiner] checked during the Constitution Party records exam," and "to extend the Rule 9 period one additional day, to Saturday, August 7, 2010 at 5:00 p.m.," the hearing officer makes the following recommendation:

1. The Board should produce the information requested with regard to the records examination; and

2. The request to extend the Rule 9 period is denied.

Dated: August 6, 2010



Kelly McCloskey Cherf
Hearing Officer

election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election."

3. Objector's Motion can be denied solely on the fact that the petitions at issue were circulated by Ms. Pulido for two separate and distinct elections. The "same election" concern which Section 10-4 addresses is not even relevant in the subject case.

4. Ms. Pulido circulated petitions for her own candidacy as a Republican candidate for U.S. Congress in the General Primary Election of February 2, 2010. Pulido is no longer a candidate for that public office after she was not victorious in the General Primary.

5. Subsequent to the General Primary and not until mid-or-late May of 2010 did Ms. Pulido circulate any petitions for the Constitution Party and its slate of candidates for the General Election of November 2, 2010. It should also be noted that Ms. Pulido is herself no longer a candidate for any office and the petitions she circulated for the Constitution Party and its candidates did not include the office of U.S. Congress, the office she sought in the February General Primary.

6. Contrary to what Objector would hope, the Illinois Election Code provides further clear guidance on the definition of "election cycle." 10 ILCS 5/9-1.9 states:

"For a candidate political committee organized to support a candidate to be elected at a general primary election or general election, (i) the period beginning January 1 following the general election for the office to which a candidate seeks nomination or election and ending on the day of the general primary election for that office or (ii) the period beginning the day after a general primary election for the office to which the candidate seeks nomination or election and through December 31 following the general election."

7. Clearly under the above referenced statute, Ms. Pulido circulated petitions, for different offices and different candidates, during separate and independent election cycles.

8. The one case cited by Objector also provides no support for Objector's claim. *Citizens for John W. Moore Party v. Board of Election Commissioners of City of Chicago* 845 F.2d 144 (Ct. App. 7th 1988) dealt with a candidate for public office who switched his party affiliation and attempted to run for the same office himself, simply under a different banner. The facts and analysis are completely at variance with the present case.

9. The over two decade old case cited by Objector also does not reflect more recent rulings which have liberalized the restrictions on circulating candidate petitions. For example it is well established now that circulators need not even be registered voters. A circulator need not even be a resident of Illinois, but rather only a U.S. citizen and 18 years of age or older. In summary, the facts and the law at issue in *Citizens for John W. Moore Party* are completely in contrast to the present case at issue.

10. While the Board need look no further in rejecting the Objector's Motion, there are additional arguments on Candidates' behalf. Section 10-4 of the Illinois Election Code is limited to only "political parties" and "independent candidates." As defined for purposes of the Illinois Election Code, the Constitution Party is officially neither an "established party" nor "independent" at the current point in time. Further, as it is not yet an established political party, it did not have the option to run its slated candidates in any General Primary.

11. Section 10-4 of the Election Code addresses established political parties. "New political parties" are addressed in Section 10-7 of the Election Code which states in pertinent part:

"Whenever the name of a candidate for an office is withdrawn from a new political party petition, it shall constitute a vacancy in nomination for that office which may be filled in accordance with Section 10-11 of this Article; provided, that if the names of all candidates for all offices on a new political party petition are withdrawn or such petition is declared invalid by an electoral board or upon judicial review, no vacancies in nomination for those offices shall exist and the filing of any notice or resolution purporting to fill vacancies in nomination shall have no legal effect.

Whenever the name of an independent candidate for an office is withdrawn or an independent candidate's petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist and the filing of any notice or resolution purporting to fill a vacancy in nomination shall have no legal effect." 10 ILCS 5/10-7

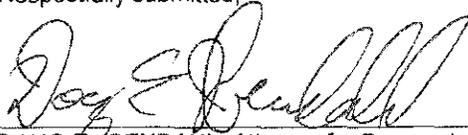
12. The Illinois Election Code further clarifies the difference between "established political parties" and a "new political parties" in Section 10-14 of the Election Code which states in pertinent part:

"For the general election, the candidates of new political parties shall be placed on the ballot for said election after the established political party candidates and in the order of new political party petition filings." 10 ILCS 5/10-14

13. Ms. Rosanna Pulido will provide more direct evidence in her testimony as part of the Rebuttal Hearing.

WHEREFORE, for all the reasons set forth above, the Respondent-Candidates pray that
Objector's Motion for Directed Finding as to Petitions Circulated by Rosanna Pulido be denied.

Respectfully submitted,



DOUG E. IBENDAHL, Attorney for Respondent-Candidates

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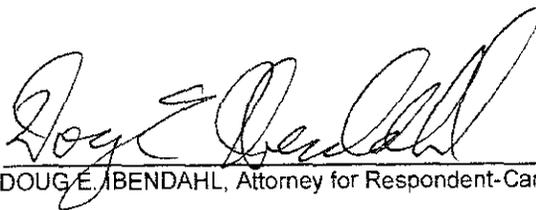
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following this 18th day of August, 2010:

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