

The information listed below contains Electoral Board decisions concerning objections in previous cases in Illinois. The Bloomington Election Commission may consult or reference these prior decisions along with other applicable law when considering any objection filed with it.

This resource is provided as a courtesy to the public. The Bloomington Election Commission and its staff may not provide legal advice concerning the objection process. Objectors may want to engage their own attorneys for assistance in filing and processing any objection.

There are two different sources of information The Chicago Board of Elections and Citizen Participation Organization. The Chicago Board of Elections Decisions can be found following this link.

<https://app.chicagoelections.com/documents/general/IndexOfElectoralBoardDecisions.pdf>

The Citizen Participation Organization listing list of decisions is below:

2019
Illinois
Electoral Boards Manual
Part 1
Standard Rulings



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Updates to this publication may be downloaded from www.CitizenParticipation.Org.

Downloads of this publication are free.

A preprinted bound volume of this manual is available upon request for \$24.95.

Important Guide to Using this Manual

Mode

This manual is very much designed to be used from a computer, tablet, or smartphone instead of a printed copy. It is distributed as a PDF document and contains many clickable links. They include the table of contents, bookmarks in the left-hand panel, footnotes, and bringing up court cases from a  icon. Forms are also automated when used on an electronic device.

Disclaimer

This Manual is not legal advice, but is a summary, a digest, of the most commonly encountered legal issues in “objection” – ballot access – cases and how Illinois law usually requires that the issues be resolved. We seek to provide consumer-friendly explanations to complex and little understood processes. For further detail and how unusual variations on these questions are dealt with, the reader is directed to the Illinois Election Law Handbook (2016) published by the Illinois Institute for Continuing Education. Changes in statutes and cases decided since the IICLE publication should also be reviewed.

This Manual is designed to give an electoral board, objector or candidate a quick on-the-spot reference.

This Manual is designed to explain what rulings are “standard” in the sense that they are the proper resolution under Illinois law to the most common problems. A specific case may have differing material facts than the usual which could alter the proper ruling.

Any citations to court cases or other authority are merely illustrative, and not comprehensive.

Objectors, candidates and electoral boards should always consult a qualified attorney before adopting or applying any ruling. Note that applicable statutes may change and case law determinations may alter what is currently required by Illinois law.

Hierarchy of these Standard Rulings

Allegations within a group are hierarchical. The allegation at a superior level must be true before moving to an inferior level to find the ruling.


For example, for standard ruling 2019-3.6.2.7 to apply, the allegations at 2019-3.6, and 2019-3.6.2 must be true before considering the allegation at 2019-3.6.2.7.

Also, the earliest (lower numbered) applicable ruling controls over all later (higher numbered) standard rulings, even if they are at the same level in the hierarchy. So, anything in 2019-1 or 2019-2, or 2019-3 through 2019-3.6.2.6 trumps any conflict with 2019-3.6.2.7.

Symbols

§ (“section”) or §§ (“sections”) indicate section numbers within the Election Code, 10 ILCS 5. (Appendix C contains excerpts from the Election Code.)

¶ (pilcrow) is a bookmark to enable the reader to locate a topic within a reprint in Appendix C of a long statute.

 (computer mouse) is a hyperlink in the PDF edition to the text of the case or statute cited.

Citing this Manual

This is the third issue. During the first few years of annual expansion and refinement of this manual, some rulings will inevitably be renumbered. Until the numbering becomes stable after a few years, to prevent future confusion, the citation number of a standard ruling includes the edition year as a prefix.

In citations, we recommend use of the prefix “Standard Ruling” and then its number (including “2019-”) and a summary of the bottom up hierarchy of topics, showing its applicability:

Viz. Pursuant to Standard Ruling 2019-4.3.7.4 that covers too many signatures tendered in the total quantity of signatures on PETITION sheets...

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Season Report by Electoral Board

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Colophon

The Need

Objectors, candidates and electoral boards often have insufficient knowledge of published precedent and little time and resources to research relatively obscure questions. This is especially true with Municipal Officers Electoral Boards that are often made up of non-attorney elected officials.

Unfortunately, the outcome of electoral disputes on the same facts presented to one electoral board may result in a different outcome than if presented to a different electoral board—an unfair unequal application of the law. This Manual seeks to promote more knowledge of the Illinois election law and more uniformity in decisions increasing equal protection, due process and public confidence in the fairness of the electoral board hearings.

These statewide Standard Rulings explain issues presented to Electoral boards and give a ruling for each of them, along with reasoning that can be incorporated into the written Findings that an electoral board must issue with its formal decision.

The basis

These statewide Standard Rulings are based upon Illinois statutes, rulings by courts, some past decisions by various Electoral boards, and expert review and advice from attorneys well-versed in election law. They include the experiences of high-volume electoral boards such as the State Officers Electoral Board and the Municipal Officers Electoral Board of the City of Chicago.

Because ballot access election cases most often arise in Cook County, many of the precedents cited here naturally have their origins there. They represent useful research and reasoning that has been worked out on issues still being presented today. Precedents from any Illinois appellate court are binding in all other judicial districts unless the local appellate district follows a contrary holding.

These Standard Rulings will be updated annually, as new cases are litigated, as more issues arise, as the laws change, and as we build a library of past electoral board cases from more public bodies throughout the Illinois.

This publication

These Standard Rulings are compiled and curated by the Citizen Participation Institute in consultation with prominent election law specialist attorneys, and are the only comprehensive set designed for use by the general public. For further detail,

the reader is directed to the Illinois Institute for Continuing Legal Education (IICLE) Election Law Handbook (2016) and statutory changes and case law decisions occurring since that publication.

The publisher of these Standard Rulings is a not-for-profit Illinois charity, and the research to create and continuously update this manual is expensive. Financial contributions are appreciated.

Disclaimer

This Manual is not legal advice, but is a summary, a digest, of the most commonly encountered legal issues in “objection” – ballot access – cases and how Illinois law usually requires that the issues be resolved. We seek to provide consumer-friendly explanations to complex and little understood processes. For further detail and how unusual variations on these questions are dealt with, the reader is directed to the IICLE Illinois Election Law Handbook (2016). Changes in statutes and cases decided since the IICLE publication should also be reviewed.

This Manual is designed to give a user a quick on-the-spot reference.

This Manual is designed to explain what rulings are “standard” in the sense that they are the proper resolution under Illinois law to the most common problems. A specific case may have differing material facts than the usual which could alter the proper ruling.

Any citations to court cases or other authority are merely illustrative, and not comprehensive.

Objectors, candidates and electoral boards should always consult a qualified attorney before adopting or applying any ruling. Note that applicable statutes may change and case law determinations may alter what is currently required by Illinois law.

Improving this Manual

Improving and expanding this *Electoral Boards Manual* is an ongoing process driven by the needs and experience of the electoral boards. Please notify the nonprofit organization curating its contents at Director@CitizenParticipation.org of any issues presented that are not covered, improvements suggested, errors spotted and any other feedback about how this manual has or has not been applied and its impact on the electoral board system.

2019-0 About these Standard Rulings

2019-0.1 Purpose

The purpose of these statewide Standard Rulings is to educate on Illinois election law in order to promote greater understanding of Illinois law and equal application of the law to parties in Objection cases so that the same issue and facts results in the same decision, regardless of which electoral board is hearing the case.

2019-0.2 Goal

The goal is to provide an electoral board with a simple yes or no answer or resources for research. It is not to write a brief, although our text may be useful when drafting Board Findings. This is a digest of many issues an electoral board might need to rule on.

2019-0.3 Audience


These Standard Rulings are worded for easy understanding by an **electoral board**, that is usually composed of non-lawyers.

Parties to an Objection case may use these Standard Rulings to direct the electoral board's attention to the Standard applicable to each issue raised.

Before they start circulating their papers, **candidates** can learn the proper procedure to minimize attracting an Objection,.

Objectors can use these Standard Rulings for guiding their opposition..

2019-0.4 Cited cases

Because these Standard Rulings are to provide a conclusion, not to persuade, generally only the leading case in a line of cases developing a point is cited. Those citations are hyper-linked [] to the complete text of that case, where previous or other relevant cases are usually cited. Later cases that merely cite an earlier case are usually not listed here.

Any case we cite is from the highest available level in this hierarchy:

- Illinois Supreme Court (including Rule 23 decisions).

- Appellate Court of Illinois (including Rule 23 decisions).

- Circuit Court.

- Electoral Board.

- Best practices.

Electoral boards do not have jurisdiction to decide constitutional or federal questions, so we seldom have occasion to cite federal court cases.

2019-0.5 Sources

- Continuing monitoring of new cases

- State Board of Elections practices

- Index of Chicago Electoral Board Decisions

Some decisions of various electoral boards

Best practices recommended by leading election law attorneys

2019-1 General Standard Rulings

2019-1.1 Words and phrases

In these Standard Rulings, unless context otherwise requires, these words and phrases have the following definitions (and often LOOK LIKE THIS as a reminder to the reader that those are defined terms):


2019-1.1.1 Candidate

The term “CANDIDATE” includes a principal proponent of a public question.

2019-1.1.2 “Directory”

Not everything in a statute, even if it says “shall,” is necessarily absolutely required to be followed with **STRICT COMPLIANCE** to the letter. “Shall” is a rather inclusive word. It can mean merely “should” or “may” instead of “must.”

Courts sometimes rule that a provision is merely “**DIRECTORY**” and not “**MANDATORY**.” That would make it a mere direction or instruction of no obligatory force and involves no invalidating consequence for its disregard, as opposed to an imperative or **MANDATORY** provision, which must be followed more precisely.

The use of the word “shall” is generally regarded as mandatory when used in a statutory provision, but can be construed as directory depending on the legislative intent. The legislative intent can be ascertained from a consideration of the entire provision, its nature, its purpose, and the consequences that would result from interpreting the provision a specific way. When a statute specifies a penalty for failing to comply with a particular provision, it will be construed as mandatory rather than directory. Conversely, when a statute provides no penalty for noncompliance, courts will construe it as directory. *Brennan v. Illinois State Bd. of Elections*, 784 NE 2d 854 (1st Dist. 2002). .

The statewide Standard Rulings take that into account when recommending a specific ruling. Even when “shall” is mandatory, the issue arises of whether **STRICT COMPLIANCE** is required, or is **SUBSTANTIAL COMPLIANCE** good enough?

2019-1.1.3 Established Political Party

Pursuant to 10 ILCS 5/10-2, a statewide **ESTABLISHED POLITICAL PARTY** is one that received more than 5% of the vote for Governor in the most recent prior General Election.

For purposes of the 2020 General Primary and General Elections, the Republican Party and the Democratic Party are the only **ESTABLISHED POLITICAL PARTIES** in the State and every district or political subdivision of it.

For purposes of the 2021 Consolidated Primary and Primary Elections, the term “**ESTABLISHED POLITICAL PARTY**” also includes

any local political party (which has not subsequently dissolved) that secured more than 5% of the vote in its territory in the 2019 Consolidated Election.

2019-1.1.4 Local Election Official

The term “**LOCAL ELECTION OFFICIAL**” means the official with whom the **NOMINATION PAPERS** and **OBJECTOR’S PETITION** are filed.

2019-1.1.5 “MANDATORY”

A “**MANDATORY**” provision in a statute must be strictly followed. It is not merely **DIRECTORY**.

2019-1.1.6 New Political Party

The term “**NEW POLITICAL PARTY**” means a group running candidates under its name, but has not yet become an **ESTABLISHED POLITICAL PARTY** by securing a 5% of the votes at an General Election or Consolidated Election.

2019-1.1.7 Nomination papers

The term “**NOMINATION PAPERS**” embraces (1) a **CANDIDATE’S** Statement of Candidacy, receipt for Statement of Economic Interests, **PETITIONS FOR NOMINATION**, certification of deletions, summary of deletions, credentials, loyalty oath, and subscription to the Code of Fair Campaign Practices, (2) a public question **PETITION**, and (3) a certificate of nomination made by a party caucus.

2019-1.1.8 Objector’s Petition

The term “**OBJECTOR’S PETITION**” means the document that initiates a case before an electoral board.

2019-1.1.9 PETITION

The term “**PETITION**” or “**PETITION FOR NOMINATION**” means a sheet or sheets bearing the signatures of qualified voters requesting that the name of a certain person or persons or public question be placed upon the ballot for nomination or election.

2019-1.1.10 Preponderance of the Evidence

The term “**PREPONDERANCE OF THE EVIDENCE**” means that a particular fact or event was more likely than not to have occurred. It has nothing to do with the quantity - number of different pieces - of evidence presented on either side, but with the evaluation of that evidence. “Evidence” is any document or witness testimony presented in support of an assertion. A particular piece of evidence need not conclusively prove an assertion but it is evidence if it tends to prove a factual assertion. “**PREPONDERANCE OF THE EVIDENCE**” is a lower evidentiary standard than “clear and convincing” (substantially more likely than not to be true) and “beyond a reasonable doubt” (the only logical explanation that can be derived from the facts, and that no contrary explanation can reasonably be inferred or deduced from the evidence).

2019-1.1.11 RULES OF PROCEDURE

The term “**RULES**” or “**RULES OF PROCEDURE**” means the Uniform Rules of Procedure suggested by this *Illinois Electoral Boards Manual*, or other rules adopted at the initial meeting of the electoral board. These Standard Rulings are coordinated with those rules which are presumed to have been adopted.

2019-1.1.12 “Shall”

See “**DIRECTORY**” at Standard Ruling 2019-1.1.2.

2019-1.1.13 SHEET

The term “**SHEET**” means a signatures page of the PETITION FOR NOMINATION.

2019-1.1.14 STRICT COMPLIANCE

See **SUBSTANTIAL COMPLIANCE** at Standard Ruling 2019-1.1.15.

2019-1.1.15 SUBSTANTIAL COMPLIANCE


In some cases courts have held that “**SUBSTANTIAL COMPLIANCE**” (instead of *strict* compliance) with the requirements of certain statutes is good enough to satisfy the requirements of the law. But in an electoral board case on appeal, interpreting exactly which statutes, and how much constitutes **SUBSTANTIAL COMPLIANCE**, will be determined anew by the court because that is a question of law, or a mixed question of law and fact. See *Salgado v. Marquez*, 356 Ill. App.3d 1072, 1075, (2nd Dist. 2005) [🔗](#).

The Appellate Court, in *Let Forest Park Vote on Video Gaming v. Village of Forest Park Municipal Officers Electoral Board*, 2018 IL App (1st) 180391 [🔗](#), summarized the law to be:

¶20: Strict compliance with the requirements of the Election Code is required when the requirements of the statute “contribute substantially to the integrity of the election process.” *Craig v. Peterson*, 39 Ill. 2d 191, 196 (1968) [🔗](#); *Samuelson v. Cook County Officers Electoral Board*, 2012 IL App (1st) 120581, ¶20 [🔗](#). However, substantial compliance is sufficient when there is only a technical violation. *Samuelson*, 2012 IL App (1st) 120581, ¶20. The total failure to comply with a statutory requirement will result in the invalidation of a petition. See *Hagen v. Stone*, 277 Ill. App.3d 388, 391 (1995) [🔗](#); *Jones v. Dodendorf*, 190 Ill. App.3d 557, 562-63 (1989) [🔗](#). However, when a deviation from the Election Code is minor or technical in nature and does not affect the legislative intent to guarantee a fair and honest election, the deviation will not render the entire petition invalid. *Samuelson*, 2012 IL App (1st) 120581, ¶¶52-56; *King v. Justice Party*, 284 Ill. App.3d 886, 890-91 (1st Dist. 1996) [🔗](#).

In a given case, the relevant facts must first be established. The most common mitigating factors in arguing **SUBSTANTIAL COMPLIANCE** at the electoral board level are:

2019-1.1.15.1 No likelihood of voter confusion

A NOMINATION PETITION should be free from a ‘**basis for confusion**’ as to the office for which it is filed. A potential signatory to a PETITION has the right to know the specific vacancy sought by the CANDIDATE so that the signatory may make an informed decision whether to sign the PETITION or support another CANDIDATE for the same vacancy.” *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App.3d 731(1st Dist. 1998) .

It is the CANDIDATE’S responsibility to provide a document which does not cause a *likelihood* of voter confusion. (He is not required to prove that there is no *actual* voter confusion.)

2019-1.1.15.2 No threat to the integrity of the election process


It is also the CANDIDATE’S responsibility to provide a document or process in which there is not a *likelihood* of a threat to the integrity of the election process. (He is not required to prove that there is no *actual* threat to the integrity of the election process.)

2019-1.1.15.3 No likelihood of confusion by the ballot preparation officials

If the officials who need to prepare the ballot can find elsewhere in the NOMINATION PAPERS needed information that is missing from the Statement of Candidacy, then there is no likelihood of confusion by those officials.

2019-1.2 Spelling and typos

Misspellings or variations in the name of a party, office, or other item generally will not invalidate any document or allegation unless there is a reasonable likelihood that actual confusion in identification would occur.

The legislature did not intend to deny voters and CANDIDATES important substantive rights due to minor paperwork defects; thus, one mistyped digit in a CANDIDATE’S address in his NOMINATION PAPERS was not sufficient to have his name removed from the ballot. *Ryan v. Landek*, 159 Ill. App.3d 10, 512 N.E.2d 1 (1st Dist. 1987). .

2019-1.3 Standard of proof


The default standard of proof for questions of fact coming before the electoral board is PREPONDERANCE OF THE EVIDENCE.

2019-1.4 Scope of precedent

2019-1.4.5 Illinois appellate courts

These Standard Rulings include decisions by appellate courts from throughout Illinois.

The Illinois Supreme Court has declared “[In 1988], we recognized that it is ‘fundamental in Illinois that the decisions of an appellate court are binding on all circuit courts regardless of locale.’ The notion that circuit courts are bound only by the appellate court decisions from their own district is a relic of the pre-1964 Illinois Constitution of 1870 and has been expressly disavowed by our court. Until this court says otherwise, an appellate court’s decision must therefore be followed

regardless of the appellate court's district.” *Bryant v. Bd. Of Election Comm’rs*, 865 NE 2d 189, 194, 224 Ill. 2d 473, 309 Ill. Dec. 826 (2007)  (Internal citations omitted).

2019-1.4.6 Other rulings

There is not always an open-and-shut, bright-line, appellate decision directly on point that can be cited as precedent in any particular case in court. The purpose of these Standard Rulings is to aid an electoral board in coming to a just ruling on an issue.

That involves sharing with that quasi-judicial administrative body the reasoning used by others who have had to consider the same issue. Therefore citations are given to other electoral board and trial court cases and practices (including Rule 23(b) opinions) for guidance.

2019-2 Issues involving the Electoral Board

2019-2.1 Jurisdiction

The Illinois Supreme Court has ruled that, as a creature of statute, an electoral board may exercise only the powers conferred upon it by the legislature. Any power or authority claimed by an administrative agency must find its source within the provisions of the statute by which the agency was created. The agency's authority must either arise from the express language of the statute or devolve by fair implication and intent from the express provisions of the statute as an incident to achieving the objectives for which the agency was created. See *Vuagniaux v. Department of Professional Regulation*, 2003 IL 94073 (2003) [🔗](#). Any action or decision taken by an electoral board in excess of or contrary to its authority is void. *Bryant v. Bd. Of Election Comm'rs*, 224 Ill.2d 473 (2007) [🔗](#).

2019-2.1.1 Over constitutional issues

An electoral board has no authority to declare a statute unconstitutional or even to question its validity. *Bryant v. Bd. Of Election Comm'rs*, 865 NE 2d 189, 224 Ill. 2d 473, 309 Ill. Dec. 826 (2007) [🔗](#). However, if a party before an electoral board has a constitutional claim, he must assert it in front of the electoral board in order to preserve his right to assert the claim in a court entitled to consider it.

2019-2.1.2 Over subject matter


In §10-10 of the Election Code, the legislature granted these powers to electoral boards:


“The electoral board shall take up the question as to whether or not


- the certificate of nomination or NOMINATION PAPERS or PETITIONS are in proper form,
- and whether or not they were filed within the time and under the conditions required by law,
- and whether or not they are the genuine certificate of nomination or NOMINATION PAPERS or PETITIONS which they purport to be,
- and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it,
- and in general shall decide whether or not the certificate of nomination or nominating papers or PETITIONS on file are valid
- or whether the objections thereto should be sustained.”


The electoral board also has explicit powers to administer oaths and subpoenas, and to adopt rules of procedure.

The electoral board does not have the authority to grant rehearings or modify its decisions unless ordered to do so by a court on judicial review or appeal. The aggrieved party's reme-

dy lies in the judicial review procedure specifically authorized by the Election Code. *Caldwell v. Nolan*, 167 Ill.App.3d 1057 (1st Dist. 1988). 

The electoral board's function is limited to determining whether challenged nominating papers comply with the provisions of the Election Code. It does not have the authority to decide constitutional issues. *Troutman v. Keys*, 156 Ill. App.3d 247 (1987). 

The Election Board's scope of inquiry with respect to objections to NOMINATION PAPERS is limited to ascertaining whether those papers comply with the provisions of the Election Code. *Delgado v. Bd. Of Election Com'rs*, 224 Ill.2d 481 (2007) 

Unless evidence of a pattern of fraud arises during the hearing, an electoral board cannot raise its own objections to the Statement of Candidacy and PETITION sheets. The commission can consider only those objections raised by an objector. See *Wiesner v. Brennan*, 2016 IL App (2d) 160115 

2019-2.1.2.1 Public Questions.

2019-2.1.2.1.1 Initiating PETITION must be filed with an election official.

Under §28-4, the electoral board has jurisdiction over public questions (referenda) that are filed with an official other than a court.

The objection that the electoral board has no subject matter jurisdiction usually should be **overruled**.


2019-2.1.2.1.2 Initiating PETITION must be filed with a court.


But when the statute authorizing the public question states that a PETITION to initiate it must be filed with a court, then any challenge to that PETITION is in the jurisdiction of that court, not any electoral board.

The objection that the electoral board has no subject matter jurisdiction usually should be **sustained**.

2019-2.1.3 Over parties

2019-2.1.3.4 Manner of service

In requiring that notice be sent, by either registered mail or receipted personal delivery, the legislature intended to increase the likelihood that interested parties would actually receive notice of and the opportunity to attend a hearing. Although *some* notice to interested parties is MANDATORY under the statute, the manner and method of service prescribed in §10-8 of the Election Code is merely DIRECTORY. See *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App.3d 900 (2d Dist. 1985) 

It is not essential that the sheriff be involved in receipted personal delivery. If the CANDIDATE or other interested party signs a receipt for the notice, it is not relevant who presented the notice to him. See *Havens v. Miller*, 102 Ill. App.3d (1st Dist. 1981) 

Except for a document filed stating on its face that that the party appears for the sole reason of complaining that the he has not received even de facto notice, appearance or participa-

tion by a party shall constitute acceptance and waiver of service.

2019-2.1.3.4.5 With Substantial Compliance

When the manner and method of service prescribed in §10-8 is substantially complied with, the electoral board has jurisdiction over a hearing on the OBJECTOR'S PETITION so a motion to dismiss an OBJECTOR'S PETITION usually should be **denied**. See *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App.3d 900 (2d Dist. 1985) [🔗](#).

2019-2.1.3.4.6 Without Substantial Compliance

When there is not SUBSTANTIAL COMPLIANCE with the manner and method of service prescribed in §10-8, the electoral board has no authority to proceed with a hearing on the OBJECTOR'S PETITION.

It is the officials, not the Objector who failed to comply with the direction in §10-8 to see that the CANDIDATE received notice of the Objection being filed. Requiring strict compliance, instead of SUBSTANTIAL COMPLIANCE, would be unjust because (as the First District Appellate Court said in *Havens v. Miller*, 102 Ill. App.3d (1st Dist. 1981) [🔗](#), the chairman's noncompliance cannot be a fatal flaw because "it would mean that the chairmen of the various electoral boards would have absolute veto power over objections. By ignoring one of the alternative methods of serving notice, a chairman could prevent the board from having authority to sustain valid objections."

It is the duty of the electoral board to serve the candidate with notice of a hearing and the opportunity to attend. Deadlines should be flexible so that neither party suffers harm due to the error by officials. See *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App.3d 900 (2d Dist. 1985) [🔗](#). If a candidate evades service or makes service impossible, the case proceeds without him.

2019-2.1.4 Wrong venue

Where the official with whom the OBJECTOR'S PETITION was filed sent it to the wrong electoral board, the objection to venue should usually be **sustained** and the case shall be transferred to the correct electoral board, and all previous deadlines shall be deemed satisfied so that the objector shall not be disadvantaged by the error.

2019-2.2 Composition

2019-2.2.5 Recusal

The composition of the electoral board is set by §10-9 of the Election Code, and the members have no authority to voluntarily step down unless ineligible for one of the reasons stated below.

Otherwise, as the Supreme Court of the United States has stated, "The true rule unquestionably is that wherever it becomes necessary for a judge to sit even where he has an interest-where no provision is made for calling another in, or where

no one else can take his place—it is his duty to hear and decide, however disagreeable it may be.” See *United States v. Will*, 449 U.S. 200 at 214, (1980) [↗](#).

2019-2.2.6 Ineligibility

Section §10-9 of the Election Code specifies who the replacement shall be for the first ineligible member, and that any additional replacements (called “Public Members”) are appointed by the Chief Judge of the Circuit Court of the county wherein the hearing is being held.

2019-2.2.6.1 Subsidiary eligibility

If, as in the case of the County Officers Electoral Board, a statutory member (e.g. County Clerk) is allowed to designate an assistant to serve in his place on the electoral board, and the statutory member (e.g. County Clerk) is or becomes ineligible, then the statutory member no longer has any authority to appoint a substitute and any such designee must be replaced in the manner provided by law (e.g. County Treasurer or Sheriff).

2019-2.2.6.2 Presumption of bias

Because the members of the electoral board are usually elected officials of the public body that the CANDIDATE seeks to join, complaints are sometimes lodged that a member of the electoral board will be biased in favor or against one of the parties due to political affiliation or party membership, political alliance or opposition, family ties, past association with the parties, familiarity with the facts of the case, or similar reasons.

There are causes listed in the Election Code for removal of a member, but the appearance of bias is not one of them, and such grounds have, thus far, been uniformly rejected by the courts. Under §10-10.1 of the Election Code, a party aggrieved with the decision of the electoral board can seek judicial review in the circuit court, and that protection precludes finding an implied right to substitute board members or change venue whenever an objector or candidate feels a conflict is present.

See *In re Objection of Cook to Referendum Petition of Marjorie Pierce*, 122 Ill. App.3d 1068, (5th Dist. 1984) [↗](#); *Ryan v. Landek*, 159 Ill.App.3d 10 (1st Dist. 1987) [↗](#); *Ayers v. Martin*, 223 Ill.App.3d 397 (4th Dist. 1991) [↗](#).


The general rule is that an electoral board member (or substitute) is only ineligible if he is a necessary witness or if he could personally benefitted or be harmed by a ruling in the case. An objection on grounds of apparent bias should usually be **overruled**.

2019-2.2.6.2.1 Board Counsel, Hearing officers, Others

The decisions are made by the members of the electoral board, not functionaries, and because the decision makers cannot be removed for apparent bias, it would be not make sense to remove their assistants.


An objection on grounds of apparent bias shall be **overruled**. See 2019-2.2.6.2 above.

2019-2.2.6.2.2 Change of venue

The Election Code does not provide any procedure for obtaining a change of venue. See *In re Objection of Cook to Referendum Petition of Marjorie Pierce*, 122 Ill. App.3d 1068, 462 N.E.2d 557, 78 Ill.Dec. 438 (5th Dist. 1984) .

A request for a change of venue should usually be **denied**.


2019-2.2.6.3 Previous involvement in a public question

When members of the electoral board, in another capacity, have voted to approve an action that is now subject of a referendum, there is no conflict. *Ayers v. Martin*, 584 NE 2d 1028 , (4th Dist. 1991).

2019-2.2.6.4 CANDIDATE for the same office

Under §10-9 of the Election Code, no member of the electoral board who is a CANDIDATE for the same office that is the subject of the OBJECTOR'S PETITION is eligible to serve, and must not act in that case. An objection on that basis usually should be **sustained**.



2019-2.2.6.5 Same objection as in a case against Member's own candidacy

If separate Objection Petitions contain an objection to the candidacies of different members of this electoral board or their presumptive substitutes, so that a member would be ruling upon an objection in one case that is the same as an objection in his own case, then none of those members who are themselves, or are designee members on behalf of such CANDIDATES, should hear any of those cases. An objection on that basis should be **sustained**. See *Kaemmerer v. St. Clair County Electoral Board*, 333 Ill.App.3d 956, (5th Dist. 2002) .

Similarly, if an OBJECTOR'S PETITION has been filed against the candidacy of a member of the electoral board, that member should not participate in any other case that contains an objection that is the same as one in his own case.

2019-2.2.6.6 Financial interest in the outcome

Where an electoral board member has a direct pecuniary interest in the outcome of the case, he is ineligible to judge that case and an objection made on that basis should be **sustained**.

For example, when an elected official sitting on an electoral board would have his salary affected by a public question to dissolve his unit of government, or to impose term limits, he is ineligible to hear objections filed on those public questions. See *Anderson v. McHenry Township*, 289 Ill.App.3d 830, 682 N.E.2d 1133, 225 Ill.Dec. 56 (2d Dist.1997) , and *Zurek v. Franklin Park Officers Electoral Board*, 2014 IL App (1st) 142618 .

2019-2.2.6.7 Threat to tenure in office by public question

When a public question, if passed, would eliminate or otherwise impact the elected position of a member of the electoral board, the situation is no different than if he had been running for office in that unit of government and therefore that mem-

ber is ineligible to hear objections filed against that public question. See *Anderson v. McHenry Township*, 289 Ill.App.3d 830, 682 N.E.2d 1133, 225 Ill.Dec. 56 (2d Dist.1997) [↗](#).

2019-2.2.6.8 Necessary witness in the case

This situation most often occurs when the officer who received the CANDIDATE's NOMINATION PAPERS is also a member of the electoral board, and would thus called upon to judge his own testimony.

If there is a legitimate and unavoidable reason why a specific member of the electoral board needs to be called as witness, and no other person can testify to those facts to be adduced, then an objection on that basis should be **sustained**. See the Illinois Supreme Court's opinion in *Girov v. Keith*, 212 Ill.2d 372, 818 N.E.2d 1232, 289 Ill.Dec. 29 (2004) [↗](#).

2019-2.2.6.9 Party officials

Because they were not CANDIDATES for office, two election board members who were also party officials were not required to recuse themselves. *Ryan v. Landek*, 159 Ill.App.3d 10 (1st Dist. 1987) [↗](#). An objection on that basis usually should be **overruled**.

2019-2.2.6.10 Due process

There have been instances where Illinois courts have ordered members of an electoral board removed, based upon something beyond the Election Code. While a judge may have done that in the examples below and in other instances, no electoral board has authority to do so; its authority is defined by law and limited to those matters enumerated in §§10-9, 10-10, and 28-4 of the Election Code or elsewhere.

The Supreme Court of the United States has noted “[o]ur system of law has always endeavored to prevent even the probability of unfairness. To this end, no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered.” *In re Murchison*, 349 US 133, 136 (1955) [↗](#).

Any objection to the composition of an electoral board, made upon Due Process grounds not covered by enumerated Standard Rulings that precede this one, usually should be **overruled** because the electoral board lacks jurisdiction. Instances such as those illustrated below belong to a Court, not the electoral board, to decide:

- In 2004, the Illinois Supreme Court found that a conflict requiring a recusal of a board member can arise where an unacceptable risk of bias is present. Where there is an unacceptable risk of bias present, the PETITIONER's right to a fair and impartial hearing is lost. See *Girov v. Keith*, 212 Ill.2d 372, 818 N.E.2d 1232, 289 Ill.Dec. 29 (2004) [↗](#).
- In 2013, all the members of the Town of Cicero Electoral Board were CANDIDATES running for re-election and jointly contributed and raised campaign funds

and financing in a group they were members of that co-mingled funds and used them to further their election, including financing the defense against objections and the cost of litigation. If any of these members were to rule against another member, it would conflict with their joint fundraising efforts and their re-election, including defending against any such objections. The trial court disqualified all of them and ordered that Public Members be appointed.

- In 2014, when a PETITION to place term limits on the elected offices in Franklin Park was challenged, all three members of the electoral board would have been precluded from being re-elected if the voters adopted the proposal. The trial court ruled the PETITIONER had not shown either an unacceptable risk of bias, or dishonesty, and refused to disqualify them. The appellate court ruled that the members should have been disqualified, and ordered that a new electoral board consisting of all Public Members be appointed to hear the case and (because the election was already underway) the proposition be placed on the ballot on the next election if the new electoral board overruled the OBJECTOR'S PETITION. See *Zurek v. Franklin Park Officers Electoral Board*, 2014 IL App (1st) 142618 [🔗](#).

2019-2.3 Subpoenas

2019-2.3.5 Relevant Subject

Under §10-10 of the Election Code, the electoral board may “issue subpoenas requiring the attendance of witnesses and subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry before the electoral board, in the same manner as witnesses are subpoenaed in the Circuit Court.”

Thus, if the electoral board has not been authorized by law to inquire into a matter, it has no authority to issue a subpoena for it.

Because the electoral board has no power to hear or investigate criminal violations of the election code, the electoral board properly denied a request for a subpoena of payroll records of named public employees who allegedly performed work on the OBJECTOR'S PETITION at taxpayer expense in violation of several laws in 10 ILCS 5/29, the “Prohibitions and Penalties” article of the Election Code. See *Nader v. State Board of Elections*, 2004 IL App (1st) 1-04-2910 [🔗](#).

2019-2.4 Rules of Procedure

Procedural due process in an administrative proceeding does not require a proceeding in the nature of a judicial proceeding, but is satisfied by a form of procedure that is suitable and proper to the nature of the determination to be made and conforms to fundamental principles of justice. Administrative

procedure is, and should be, simpler, less formal and less technical than judicial procedure in the absence of a statutory mandate to the contrary, *Village of South Elgin v. Pollution Control Board*, 64 Ill.App.3d 565, 381 N.E.2d 778 (2nd Dist. 1978) [↗](#). The Code of Civil Procedure [735 ILCS 5] is inapplicable to administrative hearings. *Desai v. Metropolitan Sanitary District*, 466 N.E.2d 1045, 125 Ill. App.3d 1031 (1st Dist. 1984), *Caldwell v. Nolan*, 167 Ill. App.3d 1057 (1st Dist. 1988) [↗](#). Nor does the Civil Administrative Code [20 ILCS 5] include electoral boards.

Note that those principles are implemented in the *Uniform Rules of Procedure* in Appendix B of this publication.

2019-2.4.5 Production of Documents

Sections 7-12 and 10-7 of the Election Code provide that “All certificates of nomination and NOMINATION PAPERS when presented or filed shall be open, under proper regulation, to public inspection....” Election matters must proceed on an expedited basis, and so that no person has to wait for the delays allowed under the Freedom of Information Act (“FOIA”) to inspect and copy NOMINATION PAPERS with short deadlines, this mandate is separate from and trumps the FOIA and requires even greater public access than is guaranteed by FOIA.

Nomination Papers shall be made immediately available to the public for inspection and copying, without resort to FOIA.

Nomination Papers are also public records under the Freedom of Information Act [5 ILCS 140]. Section 11(j) of the Freedom of Information Act provides for a civil penalty in ranging from \$2,500 to \$5,000 for failure to comply, or acting in bad faith.

In *Briscoe v. Kusper*, 435 F.2d 1046 (7th Cir. 1970) [↗](#), the federal court of appeals having jurisdiction in Illinois, ruled that the denial of all access to PETITIONS, voter registration records and other records for the purpose of inspection and copying may constitute a deprivation of due process.

2019-3 Issues affecting the OBJECTOR'S PETITION

A CANDIDATE's "access to a place on the ballot is a substantial right and [is] not to be lightly denied." *Siegel v. Lake County Officers Electoral Board*, 385 Ill.App.3d at 460, 324 Ill.Dec. 69, 895 N.E.2d 69 (2nd Dist. 2008). [!\[\]\(e78f798d4ea5c530c9db49e7d26e6b95_img.jpg\)](#)

The burden of proof in contesting NOMINATION PAPERS lies with the objector. *Hagen v. Stone*, 277 Ill.App.3d 388, 390, 213 Ill.Dec. 932, 660 N.E.2d 189 (1st Dist. 1995). [!\[\]\(23d9fc146e83b5c3013cfa32c784f8d5_img.jpg\)](#)

A CANDIDATE'S NOMINATION PAPERS are deemed valid unless there is an OBJECTOR'S PETITION filed that is in conformity with the requirements of the Election Code. See *Druck v. Illinois State Board of Elections*, 387 Ill.App.3d 144, 326 Ill.Dec. 220, 899 N.E.2d 437 (1st Dist. 2008). [!\[\]\(c694a3ff3b077d76910920a6a1593ab4_img.jpg\)](#)

An OBJECTOR'S PETITION that fails to strictly comply with §10-8 of the Election Code is invalid and is subject to dismissal by an electoral board. See *Pochie v. Cook County Officers Electoral Board*, 289 Ill. App.3d 585, 224 Ill.Dec. 697, 682 N.E.2d 258 (1st Dist. 1997). [!\[\]\(ec9132f1d27c8919987d92907322654d_img.jpg\)](#)

The CANDIDATE has the responsibility for asserting any claim for disqualification of the OBJECTOR'S PETITION.

2019-3.1 Objector fails to Appear

"Given the CANDIDATE's substantial right to appear on a ballot and the expedited nature of ruling on objections to nominating PETITIONS, electoral boards are authorized to reasonably employ a common-sense approach in making a preliminary evaluation on the sufficiency of an objection. We see nothing in the Code that prohibits an electoral board from requiring an objector to appear and make a credible showing that there is a good-faith basis for the filed objection. Subject to judicial review, a failure to make a credible showing justifies summary dismissal of an objection." *Daniel v. Daly*, 2015 IL App (1st) 150544 (1st Dist. 2015). [!\[\]\(dd161862f9164df98f62b726e9846241_img.jpg\)](#)


Where objector was served by substituted service by the Sheriff at the address listed on her OBJECTOR'S PETITION and failed to appear at the initial hearing, objector defaulted and so her objections were dismissed. *McCullough v. Huner*, 08-EB- SS-04 (Chicago Electoral Board 2007). [!\[\]\(758ebdf4629c903da74c2e079717ae32_img.jpg\)](#)

Except for good cause shown, failure by the Objector to appear, either in person or by an attorney, at any hearing on his OBJECTOR'S PETITION shall result in dismissal of the OBJECTOR'S PETITION.

2019-3.2 Objection filed in bad faith

When the CANDIDATE moved to dismiss the OBJECTOR'S PETITION on the basis that objector's line-by-line objections were overly broad and objector had not demonstrated that there was a good-faith basis to ascertain the truth of his objections prior to filing his PETITION, and given the expedited nature of ruling on objections to Nominating Papers, the electoral board rea-

sonably questioned the nature and basis of the objection after it was presented with a facially reasonable argument that the objection was not filed in good faith.

Because the objector did not appear to answer questions surrounding the basis of his objection which, if sustained, would disqualify the CANDIDATE, “we cannot conclude the Board acted contrary to its authority.” The record is clear that [the objector] was afforded an opportunity to persuade the Board that his objection was meritorious and that he could meet his burden proof. The Board properly drew an adverse inference from [the objector's] failure to appear and, after consideration of the OBJECTOR'S PETITION, [the CANDIDATE's] motion to dismiss and the arguments of counsel, the Board sustained the motion to dismiss the objections. Based on the record before us, we do not believe that the Board's decision was arbitrary and not grounded in the law.” *Daniel v. Daly*, 2015 IL App (1st) 150544 (1st Dist. 2015) .

2019-3.3 Objector's Petition is not Notarized

Nothing in the Election Code requires the OBJECTOR'S PETITION to be even signed, must less notarized. Any objection on that basis should be **overruled**. (Of course, every one of the CANDIDATE'S petition signature sheets must be notarized.)

2019-3.4 Issue is moot

2019-3.4.1 Candidacy has ended

If through formal withdrawal, death, or other irrevocable circumstances, the respondent is no longer a CANDIDATE, then the objector has already achieved the maximum possible relief he sought. Thus the issue is moot and so the OBJECTOR'S PETITION should be **dismissed**.

A withdrawal must be shown by a copy of the CANDIDATE's written request under §§7-12, 8-9, or 10-7 to withdraw, file-stamped as received by the correct official, or other conclusive evidence. Alternatively, the executed and notarized withdrawal document¹ may be presented directly to the electoral board for transmittal to the appropriate official.

2019-3.4.2 Papers have already been officially accepted

Some statutes have the official with whom the NOMINATION PAPERS were filed send a written acceptance to the CANDIDATE within seven days after filing. (See 70 ILCS 705/4a for Fire Protection Districts, 70 ILCS 2005/6.5 for Rescue Squad Districts, and 110 ILCS 805/3-7.10 for Community College Districts.)

But acceptance by a filing official is not the same as a determination that the NOMINATION PAPERS are valid. Except for an apparent conformity review [Statement of Candidacy is present, and enough gross signatures (without investigating the validity of any signatures)], the filing official has no authority to approve, or reject, either the form, substance or timeliness

¹ See Appendix B, form EB-465.


of a filing. They are best advised to take any filing, time stamp it “received,” and set it on a shelf to let those authorized to do so argue over it.

Under §10-8 ¶1, NOMINATION PAPERS are deemed valid unless rejected on apparent conformity grounds or ruled invalid through electoral board proceedings or judicial review.

Any a motion to dismiss an OBJECTOR'S PETITION on the basis that the filing official has issued a document accepting the NOMINATION PAPERS should be **denied**.

2019-3.5 Objector is not a legal voter in the district.

Pursuant to §10-8, only a “legal voter of the political subdivision or district in which the CANDIDATE or public question is to be voted on” is eligible to file an OBJECTOR'S PETITION to a certificate of nomination, or NOMINATION PAPERS, or a PETITION for a public question.

The failure of an objector to state on the face of his OBJECTOR'S PETITION his residential address showing that he resides in the voting district requires dismissal of the OBJECTOR'S PETITION, even though the objector may have attested that he resides in the district and is a certified voter. See *Daniel v. Daly*, 2015 IL App (1st) 150544 (1st Dist. 2015) .

(The topic “Objections to Addresses” at *Standard 2019-8* provides procedures for interpreting addresses.)

The *mailing address* of a person is not definitive of the political subdivision or district where a person living there resides. The U.S. Postal Service assigns zip codes and related city names to the place where the carrier picks up his mail, and he may serve multiple areas. The fact that a mailing address includes the name of a village does not mean that the resident lives inside the corporate limits. Many times a portion of an incorporated area is served by a carrier who picks up his mail at a different post office, so that portion of town has a different zip code, and even a different name, than the rest of the incorporated area.

A document such as a property tax bill for the residence should be accepted as credible evidence of the political subdivision or district where a person living there resides. The document should bear the address but need not bear the name of the Objector.

The burden of proof is on the party who questioned the Objector's status as a legal voter in the district and the failure to assert that claim at the beginning of the proceedings is generally considered a waiver of the right to assert the defect.

If none of the Objectors signing an OBJECTOR'S PETITION are registered voters in the jurisdiction of the unit of government related to the candidacy or public question, then a motion to dismiss an OBJECTOR'S PETITION on that basis should be **granted**.

2019-3.6 Objection was filed too late

Pursuant to §10-8, an objection must be filed in writing “within five business days” after the last day for filing the NOMINA-

TION PAPERS. Applying §1-3(22), a “business day” is any day in which the office where the OBJECTOR’S PETITION must be filed is open to the public for a minimum of 7 hours. §1-6(a) excludes from the count any Saturday, Sunday or State Holiday as defined in §1-6(b), but §1-6(c) provides that an OBJECTOR’S PETITION filed on one of those days cannot be disqualified for that reason alone.

Illinois courts have found that an OBJECTOR’S PETITION bearing a time stamp from *any* time (even outside of business hours) during the filing period is timely filed. *Hamm v. Township Officers of Township of Bremen Electoral Board*, 389 Ill.App.3d 827, 907 N.E.2d 433, 329 Ill.Dec. 842 (1st Dist. 2009) [🔗](#).

Note that if the OBJECTOR’S PETITION does not have a stamp or notation showing when it was filed with the election official, the electoral board should enter into its written Findings a record of the evidence, admission or stipulation establishing when the PETITION was filed. *Thomas v. Powell*, 289 Ill.App.3d 143, 681 N.E.2d 145, 224 Ill.Dec. 163 (1st Dist. 1997) [🔗](#).

A motion to dismiss an OBJECTOR’S PETITION on the basis that it was not timely filed, if true, generally should be **granted**.

2019-3.7 Objection has been amended

Before the end of the objection filing period, no amendments to an OBJECTOR’S PETITION are allowed. But an OBJECTOR’S PETITION may be withdrawn and a new one filed before the filing period ends.

After the objection filing period has ended, minor typographical errors may be corrected, but the Election Code does not authorize material amendments to the OBJECTOR’S PETITION after the deadline for filing the petition, and therefore any action by the electoral board recognizing a material amendment should be void. See *Stein v. Cook County Officers Electoral Board* 636 N.E.2d 1060 (1994), 264 Ill. App.3d 447, 201 Ill.Dec. 628 [🔗](#) (1st Dist. 1994).

“The CANDIDATE first argues that the Board erred in allowing the objector to amend her objection. The Board argues that a hearing before it is just like a trial, and in a trial the pleadings may be amended at any time prior to the entry of the judgment. Again, the Board is a creature of statute. It may only allow amendments to the objection where it is authorized by statute to do so. The Code does not authorize amendments to the objection, and therefore the Board’s action in so doing is void.” *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 638 N.E.2d 782 [🔗](#) (2nd Dist. 1994).

The objection to considering any amendments to the OBJECTOR’S PETITION, except for any alleging fraud (see *Standard 2019-4.7*), ordinarily should be **sustained**, and only the OBJECTOR’S PETITION at the close of objection filing period should be considered.

2019-3.8 Stated interest

2019-3.8.5 Invalid stated interest

The customary statement is “The Objector’s interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of NOMINATION PAPERS for elected office are properly complied with and that only qualified CANDIDATES have their names appear on the ballot as CANDIDATES for the elected office.”

An interest stated is sufficient (even if it is stated as an incomplete sentence but the meaning can be inferred from the filing as a whole) and its truth is irrelevant. See *Fulton v. Sanders*, 91 EB-ALD-111 (Chicago Electoral Board 1991) [↗](#).

If any apparently good-faith, non-frivolous, interest was stated, then a motion to dismiss an OBJECTOR’S PETITION on that basis should be **denied**.

2019-3.8.6 Failure to state any interest

If no interest whatever was stated, a motion to dismiss an OBJECTOR’S PETITION on that basis should be **granted**.

2019-3.9 Motive

The objector’s motive in filing his OBJECTOR’S PETITION is irrelevant, to the determination of whether the CANDIDATES complied with election laws, so a motion to dismiss an OBJECTOR’S PETITION on that basis should be **denied**. See *Wollan v. Jacoby*, 274 Ill.App.3d 338 (1st Dist. 1995) [↗](#).

2019-3.10 Failure to state fully the nature of the objection

Simply stating that he is filing an objection to NOMINATION PAPERS is not sufficient under Section 10 ILCS 5/10-8 in the Election Code. *McCullough v. Hunder*, 08-EB- SS-04 (Chicago Electoral Board 2007) [↗](#).

An objection must reasonably apprise the CANDIDATE of the defects alleged sufficient to enable the CANDIDATE to affirmatively defend against the objections. *Pochie v. Cook County Officers Electoral Board*, 287 Ill. App.3d 585 (1st Dist. 1997) [↗](#).

An objection is required to fully state the nature of the objections to comply with the Election Code. *Kopec v. Sims*, 07-EB-MUN-002 (Chicago Electoral Board 2007) [↗](#).

Objections that have no reasonable basis in law or fact or “shot-gun objections” and must be dismissed. See *Barton v. Coleman*, 95-EB-ALD-144 (Chicago Electoral Board 1995) [↗](#).

Any objection that is vague and so general that it is not clear exactly which specific portions of the certificate of nomination, or NOMINATION PAPERS, or a PETITION for a public question are defective, and the allegation is insufficient. A motion to dismiss an OBJECTOR’S PETITION for failure of the Objector to state a valid reason should be **granted**.

Any objection or allegation that attempts to shift the burden of proof from the Objector to the Candidate or electoral board should be dismissed or **overruled**.

2019-3.11 Failure to file at least two copies

Section 10 ILCS 5/10-8 in the Election Code provides that, in addition to the original, “Objection Petitions that do not include 2 copies thereof, shall not be accepted.” The Local Election Authority should not have accepted the OBJECTOR’S PETITION in the first place, so there should not have been any case to come before any electoral board. But the OBJECTOR’S PETITION was accepted anyway, and “Therefore, the only reasonable inference created by the filing of this PETITION is that the objector tendered a sufficient number of copies at the time. This reasonable inference is bolstered by the fact that after accepting and filing the documents, the election official is required to take certain actions....” *Zurek v. Petersen*, 2015 IL App (1st) 150508 [🔗](#). Those actions include forwarding the paperwork necessary to initiate the electoral board proceeding hearing that very point of objection.

Thus, the objector is presumed to have filed enough copies. Absent specific evidence to the contrary, a motion to dismiss OBJECTOR’S PETITION based solely upon an insufficient quantity of copies being filed should be **denied**.

2019-3.12 Failure to state a cause of action

An OBJECTOR’S PETITION that fails to plead a claim for which relief can be granted is subject to a motion to dismiss. For example, if the objection is that the CANDIDATE is not qualified because he is a communist, the objection should be dismissed because being a capitalist is not a legal qualification for the office.

2019-4 Objections affecting the entire candidacy or question

2019-4.1 CANDIDATE fails to Appear

Where a CANDIDATE was personally served with the Board's call to the hearing and does not appear at the initial hearing and the OBJECTOR'S PETITION contains on its face sufficient allegations, if accepted as true, to invalidate the CANDIDATE's NOMINATION PAPERS, the CANDIDATE is in default and his NOMINATION PAPERS are invalid. *Austin v. Tatum*, 08-EB- RGA-13 (Chicago Electoral Board 2007) [🔗](#). See also, *Williams v. Smith*, 08-EB-RGA-15 (Chicago Electoral Board 2007) [🔗](#) (Served by certified mail and failure to appear, the CANDIDATE is in default and NOMINATION PAPERS declared as invalid.)

Unless good cause is shown for the CANDIDATE's absence, the objection should be **sustained**.

2019-4.2 All documents

2019-4.2.5 Heading is not appropriate

If a reasonable signer would understand what he is signing, the introductory language is sufficient.

SUBSTANTIAL COMPLIANCE (See *Standard 2019-1.1.14*) is the proper standard for evaluating violations of the pagination and heading requirements under §§7-10, 8-8, or 10-4 of the Election Code. *Samuelson v. Cook County Officers Electoral Bd*, 2012 IL App (1st) 120581 [🔗](#).

2019-4.2.5.1 Date of election

Where there is a error in the date, such a digit wrong, but the intended date can be discerned because there is only one election pending associated the span of dates that PETITION SHEETS were allowed to be circulated, or when the NOMINATION PAPERS were filed, there is SUBSTANTIAL COMPLIANCE. See also *Standard 2019-1.2*. The objection should be **overruled**.

2019-4.2.5.2 Type of candidacy

Whether the Statement of Candidacy or petition SHEETS characterize the candidacy as "independent" or "nonpartisan" makes no difference. This sometimes arises when someone who is not running as a candidate of a political party uses one of those terms to answer a question about "which political party?" Just leave it blank.

There are few effective differences between a "nonpartisan" candidate or an "independent" candidate, so there is no confusion of the signers, and an objection that the type is missing or mistaken should be **overruled**.


If the candidate uses a form with a blank for the name of a political party for his candidature, and that blank is left unfilled, an objection on that basis should be **overruled** and he shall be deemed an independent or non-partisan candidate. *Dean v. Smith*, 2017 IL App (1st) 170404 [🔗](#).

2019-4.2.5.2.1 Only village president and trustees.

In 1992, all villages (not cities) were automatically² converted to elect their president and trustees as nonpartisan candidates, unless that village passed a referendum³ afterwards to have partisan candidates. Villages that have been electing them before 1992 as partisan candidates were allowed, but not required, to continue doing that, but if any of those grandfathered villages stop electing candidates as partisan, they would need to go through the proper referendum procedures to reinstitute it.

If village elections are nonpartisan, then for president and trustees in villages, (but not cities), instead of the usual 5% to 8% of the ballots cast in the last village election, then the minimum quantity of valid signatures required is 1% of the ballots cast for village president⁴ in the most recent election for that office. See *Standard 2019-4.3.7.1.1*.

2019-4.2.5.3 CANDIDATE address is a rural route or post office box


On the PETITION sheets, the address needed is not where the CANDIDATE's mail is delivered to, *e.g.*, post office box (although it might coincidentally be the same as the required information). §10-5(3) in the Election Code requires a CANDIDATE or CANDIDATES to list the *place of residence* with the street and number thereof, if any. If the community (or rural area) uses street addresses, the objection should be **sustained**. See *Chambers v. Finney*, 11-EB-ALD-104 (Chicago Electoral Board 2011) . With the advent of the 911 Emergency systems, even rural homes are given street addresses.

It is not necessary to include the apartment or unit number in the CANDIDATE's address, because "street address" is the legal requirement to identify the place of residence.

2019-4.2.5.3.1 CANDIDATE is homeless

While the standard to qualify as a CANDIDATE may be different than for a voter, §3.2 of the Election Code includes provisions for a homeless person to become a registered voter with a mailing address, which may include, but is not limited to, a shelter, day shelter or private residence. It goes on to say, "Nothing in this Act shall be construed to confer upon homeless individuals any additional privileges or benefits other than the right to register to vote and to be qualified to vote in an election under Articles 4, 5, and 6 of this Code."

A notation that a CANDIDATE is homeless together with a post office box is insufficient. *Fore v. Municipal Officers Electoral Board for Village of Oak Park*, No. 2009 COEL 029 (Cook County Cir. Ct. 2009).


The Chicago Board of Election Commissioners disqualified the candidacy of a homeless person with a post office box address, when it was determined that the physical location of the post office box was outside the Ward. *Wohadlo v. Hendricks*, 11-EB-ALD-088 (Chicago Electoral Board 2011) .

² 65 ILCS 5/3.1-25-20.

³ 65 ILCS 5/3.1-25-65.

⁴ 65 ILCS 5/3.1-25-30.

2019-4.2.5.4 Multiple CANDIDATES named

Sections 7-10, 8-8, and 10-4 in the Election Code refer to “CANDIDATE or CANDIDATES” when specifying the elements required in the heading of signature SHEETS. An objection made solely on the basis that multiple CANDIDATES are on the same signature sheet shall be **overruled**. See *Bradley v. Lunding*, 63 Ill.2d 91 (1976) .

Note that when multiple CANDIDATES are named, each CANDIDATE must also show his residence address in the heading, and file all other required documents (e.g. Statement of Candidacy, receipt for Statement of Economic Interests, etc.) as part of the same set of NOMINATION PAPERS. Office sought.

2019-4.2.5.5 Office sought

2019-4.2.5.5.1 Is missing

Section 10 ILCS 5/10-4 in the Election Code requires the office of the CANDIDATE be named, so if it is missing from the PETITION signature sheets then the voter is not fully informed and the objection should be **sustained**.

2019-4.2.5.5.2 Is ambiguous

The test is likelihood of voter confusion. (See *Standard 2019-1.1.15.1*.)

For example, in a village with a municipal library, there are both Village Trustees and Library Trustees on the ballot, so if the PETITION sheets list the office as only “trustee,” then there is a great likelihood of voter confusion and any objection should be **sustained**.

In situations where there no great likelihood of voter confusion the objection should be **overruled**.

2019-4.2.5.5.3 Is not correctly named

2019-4.2.5.5.3.1 Only *one type of official possible*

When the public body elects only a **single type of official**, popular synonyms are allowable, and the objection shall be **overruled** but the proper name of office shall be used on the ballot.

For example, running for park district “trustee” instead of the proper title of “commissioner,” is unlikely to confuse voters.

2019-4.2.5.5.3.2 *Functional equivalent used*

When a popular synonym for the **function of an office** is used, such as “mayor” instead of the proper “village president,” there is a connotation of being the head of the local municipality, so voters are unlikely to be confused about the type of office the CANDIDATE seeks. Also, section 65 ILCS 5/3.1-15-10 in the Municipal Code recognizes use of that synonym. Similarly, voter confusion is unlikely when “councilman” or “alderman” is used instead of “trustee” in relation to a village election.

The objection should be **overruled**.

2019-4.2.5.5.4 Is not scheduled for election this time

The objection should be **sustained** because there is no such office to be filled by the voters at the next election. Other stat-

utes would prevent the LOCAL ELECTION OFFICIAL from certifying the CANDIDATE's name onto the ballot, and him from being certified as the winner or holding the elective office.

2019-4.2.5.5.5 Filed for multiple terms for the same office

This can happen when a CANDIDATE files for both a full (*usually 4-year*) term and an unexpired (*usually 2-year*) term. Those are two separate and incompatible *seats* and it is axiomatic that a single person cannot hold multiple seats on the same board and thus have multiple votes.

The Election Code, at §§7-12, 8-9(3), and 10-7, requires a Candidate who files for conflicting seats to withdraw from all but one candidacy, and if he does not, his name must not be certified and he must not appear on the ballot for any office. The withdrawal must be done within five days after the close of petition filing, which is before the electoral board normally meets, so the issue should never get to the electoral board in the first place.

The objection should be **sustained**.

See, among others, statutes 105 ILCS 5/5-4, and 105 ILCS 5/6-10, in the School Code.

2019-4.2.5.5.6 Filed multiple times for the same office and term.

This can happen if, for example, there are three trustee seats to be elected at large, and the candidate thinks his chances of being elected to one of them are improved by having his name listed on the ballot more than once, or that he could be elected to two seats and have two votes.

This should never get as far as the electoral board because §10-6.2 invites the CANDIDATE to respond to a notice from the election officials about the multiple filings. If he responds within three business days after receipt of the notice, then only the *last* set of NOMINATION PAPERS filed is valid. If he does not timely respond, then only the *first* set of NOMINATION PAPERS is valid.

An objection that more than one set still alive should be **sustained** and the relief shall be that only the set specified by law should be considered for certification.

2019-4.2.5.5.7 Filed for multiple offices.




Election Code §§7-12, 8-9(3), and 10-7 require that a CANDIDATE for multiple offices that are *incompatible* (he cannot serve in more than one at the same time) must withdraw from all but one candidacy, and if he does not, his name must not be certified and he must not appear on the ballot for any office.


The withdrawal must be done within five days after the close of petition filing, which is before the electoral board normally meets, so the issue should never get to the electoral board in the first place.

If it does reach the electoral board before the deadline for withdrawal, the electoral board should recess the case until after the deadline for the CANDIDATE to withdraw from all but one candidacy. If he has so withdrawn when the electoral

board reconvenes the case, then the objection should be **overruled** as moot.


If the CANDIDATE has not filed a withdrawal, then the electoral board must proceed to determine, as a question of law, whether those offices are indeed incompatible.

Two public offices are incompatible when a statute says so; or where the holder of one office cannot in every instance, properly and fully, faithfully perform the duties of the other office; or where one is subordinate to the other; or where there is the *possibility* of a conflict of interest. See *People v. Claar*, 293 Ill. App. 3d 211, 215-271 (3rd Dist. 1997) ; *People ex rel. Barsanti v. Scarpelli*, 371 Ill. App. 3d 226, 233, (2nd Dist. 2007) ; *People ex rel. Smith v. Brown*, 356 Ill. App. 3d 1096 (3rd Dist. 2005) .

The Attorney General's *Index of Opinions on Compatibility of Offices*, obtainable from www.CitizenParticipation.org,  may be helpful, but that *Index* covers only instances where an authorized public official has asked for such an opinion. There are court cases not included in it, and legal research beyond the scope of this publication would likely need to be done by competent legal professionals.

If the offices are incompatible, then the objection should be **sustained**.

2019-4.2.5.5.8 Does not cover petitioner's area


Where petitioners sign a petition stating that they are electors of a certain area, the petition cannot validly support a candidacy for an office that does not cover that area. For example, a petition stating that electors are of Oak Park Township, and the office is one covering only Cicero Township, the petition is void on its face. See *Neal v. Cook County Officers Electoral Board*, 2018 IL App (1st) 180321 (2018) .


2019-4.2.5.5.9 Does not exist in this district

There is no office of “dogcatcher” to be elected.

In most cases, the objection should be **sustained**.

But be careful. It may be an office that has been renamed:

In *Stevenson v. County Officers Electoral Bd.*, 58 Ill. App.3d 24 (3rd Dist. 1978)  the court held that where the legislature changed the title of an office and some NOMINATION PAPERS pages used the old title, there was no question as to the office the candidate was seeking. In this situation, the objection shall be **overruled**.

An unusual ruling in the case of *Pascente v. County Officers Electoral Bd.*, 869 NE 2d 802 (1st Dist. 2007)  held that where a CANDIDATE filed for an office that existed everywhere in the State except his own county, he was deemed to have really filed for another office because he had (as required only when running for that particular original office) included special geographic information (his Congressional township and range numbers) and the only office on the ballot confined to that limited area was then deemed by the electoral board to have been the only one possible, so there was no basis for voter confusion. Also, the old office had once existed in his county and

there was a specific statute deeming any reference to the old title to mean the new title. In this situation, the objection should be **overruled**.

2019-4.2.5.6 Political party

2019-4.2.5.6.1 Political party name is stated for a nonpartisan office.

Some offices, Library District Trustee for example, are prohibited by §16-3(a) of the Election Code from having a party name or affiliation on the ballot.

For library district trustees, see statute 75 ILCS 16/30-20(a) in the Public Library District Act; For park district commissioners, see 70 ILCS 1205/2-11 in the Park District Code.

2019-4.2.5.6.1.1 *Everywhere but Chicago*

Nomination papers for a nonpartisan office that show a party designation shall be not disqualified. The objection should be **sustained**, but the sole relief shall be that the party designation shall not be shown beside the CANDIDATE's name on the ballot.

2019-4.2.5.6.1.2 *In only Chicago*

A special law (65 ILCS 20/21-32) that applies to only the City of Chicago, states that the candidacy is invalidated if a party name is contained in both the introductory petitioning language as well as within the circulator affidavits on the signature sheets. *Hardy v. Percy*, 15-EB-ALD-009 (Chicago Electoral Board 2015) [🔗](#). In that limited circumstance, the objection made on that basis should be **sustained** and the CANDIDATE removed from the ballot.

However, when words of party identification appear only on the Statement of Candidacy and not on sheets presented to the voters, the error is harmless. *Stamps v. Lomax*, 15 EB-ALD-140 (Chicago Electoral Board 2015) [🔗](#). The objection shall be **sustained**, but the sole relief shall be that the party designation should not be shown beside the CANDIDATE's name on the ballot.

2019-4.2.5.6.2 No political party name stated

If the elected office is a partisan one, then the objection shall be **sustained** and the sole relief shall be that the NOMINATION PAPERS shall be deemed to be for an Independent CANDIDATE. *Dean v. Smith*, 2017 IL App (1st) 170404 [🔗](#).

Note that, if the election is a partisan primary election in which CANDIDATES for a political party's nomination are chosen, the effect is to remove the CANDIDATE from the *primary* election (but not the upcoming *general* election) ballot because Independent CANDIDATES do not run in partisan primary elections.

Some municipalities have formally adopted a non-partisan system and Illinois law requires a primary election and then a runoff between the top two when more than 4 candidates have filed for a single office.

2019-4.2.5.6.3 CANDIDATE is a member of another political party

Illinois law does not have voters who are “registered members” of any political party. A person may affiliate with a political party by taking a specified action, but that status expires at the end of each election cycle. Thus his party affiliation during the 2016 general election cycle, or his affiliation at the 2017 consolidated election cycle is irrelevant to party affiliation in the 2018 general election cycle.

An election cycle begins on the first day that a nomination PETITION may be circulated for the primary election, and ends on the day its CANDIDATES are elected. After that, the voter has no legal affiliation with any political party unless he chooses one during the next election cycle.

The cycle for a general (even number year) election is separate and independent from the cycle for a consolidated (odd number year) election.

Newly amended section 7-43 of the Election Code deals with actions that create a party affiliation:

A CANDIDATE is locked into his party affiliation for the current election cycle after he establishes it by:

(a) signing a PETITION for a CANDIDATE of a political party, *Rosenzweig v. State Bd. of Elections*, 946 NE 2d 1113 (1st Dist. 2011) [🔗](#).

(b) or by filing a partisan Statement of Candidacy. *Rudd v. Lake County Electoral Board*, 60 N.E.3d 979, 2016 IL App (2d) 160649 (2d Dist. 2016) [🔗](#).

(c) or by voting in a partisan primary election. *Cullerton v. DuPage County Officers Electoral Board*, 894 N.E.2d 774, 384 Ill.App.3d 989 (2nd Dist. 2008) [🔗](#).

(d) or by attending a political party caucus where partisan candidates for township office are nominated.

Note: The laws governing party changes by candidates are more restrictive than those relating to voters generally. See *Hossfeld v. Illinois State Bd. of Elections*, 939 N.E.2d 368 (Ill: Supreme Court 2010) [🔗](#).

2019-4.2.5.6.3.1 CANDIDATE signed a PETITION for a CANDIDATE of another political party

Sections 7-10 and 8-8 of the Election Code prohibit signing a nominating petition for a candidate from one political party and then running as a candidate for another political party in the same election cycle. See *Rosenzweig v. State Bd. of Elections*, 946 NE 2d 1113 (1st Dist. 2011) [🔗](#). The objection shall be **sustained**.

2019-4.2.5.6.3.2 Filed a Statement of Candidacy for another political party

Section 7-43 of the Election Code states that a person who filed a Statement of Candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY may not file a Statement of Candidacy as a CANDIDATE of a different ESTABLISHED POLITICAL PARTY or as an Independent CANDIDATE for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement.

The court in *Rudd* determined that §7-43 applied, even if the Statement of Candidacy was withdrawn, and also noted, “That section 7-43 does not disqualify new-party candidates on the same basis as independents can be seen as encouraging the post-primary formation of alternative political parties by voters and candidates who may be either dissatisfied with the status quo or disappointed with the results of the primary.” See *Rudd v. Lake County Electoral Board*, 60 NE 3d 979 (2nd Dist. 2016) [🔗](#).

For a CANDIDATE of a different ESTABLISHED POLITICAL PARTY or an Independent CANDIDATE the objection should be **sustained**. For a candidate of a NEW POLITICAL PARTY the objection should be **overruled**.

2019-4.2.5.6.3.3 *Candidate voted in another political party's primary election*

The cycle for a General (even number year) election is separate from the cycle for a Consolidated (odd number year) election. Each cycle can have its own Primary election that is related to only the General Election that follows a few months later where CANDIDATES nominated in that Primary election can be elected.

Section 7-43 of the Election Code provides that “A person may file a statement of candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY regardless of any prior filing of candidacy for a partisan office or voting the ballot of an ESTABLISHED POLITICAL PARTY at any prior election.”

The objection should be **overruled** because a person's activity in the 2016 General Primary, or the 2017 Consolidated Primary is irrelevant to the 2018 General Primary. See *Hossfeld v. Illinois State Bd. of Elections*, 939 N.E.2d 368 (Ill: Supreme Court 2010) [🔗](#).

A CANDIDATE is ineligible when he voted on a partisan ballot in primary and then filed to run as an independent in general election. *Lockett v. Barton*, 12-EB-IND-03 (Chicago Electoral Board 2012) [🔗](#).

The candidacy was upheld when the objection focused on voter conduct rather than partisan CANDIDATE conduct. *Cobb v. Tyson*, 12-EB-NPP-02 (Chicago Electoral Board 2012). [🔗](#)

The State Board of Elections found no bar to a voter who signed a partisan PETITION from then running as an independent. *McSweeney v. Beaubien*, 12-SOEB-GE-507 (State Board of Elections 2012).

There is no restriction on someone who voted in a previous partisan primary from seeking office in a NEW POLITICAL PARTY. *Direso v. Oberline*, 12-SOEB-GE-101 (State Board of Elections 2012).

A person may not file a partisan Statement of Candidacy, withdraw from the race, decline to take a primary ballot and then seek to run for that very same office in the general election as an independent CANDIDATE. *Rudd v. Lake County Electoral Board*, 60 N.E.3d 979, 2016 IL App (2d) 160649 (2d Dist. 2016) [🔗](#).

2019-4.3 Petition (“signature”) sheets

Sections 7-10, 10-4, and 28-3 of the Election Code deal with the form of the signature sheets and, among other requirements, the PETITION sheets must be:

- of uniform size.
- neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner.
- not be fastened by pasting them together end to end, so as to form a continuous strip or roll.
- numbered consecutively.
- contain only original (not photocopied) signatures.

The few statements in §8-8 regarding PETITIONS for State Senator or Representative in the General Assembly are not exhaustive, so the remaining details are deemed supplied from the default case, §7-10 (*partisan CANDIDATES*) or §10-4 (*independent CANDIDATES*).

2019-4.3.1 Not of uniform size

This MANDATORY requirement applies to only the PETITION (“signature”) sheets, not the Statement of Candidacy or other parts of NOMINATION PAPERS. See statute 10 ILCS 5/7-10, etc. in the Election Code.

The objection should be **sustained**, but the best practice is that the remedy is limited to disqualification of the minority of sheets that are different in size from the majority of sheets.

2019-4.3.2 Not numbered

2019-4.3.2.1 None numbered

The page numbering provision is MANDATORY and not DIRECTORY. *Wollan v. Jacoby*, 274 Ill. App.3d 388 (1st Dist. 1995) [🔗](#).

The argument that the numbering requirement is merely technical is without merit. See *Jones v. Dodendorf*, 190 Ill. App.3d 557 (2nd Dist. 1989) [🔗](#).

The requirement to number the pages aids in the identification and description of each PETITION sheet, and prevents tampering with them and preserves the integrity of the PETITIONS and of the election process in general. Failure to number them invalidates them. See *Jones v. Dodendorf*, 190 Ill. App.3d 557 (2nd Dist. 1989) [🔗](#).

Failure to number any of the CANDIDATE’s PETITION sheets invalidates the NOMINATION PAPERS. *Wiley v. Clark*, 16-EB-WC-11 (Chicago Electoral Board 2016) [🔗](#).

Nomination papers that were completely not numbered were voided. *Bothwell v. Linstron*, 95-EB-2 (Kane County Electoral Board 1995).

The objection should be **sustained**.

2019-4.3.2.2 Some not numbered

The requirement to number the pages aids in the identification and description of each PETITION sheet, and prevents tampering with them and preserves the integrity of the PETITIONS

and of the election process in general. See *Jones v. Dodendorf*, 190 Ill. App.3d 557 (2nd Dist. 1989) [↗](#).

Sometimes all but one of the sheets is numbered. Sometimes more than one, but still a small proportion. There may be a missing number or two. Sometimes or two duplicate numbers. Sometimes numbers are illegible.

Court decisions are inconsistent. Court decisions that favor SUBSTANTIAL COMPLIANCE (see *Standard 2019-1.1.14*) are mindful of the principle enunciated by the Illinois Supreme Court, which said we should tread cautiously when construing statutory language which restricted the people's right to endorse and nominate the candidate of their choice." See *Akin v. Smith*, 2013 IL App 130441, 989 NE 2d 715, (1st Dist., 2013) [↗](#) (quoting *Lucas v. Lakin*, 175 Ill.2d 166, 176, 221 Ill.Dec. 834, 676 N.E.2d 637 (1997)) [↗](#).

There is no firm rule on how much of the PETITION can contain unnumbered, misnumbered, or other irregular numbering and still be in SUBSTANTIAL COMPLIANCE. Electoral boards are faced with the equivalent of needing to decide how much length a string must have to be considered "long" or how dark something can be to be considered "gray" and justifying that reasoning in the written Findings of the case.

Applying a standard that every unnumbered page shall cause the objection made for that reason to be **sustained** would be impartial, leaving the numbered pages remaining to demonstrate SUBSTANTIAL COMPLIANCE. It is consistent with that law that if all the sheets are unnumbered, all the sheets are disqualified.

(If that results in the CANDIDATE not having enough signatures and being removed from the ballot, it correctly demonstrates his material lack of SUBSTANTIAL COMPLIANCE with a MANDATORY requirement of the law.)

2019-4.3.3 Duplicate sheet numbers

Duplicative sheet numbers that are not in SUBSTANTIAL COMPLIANCE with that MANDATORY requirement Election Code and therefore the objection should be **sustained**. But where there is SUBSTANTIAL COMPLIANCE, the objection should be **overruled**.

Where 29 of the 34 nominating PETITION sheets filed by a CANDIDATE were not numbered, five of the numbered PETITION sheets were not in consecutive order, and two sheets bore the marking "Sheet 1," the CANDIDATE's NOMINATION PAPERS did not substantially comply with Section 10-4 of the Election Code. *Maldonado v. Morales*, 11-EB-ALD-015 (Chicago Electoral Board 2010) [↗](#).

2019-4.3.4 Pages not securely bound

A PETITION is required by the MANDATORY provisions of §§7-10, 10-4, and 28-3 in the Election Code to have its sheets "neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner." A public question PETITION is required by 10 ILCS 5/28-3 to be "bound securely." Those statutes also require that

“the sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.”

SUBSTANTIAL COMPLIANCE was the proper standard for evaluating violations of the pagination and heading requirements under Section 7-10. *Samuelson v. Cook County Officers Electoral Bd*, 2012 IL App (1st) 120581 [↗](#).

Placing 138 sheets in an open-ended envelope is not considered bound and therefore properly rejected. *Valentin v. Esparza*, 15-EB-ALD-004 (Chicago Electoral Board 2015) [↗](#).

The objection usually should be **sustained**.

2019-4.3.4.1 Formed into a roll

§§7-10, 10-4, and 28-3 in the Election Code are MANDATORY, and provide that “The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.”

The objection that the sheets were submitted in the form of a continuous strip or roll should be **sustained**.

2019-4.3.4.2 Improvident acceptance

The fact the Clerk accepted the unbound PETITION sheets does not bind the electoral board. *Valentin v. Esparza*, 15-EB-ALD-004 (Chicago Electoral Board 2015) [↗](#).

The objection that the signature pages were not securely bound should be **sustained**.

2019-4.3.4.3 An official bound the pages

It is the citizen filing the PETITION who is required to comply with the statute, not someone else. See *Jakstas v. Koske*, 352 Ill. App.3d 861 (2d Dist. 2004) [↗](#).

The objection that the signature pages were not securely bound should be **sustained**.

2019-4.3.4.4 Metal clips

Binding by two metal clips, including one large metal binder-clip, the electoral board found SUBSTANTIAL COMPLIANCE. *Haynes v. Anderson*, 07-EB-ALD-017 (Chicago Electoral Board 2007) [↗](#). The objection usually should be **overruled**.

Courts have found that a regular paperclip, by its very nature, allows the papers it fastens to be pulled apart and rearranged at will and therefore does not satisfy the requirements of the Election Code. *Girot v. Keith*, 341 Ill. App.3d 902 (3rd Dist. 2003), *reversed on other grounds*, 212 Ill.2d 372 (2004).

A difference was found with a serrated paper clip which could not be pulled apart by the members of the electoral board and therefore satisfied the requirements of the Election Code. *Bendell v. Education Officers Electoral Board for School District 148*, 338 Ill. App.3d 458 (1st Dist. 2003).

2019-4.3.4.5 Rubber band

Fastening with rubber band did not comply with the requirements of the Election Code. *Brown v. Muhammad*, 11-EB-ALD-006 (Chicago Electoral Board 2011) [↗](#). It violates the requirement that PETITION sheets be bound along one edge.

The objection should be **sustained**.

2019-4.3.4.6 Brass fasteners

Use of ACCO brand brass fasteners was sufficient to meet the Election Code's MANDATORY fastening requirement. *Anderson v. Levi*, 07-EB-ALD-035 (Chicago Electoral Board 2007) [🔗](#). The objection should be **overruled**.

2019-4.3.4.7 Only some bound

A PETITION in which some of the signature pages were not bound in any manner did not substantially comply with the securely bound requirement of the Election Code. *Jakstas v. Koske*, 352 Ill. App.3d 861 (2d Dist. 2004) [🔗](#). The objection usually should be **sustained** and the entire PETITION voided, resulting in there being no valid PETITION signatures in the NOMINATION PAPERS.

2019-4.3.5 Photocopied signature pages

Where the entire sheet is a duplicate (including signatures) of another, then only the sheet in the bound PETITION bearing all original signatures shall be retained. The objection to the duplicate sheets should be **sustained** and the electoral board should consider referring the matter to the appropriate prosecutor's office.

2019-4.3.6 Heading not the same on all sheets

Sections 7-10 and 10 ILCS 5/10-4 in the Election Code is MANDATORY, and requires, in pertinent part, "each sheet shall contain, above the space for signature, an appropriate heading, giving information as to name of CANDIDATE or CANDIDATES in whose behalf such PETITION is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same."

As long as all of the specified elements are contained in the various headings and are consistent, then variations in format or wording do not lead to voter confusion and there is SUBSTANTIAL COMPLIANCE. Therefore the objection should be **overruled**.

But where some sheets do not even SUBSTANTIALLY comply (e.g. specifying different elections), the objection should be **sustained**. An appropriate remedy may be limited to disregarding the minority set of sheets, instead of invalidating the entire petition. See *Let Forest Park Vote on Video Gaming v. Village of Forest Park Municipal Officers Electoral Board*, 2018 IL App (1st) 180391 [🔗](#).

2019-4.3.7 Quantity of signatures

2019-4.3.7.1 Minimum quantity required

The minimum quantity of valid signatures is set by law. A recap appears in the 2019 Candidate's Guide available from the State Board of Elections [🔗](#).

2019-4.3.7.1.1 Village president and trustees

(*The following does not apply to cities:*) Normally 1% of the previous total vote for village president, but there are some ra-

re exceptions. They do not apply to the April 2019 Consolidated Election, so they are not listed now but will be shown here in future editions. [10 ILCS 5/10-3, 65 ILCS 3.1-25-30.]

2019-4.3.7.1.2 Nonpartisan offices default

If the minimum quantity is not specified by statute, then under §10-3.1, it is 0.5% of the registrants in that jurisdiction, but at least 25.

2019-4.3.7.1.3 Partisan office default.

If the minimum quantity is not specified by statute, then under §10-3, it is 5% of the number of persons that voted on officers for that district or political subdivision of the state.

2019-4.3.7.2 Crossed-out signatures

The practice of the State Officers Electoral Board is to not count a signature that has been crossed out, even if the formal deletion requirements of §10-3 of the Election Code have not been strictly complied with. Following their lead, an objection saying that a certain signature should be counted despite being improperly crossed out should be **overruled**.

2019-4.3.7.3 Not enough signatures tendered

If on its face (that is, even presuming every signature is valid) a PETITION contains fewer PETITIONER signatures than the minimum required, then an objection made on that basis should be **sustained**.

2019-4.3.7.4 Too many signatures tendered

If a PETITION on its face contains signatures in excess of any statutory maximum, an objection filed on that basis should be **sustained**.

However, the sole relief shall be that all of those signatures beyond the cutoff (counting from the first signature on page number one) shall be ignored for all purposes (including being substituted for a disqualified signature) except for establishing a pattern of fraud. See *Richards v. Lavelle*, 620 F.2d 144 (7th Cir. Ill. 1980) [🔗](#), *Wilson v. Municipal Officers Electoral Board*, 213 IL App (1st) 130957 [🔗](#).

2019-4.3.7.5 Not enough valid signatures

The objection should be **sustained**. SUBSTANTIAL COMPLIANCE is not good enough; strict compliance is required. *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929 [🔗](#).

2019-4.4 Other required documentation

2019-4.4.5 Professional qualifications

2019-4.4.5.1 Assessors

Statute 35 ILCS 200/2-45 in the Property Tax Code requires that a CANDIDATE for assessor must also file a copy of the certificate of his qualifications. The qualifications deal with the amount of training based upon the total assessment value of the township, and under 35 ILCS 200/2-50, each year before

the election the Department of Revenue certifies to the township clerk a list of the pre-election requirements for the assessor in that jurisdiction.

If the required copy of the up-to-date certificate of the CANDIDATE's qualifications is not filed as part of the NOMINATION PAPERS, that person is ineligible to be a CANDIDATE for assessor. The objection should be sustained and the name of that person shall not be printed on the ballot.

2019-4.4.5.2 State's Attorneys

Under Article VI, §19 of the Illinois Constitution, a state's attorney must be a licensed attorney in Illinois.

Section 7-10 of the Election Code requires that the Statement of Candidacy for nomination by a political party to the office of State's Attorney shall state that the CANDIDATE is at the time of filing such statement a licensed attorney-at-law in Illinois.

An objection that such a statement is missing from the Statement of Candidacy shall be **overruled** because, later in that same section, the CANDIDATE's oath on that Statement of Candidacy contains the phrase "I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office...." The adoption of the form paragraph's general representation that the CANDIDATE possessed the licenses required for office was sufficient for a valid PETITION FOR NOMINATION for state's attorney, despite the requirements of Section 7-10 that require a CANDIDATE to expressly affirm he had a state law license. See *Weber v. Winnebago County Officers Electoral Board*, 2012 IL App (2d) 120051, ¶¶19, 26 [↗](#).

2019-4.4.5.3 Judges

Under Article VI, §11 of the Illinois Constitution, a judge must be a licensed attorney in Illinois.

An objection that a CANDIDATE for judge failed to file proof of being a licensed attorney in Illinois should be **overruled** because there is no specific requirement in the Election Code for him to file such a document. See *Weber v. Winnebago County Officers Electoral Board*, 2012 IL App (2d) 120051, ¶¶19, 26 [↗](#).

Under the plain language of Section 7-10 in the Election Code, a person had to be qualified for the office of trial judge at the time he filed his NOMINATION PAPERS and being qualified to that statute meant he also had to be a resident of the relevant sub-circuit at that time as dictated by Article VI of the Illinois Constitution. See *Goodman v. Ward*, 241 Ill.2d 398 (2011) [↗](#).

2019-4.4.5.4 Regional Superintendents of Schools

Section 105 ILCS 5/3-1 in the School Code provides that "No PETITION of any CANDIDATE for nomination for the office of regional superintendent of schools may be filed and no such CANDIDATE's name may be placed on a primary or general election ballot, unless such CANDIDATE files as part of his PETITION a certificate from the State Board of Education certifying that from the records of its office such CANDIDATE has the qualifications required by this Section; however, any incumbent filing

his PETITION FOR NOMINATION for a succeeding term of office is not required to attach such certificate to his PETITION of candidacy.”

If the required copy of the certificate of a non-incumbent CANDIDATE's qualifications is not filed as part of the NOMINATION PAPERS, that person is ineligible to be a CANDIDATE for regional superintendent of schools.

2019-4.4.6 Name changes

If the CANDIDATE has changed his name (except for adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.) within three years of the deadline for filing NOMINATION PAPERS, then §§7-10.2 and 10-5.1 of the Election Code requires that the history of name changes must appear on the PETITION sheets, Statement of Candidacy, and other NOMINATION PAPERS (but is not required on the Statement of Economic Interests). In those places, the CANDIDATE's name must be followed by “formerly known as *[list all prior names during the 3-year period]* until name changed on *[list date of each such name change]*.”

The NOMINATION PAPERS must be accompanied by the CANDIDATE's affidavit stating the CANDIDATE's previous names during that three-year period and the date or dates each of those names was changed; failure to meet these requirements should be grounds for denying certification of the CANDIDATE's name for the ballot or removing the CANDIDATE's name from the ballot, as appropriate.

2019-4.5 CANDIDATES

2019-4.5.5 CANDIDATE qualifications

Sections 7-10, 8-8, and 10-5 in the Election Code require a CANDIDATE to swear that “I **am** legally qualified to hold such office.” In *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [🔗](#), the Illinois Supreme Court noted the statement is phrased in the present tense, so a CANDIDATE is ineligible to even run for office if a qualification is not satisfied at the time the CANDIDATE signed his Statement of Candidacy.

2019-4.5.5.1 Is not a registered voter at that address.

(The topic “Objections to Addresses” at *Standard 2019-8* provides procedures for interpreting addresses.)

The objection usually be should be **sustained**. However, there are cases in which the candidate registered and the paperwork was lost by the registry office. In such a case, whether there was a registration is a question of fact to be determined by evidence submitted to the electoral board.

2019-4.5.5.2 Is not a registered voter in the district.

The Statement of Candidacy contains an oath that the CANDIDATE is a qualified voter at a certain address located in the stated municipality, county, and Illinois. See section 10 ILCS 5/10-5 in the Election Code. The CANDIDATE must actually live

and be duly registered at the address set forth in the statement. *Sanders v. Riles*, 92-EB-WC-012 (Chicago Electoral Board 1992) [↗](#).

That must be true on the day he signed the Statement of Candidacy. Otherwise, the Statement of Candidacy is invalid. See *Cruz v. Colt*, 86-EB-RES-1 (Chicago Electoral Board 1986) [↗](#).

(The topic “Objections to Addresses” at *Standard 2019-8* provides procedures for interpreting addresses.)

The *mailing address* of a person is not determinative of the political subdivision or district where a person living there resides. The U.S. Postal Service assigns zip codes and related city names to the place where the carrier picks up his mail, and he may serve multiple areas. The fact that a mailing address includes the name of a village does not mean that the resident lives inside the corporate limits. Many times a portion of an incorporated area is served by a carrier who picks up his mail at a different post office, so that portion has a different zip code, and even a different name, than the rest of the incorporated area. With the advent of the 911 Emergency systems, even rural homes are given street addresses.

A document such as property tax bill for the residence should be accepted as credible evidence of the political subdivision or district where a person living there resides. The document need not bear the name of the CANDIDATE.

If the proof before the electoral board is that the candidate is not registered at that address, the objection should be **sustained**.

2019-4.5.5.3 Has not resided long enough in the district.

It is a common assumption that an elected official must also reside within the district, and perhaps for at least a minimum of some time. That is not always the case.

In the interesting case of *Schumann v. Fleming*, 251 Ill. App.3d 1062 (2nd Dist. 1994) [↗](#), the Appellate Court analyzed the unique but instructive situation of township assessors who don’t take office until the year after the election: the CANDIDATE files his NOMINATION PAPERS in December of year 1, is elected in April of year 2, and takes office in January of year 3. The Court concluded that a durational residency requirement must be met at the time the CANDIDATE signs his sworn Statement of Candidacy that states “I am legally qualified to hold such office.” That logic was confirmed later when the Illinois Supreme Court ruled the same was in *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [↗](#),

The Objector bears the burden of proof that such a status is required by law for this office, and that the CANDIDATE has not resided in the district long enough.

2019-4.5.5.3.1 Bulletin: Public Library Districts

Effective August 10, 2018, and applicable to the 2019 Consolidated Election, 75 ILCS 16/30-20 requires a candidate to have been a qualified voter of the library district and resided in it for at least one year at the time his NOMINATION PAPERS are filed.

2019-4.5.5.4 CANDIDATE owes debt to that unit of government.

Statutes applying to municipalities (65 ILCS 5/3.1-10-5(b)), make a person ineligible to take the oath of office if, at the time required for taking the oath of office, that person is in arrears in the payment of a tax or other indebtedness due to the that unit of government. (*Before 2013, it was the date when he filed his NOMINATION PAPERS, but was changed to now become when the oath is due.*) Because the due date has not arrived by the time the OBJECTION'S PETITION was filed, or even while the Electoral Board is in session, the objection against a municipal candidate (including village library trustee) should be **overruled**.

For park districts (70 ILCS 1205/2-11), library districts (75 ILCS 16/30-20(e)), and fire protection districts (70 ILCS 705/10.1) the relevant date is when he files his NOMINATION PAPERS because the statute says so, or because he swears in his Statement of Candidacy that "I **am** [present tense] legally qualified to hold such office." See *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [🔗](#). An objection on this ground against a park, library, or fire, district candidate should be **sustained**.

Note that in general, the debt of a company owned by CANDIDATE is not a debt of the CANDIDATE and will not render the CANDIDATE ineligible for office. See *Burke v. Electoral Board of the Village of Bradley*, 2013 IL App (3d) 130141 [🔗](#).

2019-4.5.5.4.1 Property taxes

"Arrearage in tax or other indebtedness" due to the unit of government the CANDIDATE seeks to join as an elected official may *not* include real estate property taxes. While local taxing districts such as municipalities and school districts are the ultimate beneficiaries of the property tax system, those property taxes are due and payable to the county treasurer, and arrearages are handled by county officials. See *Jackson v. Board of Election Commissioners*, 2012 IL 111928 (2012) [🔗](#).

An objection based upon arrearages in real estate property tax usually should be **overruled**.

2019-4.5.5.4.2 Civil penalties (ballot forfeiture) against campaign committee.

There is a good argument that the electoral board lacks jurisdiction to enforce the provisions of 10 ILCS 5/9-30 that bars from the ballot the name of a CANDIDATE whose campaign finance committee (or a prior committee of which he was a principal) has past due and unpaid civil penalties assessed against him. Enforcement of that bar is a duty of the Local Election Authority later, at the time of ballot certification.

Therefore, an objection based upon arrearages in such penalties should be **overruled**. However, the objector should pursue the clerk to be certain that the candidate's name is not certified if the past due fines remain unsettled.

2019-4.5.5.4.3 Other arrearages

Examples of some arrearages that would be covered by a Tax or Other Indebtedness Clause are overdue water bills, parking

tickets, inspection or permit fees, local real estate transfer taxes cost recovery, license/taxes such as vehicle stickers, etc.

Although the disqualification clauses of the municipal, park, and fire protection district statutes state a time when arrearages are relevant, in *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [🔗](#), the Illinois Supreme Court noted the statement a CANDIDATE is required by statute 10 ILCS 5/10-5 in the Election Code to swear to (“I **am** legally qualified to hold such office.”) is phrased in the present tense and then ruled that a CANDIDATE is ineligible to even run for office if the arrearage is not remedied by the time the CANDIDATE files his NOMINATION PAPERS.

If the objection involves a CANDIDATE for an office of a unit of government governed by the Municipal Code (65 ILCS 5), then because (as noted above in Standard 2019-4.5.5.3.1) legislation effective in 2013 has moved the test date into the future, the electoral board declines to follow the *Cinkus*, case decided in 2008, and the objection should be **overruled**.

For other units of government with an arrearage qualification the objection should be **sustained**.

2019-4.5.5.5 CANDIDATE for a partisan nomination is not a member of that party

See Standard 2019-4.2.5.6.3 .

2019-4.5.5.6 CANDIDATE in general or consolidated election participated in the primary of another party

Sections 7-61, 10-2, 10-3 and 18-9.1 of the Election Code prohibit a person who filed a Statement of Candidacy in a primary election and is defeated from becoming a write-in, Independent or NEW POLITICAL PARTY CANDIDATE in the following general (or consolidated) election.

Section 7-43 of the Election Code prohibits a person who has filed a Statement of Candidacy in a primary election, regardless of the outcome or if the Statement of Candidacy was withdrawn, or a person who voted in that political party’s primary election, from becoming an Independent, or ESTABLISHED POLITICAL PARTY CANDIDATE in the general election. See *Cullerton v. DuPage County Officers Electoral Board*, 384 Ill.App.3d 989 (2d Dist. 2008) [🔗](#), *Rudd v. Lake County Electoral Board*, 60 N.E.3d 979, 2016 IL App (2d) 160649 (2d Dist. 2016) [🔗](#). *Rudd* found that the §7-43 prohibition did not preclude a primary election participant from becoming a CANDIDATE of a NEW POLITICAL PARTY, but did not consider §10-2 in their Opinion.

If the objection is that the CANDIDATE submitted a Statement of Candidacy in the primary, and that is proved, the objection should be **sustained**.

If the objection is that a CANDIDATE of a NEW POLITICAL PARTY voted in the primary election, the objection should be **overruled**. However, note that circulators of the old party’s petition must not circulate for the same candidate on the NEW POLITICAL PARTY’s petition in the same election cycle.

2019-4.5.5.7 CANDIDATE was convicted of a felony

The Illinois Constitution provides in article XIII, section 1, that “a person convicted of a felony, perjury or other infamous crimes shall be ineligible to hold an office created by this Constitution.”

Section 730 ILCS 5/5-5-5(b) in the Unified Code of Corrections provides “a person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.”

Section 29-15 of the Election Code states “Any person convicted of an infamous crime as such term is defined [arson, bigamy, criminal sexual assault or abuse, forgery, kidnapping, murder, robbery, perjury, sale of narcotics, subornation of perjury, and theft with imprisonment] in Section 124-1 of the Code of Criminal Procedure of 1963, as amended, shall thereafter be prohibited from holding any office of honor, trust, or profit, unless such person is again restored to such rights by the terms of a pardon for the offense or otherwise according to law.”

For election law purposes, a person is not “convicted” until the sentence is imposed. See *People ex rel. Grogan v. Lisinski*, 113 Ill. App.3d 276, 446 NE 2d 1251 (1st Dist. 1983) [↗](#). Courts have found section 65 ILCS 5/3.1-10-5 in the Municipal Code is unambiguous and the clearest indication of the legislature’s intent that bars felons from running for office. *Pappas v. Calumet City Municipal Officer’s Electoral Board*, 288 Ill.App.3d 787 (1st 1997) [↗](#).

Municipal offices have a specific provision at 65 ILCS 5/3.1-10-5(b) declaring any person ineligible to take the oath of office for a municipal office who has been convicted in any court in the United States of any infamous crime, bribery, perjury or other felony. Recent challenges to that provision have failed. See *People ex rel. Foxx v. Agpawa*, 2018 IL App (1st) 171976 [↗](#).

Public Library Districts have the same provision at 75 ILCS 16/30-20(e), making the felon ineligible to serve as a library trustee.

If the crime was perjury in connection with an election (10ILCS 5/29-10), or mutilation of election materials (10 ILCS 5/29-6), that person is not allowed to hold public office or public employment for five years after completing his sentence.

After proof, any objection on these grounds should be **sustained**, unless no sentence has yet been imposed.

The position of ward committeeman is not a public office or an office on honor, trust or profit and therefore §29-15 of the Election Code does not prohibit the CANDIDATE from holding the position of ward committeeman. However, a CANDIDATE is legally disqualified under §25-2 to hold the office of Ward Committeeman because he entered into a plea agreement wherein he admitted committing a felony and infamous crime. *Simms-Johnson v. Delay*, 00-EB-WC-041 (Chicago Electoral Board 2000) [↗](#).

2019-4.5.6 Candidate name

Sections 7-10.2 and 10-5.1 in the Election Code provide “In the designation of the name of a CANDIDATE on a certificate of nomination or NOMINATION PAPERS the CANDIDATE's given name or names, initial or initials, a nickname by which the CANDIDATE is commonly known, or a combination thereof, may be used in addition to the CANDIDATE's surname. ... No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the CANDIDATE's surname.”

2019-4.5.6.1 Version of name

2019-4.5.6.1.1 Maiden name

A maiden name may be used. An objection to its use should be **overruled**. See *O'Keefe v. Zurowski*, 91-EB-ALD-54 (Chicago Electoral Board 1991) [🔗](#).

2019-4.5.6.1.2 Marriage, dissolution, adoption

Name changes as a result of marriage, or a dissolution or invalidation of a marriage, or being adopted, are exempted by §§7-10.2 and 10-5.1 in the Election Code from being required to be listed on the CANDIDATE's NOMINATION PAPERS, and an objection to their absence should be **overruled**. See *Sanders v. Boyce*, 11-EB-ALD-348 (Chicago Electoral Board 2010) [🔗](#).

2019-4.5.6.1.3 Voluntary change

If the CANDIDATE changed his name within three years before the deadline to file for office, then §§7-10.2 and 10-5.1 in the Election Code requires that the previous name also be shown in a “Formerly Known As” clause, along with the date of change. The objection and proof of failure to meet the requirements of that Section should be **sustained** and the CANDIDATE's name shall be removed from the ballot.

Note that, when the petition is required to disclose the name change, the NOMINATION PAPERS should also contain an affidavit respecting the name change. (See *Standard 2019-4.4.6* for more information.) There are no reported decisions on whether the candidacy is valid when the petition disclosure is made but the affidavit is missing or flawed.

2019-4.5.6.1.4 Generation

The absence of “Jr.” on the Statement of Candidacy, even though “Jr.” appeared on the PETITION sheets did not justify removing the CANDIDATE from the ballot, so an objection based upon that inconsistency should be **overruled**. *Wailes v. Dorsey*, 91-EB-ALD-6 (Chicago Electoral Board 1991) [🔗](#).

2019-4.5.6.2 Title in name

Removal of a CANDIDATE's name from the ballot, rather than the mere deletion of his title from the ballot, was the sanction used for a violation of §§7-10.2 and 10-5.1 where the CANDIDATE included the title “Reverend” on his NOMINATION PAPERS. *Jones v. Municipal Officers Electoral Board*, 446 N.E.2d 256 (Ill. App. Ct. 1st Dist. 1983). However, under the more modern

principle that access to a place on the ballot is a substantial right not to be lightly denied, the objection should be **sustained** but the remedy applied should be only the removal of the honorific title while printing the CANDIDATE's name on the ballot

2019-4.5.6.3 Slogan in name

Section 7-10.2 and 10-5.1 in the Election Code specifically bars use of a slogan in the name.

Using a title, suggestive nicknames and other variations of the CANDIDATE's name which are intended to convey political messages or slogans in order to advance the CANDIDATE's campaign is not allowed. See *Slywczuk v. Joseph "the libertarian" Schreiner*, 03-ALD-026 (Chicago Electoral Board 2003).

However, under the modern principle that access to a place on the ballot is a substantial right not to be lightly denied, unless that there was proof that the CANDIDATE knew that a slogan was prohibited, the objection usually should be **sustained** but the remedy applied should be only the removal of the honorific title or slogan while printing the CANDIDATE's name on the ballot.

2019-4.5.6.4 Nickname

Section 7-10.2 and 10-5.1 in the Election Code specifically allows a nickname by which the CANDIDATE is commonly known to be used in addition to the CANDIDATE's surname.

Use of nicknames is allowed under the Election Code so long as CANDIDATE has consistently used that nickname. *Nelson v. Johnson*, 12-EB-WC-23 (Chicago Electoral Board 2012) [🔗](#).

Unless the nickname contains a political slogan or implies possession of a title, degree or professional status, or similar information, or inconsistent use or is of recent invention, the objection should be **overruled**.

(A nickname of "Doc" might be allowable for a non-academic layman if, for example, he was commonly known as "Doc" even in childhood.)

2019-4.5.7 Statement of Candidacy

The information on the Statement of Candidacy is for the benefit of officials who must certify and prepare the ballot.

The Statement of Candidacy shall request that the CANDIDATE's name be placed upon the official ballot and shall be in the substantially the form set from in Sections 7-10, 8-8, and 10-5 in the Election Code and must be notarized.

2019-4.5.7.1 Filed separately from PETITION

The prohibition contained in §§7-10 and 10-4 in the Election Code against "adding to" a PETITION after it is presented or filed deals with only the PETITION (signature) sheets, but not to other parts of the NOMINATION PAPERS such as the Statement of Candidacy.

The validity of NOMINATION PAPERS as a whole may not be assessed prior to the close of the filing period. It is sufficient that the Statement of Candidacy was filed after the nomination

PETITIONS were filed but within the filing period. See *Ballentine v. Bardwell*, 478 N.E.2d 500, 132 Ill. App.3d 1033 (1st Dist. 1985) [↗](#), *Washington v. Means*, 11-EB-ALD-124 (Chicago Electoral Board 2011) [↗](#).

The objection usually should be **overruled**.

2019-4.5.7.2 Missing

In *Serwinski v. Board of Election Commissioners*, 156 Ill. App.3d 257 (1987) [↗](#), cited approvingly by the Illinois Supreme Court in *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [↗](#), the court held that the sworn Statement of Candidacy are MANDATORY requirements.

The failure to file a Statement of Candidacy renders the CANDIDATE'S NOMINATION PAPERS invalid. *Segvich v. Catezone*, 12-EB-WC-13 (Chicago Electoral Board 2012) [↗](#).

The objection should be **sustained**.

2019-4.5.7.3 Incomplete

If the officials can find the missing information elsewhere within the nomination PETITION, then the objection shall be overruled; if they cannot, then it must be **sustained**. See *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443 (1976). [↗](#).

2019-4.5.7.4 CANDIDATE'S signature is not original

Filing of a photocopy of a signed Statement of Candidacy instead of original would open the nominating process to a variety of possible abuses that would be impossible to detect on the face of the photocopy. Therefore, a photocopied CANDIDATE'S Statement of Candidacy does not substantially comply and is invalid. *Morrow v. Wilson*, 00-EB- RGA-015 (Chicago Electoral Board 2000) [↗](#).

The objection should be **sustained** and the document shall be treated as missing under *Standard 2019-4.5.7.1*.

2019-4.5.8 Statement of Economic Interests

The purpose of requiring a Statement of Economic Interests to be filed, and receipt as evidence of such filing to be included with NOMINATION PAPERS, is to facilitate the public's right to information concerning the CANDIDATE'S financial dealings. See *Bryant v. Cook County Electoral Bd.*, 195 Ill. App.3d 556 (1st Dist. 1990) [↗](#).

The board lacks jurisdiction to inquire into the truth and accuracy of the statement of economic interest filed by the CANDIDATE. The scope of inquiry for the electoral board extends to whether or not one has been filed. *Greer v. Johnson*, 95-EB-ALD-74 (Chicago Electoral Board 1995) [↗](#). Material omissions and false statements on such a document are subject to criminal prosecution.

2019-4.5.8.1 Receipt

2019-4.5.8.1.1 Receipt was filed separately from PETITION

Sections 7-10, 8-8, and 10-5 in the Election Code, and the Oath in the Certificate of Candidacy, specifically allow the receipt for the Statement of Economic Interests to be filed later

than the rest of the NOMINATION PAPERS, as long as it is filed before the deadline for filing NOMINATION PAPERS.

The objection should be **overruled**.

2019-4.5.8.1.2 Statement was filed late

Where the CANDIDATE did not even file his Statement of Economic Interests with the proper county clerk until after the deadline for filing NOMINATION PAPERS, it is impossible for the receipt to have been timely filed with the Nomination Papers filing officer and, lacking the receipt, the NOMINATION PAPERS are invalid. See *Woods v. Healy*, 03-EB-ALD-023 (Chicago Electoral Board 2003) [↗](#).

The objection usually should be **sustained**.

2019-4.5.8.1.3 Receipt is missing

This is a document required by Sections 7-10, 8-8, and 10-5 in the Election Code.

Failure to file the receipt with the LOCAL ELECTION OFFICIAL will invalidate the NOMINATION PAPERS. *Bolger v. Electoral Board of City of McHenry*, 210 Ill.App.3d 958 (2d Dist. 1991) [↗](#).

Failure to file a receipt evidencing the filing of economic interests with the clerk's office invalidates the CANDIDATE's NOMINATION PAPERS. *Beverly v. Electoral Board*, 87 CO 20 and 87 CO 23 (Cir. Ct. Cook Co. 1987) [↗](#).

Unless one of the special cases below applies, the objection should be **sustained**.

2019-4.5.8.1.3.1 SEI filed previously

A Statement of Economic Interests (SEI) covers the calendar year immediately before the year in which the SEI is filed. Thus, an SEI filed anytime in 2018 covers activities in 2017. Previously elected officials, and employees and appointees having certain duties or authority, must file an SEI before May 1 every year. NOMINATION PAPERS are normally filed afterwards, during November or December. That creates a possibility of a candidate filing a duplicate of a report he previously filed for a different reason but covering the same governmental unit and same period.

Under §10-5 of the Election Code, a candidate who has already "filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed" is not required to file a second time, but must still file a receipt for the SEI if his NOMINATION PAPERS are filed with any office other than the County Clerk where the SEI is on file. (This comes into play mostly with offices filled at an April Consolidated Election because most NOMINATION PAPERS are filed with the local unit of government, not the County Clerk.)

If the NOMINATION PAPERS are filed with the same County Clerk where the SEI was filed, the objection usually should be **overruled**. If they are filed elsewhere, the objection usually should be **overruled** if a receipt for the SEI is also filed, but **sustained** if the receipt is not filed.

2019-4.5.8.1.3.2 *Nomination papers filed early in the year*

NOMINATION PAPERS for an election held in April of, say, 2003, are normally filed during November or December of 2002 and the Statement of Economic Interests (SEI) covers activities in 2001. But if the NOMINATION PAPERS are (for some legal reason) instead timely filed in January 2003 then the SEI must also be filed during 2003 and cover activities in 2002. The objection that the CANDIDATE filed his SEI for the wrong year (or failed to file for the right, prior, year) should be **sustained**.

2019-4.5.8.1.3.3 *Precinct or ward committeeman*

Although committeemen of political parties are elected on the Primary Election ballot, those are party offices, not public. Such candidates are not included in the list in 5 ILCS 420/4A-101 of those required to file a Statement of Economic Interests, and are not required to file such a Statement. Any objection that a candidate for party office failed to file an SEI should be **overruled**.

2019-4.5.8.1.4 Receipt is for a different unit of government

For purposes of the Statement of Economic Interests, all branches of the state government are part of the same unit of government, namely the State of Illinois. Thus the offices of state representative and attorney general are part of the State of Illinois, and a Statement of Economic interests filed by the same person in one capacity is valid for him as a candidate in the other capacity. *Rottman v. Illinois State Officers Electoral Board*, 2018 IL App (1st) 180234 [🔗](#). An objection in these circumstances should be **overruled**.

Similarly, at the local level departments are the same unit of government that controls it. A police department is part of its village government. A deputy sheriff and a member of the county board both file Statements of Economic Interests as parts of the county. Where the units of government are the same (regardless of title) then the objection should be **overruled**.

But if neither of the units of government are subordinate to the other, have separate elected governing boards, and separate property tax levies, those are badges of being different units of government and the objection usually should be **sustained**.

2019-4.5.8.1.5 Receipt is from wrong form.

This is the same principle as in *Standard 2019-4.5.8.1.4* from a different angle.

There are two versions of the Statement of Economic Interests: the one to be filed with the Secretary of State asks about dealings with the State of Illinois and is for use by candidates for judge, legislature or state-wide office; the one to be filed with the county clerk asks about dealings with a unit of government other than the State itself, and differing questions as well.

The office (Secretary of State, or County Clerk) is the tip-off of which form is to be filed. If the wrong form was filed, the ob-

jection should be **sustained**. *Cortez v. Municipal Officers Electoral Board*, 2013 IL App (1st) 130442 [🔗](#).

2019-4.5.8.1.6 Receipt does not identify the office

The Statement of Economic Interests deals with the unit of government, not the office. The receipt is issued by the County Clerk or Secretary of State and the CANDIDATE has no control of its contents.

If there is SUBSTANTIAL COMPLIANCE, the objection should be **overruled**. *Guerrero v. Municipal Officers Electoral Board*, 2017 IL App 170486 (1st Dist. 2017) [🔗](#).

2019-4.5.8.1.7 Receipt is for a different office

The Statement of Economic Interests deals with the unit of government, not the precise office, so an objection on this basis should be **overruled**.

For example, if the receipt for the Statement of Economic Interests says “State Senator” without district number, or even “Illinois General Assembly (House of Re-CANDIDATE),” it sufficiently identifies the unit of government (State of Illinois) for which disclosures are to be made.

2019-4.5.8.1.8 Receipt is from the wrong county

A receipt for filing a Statement of Economic Interests must be filed with the same filing officer as the NOMINATION PAPERS. The Statement of Economic Interests must always be filed with the County Clerk, even where there is a county election commission.

Where a unit of government is in more than one county the county where the principal office of the unit of government is located is the proper county to file in.

When the Statement of Economic Interests was filed with the wrong County Clerk in the applicable unit of government of the candidacy, then the CANDIDATE is in substantial compliance and the objection should be **overruled**. See *Atkinson v. Roddy*, 2013 IL App (2d), 991 N.E.2d 467 (2nd Dist. 2013) [🔗](#).

2019-4.5.8.2 Contents of Statement of Economic Interests

2019-4.5.8.2.1 Jurisdiction

Only the *receipt* for the Statement of Economic Interests is to be filed with the NOMINATION PAPERS. In some counties, the receipt issued is a photocopy of the SEI filed with the “filed” stamp showing. The answers to the questions are not within the jurisdiction of the electoral board. *Guerrero v. Municipal Officers Electoral Board*, 2017 IL App (1st) 170486 [🔗](#).


Any objection to the adequacy of an answer should be **overruled**.


2019-4.5.8.2.2 False statements

Even if the electoral board had jurisdiction and found untrue statements in the full Statement, the fact that the Statement was filed is sufficient to avoid the CANDIDATE being removed from office.

The Illinois Supreme Court, in *Welch v. Johnson*, 147 Ill.2d 40 (1992) [🔗](#) held that removal from the ballot of a CANDIDATE for


elective office is not a permissible sanction for the CANDIDATE's filing, in relation to his candidacy, of a Statement of Economic Interests which is not true, correct and complete due to inadvertence on the CANDIDATE's part.

An inadvertent mistake would be, for example, stating the office sought as only "Circuit Court of Cook County" instead of "Judge of the Circuit Court to fill the vacancy of XXXXX." *Requena v. Cook County Officers Electoral Board*, 692 N.E.2d 1217, 295 Ill.App.3d 728, 230 Ill.Dec. 51 (1st Dist. 1998) .

In the absence of a constitutional or statutory provision calling for *civil* sanctions involving a Statement of Economic Interests, courts will not remove a CANDIDATE from a ballot for filing a false Statement of Economic Interests. *Crudup v. Sims* 292 Ill.App.3d 1075 (1st Dist. 1997) .

There are *criminal* penalties for filing a false or incomplete Statement of Economic Interests, but an electoral board has no power to impose them. Such matters should be referred to the appropriate prosecutor's office. The CANDIDATE may be subject to prosecution for perjury under §29-10 of the Election Code. Any such objection should be **overruled**.

2019-4.5.9 Loyalty Oath missing

This is an optional form. See *Communist Party of Illinois v. Ogilvie*, 357 F.Supp. 105 (N.D.Ill. 1972) .

The objection should be **overruled**.

2019-4.5.10 Code of Fair Campaign Practices form missing

This is an optional form


The objection should be **overruled**.


2019-4.5.11 Certificate of Nomination (for NEW POLITICAL PARTY)


2019-4.5.11.1 New party name contains the name of another party.

Section 10-5(2) of the Election Code states the NEW POLITICAL PARTY cannot bear the same name as, or include the name of any ESTABLISHED POLITICAL PARTY. (Note that the Republican Party and the Democratic Party are ESTABLISHED POLITICAL PARTIES statewide and at every level.)

The name of the geographic area does not count as a duplication.

Although the CANDIDATES may have violated the Election Code's prohibition against a NEW POLITICAL PARTY bearing the same name as an ESTABLISHED POLITICAL PARTY, the CANDIDATES were entitled to appear on the ballot as Independents. *Ballentine v. Bardwell*, 132 Ill.App.3d 1033 (1st Dist. 1985) .

Use of the name "REP Party" was prohibited due to possible voter confusion with the Republican Party. *Doty v. Representation for Every Person (REP) Party*, 97 Ill.App.3d 316 (1st Dist. 1981) .

The name "Action IV Party" violated the statute because "Action III Party" was an ESTABLISHED POLITICAL PARTY and the names impermissibly similar. *Vasquez v. Municipal Officers Electoral Board*, 115 Ill.App.3d 1014 (3rd Dist. 1983) .

The objections to the party name on the slate should be **sustained** and the candidates on the slate listed on the ballot separately as Independents.

2019-4.5.11.1.1 Other local party is in a different political subdivision.

The Illinois Supreme Court found that §10-5 barred the *Cook County* Harold Washington Party because there was an existing *Chicago* Harold Washington Party. However, the Supreme Court of the United States struck down the Illinois Supreme Court's interpretation of §10-5, ruling it was too broad and would bar CANDIDATES running in one political subdivision from ever using the name of a political party established only in another political subdivision. *Norman v. Reed*, 502 U.S. 279 (1992) [🔗](#).

Such an objection should be **overruled**.

2019-4.5.11.1.2 Variation or permutation.

"Independent Party of Countryside" although similar, was not the same as "Countryside Independent Party" and therefore did not violate the Act. *Foster v. Municipal Officers Electoral Bd.*, 113 Ill.App.3d 721 (1st Dist. 1983) [🔗](#).

2019-4.5.11.1.3 Abbreviation or acronym.

Using the name of an ESTABLISHED POLITICAL PARTY in any abbreviated form violates the Act. *Doty v. Representation for Every Person (REP) Party*, 97 Ill.App.3d 316 (1st Dist. 1981) [🔗](#).

Such an objection should be **sustained**.

2019-4.5.11.2 Party name is more than 5 words.

Section 10-5 of the Election Code requires that the PETITION for the formation of a NEW POLITICAL PARTY state in not more than five words the name of such NEW POLITICAL PARTY.



Instead of removing the CANDIDATES from the ballot, or recasting them as Independent CANDIDATES, the Appellate Court ruled that the electoral board should have renamed the party in a manner that would permit inclusion of the party and its CANDIDATES on the ballot and directed that the CANDIDATES be placed on the ballot as nominees of a NEW POLITICAL PARTY with no more than five of the words. *Transparency & Accountability in Politics Party v. Municipal Officers Electoral Board for the Village of North Riverside*, 2013 Ill. App. 130711 (1st Dist. 2013) [🔗](#).

Any objection should be **sustained** but the relief shall be that the party name be amended to contain no more than five of the words.

2019-4.5.11.3 Party did not file a full slate.


Section 10-2 in the Election Code requires a NEW POLITICAL PARTY to file a "complete list of CANDIDATES of such party for all offices to be filled in the State, or such district or political subdivision, as the case may be, at the next ensuing election then to be held."

That full slate requirement was held to be unconstitutional by the federal district court in *Libertarian Party of Illinois v. Illinois State Board of Elections*, 164 F. Supp.3d 1023 (N.D. Ill.

2016) . In that case, the trial court found violations of the First and Fourteenth Amendments. The federal court of appeals having jurisdiction in Illinois agreed and found that the full slate requirement violates the First Amendment right of political association. See *Libertarian Party v. Scholz*, 16-1667 (7th Cir., 2017) .

Any objection that a full slate was not filed should be **overruled**.

2019-4.5.11.4 Party did not file a Certificate of Officers

Section 10-5 of the Election Code states that a NEW POLITICAL PARTY shall include a certificate with the names and addresses of the party officers authorized to fill vacancies in nomination for the party. The Illinois Appellate Court found that the appropriate sanction for the failure to comply with the statutory provision would be to prohibit the NEW POLITICAL PARTY from nominating anyone to fill any vacancies that may occur. *Peoples Independent Party v. Petroff*, 548 NE 2d 145, 191 Ill. App.3d 706 (5th Dist. 1989) .

Any objection should be **sustained** but the CANDIDATES would not be removed from the ballot for that reason, nor their designation as CANDIDATES of the new party be impaired. The appropriate relief of barring the new party from filling future vacancies is beyond the jurisdiction of the electoral board but would be administratively enforced at a later time if vacancies occurred.

2019-4.6 Public Questions

2019-4.6.5 Backdoor referendum

Section 28-2(f) in the Election Code defines “back door referendum” as “the submission of a public question to the voters of a political subdivision, initiated by a PETITION of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.”

2019-4.6.5.1 Form was supplied by officials.

Section 28-2(f) in the Election Code repeats the duty, imposed in statutes that authorize a backdoor referendum, that in the case of a backdoor referendum “the political subdivision shall provide a PETITION form to any individual requesting one.”

That section also adds “The legal sufficiency of that form, if provided by the secretary or clerk of the political subdivision, cannot be the basis of a challenge to placing the back door referendum on the ballot.”

While the validity of individual signatures can still be objected to, any objection to the legal sufficiency of the form supplied by officials is estopped by 10 ILCS 5/28-2(f) and so shall be **overruled**.

2019-4.6.5.2 Form was *not* supplied by officials.

If the form for the backdoor referendum was not supplied by the secretary or clerk of the political subdivision, then the form is subject to all possible objections.

2019-4.6.6 Public question was withdrawn

No it wasn't. §28-3 provides that after a petition is filed, it "shall not be withdrawn, altered, or added to." No one has authority to withdraw it, even the principal proponent. A public question belongs to all of those who petitioned for it to be on the ballot.

An objection that the electoral board lacks jurisdiction in such a matter should be **overruled**.

2019-4.6.7 Too many public questions

The electoral board has the authority to determine which public question was filed first and whether the question proposed is validly on the ballot. The board does not have jurisdiction to give one type of question (e.g., mandatory or advisory) has precedence.

Any objection challenging the Illinois Rule of 3 should be overruled. However, if a party has a claim to a constitutional defect, they need to assert it at the electoral board level or they will be deemed to have waived it when, on judicial review, they get to a court that can rule on such questions.

2019-4.6.8 Wording on the petition

Section 28-1 of the Election Code provides that "All public questions shall be initiated, submitted and printed on the ballot in the form required by §16-7 except as may otherwise be specified in the statute authorizing a public question."

That section says that "The substance of such public measure shall be clearly indicated on a separate ballot, and two spaces shall be left upon the right-hand margin thereof, one for the votes favoring the public measure, to be designated by the word, "Yes", and one for the votes opposing the measure, to be designated by the word, "No", as in the form herein given:" It then shows the public question stated as "Shall (here print the substance of the public measure)." To the side of the text are two boxes, labeled "YES" and "NO."

2019-4.6.8.1 Yes / No boxes not on petition sheets

On the PETITION SHEETS' failure to include spaces or boxes for the words "Yes" and "No" in the text of the public question does not render the referendum petition invalid. The signers were not called upon to express their choice whether to vote for or against the proposition, but merely whether to submit the proposition to voters at an election. *Objections of Linda Sarate to the following petition for question of public policy: "Should the Chicago Public Schools Draw Attendance Boundaries for Little Village High School to Only Allow Students from the Surrounding Community to Attend the School?"; 06-EB-QPP-12 ¶23 (Chicago Electoral Board 2006) 📄.* Any such objection should be **overruled**.

2019-4.6.8.2 Yes / No box is marked

If it is an occasional sheet, the box was likely marked by a signer and the candidate should not be disadvantaged by something a third party did. An objection because a choice is indicated in the heading on an occasional sheet should be **overruled**.

But if the choice was marked by the campaign (likely if many, most, or all are marked), then there is voter confusion as to whether the document is a petition for/against that public question, or whether it is to place the question on the ballot and the objection should be **sustained** against those sheets so marked.

2019-4.6.8.3 Proposition does not start with the word “shall”

No previous decisions on this point have been discovered, so applying to a public question the principle that access to a place on the ballot is a substantial right not to be lightly denied, the objection should be **overruled** unless the objector overcomes his burden to prove that the omission of “shall” is fatal to the petition.

2019-4.6.9 Binding public questions

To be binding, there must be a statute or provision in the Illinois Constitution specifically authorizing a referendum on that specific question. Otherwise, the question is only advisory. See §28-2.

2019-4.6.9.1 Failure to state statutory authority

If the statute authorizing a binding referendum requires that the statutory authority for that public question is to be shown on the PETITION sheets, then the objection should be **sustained** but the relief should be that is then deemed to be an advisory (non-binding) public question.

2019-4.6.9.2 Wording contents

The wording of the proposition must come from the statute that authorized the issue to be a binding referendum, instead of an advisory one.

2019-4.6.9.3 Wording is confusing

This is a complaint raised about almost every public question ever on the ballot. The wording is specified by the statute that authorized this subject to be a binding referendum. While alternative variations might be clearer, our Supreme Court has said in *Johnson v. Ames*, 2016 IL 121563 [🔗](#) that “a valid referendum need not be presented in optimal form.”

Any such objection should be **overruled**.

2019-4.6.10 Non-binding public questions

2019-4.6.10.1 Wording is confusing

This is a complaint raised about almost every public question ever on the ballot. While alternative variations might be clearer, our Supreme Court has said in *Johnson v. Ames*, 2016 IL 121563 [🔗](#) that “a valid referendum need not be presented in

optimal form.” The results of the vote on the public question have no legal effect anyway, so there is no harm if the proposition is unclear.

Any such objection should be **overruled**.

2019-4.6.11 Certificate of Principal Proponent

2019-4.6.11.1 Missing

While it is generally recommended that PETITIONS to initiate a referendum include a sheet designating the contact information for the person to be notified if an OBJECTOR’S PETITION is filed, the lack of such designation and information does not invalidate the PETITIONS. If no person is designated, the electoral board and other election officials are not obligated to notify anyone if the PETITIONS are challenged. See *Johnson v. Theis*, 669 NE 2d 590, 282 Ill. App.3d 966, 218 Ill.Dec. (2nd Dist. 1996) [🔗](#) citing *Shipley v. Stephenson County Elec. Board*, 474 NE 2d 905, 130 Ill. App.3d 900, (2nd Dist. 1985) [🔗](#). (Of course, fairness and courtesy require the officials should try to notify the person who filed the PETITION, if known, or some or all of the circulators.)

2019-4.6.11.2 Qualifications

There are no qualifications. The principal proponent is simply the person that should be notified in case of an OBJECTOR’S PETITION being filed. He has no official standing nor ownership of the case but is permitted to defend any objection.

2019-4.7 Pattern of Fraud

When in the course of hearing objections to NOMINATION PAPERS, evidence of serious defects beyond the specific objections in the OBJECTOR’S PETITION comes to the electoral board’s attention, it cannot close its eyes and ears if the evidence is relevant to the protection of the electoral process. Relevant matters include a clearly evidenced pattern of fraud, false swearing, and significant disregard for the MANDATORY requirements of the Election Code. A finding of a pattern of fraud by a petition circulator can result in an invalidation of all of the petition sheets circulated by that circulator. See *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 78 Ill.Dec. 496 (1st Dist. 1984) [🔗](#).

2019-4.7.5 Particulars

Merely alleging a “pattern of fraud” without any specificity to the conduct that gives rise to the fraud lack sufficient specificity to put the CANDIDATE on notice. *Davis v. Hendon*, 02-EB-SS-09 (Chicago Electoral Board 2002) [🔗](#).

2019-4.7.6 Standard of proof

Although PREPONDERANCE OF THE EVIDENCE (*see Standard 2019-1.1.10*) is the default standard of proof under these adopted statewide Standard Rulings, a pattern of fraud must be proved by clear and convincing evidence. See *Durr v. Love*, 03-EB-ALD-101 (Chicago Electoral Board 2003) [🔗](#), affirmed in *Durr v. Chi-*

cago Board of Election Commissioners, 03 CO EL 028 (Cir. Ct. Cook Co., February 20, 2003) [!\[\]\(bd1a142de767a21e5362c595f844a4ff_img.jpg\)](#).

The objections must afford adequate notice, specificity or present some credible evidence to sustain the burden of proof. Otherwise, the objections will be dismissed. *Sistrunk v. Yarbrough*, 15-COEB-CC-05 (Cook County Electoral Board 2016) [!\[\]\(e2376d476d06eb31946dc01a69a4403a_img.jpg\)](#).

2019-4.7.7 Corroborating evidence

In order to strike signatures based on a pattern of fraud, some evidence beyond the results of the records examination is necessary. *McCord v. Penn*, 02-EB-RGA-15 (Chicago Electoral Board 2002) [!\[\]\(0aff635c4179ba9e710b00f4b01d3b20_img.jpg\)](#).

2019-4.7.8 Electoral remedy

When testimony clearly discloses a pattern of fraud, false swearing and total disregard for the MANDATORY requirements of the Election Code, then it is proper to invalidate each and every SHEET circulated by that circulator. *Fortas v. Dixon*, 122 Ill. App.3d 697 (1st Dist. 1984) [!\[\]\(0b5e7e25e8775f7e7e80906ada4f0021_img.jpg\)](#).

2019-4.7.9 Criminal remedy

When the electoral board finds evidence of a pattern of fraud, it shall refer the matter to the appropriate prosecutor's office.

2019-5 Objections affecting an entire document

In this part of these Standard Rulings, the term “document” means each of the individual parts of a set of NOMINATION PAPERS. For example, the Statement of Candidacy, or each separate page of signatures of PETITIONERS, or an oath, or anything that provides for its notarization.

2019-5.1 Not the official form

There are no “official” forms. Any document that contains the required information is sufficient, no matter how it is arranged on the page.

Forms exhibited in the Election Code require only that those that are filed be in “substantially” as shown there. That leeway is necessary and is often used because the forms printed in the statute often are inadequate or outdated and do not contain items required by other statutes or best practices.

Even when an estoppel-bearing “official” form involving a backdoor referendum is offered by the proper official under §28-2(f) in the Election Code, there is no requirement that it be used.

Forms offered by various organizations or Election Authorities usually bear warnings that they are *suggested* forms and that the user should consult an attorney versed in current election law.

Some forms offered in guides for candidates attempt to cover every possible possibility in all types of elections, and so they offer blanks to fill in that are appropriate sometimes and not at others. It can be confusing as to which blank to fill in and which to leave empty. That confusion can lead to errors that disqualify the whole document or nominating petition.

It is better to use forms that have been customized for a particular election. An example is the forms downloadable for free from www.CitizenParticipation.org that are updated for use in the then current election.

Any objection to the style of any form should be **overruled**.

2019-5.2 Size

The requirement that all sheets be of uniform size requirement applies to only petition signature sheets. See §§7-10, 10-4, 28-3.


For an objection as to uniform size of signature sheets, see *Standard 2019-5.5.5*.


Any objection to the size of other documents, should be **overruled**.

2019-5.3 Verification (“Notarization”)

2019-5.3.5 Notarization missing


Such an objection to a particular document (usually a single sheet) should be **sustained** and that document shall be disqualified.


The requirement in the Election Code that the person who circulated the nominating PETITIONS personally appear before a notary public to validate the PETITION is MANDATORY and not DIRECTORY. *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469 (1980) .

The fact that the CANDIDATE circulated all of his own PETITION sheets and the first sheet was notarized did not save remaining sheets that were not notarized. *Anderson v. Llong Bey*, 07-EB-ALD-036 (Chicago Electoral Board 2007) .


2019-5.3.6 Notary seal missing or expired

2019-5.3.6.1 Apparent authority

Although circulators of a PETITION took their oath before public notaries who had changed their places of residency to another county and were without “de jure” authority to administer the oath, there was SUBSTANTIAL COMPLIANCE because the circulators believed that the notaries had the authority to administer the oath and the integrity of the political process was not harmed. *Shipley v. Stephenson County Electoral Board*, 130 Ill.App.3d 900 (2d Dist. 1985) .


The CANDIDATE and circulators have the right to rely on the notary’s purported representation that the commission and office are valid. Therefore, if the notary commission may have expired or may otherwise be defective does not invalidate the PETITION sheets. *Morris v. Turner*, 04-EB-RGA-05 (Chicago Electoral Board 2004) .

2019-5.3.6.2 Commission expired

The fact that the Notary Public’s commission may have expired or may otherwise be defective does not invalidate the PETITION sheets notarized by such notary. *Levine v. Simms-Johnson*, 96-EB-WC-31 (Chicago Electoral Board 1996) .

2019-5.3.6.3 Apparent defects

Simply missing a notary seal does not necessarily invalidate the sheet, unless the Objector introduces proof that the sheet was not notarized by a qualified notary public.

Absence of an expiration date on the notary’s commission does not state sufficient grounds to invalidate the CANDIDATE’s PETITION. *Hansen v. Whitehead*, 91-EB-ALD-168 (Chicago Electoral Board 1991) .


2019-5.3.7 Notary signature not genuine

If the document is not in fact notarized by the notary who purports to notarize it, the objection to the document (usually a single sheet) should be **sustained** and the document shall be disqualified.


2019-5.3.8 “Notary” not authorized

Section 5 ILCS 312/3-105 in the Illinois Notary Public Act provides that a notary public shall have authority to perform notarial acts throughout the State so long as the notary resides in the same county in which the notary was commissioned or, if the notary is a resident of a state bordering Illinois, so long as the notary's principal place of work or principal place of business is in the same county in Illinois in which the notary was commissioned. See *Standard 2019-5.3.6.1*.


2019-5.3.8.1 No commission or commission expired

The CANDIDATE and circulators have the right to rely on the notary's purported representation that the commission and office are valid. Therefore, if the notary commission may have expired or may otherwise be defective does not invalidate the PETITION sheets. *Morris v. Turner*, 04-EB-RGA-05 (Chicago Electoral Board 2004) .


2019-5.3.8.2 Notary no longer resides in county where he was commissioned

Although a notary is no longer residing in the county where he was commissioned, so long as the circulator took an oath before a notary whom they believed were authorized to administer oaths, subjecting themselves to possible perjury prosecutions, the election code was substantially complied with. The objection to the document should be **overruled**. See, *Shipley v. Stephenson County Electoral Board*, 130 Ill.App.3d 900 (2d Dist. 1985) .

2019-5.3.8.3 Notary's office is no longer in the county where he was commissioned


Although a notary's office is no longer in the county where he was commissioned, so long as the circulator took an oath before a notary whom they believed were authorized to administer oaths, subjecting themselves to possible perjury prosecutions, the election code was substantially complied with. The objection to the document will be overruled. See, *Shipley v. Stephenson County Electoral Board*, 130 Ill.App.3d 900 (2d Dist. 1985) .


2019-5.3.8.4 Notarization is from outside of Illinois


Under the Uniform Recognition of Acknowledgments Act (765 ILCS 30), an oath taken before a notary public commissioned in another state is sufficient. The objection to the notarization should be **overruled**. See *Frost v. County Officers Electoral Board*, 285 Ill.App.3d 286 (1st Dist. 1996) .

2019-5.3.9 Date missing or incorrect

The notary jurat is not an affidavit, but is simply evidence of the fact that an affidavit was properly sworn to by the affiant and therefore where the affiant is otherwise identified, clerical errors such as naming the wrong person in the jurat or omitting the affiant's name from the jurat entirely will be disregarded. The fact the jurat did not name the circulator of a PETITION for the election did not detract from the efficacy of cer-

tification. *Cintuc, Inc. v. Kozubowski*, 230 Ill.App.3d 969 (1st Dist. 1992). .

Correcting a date by handwriting the correct date over a pre-printed number does not invalidate the PETITION sheet. *Vil-lareal v. Aguilar*, 96-EB-RGA-25 (Chicago Electoral Board 1996) .

Failure to place the year of attestation upon the PETITION sheet is merely a technical violation and therefore the PETITION sheets are valid. *Curits v. Parker*, 83-EB-ALD-94 (Chicago Electoral Board 1983) .

2019-5.3.10 Color of ink

By its own terms, the Illinois Notary Public Act section 5 ILCS 312/3-101's requirement that the seal and signature of the notary public be in black ink has lapsed. The objection should be **overruled**.

2019-5.4 Circulator

2019-5.4.5 Circulator ineligible

The fact that a circulator is not 18 years of age, or a United States citizen or a resident at the place he states in the affidavit may be proved by any competent evidence. If the circulator is a registered voter in any state, a certified copy of his or her registration document is competent evidence of age, citizenry and residence.

Ineligible circulators must not circulate PETITIONS and any PETITION sheet so circulated is invalid and the objection should be **sustained**.


In addition, if it is shown that an ineligible circulator signed the circulator affidavit, this may constitute perjury and such evidence may be referred by the Board to the appropriate prosecutor's office.

One can make a good argument that the Candidate's willful (intentional knowing that it was prohibited) use of more than one ineligible circulator may constitute a pattern of fraud, providing a basis for disqualifying the entire CANDIDATE'S PETITION.

2019-5.4.5.1 Circulated conflicting PETITIONS

Throughout the Election Code are provisions which provide that no person shall circulate or certify PETITIONS

- for CANDIDATES of more than one political party,
- or for any independent CANDIDATE in addition to one political party.

The objection shall be **sustained** and all of the signature sheets circulated by the person shall be invalidated. See *Wilson v. Municipal Officers Electoral Board*, 213 IL App (1st) 130957 (2013) .

2019-5.4.5.2 Not old enough

Section 3-6 in the Election Code was changed in 2016 to provide that "An individual who is 17 years of age, [and who] will be 18 years of age on the date of the immediately following

general or consolidated election, and is otherwise qualified to vote shall be deemed eligible to circulate a nominating PETITION or a PETITION proposing a public question.”

If the circulator will not be at least 18 years of age on the date of the immediately following (November) General Election or (April) Consolidated Election, then the objection shall be **sustained** and all PETITIONER’s signatures on that sheet shall be disqualified.

2019-5.4.5.3 Not a citizen of the United States

Section 10-4 in the Election Code requires that a circulator must be a person who is a citizen of the United States.

The objection should be **sustained** and all PETITIONER’s signatures on that sheet shall be disqualified.

2019-5.4.5.4 Not a registered voter

A former law that required a circulator to be a registered voter in the district was repealed in 2001. Nothing in the Election Code now requires the circulator to be a registered voter anywhere. The objection should be **overruled**.

2019-5.4.5.5 Not a resident of the district

A former law that required a circulator to be registered voter of the political division was repealed in 2001. Nothing in the Election Code now requires a circulator to live within the affected political subdivision. The objection should be **overruled**.

2019-5.4.5.6 Is the Candidate


Nothing in the Election Code prevents a CANDIDATE from circulating his own PETITION. The objection should be **overruled**.

2019-5.4.6 Signed as a PETITIONER on sheet he circulated


Nothing in the Election Code prevents a circulator from signing as a PETITIONER. The objection should be **overruled**.

2019-5.4.7 Purported circulator not the actual circulator

The circulator’s affidavit certifies that the signatures on that sheet of the PETITION were signed in his presence.

If a PREPONDERANCE OF EVIDENCE (*see Standard 2019-1.1.10*) shows that the purported circulator was not the actual circulator for one or more signatures being placed on the sheet, then all signatures on that sheet should be deemed to have that same defect and be disqualified. The objection should be **sustained**. *Fortas v. Dixon*, 122 Ill. App.3d 697 (1st Dist. 1984) .


Sheets that were not specifically objected to may be subject to disqualification when in a batch untruthfully signed by the same circulator.

“When in the course of hearing objections to NOMINATION PAPERS, evidence of serious defects beyond the specific objections in the OBJECTOR’S PETITION comes to the electoral board’s attention, it cannot close its eyes and ears if the evidence is relevant to the protection of the electoral process.” *Fortas v. Dixon*, 122 Ill.App.3d 697, 701 (1st Dist. 1984) .

2019-5.4.8 Circulator's statement

2019-5.4.8.1 Wording differs from statutory language

Section 10 ILCS 5/7-10 in the Election Code allows a PETITION FOR NOMINATION to be in *substantially* in the form-that it specifies.

In *O'Connor v. Cook County Officers Electoral Board*, 281 Ill. App.3d 1108 (1st Dist. 1996) , the Court said

The word "substantially" is a relative term and must be interpreted in accordance with its context. Here, "substantially" means in the main, essentially, practically, nearly, almost or virtually. It does not mean identically or exactly alike, and thus does not connote a MANDATORY obligation as to the form of the affidavit.

If the legislature had intended to require that the nominating PETITION be in the *exact* form as set out in section 7-10, it would not have used the word "substantially."


The Court held that the form of the circulator's affidavit is DIRECTORY, not MANDATORY.

As long as the essential elements are present, regardless of their format or sequence, the objection should be **overruled**.

2019-5.4.8.2 Not signed by circulator

If the circulator's statement is unsigned, the objection shall be **sustained**, and all the signatures on that sheet disqualified.

2019-5.4.8.3 Disagreement of names in the certification affidavit

There can be only one circulator of a sheet. Where the name at the start of the affidavit (e.g. *Jack Schwartz*) differs from the name of the person who signed it (e.g. *Amy Schwartz*), the objection should be **sustained** and all the signatures on that sheet disqualified. See *Schwartz v. Kinney*, 2016 IL App (3d) 160021 (2016) .

2019-5.4.8.4 Circulator's signature is not genuine

If the circulator is a registered voter in Illinois, his or her original signature on his or her registration card shall be examined.

The validity of a circulator's signature may be proved by any competent evidence. Collateral evidence of the validity of the signature of the circulator is admissible, such as testimony of a person purporting to observe one person signing the name of another circulator.

If the circulator's signature is not genuine, then the objection should be **sustained** as to all signatures on that sheet.

2019-5.4.8.5 Circulator's address is incomplete

The circulator's address must be sufficiently complete so as to easily locate the circulator at the listed address in the event the circulator's qualifications or the method of circulation is challenged. If the U.S. citizen circulator's permanent residence is in Paris, France, that is the address he should use.

2019-5.4.8.6 Circulator's address is incorrect

If the circulator gives as his address something other than his true actual residence at the time he signs the circulator's statement at the bottom of a petition sheet, there is not even SUBSTANTIAL COMPLIANCE with §7-10 of the Election Code. *Vazquez v. Board of Election Commissioners of the City of Chicago*, 2016 IL App (1st) 160349-U ¶38 [🔗](#).

2019-5.5 Signature sheets

2019-5.5.5 Size not uniform

Sections 7-10, 10-4, and 28-3 in the Election Code require that a "PETITION FOR NOMINATION... shall consist of sheets of uniform size...."

"Petition" as used in the Election Code refers to sheets signed by eligible registered voters making a request to place some person or public question up the ballot. Petition sheets, when combined with a Statement of Candidacy and other required documents form "NOMINATION PAPERS."

This size requirement applies to only signature sheets, and a penalty (nullification of the signature page) is imposed for not following it, so compliance is MANDATORY, not DIRECTORY.

The objection, as to signature sheets if there is a material difference, should be **sustained**.

2019-5.5.6 Pattern of fraud

When testimony clearly discloses a pattern of fraud, false swearing and total disregard for the MANDATORY requirements of the Election Code, then it may be proper to invalidate the each and every sheet circulated by that circulator. *Williams v. Partlow*, 99-EB-Ald-032 (Chicago Electoral Board 1999) [🔗](#).

2019-6 Objections to Individual Signer's Eligibility


Under §3-1.2, to be eligible to sign a PETITION, a person must have been registered to vote at the address shown opposite his signature on the PETITION.


Any objection sustained under this part of these Standard Rulings shall result in the signature being disqualified.

As evidence to be considered, either party may call a witness to testify in person, or file a notarized sworn statement ("affidavit") [*an example is Form EB-720 in this manual*] by the signer or other person with direct knowledge of the matter.

2019-6.1 Overly-broad objections

With the exception of the rare patterns of fraud, any signature not specifically objected to in the OBJECTOR'S PETITION for a specific reason shall be deemed valid.

A blanket objection to all, or substantially all, signatures without individual specifics shall be deemed to have been made without a reasonable inquiry or investigation should be **overruled** for failure to state a valid reason. See *Xian v. Munoz*, 16-EB-WC-19 (Chicago Electoral Board 2016) .

The assertion that the CANDIDATE does not have a sufficient quantity of valid signatures, without specifying exactly which signatures are defective and the reason each is defective, is an attempt to shift the burden of proof from the Objector to the CANDIDATE or to the electoral board itself should be **overruled** for failure to state a valid reason sufficient to prove a defense. See *Daniel v. Daly*, 2015 IL App (1st) 150544 (1st Dist. 2015) .

2019-6.2 Address shown for signer is outside the district

(The topic "Objections to Addresses" at *Standard 2019-8* provides procedures for interpreting addresses.)

The *mailing address* of a person is not definitive of the political subdivision or district where a person living there resides. The U.S. Postal Service assigns zip codes and related city names to the place where the carrier picks up his mail, and he may serve multiple areas. The fact that a mailing address includes the name of a village does not mean that the resident lives inside the corporate limits. Many times a portion of an incorporated area is served by a carrier who picks up his mail at a different post office, so that portion has a different zip code, and even a different name, than the rest of the incorporated area. With the advent of the 911 Emergency systems, even rural homes are given street addresses.

A property tax bill for the residence shall be accepted as credible evidence of the political subdivision or district where a person living there resides. The property tax bill need not bear the name of the signer.

2019-6.2.5 Address is complete enough to determine proper district

If the evidence shows that the stated address is outside the district, the objection should be **sustained**.

2019-6.2.6 Apartment, unit, lot or other subaddress is missing

2019-6.2.6.1 All units within the address shown are in the district

The objection should be **overruled**.

2019-6.2.6.2 Some units within the address shown are in another district

Unless evidence shows that the signer lives in the portion of that mailing address outside the district, the presumption of validity requires that the objection should be **overruled**.

2019-6.3 Signer is not registered at the address shown

2019-6.3.5 Voter registration record is found

2019-6.3.5.1 Signer is registered, but at a different address

Unless evidence shows that the signer was registered at the stated address on the date the PETITION was signed (or, if the exact of signing cannot be established, at any time during the PETITION circulation period), the objection should be **sustained**.

2019-6.3.5.2 Signer is registered at the address shown

The objection should be **overruled**.

2019-6.3.6 Voter registration record cannot be located

Especially if the district is in the jurisdiction of more than one county or ELECTION AUTHORITY, and the address stated by the signer does not state the county of residence, it is always the responsibility of the CANDIDATE or proponent of the public question to supply the evidence he will rely upon to defend his PETITION.

2019-6.3.6.1 Signature is legible

The objection should be **sustained**.

2019-6.3.6.2 Signature is not legible

Unless evidence shows that the signature on the PETITION reasonably matches the signature on file of a person currently registered as a voter at the address stated in the PETITION, the objection should be **sustained**.

2019-6.3.7 Signer no longer resides at registered address

2019-6.3.7.1 Signer is deceased


Unless evidence shows that the signer was alive on the date the PETITION was signed (or, if the exact of signing cannot be established, at any time during the PETITION circulation period), the objection should be **sustained**.

2019-6.3.7.2 Signer is presumed alive, but now resides elsewhere

If the signer resided at the address shown on the PETITION sheet sometime during the circulation period, the objection should be **overruled**. Otherwise, the objection should be **sustained**.

2019-6.3.8 Signer's voter registration is on "inactive" status

2019-6.3.8.1 For a Candidate

A person whose registration is deemed "inactive" may sign a nominating PETITION and such signature will not be overruled on the grounds that person is not registered so long as such person has not moved, has not died, is not incarcerated by reason of conviction of a crime, or otherwise lacks the requisite qualifications to be registered in the political subdivision or district in which the CANDIDATE is seeking nomination or election. *Drish v. Walls*, 03-EB-MUN-2 (Chicago Electoral Board 2003) .

The objection should be **overruled**.

2019-6.3.8.2 For a public question.

It is the same as for a candidate.

2019-6.3.9 Signer has already signed this PETITION on a different sheet


Even if the PETITION names multiple CANDIDATES, no person is allowed to sign it more than once. The objection shall be **sustained** and all signatures from that signer that were identified and objected to in the OBJECTOR'S PETITION, after the first instance on the lowest-numbered PETITION sheet, shall be disqualified. An Objector is not allowed to amend his Objector's PETITION, so any duplicate signatures not individually listed in the OBJECTOR'S PETITION shall not be disqualified.

2019-6.3.10 Signer has signed a PETITION for another CANDIDATE for this same office

Sections 10-3 and 7-12 of the Election Code require that each voter may subscribe to one nomination for such seat to be filled, and no more. The objection should be **sustained**.

2019-6.3.10.1 Petition for a Candidate of an ESTABLISHED POLITICAL PARTY


2019-6.3.10.1.1 Same party

The Election Code does not prohibit a voter from signing multiple PETITIONS on behalf of partisan CANDIDATES of the same party. *Caldwell v. Sawyer*, 12-EB-WC-08 (Chicago Electoral Board 2012) affirmed, *Caldwell v. Board of Election Commissioners*, 12-COEL-002 (Cir. Ct. Cook Co., January 30, 2012) .

The objection should be **overruled**.

2019-6.3.10.1.2 Different parties

Sections 7-10 and 8-8 of the Election Code provide that a qualified primary elector of a party must not sign PETITIONS for or be a CANDIDATE in the primary of more than one party.

When an otherwise qualified voter has signed nomination PETITIONERS of more than one ESTABLISHED POLITICAL PARTY, the signature appearing on the PETITION first signed is valid and all subsequent signatures of that person appearing on the nomination PETITIONS are invalid. See *Watkins v. Burke*, 122 Ill. App.3d 499, 461 N.E.2d 625 (1984) .

If the signature lines themselves do not have dates, then the date of the circulators' affidavits on the signature sheets could be used determining which PETITION was signed first.

If the PETITION of the political party CANDIDATE in this case was the first one signed, then the objection should be **overruled**, but otherwise it should be **sustained**. It is the Objector's burden to prove that another PETITION was signed first.

2019-6.3.10.2 Petition for an Independent, Nonpartisan, or New Party CANDIDATE.

Section 10-3 of the Election Code decrees that "each voter may subscribe to one nomination for such office to be filled, and no more." As an example, when there are three village trustee seats up for election, a voter can sign PETITIONS for three CANDIDATES, but no more.

The objection should be overruled for the earliest PETITIONS within the limit that were signed, but **sustained** for subsequent signings. It is the Objector's burden to show that enough other PETITIONS to fill the limit were signed first.

2019-6.3.11 Signer is not registered with the correct political party

As explained in *Standard 2019-4.2.5.6.3*, Illinois does not register anyone as a member of a political party, but merely records a history of which political party ballots a voter asked for in past primary elections to nominate CANDIDATES for that party. After the election for office is over, that voter is free to associate himself with another political party.

The objection should be **overruled**.

2019-6.3.12 Signer's registration is invalid

Under §3-1.2, to be eligible to sign a PETITION, a person must have been registered to vote at the address shown opposite his signature on the PETITION.

2019-6.3.12.1 Signer is too young

Pursuant to §3-6, an individual who is 17 years of age and who will be 18 years of age on the date of the immediately following general or consolidated election, and is otherwise qualified to vote is allowed to sign voter registration forms.

2019-6.3.12.2 Signer's right to vote has been revoked

Under §3-5 of the Election Code, the eligibility of a person who is serving a sentence of confinement is suspended, and he is thus disqualified from signing an election-related PETITION.

Being held in jail awaiting trial, is not a reason to disqualify a person from voting or signing an election-related PETITION. Note that people on probation or parole are not eligible until the end of their sentence.

2019-6.3.12.3 Signer is not a citizen

If a PREPONDERANCE OF THE EVIDENCE shows that a signer is a registered voter, but not a United States citizen, the objection should be **sustained** and the evidence submitted to the State's Attorney and the appropriate County Clerk, or voter registration official.

2019-7 Objections to a Signature's Validity

Either party may call a witness to testify in person, or file a notarized sworn statement (“affidavit”) by the signer or other person with direct knowledge of the matter, as evidence to be considered. (*See Form EB-720 in this manual.*)

2019-7.1 Signature was not witnessed by purported circulator

The circulator’s affidavit certifies that the signatures on that sheet of the PETITION were signed in his presence.

If a PREPONDERANCE OF EVIDENCE (*see Standard 2019-1.1.10*) shows that the purported circulator did not personally witness one or more signatures being placed on the sheet, then all signatures on that sheet may be deemed to have that same defect and be disqualified.

But individual signatures can be rehabilitated by an affidavit from the purported original signer stating that he signed that PETITION and that the named circulator personally witnessed the affiant’s signature. (*Form EB-720 does not deal with who the circulator was, but form EB-730 does.*)


The objection should be **sustained** as to all unrehabilitated signatures on that sheet. Also, the matter shall be referred to the appropriate prosecutor’s office.

See also Standard 2019-5.4.7, dealing with where the signature was purportedly witnessed by a different person than the person who signed the circulator’s statement.


2019-7.2 Name is not identical to registration record

If, for example, the registration record indicates “John E. Jones”, 1020 South Spring, Spfld., and the CANDIDATE’S PETITION lists “J. Jones” at 1020 South Spring, Spfld, the objection will be overruled if the signature on the card and the CANDIDATE’S PETITION reasonably match.

An objection that is based solely on the fact that a CANDIDATE’S PETITION signature differs in form from the signature on the voter’s registration card will be denied as failing to state grounds for an objection.

Failure to indicate a middle initial on signature on the PETITION sheets where the binder includes a middle initial does not invalidate them where the signatures are otherwise genuine. *Scianna v. Fredrickson*, 94-EB-REP-7 (Chicago Electoral Board 1994) .

2019-7.3 Signature is printed

Hand-printed signatures are valid because there is nothing in the Election Code or under the common law of the State of Illinois that renders a printed signature invalid *per se*. *Lyles v. McGee*, 02-EB-SS-04 (Chicago Electoral Board 2002) .

2019-7.3.5 No other grounds were stated

There is no requirement that a signature be in cursive rather than printed form. If it is otherwise genuine, there is SUBSTANTIAL COMPLIANCE unless there is evidence that the voter did not sign in his own proper person only. See *Bergman v. Vachata*, 347 Ill. App.3d 339 (2004) [↗](#).

Any objection solely on the ground that the signature is printed and not in cursive form or where the basis for the non-genuineness is the fact that the signature is printed, should be **overruled** as failing to state a valid ground for an objection.

(If other grounds were stated, then an comparison with the registration record will probably be done as part of that other objection, but not of this one.)

2019-7.3.6 Signature is printed but registration record was cursive (or vice-versa)

There is no requirement that a signature be in cursive rather than printed form.

The voter's original signature on his registration record shall be examined. If the signature (in whatever form) does not reasonably match, the objection should be **sustained**

2019-7.3.6.1 Handwriting does not reasonably match record

There is no requirement that a signature be in cursive rather than printed form.

The voter's original signature on his registration record should be examined. If by a PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10*) the signature does not reasonably match, the objection should be **sustained**.

2019-7.4 Signature is not genuine

2019-7.4.5 Not signed in own proper person

2019-7.4.5.1 Handwriting does not reasonably match record

The voter's original signature on his registration record (if available) shall be examined. If by a PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10*) the signature does not reasonably match, the objection should be **sustained**.


2019-7.4.5.2 Forgery

If a PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10*) shows that someone other than the person named signed that person's name, the objection should be **sustained**.

2019-7.4.5.3 Voter has executed a notarized signature rehabilitation affidavit.



An affidavit is a document often used to establish the genuineness of the signature on the nomination PETITION that is purportedly that of the maker. Any affidavit is a written statement that the maker swears under oath to be true. It must be notarized and contain the original signatures of the affiant and the notary public,

Notarized affidavits may be used to establish that signatures challenged as not genuine are, in fact, the genuine signatures

of those signing the PETITION. *Garza v. Adams*, 91-EB- ALD-11 (Chicago Electoral Board 1991) .

If a rehabilitation affidavit affirming the signature on the PETITION is found valid, the objection to the signature should be **overruled**.

2019-7.4.5.4 Voter's affidavit is merely certified, not notarized.

Verifications by certification under Section 1-109 of the Code of Civil Procedure are not acceptable in lieu of notarized affidavits. In *Caldwell v. Board of Election Commissioners*, 12-COEL-002 (Cir. Ct. Cook Co., January 30, 2012) , the trial court applied the ruling in *Mashni v. Laski*, 351 Ill. App.3d 727 (1st Dist. 1987)  that Section 1-109 of the Code of Civil Procedure does not satisfy the legal requirements when a statute other than the Code of Civil Procedure requires notarization.

The objection should be **sustained**.

2019-7.4.5.5 Registration record is very old.

A voter's handwriting usually changes over time. However, similarities in the writings remain. When it appears from the voter registration record that a signature is not genuine, the signature may be rehabilitated if by the PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10 for definition*) if it reasonably matches other documents known to be valid or a rehabilitation affidavit.

2019-7.4.5.6 Signature is legible

If, by the PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10 for definition*) the signature on the PETITION reasonably matches the signature on file, the objection should be **overruled**.

2019-7.4.5.7 Signature is not legible

The fact that a signature is illegible is not, standing alone, a proper basis to strike the signature. *Feierstein v. Phelan*, 12-EB-WC-03 (Chicago Electoral Board 2012) .

2019-7.4.5.7.1 Address is legible

Unless the PREPONDERANCE OF THE EVIDENCE (see *Standard 2019-1.1.10 for definition*) shows that the signature on the PETITION reasonably matches the signature on file of a person currently registered as a voter at the address stated in the PETITION, the objection should be **sustained**.

2019-7.4.5.7.2 Address is not legible

With neither the signature nor address legible, the objection should be **sustained**.

2019-7.5 Signature was added after notarization

A common practice is for the circulator to use a form that provides a column on each signature line for the date it was signed, and for the notary public to "X" out the range of unsigned lines.

The objections should be **sustained** and that signature disqualified.

2019-8 Objections to Addresses

Either party may call a witness to testify in person, or file a notarized sworn statement (“affidavit”) by the signer or other person with direct knowledge of the matter, as evidence to be considered.

2019-8.1 Address uses ditto marks


Objections to ditto marks in the address column, where such marks indicate that a subsequent signer or signers live at the same address as the signer above, should be **overruled**.

2019-8.2 Address is missing or incomplete


2019-8.2.5 General rule

In general, if there is enough information in the address for the staff to locate the voter whose name and address is on the CANDIDATE’S PETITION, this objection should be **overruled**.

2019-8.2.6 Rehabilitation

Signatures of signers of PETITION sheet whose addresses on the PETITION are incomplete may be rehabilitated and restored upon submission of affidavits from such persons attesting to their full and complete address and when such persons are found to be registered to vote at the address as correctly shown on their affidavits. *Davis et al. v. Reed*, 04-EB-WC-81 (Chicago Electoral Board 2004) . (A sample of such an affidavit is form EB-720 in this manual.)

2019-8.2.7 Address not written by the signer himself

Only the signature must be written by voter “in their own proper persons only.” 10 ILCS 5/7-10, 5/10-4. See *Briscoe v. Kusper*, 435 F.2d 1046, 1055 (7th Cir. 1970) .

The objection should be **overruled**.

2019-8.2.8 Residence city is misspelled or abbreviated

Any objection solely on the ground that the city in the mailing address is abbreviated (e.g.: FP – Forest Park, OP – Oak Park, etc.) should be **overruled** if the abbreviation is commonly understood in the community where that address is.

2019-8.2.9 Street address is missing

2019-8.2.9.1 Community uses street addresses

If the address can be reasonably deduced from its context, it may be deemed present under the following Standard Rulings:

2019-8.2.9.1.1 Surname is same as on line above

2019-8.2.9.1.1.1 Line above contains an address

If the address line is blank, but the signer’s surname is the same as the person signing above where an address is listed, indicating that such signer resides at the same address, any objections to missing address usually should be **overruled**.

2019-8.2.9.1.1.2 *Line above does not contain an address*

The objection should be **sustained**.

2019-8.2.9.1.2 Surname differs from line above

The objection should be **sustained**.

2019-8.2.9.2 Community does not use street addresses

If there is no address listed other than a city or village, and street addresses either do not exist or are not commonly used in that community, then the objection should be **overruled**.

2019-8.2.10 Street name is missing direction indicator

Any objection solely on the ground that the streets lacking a direction indicator (e.g.: North State, S. Main) should be **overruled** as failing to state grounds for an objection.

If the grounds for objection were that the signer is not registered at that address, then that objection should be **overruled** if in fact the voter resides the numerical address on that street

2019-8.2.11 Apartment, unit, lot or other subaddress is missing

The law requires only street address. If the signer can be found in the voter registration records for the address as stated, then the objection should be **overruled**.

2019-8.2.12 Address is a rural route box

Section 10-4 of the Election Code states "The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be." The objection should be **overruled**.

2019-8.2.13 Address is a post office box

Because §10-4 requires a PETITION signer to include his *residence* address and not a *mailing* address, unless the signer's voter registration shows that he was allowed to register with a PO Box address, the objection should be **sustained**.

2019-8.2.14 Record shows a street address

The PETITION lacked a street address, but the registration record shows one. The objection should be **sustained**.

2019-8.2.15 County is missing

2019-8.2.15.1 Record cannot be found in electoral board's home county voter records

Unless the CANDIDATE presents credible evidence that the signer is registered at the stated address in another county, the objection should be **sustained**.

2019-8.3 Address does not reasonably match record

2019-8.3.5 Community changed street name or house number

2019-8.3.5.1 Signer has not moved

The objection should be **overruled**.

2019-8.3.5.2 Signer has moved

The objection should be **sustained**.

2019-8.3.6 Address partially matches

If the matching elements are sufficient for a person familiar with the community to find the residence, the objection should be **overruled**.

2019-9 Other Issues

2019-9.1 A Standard needs correction or clarification

Please send the details to Director@CitizenParticipation.org so that our panel of leading election law attorneys can review the issue.

2019-9.2 No applicable Standard

The Standard Rulings evolve as new and creative objections are raised in connection with a case heard by an electoral board.

If no existing *Statewide Standard* appears to cover an issue, please send the details to Director@CitizenParticipation.org so that our panel of leading election law attorneys can develop a Statewide Standard to guide future electoral boards.

Season Report by Electoral Board

1. Circle the season of objection hearings being reported:

2020 General Primary Election

2. Name of your electoral board, with address, phone and email contact information:

3. Quantity of cases filed with your electoral board for that season:

4. How many Objectors were pro se? _____ How many Objectors had counsel? _____

5. How many Candidates were pro se? _____ How many Candidates had counsel ? _____

5. Please give us feedback on good and bad aspects of the Illinois Electoral Boards Manual, so we can improve future issues:

6. **Send this report** to: Citizen Participation Institute, 27w734 Gary's Mill Rd., Winfield IL 60190
or email it to Director@CitizenParticipation.org

Voluntary Contribution

Remit to:

Citizen Participation Institute
27w734 Gary's Mill Rd
Winfield IL 60190

Tax ID: 47-4960066
ACH routing: 071000013
Account: 767256170

Quantity of cases filed with your electoral board for that season:

_____ transferred from the State Board of Elections

_____ first case filed here

_____ additional cases filed here

*Enter total computed
in report above →*

\$

Thank you.

2019 Illinois Electoral Boards Manual Part 2 Appendices

Appendix A: Uniform Rules of Procedure

Appendix B: Interactive Forms

Appendix C: Election Code Excerpts



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Updates to this publication may be downloaded from www.CitizenParticipation.Org.

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A preprinted bound volume of this manual is available upon request for \$24.95.

Appendix A

Uniform Rules of Procedure

2019 Hearings
2020 General Election Cycle

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Illinois Electoral Boards Manual
Rule 1. PROMULGATION

A. Findings

In the interests of fair play and due process, this Electoral Board wants to assure that even laymen without attorneys will receive fair hearings in proceedings before this Board. Therefore, this Board finds it in the public interest to adopt simple, plain-language rules of procedure that provide for an open, fair, and impartial hearing without procedural technicalities becoming a weapon to prevent justice.

B. Administrative, not judicial, atmosphere

An Electoral Board hearing is an administrative proceeding, not a judicial proceeding.

Procedural due process before an administrative tribunal does not require a proceeding in the nature of a judicial proceeding, but is satisfied by a form of procedure that is suitable and proper to the nature of the determination to be made and conforms to fundamental principles of justice. Administrative procedure is, and should be, simpler, less formal and less technical than judicial procedure in the absence of a statutory mandate to the contrary, *Village of South Elgin v. Pollution Control Board*, 64 Ill.App.3d 565, 381 N.E.2d 778 (2nd Dist. 1978) ¶. The Code of Civil Procedure [735 ILCS 5] is inapplicable to administrative hearings. *Desai v. Metropolitan Sanitary District*, 466 N.E.2d 1045, 125 Ill. App.3d 1031 (1st Dist. 1984), *Caldwell v. Nolan*, 167 Ill. App.3d 1057 (1st Dist. 1988) ¶. Nor does the Civil Administrative Code [20 ILCS 5] include Electoral Boards.

(The following defined terms LOOK LIKE THIS when used elsewhere in these rules.)

The term “CANDIDATE” includes a principal proponent of a public question.

The term “CURRENT REGISTRATION” (sometimes called “active”) is a citizen’s voter registration that has not been cancelled by operation of law (e.g. 10 ILCS 5/5-21 (returned mail), 10 ILCS 5/5-24 (failure to vote in the last four years), etc.

The term “ELECTION AUTHORITIES” means the county clerks or election commissions of all the counties that contain any part of the PUBLIC BODY’S territory.

The term “ELECTRONIC DOCKET” is the accumulation of notices and pleadings created by Rule 7.

The term “FRIEND” is an interested person who

But a complete record, including transcript, must be made in case this matter goes to court. If the court’s decision is appealed, the appellate court reviews the decision of this Electoral Board, not the decision of the court below.

C. Authority to adopt

Accordingly, these UNIFORM RULES OF PROCEDURE, in the *Illinois Electoral Boards Manual* (curated and published by the nonpartisan Citizen Participation Institute,) are adopted by this Electoral Board pursuant to the authority granted in the Illinois law that is the statute numbered 10 ILCS 5/10-10.

D. Standard Rulings

This Electoral Board recognizes that the lack of common standards in the determination of issues arising before the 2,850 of occasional *ad hoc* Electoral Boards in Illinois composed of laymen results in conflicting interpretations and inconsistent rulings throughout the State, and therefore unequal justice,.

Therefore, the statewide STANDARD RULINGS contained in the most recent *Illinois Electoral Boards Manual* are adopted so that impartial rulings will be made based upon predetermined and published outcomes for a given set of facts, regardless of the membership of the Board or parties involved.

E. Expenses authorization

The Chairman is authorized to incur necessary expenses to fulfill these Rules, even before the opening hearing.

Rule 2. DEFINITIONS

seeks to file a brief in a case, as contemplated in the Election Code at 10 ILCS 5/10-10.

The term “ILCS” refers to an Illinois law. Relevant statutes from the Election Code are included in Appendix C.

The term “MAY” indicates a discretionary action. That is an action the Electoral Board is authorized to do, or not do. It is not mandatory.

The term “MAY NOT” is functionally the same as MAY: it is a discretionary action that the Board is authorized to not do. If it chooses to *not* not do something, that double negative is the same as choosing to *do* it. In colloquial misuse, the true intent of “MAY NOT” is usually really “MUST NOT” so these Rules avoid using the phrase “May not.”

The term “MUST” indicates a mandatory duty.

Failure by a participant to perform a mandatory duty may result in disqualification of that participant. Failure by the Board to perform a mandatory action is a per se failure to follow the Board's own Rules, and jeopardizes the validity of its decisions.

The term “**MUST NOT**” indicates is something that the Electoral Board is prohibited from doing. It is mandatory.

The term “**NOMINATION PAPERS**” includes a certificate of nomination; a petition for a public question or nomination petition (“signature”) pages, with related certifications of any signatures struck; statement of candidacy; receipt for statement of economic interests, and any optional forms including a loyalty oath, fair campaign practices pledge, signature deletion sheets, assessor credentials and any other documents filed along with the petitions and statement of candidacy;

The term “**PARTICIPANT**” includes the CANDIDATE, the Objector, and any FRIEND who has filed a statement of appearance under Rule 1(F).

The term “**PREPONDERANCE OF THE EVIDENCE**” means that a particular fact or event was more likely than not to have occurred. It has nothing to do with the quantity of material presented on either side, but with the evaluation of it. “Evidence” is anything presented in support of an assertion, and is not necessarily true. “PREPONDERANCE OF THE EVIDENCE” is a lower evidentiary standard than “clear and convincing” (substantially more likely

than not to be true) and “beyond a reasonable doubt” (the only logical explanation that can be derived from the facts, and that no other logical explanation can be inferred or deduced from the evidence).

The term “**PRINCIPAL ELECTION AUTHORITY**” means the county clerk or election commission jurisdiction containing the PUBLIC BODY's principal office, as identified in Appendix A.

The term “**PUBLIC BODY**” means that political subdivision of Illinois to which these Rules apply, that is so designated in Appendix A.

The term “**SHALL**” is avoided in these Rules because courts do not always interpret it as mandatory; when there is no penalty specified for not complying, it is interpreted as merely directory instead of mandatory. Instead, these Rules use “**MUST**” for mandatory actions, “**MUST NOT**” for prohibited actions, “**SHOULD**” for directory actions, “**SHOULD NOT**” for discouraged actions, and “**MAY**” or “**MAY NOT**” for discretionary actions.

The term “**SHOULD**” indicates a recommended action. It is directory, not mandatory.

The term “**SHOULD NOT**” indicates a discouraged action. It is directory, not mandatory.

The term “**STANDARD RULINGS**” or “**STATEWIDE STANDARDS**” or “**STANDARD**” means the statewide Standard Rulings contained in the latest issue of the *Illinois Electoral Boards Manual* (downloadable from CitizenParticipation.Org).

Rule 3. OPEN MEETINGS and OPEN RECORDS

In obedience to the Open Meetings Act (5 ILCS 120) and the Freedom of Information Act (5 ILCS 140) that this Electoral Board must follow:

A. Agenda and Nomination Papers

Agendas must be posted in the main office and at the meeting location at least 48 hours in advance of a hearing, and on the PUBLIC BODY's website, as required by 5 ILCS 120/2.02 in the Open Meetings Act.

The Objector's Petition, the NOMINATION PAPERS, the Call and any other documents filed shall be made available to the public on the website and ELECTRONIC DOCKET as soon as practicable.

Under 5 ILCS 10/10-7 of the Election Code, the NOMINATION PAPERS must be made available to the public without the delay or necessity of invoking the Freedom of Information Act, and all other documents are also available under that Act.

B. Minutes

Minutes of each day's session of a meeting of the Board must be kept. They must include the date, time, and place of the meeting and list the members present. If several cases are heard during that day's session, they should be part of the same set of minutes of that long meeting.

The Open Meetings Act requires the minutes to include “a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.” The Attorney General has determined that a one-sentence general statement merely noting the topic(s) of discussion is insufficient to satisfy 5 ILCS 120/2.06(a)(3), so the summary must include separate entries for each

point number in preliminary motions or the Objectors Petition, briefly stating the issue, noting which parties offered evidence on that issue, and the preliminary ruling and vote on that issue.

Because a verbatim transcription and the Record are being made simultaneously that will provide more detail than the summary, and preserve any objections or issues for potential judicial review, the summary in the minutes should incorporate by reference the verbatim transcription and the Record of the case.

The minutes of previous sessions should be approved at or before the final session.

Because this Board is ephemeral, there will not be a subsequent meeting at which minutes of the final session can be approved under 5 ILCS 120/2.06(b), so at that concluding session when final action (usually the adoption of the written findings and order) is taken upon the last remaining case, minutes should, if practicable, be approved at that same session.

Otherwise, they are deemed approved without action by the Board if they are signed later by at least one member, but are impeachable by the

Record and transcript of proceedings. 5 ILCS 120/2.06(a).

For hearings held by a hearing officer without the Board being present, minutes of each day's session must be made and signed by the hearing officer, which constitutes approval.

C. No closed meetings

The Board will receive all evidence or testimony and deliberate in open session. 5 ILCS 120/2(d).

D. Public access to pleadings

Any person may be added to the distribution list of the ELECTRONIC DOCKET (*see Rule 7*), as a "cc" addressee.

E. Public comment

Any person must be permitted to address the Board or hearing officer under 5 ILCS 120 2.06(g) of the Open Meetings Act, but to protect the integrity of the quasi-judicial process from inadmissible influence, the time for public remarks should be at the conclusion of each day's session.

Public comments are to a meeting of the Electoral Board, but are not part of the Record in any case before the Board.

Rule 4. BOARD MEMBERS AND SUBSTITUTES

A. Temporary

Parties should be aware that this Electoral Board's existence is ephemeral: it comes into existence only if an Objector's Petition is filed, and automatically dissolves when all Objection Petitions from that election season are disposed of. 10 ILCS 5/10-9.

B. Automatic membership

Membership of this Electoral Board is set by the Election Code at 10 ILCS 5/10-9.

Membership automatically consists of persons holding certain public positions. The Chairman is determined by statute, and is usually the mayor or presiding officer of the unit of government.

C. Withdrawal from membership

The law does not allow members to recuse themselves from a case, nor to be removed for fear of bias. "The true rule unquestionably is that wherever it becomes necessary for a judge to sit even where he has an interest-where no provision is made for calling another in, or where no one else can take his place-it is his duty to hear and decide, however disagreeable it may be." See *United States v. Will*, 449 U.S. 200 at 214, (1980).

(In the case of only a County Officers Electoral

Board that hears school, library, fire and park cases too, the automatic members are allowed to designate someone to sit in the place of the automatic member. There is no provision in the Election Code that allows such substitutions by automatic members of State, Municipal, Township, or Education Officers Electoral Boards.)

D. Member also a witness

If there is a legitimate and unavoidable reason why a specific member of the Electoral Board needs to be called as witness, and no other person can testify to those facts to be adduced, notice must be given to the Chairman (or prospective Chairman) as soon as possible.

E. Member as opposing candidate

But when an automatic member is also a CANDIDATE for the same office involved in the objection, or unavoidably will be called as a witness in that case, the law does provide for automatic substitution by following a formula.

F. Case identical to one against member

A member whose own candidacy is challenged must not hear any case containing an objection that is identical to an objection in his own case.

G. Cases against other members

If, in separate Objection Petitions, substantially identical objections are made to the candidacies of different members of this Electoral Board or their presumptive substitutes, then to prevent the evil involved in *Kaemmerer v. St. Clair County Electoral Board*, 333 Ill.App.3d 956, 776 N.E.2d 900, 267 Ill.Dec. 528 (5th Dist. 2002), none of those CANDIDATES shall hear any of those cases.

Rule 5. ELECTORAL BOARD STAFF

A. Chairman

The law, 10 ILCS 5/10-8, automatically determines who will be the Chairman of the Electoral Board. It is usually the presiding officer of the PUBLIC BODY. He has many duties imposed by the Election Code.²

B. Electoral Board Clerk

No member, or potential member, of the Electoral Board shall serve as the Board's clerk because members must be able to concentrate upon their own important duties in a case. The PUBLIC BODY's official clerk is automatically a member of the Electoral Board, so the Chairman shall appoint a member of the PUBLIC BODY's staff, if practicable, to be the Board's Clerk.

The Board Clerk's duties include receiving pleadings filed, keeping minutes, marking exhib-

H. Public members as substitutes

There are circumstances, such as when the statutory pool of substitutes is exhausted, where the chief judge of the circuit court has authority under 10 ILCS 5/10-9 to appoint an outsider as a public member as a substitute. Whenever it becomes evident of likely that such a substitute will be needed, the Chairman shall request the appointment of a public member.¹

its placed into evidence, and other tasks necessary to accumulate the judicial record of the proceedings.³

Therefore, the Chairman has appointed the person so designated in Exhibit 1 to be the Board's clerk, who shall receive documents for filing at the location, email address and facsimile number shown there.

C. Electoral Board Counsel

This Chairman has appointed the attorney or firm shown in Exhibit 1 to be the Electoral Board's Counsel for purposes related to its present cases, including serving as its hearing officer if the Board so directs.⁴

Any fear of bias is minimized because decisions must be made based upon the written statewide STANDARD RULINGS.

Rule 6. INITIATING A CASE

A. Deadline

Any legal voter who resides inside this PUBLIC BODY's territory (or relevant subdivision thereof, such as a ward or other district in which the candidate or public question is to be voted on) and has objections to any NOMINATION PAPERS within the competence of this Electoral Board can file an original Objection Petition (and absolutely must file two extra copies of it) up to five business days after the deadline for filing the NOMINATION PAPERS. The Objector's Petition and its copies must be filed at the office where the NOMINATION PAPERS were filed. See 10 ILCS 5/10-8.

B. Content

The law, 10 ILCS 5/10-8, requires that the Objector's Petition shall give the Objector's name and residence address, and shall state fully the nature of the objections to the NOMINATION PAPERS

in question, and shall state the interest of the Objector and shall state what relief is requested of this Electoral Board.

C. Changes

Once filed, an Objector's Petition cannot be changed, but another such petition may be filed and the original withdrawn if done before the original filing deadline. If the original is not withdrawn, they shall be treated as separate objections. See *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 638 N.E.2d 782 (2nd Dist. 1994) and *Stein v. Cook County Officers Electoral Board*, 264 Ill.App.3d 447, 636 N.E.2d 1060 (1st Dist. 1994).

D. Challenged signatures

If any of the objection relates to a signature in NOMINATION PAPERS, then the Objection Petition shall specify by sheet and line number exactly

¹ See form EB-205 for *Request to Chief Judge for Public Member*.

² See form EB-501 for *Practical Advice to the Chairman*.

³ See form EB-500 for *Practical Advice to the Board Clerk*.

⁴ See form EB-515 for *Information for Attorneys*.

which signature is questioned, and the basis for objecting to it. It is acceptable for the specification to be made on a worksheet pages that list multiple page and line numbers of questioned signatures, along with columns that can be marked for the type of objection being made to each of those questioned signatures.

E. Opening a file for this case

When an Objection Petition is filed, the Board Clerk shall promptly start an ELECTRONIC DOCKET [see Rule 7] for that case because the written Call for it [see Rule 8] is to be issued within 24 hours after receipt of the Objection Petition. See 10 ILCS 5/10-10.⁵

F. Request for public members

If a vacancy in the membership of the electoral board is expected (see Rule 4), then, under 5 ILCS

10/10-9, the Chairman must immediately request the appointment of sufficient substitutes by the Chief Judge of the Circuit Court.⁶

G. Certified voter registration records

In jurisdictions where the ELECTION AUTHORITY is not willing to perform the records comparison, the Chairman should also order from the appropriate ELECTION AUTHORITIES for official use⁷ certified copies of certain voter records as specified in Rule 1.

H. Preliminary determination of signature requirements

The Chairman should also make a preliminary determination⁸ of the minimum quantity of valid signatures required by law for the office the Candidate is seeking and include that information in the Call.

Rule 7. NOTICES AND DOCUMENTS

A. Required use of the Electronic Docket

Every case shall have its own public record ELECTRONIC DOCKET that contains all notices, pleadings, and other communications of record in this case. If the case becomes the subject of review by a court, its contents will be used to compile the required Record of the case.

The ELECTRONIC DOCKET is either

(1) an online system that allows the staff or a party to post a message or upload a document that the system time-stamps (and automatically emails notice and a copy to all PARTICIPANTS) or to download one,⁹ or

(2) a collection of individual emails sent to the Board Clerk and promptly forwarded by her to all PARTICIPANTS in the case, or

(3) an ever-growing single email to which parties add through a “Reply All” to post their new documents and attachments.

All parties must post into the ELECTRONIC DOCKET all notices, motions, and other communications for distribution to Electoral Board and to all other participants. (The Board Clerk will post on behalf of any party that does not have access to a computer.)

B. Presumptive proof of service

The transmission by email of any notice or other filing after posting into the ELECTRONIC DOCKET shall be considered sufficient notice of filing and proof of service to all those named as addressees of that message.

C. Postings

A posting may contain attachments of PDF files when documents are filed. Alternatively, short contents can be cut and pasted into the body of the posting.

The body of each posting should advise the recipients to take notice of its attachments and give a brief description of them, or else recite the text at length if it is not an attachment.

D. Documents for Evidence

Any document intended to be used as proof or disproof of an issue must be the original, or a certified copy (verifications under Section 735 ILCS 5/1-109 of the irrelevant Code of Civil Procedure are not acceptable) of it, and be filed with the Board Clerk in addition to being added to the ELECTRONIC DOCKET.

An affidavit is often used to establish the genuineness of the signature on the nomination petition that is purportedly that of the person

⁵ Forms EB-120 and EB-500 contain practical information on what the Board Clerk needs to do immediately when an Objection Petition is filed. For the Chairman, see Rule 8 and form EB-501.

⁶ See form EB-205 for *Request to Chief Judge for Public Member*.

⁷ See form EB-260, *Subpoena to Election Authority for Certified*

Records.

⁸ See form EB-210, *Calculation of Signatures Quota*.

⁹ The compilers of these Uniform Rules are investigating the availability and feasibility of providing such a system to Electoral Boards.

named.¹⁰ An affidavit is a written statement that the maker swears under oath to be true. It must be notarized and contain the original signatures of the affiant and the notary public,

E. Electronically-generated documents

If any document that was filled in using an electronic device calls for a signature, that may be supplied by typing the name¹¹ if the document is filed by the originator to the ELECTRONIC DOCKET. But if instead a paper copy of it is filed with the Board Clerk, then it must have original written signatures if the document calls for them.

F. Prefiling encouraged

Filing documents before the hearing is strongly encouraged so that the Board and parties can study them in preparation for the hearing. When documents are filed during the hearing, paper copies shall be provided to all parties and before

or at the end of the day the Board Clerk shall add them to the ELECTRONIC DOCKET.

G. Courtesy copies

The party filing any document during the hearing is encouraged to bring a few extra copies, for any members of the public or press present who may request one.

H. Persons without email access

A person lacking email access may file documents with the Board Clerk, and retain a file-stamped copy as a receipt. The Board Clerk shall then add any new document to the ELECTRONIC DOCKET and immediately send it to all subscribers. When such an addition has been made to the ELECTRONIC DOCKET, the Board Clerk shall expeditiously provide it to the person lacking email access, taking his receipt for it or recording a proof of service affidavit.

Rule 8. CALL TO THE OPENING MEETING

A. Statutory duties

After the Objector's Petition is filed, the Chairman must fulfill the many duties required by 10 ILCS 5/10-10 [see *Appendix C*], including setting a time and place for the opening of a hearing and issuing a written Call¹² to summon all the appropriate persons to it.¹³

B. Enclosures

The Call should have attached a copy or PDF of those items recommended on form EB-015.

None of that information is secret, so all items should go to everyone.

C. Those to be served

Pursuant to 10 ILCS 5/10-10, the Call and enclosures shall be served upon these persons:

1. Each member of the electoral board.
2. The Objector.

3. The CANDIDATE. If the objection is to a petition for a question of public policy, then the principal proponent or his attorney.

4. Any attorneys known for the Objector or CANDIDATE.

D. Manner of service

Each person who must be served should first be contacted informally and asked to consent to receive the packet by email or to pick it up from the office and sign a waiver so that the sheriff does not have to come to his residence and serve the packet on him.

Those that cannot be reached, or decline to waive service, must then, pursuant to 10 ILCS 5/10-10, be served with the packet by the sheriff of the county in which they reside.

¹⁰ See form EB-720, *Signature Verification Affidavit*.

¹¹ Conventionally, “/s/” followed by the typed name.

¹² See forms EB-250, *Electoral Board Call and Summons*,

and EB-300, *Enrollment and Appearance in the Case*.

¹³ Form EB-501 contains practical advice for the Chairman about various tasks.

Rule 9. THE OPENING MEETING

A. Adoption of rules

On the first day¹⁴ of its meeting set in the Call, the Electoral Board is required by law to adopt these, or other, rules of procedure for the introduction of evidence and presentation of arguments and, in its discretion, provide for the filing of briefs.¹⁵ The adopted rules shall be in effect for all cases on its docket.

B. Issuance of subpoenas

The Electoral Board must issue any subpoenas, pursuant to Rule 10.¹⁶ It may also issue any subpoena needed to secure certified copies of records from any ELECTION AUTHORITY that has not complied with the Chairman's previous request for such certified copies.

The Electoral Board may delegate to the Chairman the authority to issue subpoenas that may be requested after the first day of the opening meeting.

C. Preliminary motions

Motions on preliminary matters (for example motions to dismiss the case, or requests for subpoenas) should be filed at or before the first meeting of the Board. Such motions may be heard then, if the parties agree.

Each count in a motion to dismiss the Objector's Petition must cite the specific STANDARD RULING number(s) in the *Illinois Electoral Boards Manual* that deals with the nature of that count. Other authority, such as court cases, may be cited to supplement the citation to the STANDARD RULINGS, or if no such STANDARD RULING deals with the subject. Copies of such other authority must be attached to the motion.

D. Objector's citations

The Objector should furnish a list and copies of any cases or authority (other than the STANDARD RULING) he intends to cite during argument on preliminary motions or the merits, so that the Board and CANDIDATE have time to study them.

E. Declaration of signature requirements

The Electoral Board must for each case determine and declare its finding of the minimum quantity of valid signatures required by law for

the office the CANDIDATE is seeking, and record its basis for that conclusion.¹⁷

F. Individual case scheduling

After the Board convenes, it will be in session continuously until all cases are disposed of. The Board may recess from time to time.

At its first meeting, the Board should schedule an evidentiary hearing for each case on its docket. If the CANDIDATE is prepared to proceed, the board may decide to hear that case at the same meeting. By filing his Objector's Petition, in view of the research he should have done to prepare his petition, the Objector is deemed to always be ready to proceed.

When there are multiple Objector's Petitions filed relating to the same candidate, the hearings should be scheduled following one another. The Board may (on its own motion, or the request of a party) at any time decide, in the interests of justice and administrative efficiency, to consolidate such related cases and hear them together.

A hearing must be held at times and places convenient and open to the public.¹⁸ It must not be scheduled for between the hours of 10:00 p.m. and 9:00 a.m., nor on Sundays or state holidays, and the Board should consider the convenience and work schedules of the parties and the need for expedited handling of the cases when scheduling its hearings. A CANDIDATE who does not have an attorney representing him is entitled to have his hearings set for times that do not conflict with his work schedule.

Except for consolidated cases, multiple cases should not be scheduled for the same time before the same hearing officer. The schedule should assume each case will take at least 45 minutes. In observance of the Open Meetings Act, a hearing must not begin before the scheduled time.

If copies of the certified voter records received from the ELECTION AUTHORITIES are relevant to the case, no case should be heard until at least 48 hours after the parties have received otherwise, or been sent via the ELECTRONIC DOCKET, such copies.

The Board may then recess until each of those

¹⁴ See form EB-630, *Agenda for Organizational Meeting*.

¹⁵ As a practical matter, form EB-410, *Statement of Applicable Standard Rulings*, serves as a brief for each party.

¹⁶ See forms EB-710, *Request and Order for Subpoena*, and EB-711, *Subpoena*.

¹⁷ See form EB-210, *Calculation of Signatures Quota*.

¹⁸ 5 ILCS 120/2.01 ¶1.

hearings begin. Pursuant to¹⁹ the Open Meetings Act, public notice of the reconvened meeting need not be posted at least 48 hours in advance if the Board announces at the original meeting the time and place of the reconvened meeting, and there is no change in the agenda.

G. Rescheduling

Due to election process deadlines set by law, the Board has a limited time to rule on all cases

before it, and therefore it will not grant any request for a continuance, except for good cause shown. A scheduled vacation by any party or attorney is not good cause. The Board may, for its own reasons reschedule a hearing or any continuation of it.

Notice of any continuance or rescheduling must be entered into the ELECTRONIC DOCKET, and also posted if required by the Open Meetings Act.

Rule 10. SUBPOENAS

After the Board has come into existence by actually meeting pursuant to the Call, it possesses authority²⁰ to issue subpoenas.

At the request of either party and only upon a vote by a majority of its members, the Board may authorize the Chairman to issue subpoenas requesting the attendance of witnesses and subpoenas *duces tecum* requiring the production of such books, papers, records, and documents as may be evidence of any matter before the Board.

The party requesting it shall serve the subpoena, with the appropriate fee, in the same manner as for subpoenas used in the Circuit Court of the county in which this Board sits. In the case of seeking certified copies of voter registration records²¹ under Rule 1, the Electoral Board itself is the requester.

If any person served with a Board subpoena fails to honor it, the Board may seek judicial enforcement of the subpoena as provided by law.

Any party seeking evidence to validate or invalidate a signature that the examiner's report²² deemed genuine or not genuine, may need to inspect or receive an certified copy of a recent application for an in person or absentee ballot (if available),²³ affidavit or other document where the voter signed his name. If the custodian of such records is uncooperative, and the party determines that it is necessary for him to subpoena those documents, the subpoena should be requested via the ELECTRONIC DOCKET as practicable so that it can be distributed to all parties in the ELECTRONIC DOCKET before the hearing.

¹⁹ 5 ILCS 120/2.02(a).

²⁰ 10 ILCS 5/10-10.

²¹ See form EB-260, *Subpoena to Election Authority for Certified Records*.

²² See Form EB-441, *Report of Records Examiner*.

²³ Should be preserved until the end of the second calendar year following the election in which it was used. See 10 ILCS 5/6-79(c)(5) et al.

Rule 11. RECORDS EXAMINATION AND REPORT

A. Purpose

If the validity of any signature has been challenged, the Electoral Board will need to examine official records to make a finding on that allegation. It is more efficient if someone examines those records off line and makes a written report to the Election Board and parties of his findings.

The law does not require such an examination ahead of the evidentiary hearing, and the results are merely recommendations, but it saves time for everyone and often results in fewer issues needing to be decided by the Electoral Board because parties may withdraw²⁴ or concede²⁵ specific signature allegations.

The examiner's recommendations are not binding upon the Electoral Board, although Boards routinely adopt them unless a party disputes²⁶ any of them. After hearing arguments and examining evidence,²⁷ the Electoral Board then adopts such findings as it determines are appropriate for each allegation in the objector's petition.

The parties must be invited to attend any such examination, and to comment and otherwise participate without hindering it. Disagreements with the examiner's finding can be argued before the full Electoral Board later.

Electoral Boards that handle dozens of cases every election cycle (State, Cook County, Chicago) have evolved their own formal rules for handling those volumes of work. Most other Electoral Boards don't need such elaborate procedures; a simpler process is adequate.

This Rule 11 is written for use by the typical low-volume Electoral Boards found throughout Illinois; the big boys have their own instead.

B. Acquiring official records

If on its face the petition in the related Nomination Papers obviously contains fewer signatures than the minimum quantity required by law, then certifications should not be ordered, and a preemptive records comparison is a waste of time. In such a case, the remainder of this Rule 11B is inapplicable.

Copies of official records are necessary to perform a local preemptory records examination under this Rule 11, and because time is limited, without waiting for the examiner's report the CANDIDATE deserves to be able to immediately begin his own signature comparisons in preparing his defense and to have time to seek signature verification affidavits²⁸ from persons whose signatures were challenged as not genuine, or to concede the challenge to that signature²⁹ to shorten the process.

Upon receipt of an Objection Petition, the Chairman should immediately order³⁰ for official use from the ELECTION AUTHORITY certified copies of the CURRENT REGISTRATION records (as defined in Rule 2) associated with every signature that is questioned in the Objection Petition. Social Security Numbers, if any, should not be part of the certification.

Each certification should show the name, address, electoral jurisdictions, specimen signature, and any other information available to aid the Electoral Board in assessing the validity and eligibility of the registrant to sign the NOMINATION PAPERS.

If the ELECTION AUTHORITY cannot locate a CURRENT REGISTRATION record for that person at that address, the ELECTION AUTHORITY should certify³¹ a statement to that effect.

The ELECTION AUTHORITY should provide all certifications as soon as practicable, and within two business days after receipt of the request or subpoena from the Chairman of the Electoral Board.

Upon receipt of the certifications, the Chairman or Board Clerk should transmit copies of them to the CANDIDATE and to the Objector via the ELECTRONIC DOCKET for their uses in refuting or confirming objections to signatures.

Note that when the petition signature is very wobbly and the signature on the certified copy is very old and likely has changed significantly since then, Rule 11E provides a possibility to seek a more recent exemplar. This should invoked

²⁴ See form EB-460, *Withdrawal of Certain Signature Objections*.

²⁵ See form EB-461, *Acceptance of Certain Signature Objections*.

²⁶ See form EB-445, *Re-examination of Specific Signatures*.

²⁷ For example, form EB-720, *Signature Verification Affidavit*.

²⁸ See form EB-720, *Signature Verification Affidavit*.

²⁹ See form EB-461, *Acceptance by Candidate of Certain*

Signature Objections.

³⁰ See form EB-260, *Subpoena to Election Authority for Certified Records*.

³¹ See form EB-265, *Election Authority's Transmittal of Subpoenaed Records*.

only sparingly, because abuse can result in that Rule being cancelled.

C. Purpose

When the validity of certain signatures on petition pages is objected to, each such signature presents a separate question of fact that only a majority of the Electoral Board can decide.

When there are many signatures at issue, examination of each questioned signature against the voter registration record by every member of the Electoral Board can consume an excessive amount of time during a hearing.

A more expeditious procedure is to have someone compare those signatures at issue with the official records beforehand and submit a written report³² of his findings. Each PARTICIPANT then has an opportunity to study the examiner's findings before the hearing and limited time to gather evidence³³ to challenge³⁴ the preliminary findings or to narrow the issues by withdrawing³⁵ or conceding³⁶ some of the challenges to signatures.

At the actual hearing, the Electoral Board can then prepare to adopt the examiner's report as the Board's findings. Before it is adopted, a PARTICIPANT may challenge any of the individual preliminary findings in the examiner's report and offer evidence (for example, affidavits to rehabilitate signatures,³⁷ or more recent known signatures [see Rule 11E]) in support of his challenge. If a majority of the Board agrees, the examiner's report is accordingly amended. After all issues involving the preliminary findings have been resolved, the Board may adopt the examiner's report, as amended, as its own findings of fact covering all of signatures that were objected to.

D. Appointment of examiner

In jurisdictions where the ELECTION AUTHORITY is willing to perform the records comparison, the ELECTION AUTHORITY should be the examiner. The time and manner of the preemptive records comparison will be decided by the Election Authority.

But in jurisdictions where the ELECTION AUTHORITY

is not willing to perform the records comparison, the Chairman of the Electoral Board may cause the Board Clerk, or another person not interested in the case to be the examiner. (The hearing officer is ineligible to be the records examiner because he could find himself ruling upon his own work.)

PARTICIPANTS in the case must be invited, at least 24 hours in advance, to attend, the examination, and may examine the relevant documents relied upon by the examiner before the examiner records his finding on that signature.³⁸

The examiner must follow all of the provisions and principles of this Rule 11.³⁹

The examiner's written report⁴⁰ of recommended findings by will be reviewed in detail by both sides later and the full board will decide and vote on the findings of fact in this case, so the Chairman's appointment of the examiner is final.

E. Supplemental signature example

Because handwriting may change over time, if requested by the CANDIDATE or any other PARTICIPANT, examiner, official or staff of the Electoral Board after the original certification of that voter's record, a copy of the signature on the most recent application for a ballot or affidavit purportedly signed by that registrant, if reasonably locatable, must be certified by the ELECTION AUTHORITY and supplied to the Electoral Board as evidence for its official use.

F. Preemptive records comparison

The examiner has the duty to compare the information on the original or certified voter registration records to the questioned signatures on the NOMINATION PAPERS.

That examiner shall prepare a report⁴¹ of his findings and recommendations involving each questioned signature for the use the Electoral Board and PARTICIPANTS, even before the first meeting of the Electoral Board, if practicable. For each signature challenged, the report shall show which Objection Petition questioned it so that multiple objections to the same signature may be discovered and handled as a consolidated issue

³² See form EB-441, *Report of Records Examiner*.


³³ See form EB-720, *Signature Verification Affidavit*.

³⁴ See form EB-445, *Re-examine Certain Signatures*.

³⁵ See form EB-460, *Withdrawal by Objector of Certain Signature Objections*.

³⁶ See form EB-461, *Acceptance by Candidate of Certain Signature Objections*.

³⁷ See form EB-720, *Signature Verification Affidavit*.

³⁸ *Briscoe v. Kusper*, 435 F. 2d 1046 (7th Cir 1970) .

³⁹ See form EB-440, *Advice for the Records Examiner*.

⁴⁰ See form EB-441, *Report of Records Examiner*.

⁴¹ See form EB-441.

under Rule 15K.

The examiner shall determine the validity of the following general types of objections, but for only the objections made against that signature:

- a. whether the signer of an election document is a registered voter at the address shown beside his/her signature;
- b. whether the signature on an election document is genuine, using the PREPONDERANCE OF THE EVIDENCE standard (as defined in Rule 2, the signature is “more likely than not to be genuine.” Preponderance of the evidence is a standard lower than “clear and convincing” and much lower than “beyond a reasonable doubt”);
- c. whether the signer of an election document is registered at an address within the relevant political subdivision or district involved; and
- d. whether a NOMINATION PAPERS signer signed the document more than once.

The examiner shall follow the statewide STANDARD RULINGS in the *Illinois Electoral Boards Manual*.

Rule 12. ELECTORAL BOARD POWERS.

As an administrative agency established by statute, an electoral board may exercise only the powers conferred upon it by the legislature, or those necessarily or fairly implied in or incident to the powers expressly granted, or implied as essential to the declared objects and purposes of the PUBLIC BODY. See *Kozel v. State Board of Elections*, 533 N.E.2d 796 (Ill. 1988), etc. 📄

A. Statutory Authority

In §10-10 of the Election Code, the legislature granted this authority to electoral boards:

“The electoral board shall take up the question as to whether or not

- the certificate of nomination or NOMINATION PAPERS or petitions are in proper form,
- and whether or not they were filed within the time and under the conditions required by law,
- and whether or not they are the genuine certificate of nomination or NOMINATION

The report should be distributed via the ELECTRONIC DOCKET at least 48 hours before the start of the scheduled evidentiary hearing of that case. The purpose is to give parties time to analyze the report, and to seek signature rehabilitation affidavits⁴² from persons whose signatures were challenged, withdraw the challenges to a some signatures,⁴³ or concede some of the challenges.⁴⁴

To expedite the coming hearing, and as a courtesy to all involved, any party who disagrees with the examiner’s recommendation as to any signature is encouraged to post a list⁴⁵ of such specific findings, by page and line number of the NOMINATION PAPERS. Failure to do so shall not prevent a challenge to the finding at the hearing.

G. Rulings at hearing

Because the certified copies of relevant current voter records has been supplied to them, all parties have all the available evidence before them at the hearing for use when any finding in the examiner’s report is challenged⁴⁶ or the Electoral Board makes a ruling on the validity of a purported signature or other issue.

PAPERS or petitions which they purport to be,

- and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it,
- and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid
- or whether the objections thereto should be sustained.”

The electoral board also has explicit powers to administer oaths and issue subpoenas, to examine witnesses and to adopt rules of procedure.

B. Implied powers

This Electoral Board shall conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements, and ensure the development of a clear and complete record. The

⁴² See form EB-720, *Signature Verification Affidavit*.

⁴³ See form EB-460, *Withdrawal by Objector of Certain Signature Objections*.

⁴⁴ See form EB-461, *Acceptance by Candidate of Certain*

Signature Objections.

⁴⁵ See form EB-445, *Re-examine Certain Signatures*.


⁴⁶ See form EB-445, *Re-examine Certain Signatures*.


Board shall have all the powers necessary to conduct a fair and impartial hearing, including, but not limited to the following:


- regulate the course of hearings, set the time and place for continued hearings, set times for filing of documents, provide for the taking of testimony by evidence deposition if necessary, and in general conduct proceedings according to the recognized principles of administrative law and these rules;
- examine the witnesses and direct the witnesses to testify, limit the number of times any witness may testify, limit repetitive testimony, and set reasonable limits to the amount of time that each witness may testify; the Board members and the Board's attorney may also examine witnesses;
- rule on offers of proof and receive relevant evidence;
- direct parties to appear and confer for the settlement or simplification of issues and otherwise conduct prehearing conferences;
- dispose of procedural requests or similar matters;
- require the parties to prepare written briefs and proposed findings of fact and conclusions of law;
- consider and rule on all motions presented in the course of the proceedings;
- consider such evidence as may be submitted, including, but not limited to, documentary evidence, affidavits, and oral testimony;


- prepare a record of its proceedings; the Board Clerk shall keep minutes of the Board's proceedings; and
- enter any order that further carries out the purpose of these rules.



C. Limitations

Any action or decision taken by an Election Board in excess of or contrary to its authority is void. *Bryant v. Bd. Of Election Comm'rs*, 224 Ill.2d 473 (2007) .

The Electoral Board's function is limited to determining whether a challenged nominating petition complies with the provisions of the Election Code. It does not have the authority to decide constitutional issues. *Troutman v. Keys*, 156 Ill. App.3d 247 (1987). .

The Election Board's scope of inquiry with respect to objections to NOMINATION PAPERS is limited to ascertaining whether those papers comply with the provisions of the Election Code. *Delgado v. Bd. Of Election Com'rs*, 224 Ill.2d 481 (2007) .

The Electoral Board does not have the authority to grant re-hearings or modify its decisions. The aggrieved party's remedy lies in the judicial review procedure specifically authorized by the Election Code. *Caldwell v. Nolan*, 167 Ill.App.3d 1057 (1st Dist. 1988). .

Violation of the Open Meetings Act by the Election Board does not necessarily make its decisions void. *Powell v. East St. Louis Electoral Bd.*, 337 Ill.App.3d 334 (5th Dist. 2003).  But, where the purpose of the Open Meetings Act is undermined by non-compliance with its provisions, an electoral board's actions will not be upheld. *Lawrence v. Williams*, 2013 IL App (1st) 130757 (2013) .

Rule 13. ELECTORAL BOARD SCOPE

With the exception of evidence of a pattern of fraud arising in the course of proceedings, the Board's authority is limited to considering only written objections and the written specifications of such objections in the Objector's Petition objecting to the NOMINATION PAPERS, as forth in the Objector's Petition.

The Objector's Petition shall not be amended, but before the deadline the Objector may file more than one Objector's Petition that will be heard as a separate case and also withdraw one or more of his Objector's Petitions.. See *Wiesner v. Brennan*, 2015 IL App (2d) 160115 (2d Dist.

2016) ¶.

All arguments and evidence must be confined to those matters. Any party may submit arguments in writing.

The Board will be governed by applicable Illinois statutory and case law, and guided by STANDARD RULINGS in the *Illinois Electoral Boards Manual* adopted under Rule 1D.

The Board's rules of order shall be Robert's Rules of Order Newly Revised, 11th Edition (Perseus Publishing, 2011), aware that those rules allow a body of under 12 members to dispense with the formality of seconds to motions.

Rule 14. HEARING OFFICER

Hearings may be conducted by a hearing officer, if so ordered by the Board. The Board Counsel will usually, but not necessarily, be the hearing officer.

Any hearing officer so appointed shall have the

duties and powers of the Board provided in these Rules, except only the Board shall be authorized to make the final findings and enter a final order.

The Board shall not be bound by the hearing officer's recommendations.

Rule 15. HEARING PROCEDURE

A. Time and Place

Pursuant to the Open Meetings Act, a hearing must be held at times and places convenient and open to the public.⁴⁷ and shall not commence before the established time has arrived.

It must not be held between the hours of 10:00 p.m. and 9:00 a.m., nor on Sundays or state holidays, and the Board should consider the convenience and work schedules of the parties and the need for expedited handling of the cases when scheduling its hearings. A CANDIDATE who does not have an attorney representing him is entitled to consideration for having his hearings set for times that do not conflict with his work schedule.

Public notice shall be provided as required by law.

The limited time before ballots must be finalized dictates that the process move forward with deliberate speed while preserving due process.

B. Verbatim record

The Board shall provide a certified court reporter for all hearings. (Any party may purchase a transcript from the court reporter at that party's own expense.) The Board may waive this requirement at any time without notice and may make a clearly audible and complete audio or video recording (that shall be a public record) that can be used to prepare any transcript needed. The Board will not cause a transcript to be prepared unless it needs a transcript for a particular purpose.

C. Relaxed procedure

The hearing shall be conducted so that a party without an attorney will still receive a fair hearing.

Therefore, similar to the latitude granted to a Small Claims Court under Supreme Court Rule 286(b), the adjudication shall be "an informal hearing, all relevant evidence shall be admissible, and the usual rules of procedure and evidence shall be relaxed." The Board will give each item of evidence such weight as the Board feels it deserves.

The Board (or its hearing officer) may call any person present at the hearing to testify and may conduct or participate in direct and cross-examination of any witness or party.

At the conclusion of the hearing, the Board

shall render judgment and explain the reasons therefor to all parties.

D. Standard of Proof

The Board will be governed by applicable Illinois statutory and case law, and guided by the STANDARD RULINGS found in the *Illinois Electoral Boards Manual* in ruling on those signatures and other elements of the NOMINATION PAPERS that have been questioned by the Objector.

PREPONDERANCE OF THE EVIDENCE shall be the standard of proof required.

"PREPONDERANCE OF THE EVIDENCE" means that a particular fact or event was more likely than not to have occurred. It has nothing to do with the quantity of material presented on either side, but with the evaluation of it. "Evidence" is anything presented in support of an assertion, and is not necessarily true. "PREPONDERANCE OF THE EVIDENCE" is a lower evidentiary standard than "clear and convincing" (substantially more likely than not to be true) and "beyond a reasonable doubt" (the only logical explanation that can be derived from the facts, and that no other logical explanation can be inferred or deduced from the evidence).

E. Irrelevant Matters

The Objector's motivation or personal knowledge of the factual basis for the objections is not relevant to the Board and shall not be considered.

Because its assertion is already an indispensable required element of the Objector's Petition, the Objector need not adduce proof that he is a registered voter within the political subdivision at issue. (The CANDIDATE may raise, in a preliminary motion or as an announced affirmative defense in his own case-in-chief, the lack of the Objector's standing or eligibility.)

In the interest of brevity, the Board may terminate evidence or argument on repetitive matters or matters plainly beyond the scope of the case. The Board may refuse to hear, with or without an objection of a party, evidence, or argument it determines not germane to the Electoral Board hearing.

F. Enrollment of participants

A CANDIDATE or Objector may participate before the Board in person pro se (without an attorney); or by an attorney. A party without an attorney

⁴⁷ 5 ILCS 120/2.01 ¶1.

may have assistance of others but only the Candidate or his attorney may speak.

Each PARTICIPANT must first file a written statement⁴⁸ of enrollment and appearance with the Board's clerk listing his name, address, and office and mobile telephone numbers, and email address if possible, and stating which interest (Objector or CANDIDATE or FRIEND) he is or speaks for, and stating that his appearance is an acknowledgment that he has received notice of this matter.

After that, he may participate in the proceedings. The document signifies that the party accepts the Board's jurisdiction and accepts service of future notices and filings at the email address provided. Failing to file an enrollment may result in losing the case by default.

The parties shall be reasonably available by telephone during the day and evening to receive Board communications during the course of the proceedings.

Because of the expedited nature of the hearings, failure to monitor or be available at the telephone numbers provided may result in waiver of rights.

G. Absence of Candidate

If the CANDIDATE fails to appear for the evidentiary hearing, then the Board shall hear the Objector's case, point-by-point, as it would if the CANDIDATE were present or by offer of proof. If the Board finds that the PREPONDERANCE OF THE EVIDENCE supports one or more specific objections in the Objector's Petition that sets forth valid grounds for the relief requested, then the relief shall be granted.

H. Absence of Objector

If the Objector fails to appear for the evidentiary hearing, then the Objector's Petition must be dismissed for lack of prosecution, and is not be eligible to be refiled or amended.

I. Preliminary Motions

The Board will first hear preliminary motions such as any motion to dismiss the case. (Such motions do not deal with the facts of the case, but with only defects in the Objector's paperwork that prevent the Objector from legally opening a

case at all.) Limited proofs are permitted only if they go to jurisdiction. The Board may reserve rulings on such motions pending further hearings.

Other matters at this stage include any withdrawal of the candidacy,⁴⁹ withdrawal of Objector's Petition⁵⁰ or any of the allegations in it (including to certain signatures,⁵¹) and any acceptance by the candidate of objections to certain signatures.⁵²

If written arguments are ordered on any point of law, a party not represented by an attorney shall be advised to secure the services of an attorney experienced in Illinois election law, and that referrals may be available from the local bar association, the Citizen Participation Institute, and other organizations.

J. Statement of Applicable Standard Rulings

Before the Objector's presentation begins, each side is strongly encouraged to file a statement⁵³ that, for each allegation, calls the attention of the Board to specific points of Illinois law or to the identification number of the specific STANDARD RULING that he believes the Board should use to decide that issue in the Objector's Petition. The Board is not bound to apply the ruling recommended by either party.

If the party believes specific points of Illinois law or no statewide STANDARD RULING is relevant, or that the analysis or ruling in the relevant STANDARD RULING is contrary to law, then he may add why he believes that to his Statement of Applicable Standard Rulings, citing judicial rulings or other precedents for the guidance of the Board. Alternatively, he can file a separate document⁵⁴ stating his position.

If the Objector states in his Statement of Applicable Standard Rulings that he is (not "will be") withdrawing a specific objection (presumably because of what he learned about it in the STANDARD RULINGS), no further action by the Objector is necessary to cause that specific objection to be withdrawn.

If the CANDIDATE states in his Statement of Applicable Standard Rulings that (presumably because of what he learned about it in the STANDARD

⁴⁸ See form EB-400, *Enrollment and Appearance in the Case*.

⁴⁹ See form EB-465, *Withdrawal of Candidacy*.

⁵⁰ See form EB-463, *Withdrawal of Objector's Entire Petition*.

⁵¹ See form EB-400, *Enrollment and Appearance in the Case*.

⁵² See form EB-461 *Acceptance by Candidate of Certain Signature Objections*.

⁵³ See form EB-410, *Statement of Applicable Standard Rulings*.

⁵⁴ See form EB-450, *Miscellaneous Filing*.

RULINGS or found contrary law) he now accepts, concedes, or otherwise concurs with a specific objection, then that specific objection shall be sustained without any further action needed from the CANDIDATE .

The Board Clerk should draw the Board's attention any such withdrawals or concessions.

K. Issue in Common

If multiple Objection Petitions raise an identical issue of fact or law (e.g. the same grounds to disqualify the same signature of the same person purported to have signed a petition sheet) then proceedings on that issue may be consolidated so that evidence and arguments from all related cases are heard together, and the same ruling on that issue shall apply in all of those cases. However signature rulings from multiple cases shall not be accumulated to determine whether a CANDIDATE has reached his minimum.

L. Objector's Presentation

The Objector shall present his case-in-chief after the consideration of preliminary motions. The Objector shall bear the burden of presenting evidence sufficient to support a decision sustaining the objection. The applicable evidentiary threshold on issues of fact shall be a "PREPONDERANCE OF THE EVIDENCE." The Board, in its discretion, may entertain a motion for a directed finding against the Objector at the close of the Objector's case-in-chief. After the conclusion of the Objector's case-in-chief, the CANDIDATE may present his case-in- chief.

M. Candidate's Presentation

At the close of CANDIDATE's case-in-chief, the Objector may offer a case in rebuttal. Matters in rebuttal will be strictly limited to matters raised by the issues then before the Board. Surrebuttal is disfavored but may be allowed by the Board only upon showing of compelling grounds.

N. Final Arguments

After the Board has concluded any discussion with the hearing officer, before it votes on adopting any of his recommendations it shall grant both parties an opportunity to make a closing statement and to refute or support such recommendations, but no new or additional evidence shall be introduced. The candidate shall go first, and the objector (because he has the burden of proof) shall speak last.

O. Ruling

After deliberating in public pursuant to the Open Meetings Act, the Board or hearing officer shall make an oral ruling on each item in the Objector's Petition. A formal rollcall vote is not required on each item as long as a consensus on that item.

The Board shall not be bound by recommendations from a hearing officer or Board Counsel.

After the Board has made its oral ruling, if practicable it should at the same session vote upon its written findings and decision pursuant to Rule 1 and serve copies upon parties present. Otherwise, the case may then be recessed until another time, when the findings and decision have then reduced to writing to be voted upon by the Board.

Rule 16. PATTERN OF FRAUD

To make a valid claim of a pattern of fraud, an Objector is encouraged to but not required to allege it in his initial written Objector Petition and citing specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient.

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.

The sheer number of invalid signatures on the NOMINATION PAPERS, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.

All sheets signed by the same person as the circulator may be considered in establishing a pattern of fraud, including those filed beyond the allowable quantity of signatures cognizable for nomination.


If the Board determines that a pattern of fraud exists based on an inordinate number of fraudulent signings or NOMINATION PAPER circulators accompanied by evidence of fraudulent conduct, such that the integrity of the entire NOMINATION PAPERS or the Petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire NOMINATION PAPERS (or individual Petition sheets) on that basis. The finding shall also be reported to the relevant State's Attorney.

Rule 17. FINDINGS.


The Board must state its findings in writing, noting the objections that have been sustained and those overruled and the basis for such rulings.

The Board must state in writing whether the CANDIDATE'S name shall be printed upon the ballot, and list the names of all persons who have filed appearances on behalf of each party.

After the findings have been reduced to writing (which often occurs several days after the case was heard) a minimum of a quorum of the Board must be physically present and shall meet in open proceedings to adopt a written decision by majority vote and to approve the minutes of its meetings.

The Illinois Supreme Court has noted that a majority vote is required to invalidate nomination papers. *Hossfeld v. Illinois State Board of Elections*, 939 N.E.2d 368 (2010) .

The written decision must be signed by the

members of the Electoral Board then physically present in a quorum only after it was adopted, and not beforehand. *Lawrence v. Williams*, 2013 IL App (1st) 130757 (2013) .

The decision shall bear the date when the written decision was adopted.

The Board's clerk shall immediately transmit a certified copy of its decision to the PUBLIC BODY'S ELECTION AUTHORITIES, and to the Local Election Official who certifies CANDIDATES for the office in question.

The Board shall publish its decision via the ELECTRONIC DOCKET, and serve a copy of the decision upon the parties present. Parties absent from that session shall be served as provided in 10 ILCS 5/10-10, but any party may file a waiver of such service [see form EB-451] or state on the Record that he chooses to have the decision delivered by email.

Rule 18. JUDICIAL REVIEW

If a Petition for Judicial Review of the Board's decision is filed, then pursuant to 10 ILCS 5/10-10.1 the Board will provide a Record to the court. The Record is a public document.

The Board's attorney is authorized and directed to represent the Board at the Circuit Court level if a Petition for Judicial Review is filed and to assist any court in any litigation that may arise.

The Board's attorney shall not side with either of the real parties in interest. The Board directs the appropriate officials of the Board's parent governmental body to pay the reasonable and necessary costs of the Board's operation, including attorneys' fees, court reporting fees, and similar expenses, from its general funds.

Adopted this ____ day of _____, 20____, by this Electoral Board:

Chairman

Member

Member

Exhibit 1-
Variable Information:
2019 Hearings

Rule 2- Public body

Village of Bulldog,
(in the counties of Canine and Feline)
Illinois

Rule 2- Principal Election Authority

Canine County Clerk
100 Court Street
Bulldog, Illinois 66666

Email Address Clerk@CanineCounty.org
Telephone Number 328-456-9876
Facsimile Number 328-456-9898

Rule 1- Filing location:

Village Clerk
Bulldog Village Hall
417 N Churchill St
Bulldog, Illinois 66666

Clerk@BulldogIL.org
(289) 311-7000
8:00 to 5:00, Mon-Fri

Rule 5- Electoral Board Clerk:

[Cathy DePuty Clarkson](mailto:CathyDePutyClarkson@BulldogIL.org)
Bulldog Village Hall
417 N Churchill St
Bulldog, Illinois 66666

Clerk@BulldogIL.org
(289) 311-7000
Facsimile Number

Rule 5- Electoral Board Counsel:

[Tamara Wells](mailto:TamaraWells@LaskerLaw.com)
Lasker Law
100 W Randolph St
Bulldog, Illinois 66666

BetterThanMost@Lasker.law
289-288-1144
289-288-1199

Appendix B

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Forms Switchboard

EB-005
Released 8/25/2019

Filing Time

Practical Advice**Receipts**
(Blank)

After an Objection is filed, and forms EB-0101 and EB-011 have been completed

Packets**Handouts****Both Parties**
(Blank)

(Automated: Click the check box to customize that form before printing it.)

Objector**Candidate**

Before filing starts, and during cases

Administrative

EB-10: Setup for this Case

Information entered here will automatically be copied into the appropriate forms

CASE IDENTIFICATION	
Case number:	

OFFICE SOUGHT (per Statement of Candidacy)	
Type of government:	
Name of unit of government:	
Office:	
Area: ward or district number	
Term length in years:	
Term class full, or unexpired:	
Political party if relevant	

FIRST CANDIDATE			
Name:			
Repeat last name only:			
Street address			
City, State Zip			
Cell Phone:		Others:	
Email:			
Attorney or Assistant for first candidate, if any:			
Name:			
Firm:			
Street address			
City, State Zip			
Cell Phone:		Others:	
Email:			

FIRST OBJECTOR			
Name:			
Repeat last name only:			
Street address:			
City, State Zip:			
Cell Phone:		Others:	
Email:			
Attorney or Assistant for first objector, if any:			
Name:			
Firm:			
Street address:			
City, State Zip:			
Cell Phone:		Others:	
Email:			

EB-11: Setup for this Election

Information entered here will automatically be copied into the appropriate forms

THIS ELECTION

Election type: Election date:
 Election Authority name:
 ElAuth. Address, with zip

ELECTORAL BOARD INFORMATION

Board Type and Area:
 Street address:
 City, State Zip:

Electoral Board Clerk

(must not be the official clerk of the public body; see form EB-501) :

Name:
 Direct Phone:
 Direct Email:

Chairman:

Name:
 Street address:
 City, State Zip:
 Cell Phone:
 Email:

Others:

Member 2:

Name:
 Street address:
 City, State Zip:
 Cell Phone:
 Email:

Others:

Member 3:

Name:
 Street address:
 City, State Zip:
 Cell Phone:
 Email:

Others:

FIRST (Organizational) MEETING of the ELECTORAL BOARD

Month Day, Year:
 Day of week:
 Time:
 Location name:
 Room:
 Street address:
 City, State Zip:

Worksheet to Create Call of the Electoral Board

A. Overview of automatic Call creation

This worksheet is intended to be used by the Board Clerk to quickly and easily notify the members of the electoral board and the objector and candidate of the important first meeting of the electoral board. Such a notice is required by law within 24 hours after the electoral board receives the case.

The Election Code says the sheriff is to serve everyone with the documents, but in practice, most people want to avoid that. They prefer to just come in and pick up the paperwork and sign a receipt and waiver that excuses the sheriff from also serving them.

This worksheet streamlines the process by emailing everything to everyone. One of the items is the receipt and waiver that the person fills out on his computer, and the form emails itself back. It is faster, cheaper, and more efficient for everyone that way.

The first phase makes PDFs of the appropriate documents and puts them into a folder you designate.

The second phase starts an email automatically addressed to all the board members, objector, candidate, and any attorneys known. Before it is sent, you drag and drop those PDFs you just created into the email as attachments.

If you have technical questions, email the helpdesk **Director@CitizenParticipation.org** or the cellphone (630) 220-0700.

B. Technical

This process assumes that you have a separate folder on the computer for each case that is filed.

The PDF containing this worksheet should be in this case's own folder, and running from in there. (It got put there because you followed instructions when filling in worksheet EB-10, Setting up this Objection.)

When this worksheet has a document it has just printed as a PDF file that needs to be saved, it opens a window telling you the name it wants that file to have. You simply copy the name, and paste it into the SaveAs screen when it comes up.

If you are not running this worksheet from the folder for this case, you need to tell SaveAs to put them there. After you have done that once, SaveAs will usually remember it.

C. Gathering documents to send

You need to have already completed forms EB-010 to give information about this case, and EB-011 to provide information about this electoral board. Based upon that, the other documents will be filled in when you make copies of them.

When you have pushed the "Copy the Forms" button, this worksheet will gather the various other forms

the parties will need immediately, and other attachments. Some of those forms have a "send" button in them so they can be emailed back, signed.

It will open a screen to print the document, You want to select your PDF printer, then press "Print."

The system will ask you where you want to save it, and under what name. This where you paste in the new name that you copied a few seconds ago.

The worksheet will repeat the cycle for each of the forms.

OK, push the button now:

D. Check to be sure you have all the attachments

Your folder for this case should also have PDFs of the Objection Petition and the Nomination Papers in it. If not, scan them in now using forms EB-121 and EB-111, respectively, as cover sheets, and naming or renaming the files as shown below.

Where *identification* consists of the case number and abbreviated last names of the objector and candidate, the folder should end up containing PDF files named:

1. EBM Case *identification*
2. Case *identification* 250 Call
3. Case *identification* 400 Enrollment
4. Case *identification* 511 InfoSheets
5. Case *identification* 201 Objection
6. Case *identification* 202 Nomination
if available:

7. Casenames_EB-210 SignatureQuota

8. If there are additional files in the folder for this case, they are public record and there is nothing wrong with sending them too.

E. Send out the Call and attachments

Pushing the "Compose the Call" button will automatically create an appropriate email that will be displayed before you send it.

OK, push the button now:

When that email pops up, drag and drop as attachments all of the PDFs in your folder for this case. (You may want to add into the CC line members of the local press and others.) Then send the email. (If you altered the text, please let us know so that we can improve it in the next issue of the Electoral Boards Manual.)

Worksheet to Print Signature Verification Affidavits

For a person whose signature was challenged as not genuine, fill out this worksheet, press the button to print the affidavit for that person, and repeat the process for the next person on your list.

Signature sheet number: Only this Line number: _____ Or, the entire sheet

Name of Affiant:

Use address from the signature sheet:

Street Address:

City:

County:

State:

Zip:

Practical Advice for Receiving Nomination Papers

A. Staff only

The elected Clerk (or community college secretary) may be on the Electoral Board that would judge the validity of nomination papers filed, and might be called upon to rule on something involving the process of filing those nomination papers. If that person personally participated in the filing, she is then a witness and thus ineligible to be a judge in that case. It is better to avoid that exposure, and to instead have only office staff members handle the filing process.

Help improve this advice:

Please report any additions or corrections needed or suggestions to Director@CitizenParticipation.org.

cess of filing those nomination papers. If that person personally participated in the filing, she is then a witness and thus ineligible to be a judge in that case. It is better to avoid that exposure, and to instead have only office staff members handle the filing process.

B. Record of Filing (form EB-111)

Form EB-111 (Record of Nomination Papers Filed) serves as a receipt for the filing, and helps when certifying the ballot. It is also helpful to the Electoral Board if the validity of those nomination papers is challenged. A copy of it should be given to the filer before he leaves. If not all forms in a candidate's Nomination Papers are filed at the same time (yes, that is allowed, except for signature pages, but strongly discouraged), a separate EB-111 should be given each time.

Availability

You can preprint blank EB-111 forms from the version of this Manual on the EBM 2019 Local Master.pdf file. (That file was created earlier when following the Practical Advice for the Board Clerk in form EB-500.)

Filing Details

The first section of the front page records the time, date, and manor of filing. It also provides space for a timestamp. It should be filled out by the person receiving the nomination papers.

The last box in this section is seldom used, and thus is usually left blank. It exists because the Election Code does not require all of the documents (except signature sheets) to be filed together. If someone files most of the documents, but comes back later with, say, their receipt for their Statement of Economic Interests or a corrected version of a document (except signature sheets), then a separate EB-111 would be filled out covering that new document, and would note in this box when the other papers were filed earlier.

"Candidate" Section

If you have folks in line, they can fill out this section that identifies the candidate and his contact information. If he has an attorney, there is space for the attorney's contact information too. In addition to the

obvious uses, this information will be important to know immediately if the nomination papers are challenged.

"Office Sought" Section

This should give the information exactly as it appears on the Statement of Candidacy. If no such statement is included, you may assemble the information from the contents of the documents that are being (or have been) filed.

"Consisting of" Section

This section is mainly recording which documents were filed this time. Not all of them are required, this is not the time to consider which ones may be required, and which ones are not.

Petition signature pages

The law is very strict on signature pages (only) being numbered and fastened together in a secure and suitable manner. (This is for the candidate's protection against someone tampering with his filed paperwork to remove some of the signatures.) Of course, the first thing that often happens is that you will disassemble the whole thing to scan in all the papers.

To preserve evidence of how the signature pages were turned in, the State Board of Elections and others routinely photograph the binding before messing with it. Form EB-111 asks about the binding, and any photos.

Note that, under §7-10 ¶10 and §10-4 ¶8, signature sheets "when filed, shall not be withdrawn or added to" so once the signature sheets have been handed to you, you must not lend them back so that the filer can renumber or rebind them.

Campaign Finance Disclosure Notice

Election Code §9-16 and other statutes require that at the time a candidate personally files his nomination papers, you must give the candidate a notice that he must comply with the Illinois Campaign Financing Act. Form EB-112 is such a notice. If his papers are filed for him by someone else, or mailed in, the EB-112 must be mailed to the candidate within two business days.

Form EB-111 provides a way to record how that was done.

C. Photograph the Packet

After filing and before taking the Nomination Papers apart for copying or scanning, it is a good idea to make a photo of how the signature pages were bound (or not bound) together when received. That can be important later.

D. Scan all Pages

After photographing how the pages were secured together, take the packet apart if necessary and scan form EB-111 plus all the pages of the nomination papers to form a single PDF file of all the images. At the back end, attach as PDF pages the digital photos you made of the packet.

Then reassemble the packet exactly as it was when presented.

E. Public access to Nomination Papers

There is only a short time that members of the public have to scrutinize nomination papers and prepare any challenges.

The law requires that these papers must be immediately made available to the public to examine and receive copies of, without delay and without needing make a FOIA request.

Record of Nomination Papers Filed

↑Unit of government↑

↑Office

↑Candidate Name

FILING DETAILS			
Date and actual Time of this filing:			
Eligible for ballot position lottery?	<input type="checkbox"/> None	<input type="checkbox"/> 8AM first day	<input type="checkbox"/> 5PM last day
Presented by (name / role, or "via mail"):			
Received by (name):			
Date and time of any previous filings this cycle for this candidate and office:			

CANDIDATE			
Name:			
:			
Street address:			
City, State Zip:			
Cell Phone:		Others:	
Email:			
Attorney for first candidate, if any:			
Name:			
Firm:			
Street address:			
City, State Zip:			
Cell Phone:		Others:	
Email:			

OFFICE SOUGHT (exactly per Statement of Candidacy)	
Goal: (Election or Nomination):	
Unit of government:	
Office:	
Area: at large, or ward or district number	
Term length in years:	
Term class: full, or unexpired	
Political party, if relevant:	

(over)

Yes	No	CONSISTING OF:	
		Receipt for Statement of Economic Interests for calendar year: _____	
		Unit of government named on the SEI: _____	
		Statement of Candidacy?	
		How many petition signature pages? <i>If not numbered, count them, or estimate if necessary.</i>	
		How many total signatures apparent? <i>Do NOT attempt to validate any of them!</i>	
		Certificate of Deletions?	
		Summary of Deletions?	
		Assessor / State's Attorney / Regional Superintendent credentials)?	
		Loyalty Oath?	
		Fair Campaign Practices?	
		BINDING	
			How were the petition signature pages held together (paper clip, staples, brad, prongs, loose, sewn, etc.)?
		Have you made digital photos of the binding yet, and the front and back of the packet too? <i>If not, it is important to take photos before the packet is disassembled.</i>	
		Did you take the signature pages apart to copy them? or for any other reason?	
		If so, did you restore them exactly as they were originally held together?	
How was the required form EB-112 Notice of Obligation (Campaign Finances) delivered?			
		Handed to the Candidate when he personally filed his nomination papers.	
		Being mailed with this Receipt for his nomination papers.	
		Not being delivered because:	

(over)

Notice of Obligation (Campaign Finance Disclosure)

All Campaign Disclosure Documents, Including The D-1 Statement Of Organization, Must Be Filed With the State Board Of Elections Only.

The Election Code [10 ILCS 5/9] requires a political committee to file a form D-1, Statement of Organization, within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election must file a Statement of Organization within two business days. Required forms and A Guide to Campaign Disclosure are available from the State Board of Elections offices and online at www.elections.il.gov. Failure to file or late filing of a Statement of Organization will result in a civil penalty being imposed by the Board.

Committees who must file fall within five categories: Candidate Political Committee, Political Party Committee, Political Action Committee, Ballot Initiative Committee, or Independent Expenditure Committee.

10 ILCS 5/9-1.8 Political Committees

[¶1] Candidate Political Committee: means the candidate himself or herself or any natural person, trust, partnership, corporation, or other organization or group of persons designated by the candidate that accepts contributions or makes expenditures during any 12 month period in an aggregate amount exceeding \$5,000 on behalf of the candidate.

[¶2] Political Party Committee: means the State central committee of a political party, a county central committee of a political party, a legislative caucus committee, or a committee formed by a ward or township committee person of a political party. A legislative caucus committee means a committee established for the purpose of electing candidates to the General Assembly by the person elected President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, or a committee established by 5 or more members of the same caucus of the Senate or 10 or more members of the same caucus of the House of Representatives.

[¶3] Political Action Committee: means any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons, other than a candidate, political party, candidate political committee, or political party committee, that accepts contributions or makes expenditures during any 12 month period in an aggregate amount exceeding \$5,000 on behalf of or in opposition to a candidate or candidates for political office. Political Action Committee includes any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons, other than a candidate, political party, candidate political committee, or political party committee, that makes electioneering communications during any 12 month period in an aggregate amount exceeding \$5,000 related to any candidate or candidates for public office.

[¶4] Ballot Initiative Committee: means any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons that accepts contributions or makes expenditures during

any 12 month period in an aggregate amount exceeding \$5,000 in support of or in opposition to any question of public policy to be submitted to the electors. Ballot initiative committee includes any natural person, trust, partnership, committee, association, corporation, or other organization or group of persons that makes electioneering communications during any 12 month period in an aggregate amount exceeding \$5,000 related to any question of public policy to be submitted to the voters. The \$5,000 threshold applies to any contributions or expenditures received or made with the purpose of securing a place on the ballot for, advocating the defeat or passage of, or engaging in electioneering communication regarding the question of public policy, regardless of the method of initiation of the question of public policy and regardless of whether petitions have been circulated or filed with the appropriate office or whether the question has been adopted and certified by the governing body.

[¶5] Independent Expenditure Committee: means any trust, partnership, committee, association, corporation, or other organization or group of persons formed for the exclusive purpose of making independent expenditures during any 12-month period in an aggregate amount exceeding \$5,000 in support of or in opposition to (i) the nomination for election, election, retention, or defeat of any public official or candidate or (ii) any question of public policy to be submitted to the electors. "Independent expenditure committee" also includes any trust, partnership, committee, association, corporation, or other organization or group of persons that makes electioneering communications that are not made in connection, consultation, or concert with or at the request or suggestion of a public official or candidate, a public official's or candidate's designated political committee or campaign, or an agent or agents of the public official, candidate, or political committee or campaign during any 12-month period in an aggregate amount exceeding \$5,000 related to (i) the nomination for election, election, retention, or defeat of any public official or candidate or (ii) any question of public policy to be submitted to the voters.

Practical Advice for Receiving Objection Petitions

A. Staff only

Your county, village, city, township, or community college official Clerk (or community college secretary) may be on the Electoral Board that will judge the validity of objection petitions filed, and might be called upon to rule on something involving the process of filing that objection petition. If that person personally participated in the filing, she is then a witness and thus ineligible to be a judge in that case. It is better to avoid that exposure, and to instead have only office staff members handle the filing process.

B. Challenge Requirements

Any challenge to the validity of nomination papers must be filed with you, because you are the office in possession of those papers. (In some cases, you are also the office for the Electoral Board that will be created to rule upon that challenge.)

It must be filed with your office in writing within five business days after the last day for filing nomination papers. A “business day” is any day that your office is open to the public for a minimum of seven hours.

There is no specific form required. In one case, a signed hand-written note to the county clerk saying, in effect, “Kitty Litter is not eligible to run for mayor of Feline because she does not live in the village” was sufficient to start the process.

If the original “Objector’s Petition” is not accompanied by two copies of it, then Election Code §10-8 ¶2 requires you to reject that filing. Otherwise, you have no authority to evaluate or reject it.

C. Getting Prepared

You should have at least one set of these blank forms at hand, in case a challenge is filed with you:

- ☐ Form EB-121 (Objector’s Petition Record)
- ☐ Form EB-201 (Objector’s Petition Cover Sheet)
- ☐ Form EB-511 (Information for Candidates)
- ☐ Form EB-512 (Information for Objectors)
- ☐ Form EB-515 (Information for Attorneys)
- ☐ Form EB-525 (Information for the Audience)

D. At the Time of Receipt

1. File stamp all three copies and retain them. (If the objector has additional copies he wants time stamped too for his records, do that.)
2. While the filer is there, fill out form EB-121 to get the objector’s contact information and give the filer a copy as a receipt for the filing. If you do not yet have a case number, leave that part blank.

Help improve this advice:

Please report any corrections needed or suggestions to
Director@CitizenParticipation.org.

3. Also give him a copy of information sheets EB-511, 512, 515, and 525.
4. Fill out form EB-201 (Objector’s Petition Cover Sheet) and clip form EB-121 and the original objector’s petition behind it.

E. Notify the Candidate

The candidate must *immediately* be notified (use form EB-125) and given one of the copies (but not the original) that the objector supplied.

From form EB-111 (created when the nomination papers were filed) you should be able to find the candidate’s phone number and email address so that you can contact him to arrange for him to receive the paper objector’s petition and other documents. For proof he received them, he must sign and date a copy of the form EB-125, acknowledging that he has received the notice and copy of the objection.

If you cannot contact him, you must send the notice and copy of the objection by the fastest way to be sure it reaches him at the address shown in his nomination papers, and secure a receipt. The usual way is to have the sheriff serve those papers upon him as soon as possible.

F. Certain Units of Government

Candidates for office for fire protection, forest preserve, park, library, and a few road districts, still file their nomination papers with the secretary of those local governments, instead of with the county clerk.

But those districts do not have their own electoral boards; challenges to those nomination papers are heard by the County Officers Electoral Board, so the original nomination papers must be immediately delivered to the county clerk, along with the original objector’s petition. Form EB-150 is used for that.

That ends the involvement of those district secretaries with those nomination papers until they are notified of the electoral board’s decision so they certify the ballot to the county clerk.

The remainder of this practical advice form EB-120 is for the use of only local governments that have their own electoral boards: counties, villages, cities, townships, and community colleges.

G. Open a File for this Case!

After receipt of an objector's petition, certain documents must be issued within 24 hours, so the steps that follow need to be started immediately. If the Chairman has already established a date, time, and place for the first meeting of the electoral board (among the recommended steps listed on form EB-501), and the Board Clerk has already done the preparations recommended in form EB-500 (Practical Advice for the Board Clerk) to customize form EB-011 in the PDF of this Manual, then this next part should go quickly.

Create a case number

Case numbers are usually the 4-digit year, followed by a hyphen and a 2 or 3-digit serial number. Viz.: 2019-01.

Customize a copy of the LocalMaster PDF

You should create a subfolder for this case.

Open the master file (**EBM 2019 Local Master.pdf**) that already has form EB-011 filled in.

Now fill in form EB-010 with information about this individual case. That will automatically copied to the captions of all the other forms. Be sure the next form EB-011 has the correct information too.

Use the "Save a copy" button on form EB-010 to save this customized copy. The dialog will tell you what to use for the new name.

Calculate minimum required signatures

Use the customized PDF for that case to complete a form EB-210.

A worksheet to prepare form EB-210 is being developed for use in the future.

Scan in the documents

Scan in form EB-121 and all the pages of the objector's petition to create form EB-201.

The file names should consist of the case number, parties (first three characters of surnames) followed by the form number, plus any other identifying information you want. For example for form EB-EB-201 being created from those other documents, if the case number is 2019-03 and the parties are objector Adams against candidate Buchanan, the file name would be : "2019-03 Adm Buc 201."

Now find and open the PDF you made a few days ago of the scanned nomination papers, with their form EB-111 and the digital photos. Do a SaveAs to make a copy under a new name. Rename that file of nomination papers using the same format as you used for the objection petition, but this time the new form number is 202: "2019-03 Adm Buc 202."

That way the files get sorted into a logical sequence in that case's folder.

File 2019-03 Adm Buc 201 is the complete set of papers of the **objector's petition** and their cover sheet.

File 2019-03 Adm Buc 202 is the complete set of the candidate's **nomination papers** and their cover sheet.

H. Prepare the Official Call of the Electoral Board

The Chairman's Call to the opening meeting [see Rule 8] needs to be sent to the members of the Electoral Board and parties via email as the first use of the ELECTRONIC DOCKET.

The worksheet at form EB-015 will guide you through that.

I. Start the Electronic Docket for this case

Under the Electoral Board's Uniform Rule 7, "when an Objection Petition is filed, the Board Clerk shall promptly start an ELECTRONIC DOCKET for that case" because the written Call is to be issued within 24 hours after receipt of the Objection Petition. See 10 ILCS 5/10-10. Under that Rule, a document is conserved received by a party if it was sent by email to the address that party gave in a filing (usually form EB-400).

You should decide which of the two forms of Electronic Docket the case will use: The choices are:

(1) ReplyAll, that is a single email sting that keeps getting added to as new documents are filed and then distributed by the filer by doing a ReplyAll that includes all parties, officials, etc. that are in the email address list. This option is easy, but finding a particular filing in the string may be difficult.

Or (2) Clerk emails that result from a filer emailing a new document to the Board Clerk, who then forwards it as a new and separate email to everyone on the distribution list. This makes each filing easier to find and without clutter, but is more work for the Board Clerk.

J. Serve the Parties and Officials with the Call

Also, to avoid having the sheriff show up to their home and serve the paperwork on them with the curtain-twitching neighbors looking on, invite them to come to the office to pick up their materials for this case, and to sign a waiver of service [see form EB-400]. If they prefer to have you send it by first class mail instead of expensive registered mail they would need to sign for, they should make that request in writing, via email.

(The statute talks about having the sheriff serve those folks with the paperwork, but the courts have held that is not a requirement, as long as they receive notice of the meeting.)

For County Officers Electoral Boards, the members all have offices in the courthouse, so when their packets are ready, it should be very convenient for them to pick up their packets and sign their waivers.

Record of Objector's Petition Filed

<i>Objector Surname</i>	<i>Candidate Surname</i>	<i>Unit of government</i>	<i>Office sought</i>

FILING DETAILS	
Date and actual Time of this filing:	
Presented by (name / role, or "via mail"):	
Total, original and copies	
Received by (name):	

Case Number

OBJECTOR	
Objector name:	
:	
Street address:	
City, State Zip:	
Cell Phone:	Others:
Email:	
Attorney for objector, if any:	
Name:	
Firm:	
Street address:	
City, State Zip:	
Cell Phone:	Others:
Email:	

CANDIDACY	
Candidate name:	
Unit of government:	
Office sought:	

Given to the person who filed this Objector's Petition:

☐ Copy of this Form EB-121 (Record of Objector's Petition Filed)

☐ Form EB-511 (Information for Candidates), and Form EB-512 (Information for Objectors), and Form EB-515 (Information for Attorneys), and Form EB-525 (Information for the Audience).

Notice of Objection to Nomination Papers

To:	Unit of Government:
	Office Sought:

The attached Objector's Petition, has been filed asserting that the nomination papers you filed recently for you to be a candidate for elected office are legally defective for the reasons stated in the attached Objector's Petition.

A decision on whether your nomination papers are defective or not will be made by the electoral board. You will soon receive a notice from the electoral board notifying you of the first meeting of that Board.

Date

Sent by, and direct phone number

Electoral boards usually use the statewide Standard Rulings in the current issue of the *Illinois Electoral Boards Manual* to impartially decide each issue raised. A hearing held under the rules in that Manual is less formal and omits the technicalities of a court proceeding.

You should receive from the electoral board a PDF file of that Manual, with forms set up for your case. (You may download (without charge) from the website www.CitizenParticipation.Org, an advance version showing the Standard Rulings and informative handouts, but the forms will not have been customized for your case.)

(Attach All☺)

- ☐ Form EB-201 (Objector's Petition Cover Sheet)
 - ☐ Form EB-121 (Record of Objector's Petition Filed)
 - ☐ Copy of Objector's Petition
- ☐ Form EB-111 (Record of Candidate's Nomination Papers Filed)
- ☐ Form EB-511 (Information for Candidates)
- ☐ Form EB-512 (Information for Objectors)
- ☐ Form EB-515 (Information for Attorneys)
- ☐ Form EB-525 (Information for the Audience)

Receipt by Candidate and Waiver of Further Service

I, the candidate (or his attorney) have this day received this Notice and the indicated attachments. I waive any defects in service.

Date

Signature

Objector's Petition Cover Sheet

Name of first Objector:

Case Number

Name of first Candidate:

Office sought:

Contents

Form EB-121 Record of Objector's Petition Filed
Objector's Original Petition

Objector's Petition Back Cover

EB-201z
Released 11/19/2019

Place all the pages of the
Objector's Petition
in front of this sheet

Nomination Papers Cover Sheet

Name of first Objector:

Case Number

Name of first Candidate:

Office sought:

Contents

Form EB-111 Record of Nominations Filed

Nomination papers

Photos of nomination papers as bound when filed

Nomination Papers Back Cover

*Consult your election attorney***EB-202z**

Released 11/19/2019

Place all the pages of the
Nomination Papers
in front of this sheet

Request for Appointment of Public Member

To the Chief Judge of the Circuit Court:

1. This request for the appointment of public members (who need not be attorneys) to an electoral board is made pursuant to 10 ILCS 5/10-9, which states in pertinent part:

* * * Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge.

2. This electoral board is required by statute to meet quickly to expeditiously hear and rule upon the validity of nomination papers for certain candidates or public questions for the upcoming election, so that ballots can be printed, and that an aggrieved party has time to seek judicial review of our decision.

3. Circumstances have arisen where one or more of the statutory members of this electoral board are not able to serve, the pool of substitutes allowed by applicable statutes has been exhausted, and appointment of public members by the Chief Judge of the Circuit Court is required by law. Public members, as marked below, are needed before the date stated above for the meeting of the electoral board.

☐ One person to serve as chairman of the electoral board.

APPOINTEE:

☐ One person to serve as a public member of the electoral board.

APPOINTEE:

☐ One more person to serve as a public member of the electoral board.

APPOINTEE:

REQUESTED on behalf of the electoral board by:

Chairman

ORDERED, that those persons listed above are hereby appointed.

Chief Judge of the Circuit Court

Electoral Board Call and Summons

Name of first Objector:

Case Number

Name of first Candidate:

Office sought:

Electoral Board

Meeting Date and Time:

Meeting Place

and Address:

Electoral Board Phone
and email**Take notice that:**

- ❶ The Electoral Board designated by law to hear and pass upon the objections of the Objector(s) named above to the nomination of the Candidate(s) named above for the office named above is required to meet.
- ❷ You are called and required to attend said meeting at the date and time at the location specified above.
If the objector does not attend in person or by attorney, the objector may be held in default.
- ❸ A copy of the Objector's Petition is attached. If this office has received the Candidate's Nomination Papers, a copy of them is also attached.
- ❹ A copy is attached of the current issue of the *Electoral Boards Manual*, containing in Appendix A the rules expected to cover the procedure of deciding this case.
- ❺ Decisions on objections will generally be guided by the statewide Standard Rulings in that *Manual*. (If it is not attached, that *Manual* may be downloaded without charge from www.CitizenParticipation.org.)
- ❻ Requests to subpoena witnesses or documents are rare, but any should be made as soon as possible. (See Rule 10 in Appendix A of the *Manual*.)
- ❼ Any preliminary motions, such as motion to dismiss the Objector's Petition as defective, shall be filed before or at the first meeting, but will not be heard until the other party has had de facto receipt for at least 48 hours.

Date

Chairman of the Electoral Board

Sheriff, Serve these persons:

Role	Name	Address
Electoral Board Chairman		
Electoral Board Member		
Electoral Board Member		
Objector		
Candidate or Principal Proponent		

Subpoena to Election Authority

THE COUNTY / MUNICIPAL / TOWNSHIP / EDUCATION OFFICERS ELECTORAL BOARD OF**1** (name of Electoral Board jurisdiction):**TO the County Clerk or Election Commission of****2** (name of county or city):**3** (address):

B Name of first Objector:	A Case Number
C Name of first Candidate:	
D Due Date and Time:	
E Delivery Place and Address:	

SUBPOENA FOR RECORDS

Under penalty of contempt of court, you are hereby commanded to produce on or before the Due Date and Time shown at **D** above and at the Delivery Place and Address shown at **E** above, copies or abstracts (hereinafter "copies") of the voter registration records of those persons named as residing at the addresses shown on the attached signature sheets (originating from a set of nomination papers now the subject of a matter pending before this Electoral Board) that have been listed by page and line number on an accompanying worksheet, or have been marked on the signature sheet.

Each copy so produced shall be marked with the page number and line number from the corresponding sheet.

If no such voter registration record can be found, so indicate upon a listing of such that shall accompany the voter registration record copies. (See form EB-265, enclosed.). If more than one person of that name is registered at that address, provide a copy for each one of them.

Each copy shall show, at a minimum, the registrant's name, residence address, voting jurisdictions for elective offices filled at a local level (county, municipal, school, community college, library, fire, park, forest, etc.), date of registration, and specimen signature for use by this Electoral Board in evaluating the eligibility and validity of the signature of the signers of the attached petition sheets.

You may choose to consolidate into a single PDF file your records being supplied and the listing of records not found. If an email address appears in **E** above, you may deliver that PDF by email.

Issued by the Chairman of the Electoral Board pursuant to Section 10-10 of the Illinois Election Code (10 ILCS 5/10-10).

4 Date**5** Electoral Board Chairman**ACCEPTANCE OF SERVICE BY THE ELECTION AUTHORITY**

This subpoena has been received by this Election Authority, and any irregularities in the manner of service are waived.

Date and time

Election Authority Representative

Transmittal of Subpoenaed Records

FROM the County Clerk or Election Commission of

(name of county or city:)

B	Name of first Objector:
C	Name of first Candidate:
D	Due Date and Time:
E	Delivery Place and Address:

A	Case Number
----------	-------------

TO the _____ Electoral Board:

1. In the above-captioned case, (*this quantity:*) _____ of individual voter registration records were requested by your subpoena.
2. After a careful and diligent search, (*this quantity:*) _____ of the requested current voter registration records could not be located in the possession of this Election Authority. The list of the petition sheet and line numbers of those unlocated records is:

Sheet	Line	Sheet	Line	Sheet	Line	Sheet	Line	Sheet	Line	Sheet	Line

3. Copies or abstracts of the rest of the requested records, being (*this quantity:*) _____ in number, are enclosed or attached to this transmittal letter. (That count does not include any extra records enclosed or attached because of multiple registrants of the same name at that address.)
4. I certify that the enclosed or attached documents are true copies of voter registration records on file in the office of this Election Authority on this date.

Date_____
Election Authority Representative**RECEIPT OF SUPOENAED RECORDS BY THE ELECTORAL BOARD**

This attached records have been received by this Electoral Board.

Date and Time_____
Electoral Board Representative

Enrollment and Appearance in the Case

Name of first Objector:	Case Number
Name of first Candidate:	

1 My role is *(check one box)*

Role	Objector	Candidate	Other
Self:			Extra:
Attorney for:			Member or official of the electoral board
Assistant for:			Press or public, to join mailing list for documents filed in this case.

2 I am *(all are required)*

Name (printed)
Email address for service in this case
Mobile phone number
Other phone numbers
Mailing address

3 I agree *(mark the boxes to show acceptance)*

- I have received notice of the meeting of the Electoral Board and I waive any defects in service. ☐
- That an Objection case must move forward expeditiously, and that it may be necessary to contact me outside of business hours. ☐
- That under Rule 7 all future notices and documents will be sent to me only at the email address I have given above, and sending them to that address is constructive proof of service. It is my responsibility to monitor that email inbox, and I waive service by any other method. ☐
- That under Rule 7 there is an Electronic Docket created that is a growing email string of items for the Record. I will post to that Electronic Docket all notices and documents I wish to file using via email. I will, in addition, deliver the originals of evidentiary documents, such as affidavits, to the Electoral Board Clerk for preservation. ☐
- I understand that under Rule 15(c), this case will be conducted under the principles of Supreme Court Rule 286(b) (instead of the Code of Civil Procedure) in that it will be “an informal hearing, all relevant evidence shall be admissible, and the usual rules of procedure and evidence shall be relaxed.” ☐

Date_____
Enrollee

Enrollment and Appearance in the Case

Name of first Objector:	Case Number
Name of first Candidate:	

1 My role is *(check one box)*

Role	Objector	Candidate	Other
Self:			Extra:
Attorney for:			Member or official of the electoral board
Assistant for:			Press or public, to join mailing list for documents filed in this case.

2 I am *(all are required)*

Name (printed)
Email address for service in this case
Mobile phone number
Other phone numbers
Mailing address

3 I agree *(mark the boxes to show acceptance)*

- I have received notice of the meeting of the Electoral Board and I waive any defects in service. ☐
- That an Objection case must move forward expeditiously, and that it may be necessary to contact me outside of business hours. ☐
- That under Rule 7 all future notices and documents will be sent to me only at the email address I have given above, and sending them to that address is constructive proof of service. It is my responsibility to monitor that email inbox, and I waive service by any other method. ☐
- That under Rule 7 there is an Electronic Docket created that is a growing email string of items for the Record. I will post to that Electronic Docket all notices and documents I wish to file using via email. I will, in addition, deliver the originals of evidentiary documents, such as affidavits, to the Electoral Board Clerk for preservation. ☐
- I understand that under Rule 15(c), this case will be conducted under the principles of Supreme Court Rule 286(b) (instead of the Code of Civil Procedure) in that it will be "an informal hearing, all relevant evidence shall be admissible, and the usual rules of procedure and evidence shall be relaxed." ☐

Date_____
Enrollee

Name of first Objector:	Case Number
Name of first Candidate:	

1 Submitted by *(check one box)* ☐ Objector ☐ Candidate ☐ Extra

② For each Allegation in the Objector's Petition

The purpose of this form is to draw to the attention of the Electoral Board to the specific statewide Standard Ruling in the *Electoral Boards Manual* that you believe the Board should use to decide each allegation in the Objector's Petition. Use a separate line for each allegation. (Each signature challenged is not a separate allegation, but a part of the allegation that describes the nature of its defect.) If you have a contrary statute or court case, you must attach a copy of it. For any allegation, you may state briefly, or attach a written explanation of why that statewide Standard Ruling, other statute or court case should be followed. The objector may state he withdraws that allegation. The candidate may state he concedes it.

[illegible]

Date

Submitter

Name of first Objector:	Case Number
Name of first Candidate:	

1 Submitted by *(check one box)* ☐ Objector ☐ Candidate ☐ Extra

② For each Allegation in the Objector's Petition

The purpose of this form is to draw to the attention of the Electoral Board to the specific statewide Standard Ruling in the *Electoral Boards Manual* that you believe the Board should use to decide each allegation in the Objector's Petition. Use a separate line for each allegation. (Each signature challenged is not a separate allegation, but a part of the allegation that describes the nature of its defect.) If you have a contrary statute or court case, you must attach a copy of it. For any allegation, you may state briefly, or attach a written explanation of why that statewide Standard Ruling, other statute or court case should be followed. The objector may state he withdraws that allegation. The candidate may state he concedes it.

[illegible]

.....
Date

Submitter

A. Person

The examiner must not be a person who is a member of the electoral board, because she would be in the improper position of ruling on her own work. Thus the official clerk of a county, village, city, township, or secretary of the community college board must not be an examiner, but members of staff are eligible, as are non-staff persons. The process is subject to Rule 11 in Appendix A of the Electoral Boards Manual.

B. Public

Satisfy yourself that the candidate and the objector have been given advance notice of when you will be doing this examination, so they can be present for it. Anyone else may witness the examination, and everyone should be given a copy of this form too.

The candidate and objector (or their attorneys too) must be allowed to comment on any signature under consideration, and to participate in a search for any official signature example not already found.

C. Scope

Your examination is confined to only those specific defects alleged in the Objector's Petition to specific signatures. If you notice something else that might make the challenged signature invalid, you must ignore it.

For each allegation, you examine the official records and make a recommendation to the electoral board of "sustained," or "overruled."

D. Your report

Form EB-441 is available to you. You can fill it out on your computer screen as you do your examination, one line of report for each line challenged by the Objector, and print it out when done, and provide copies to the parties and anyone else who wants it.

To make it easy for you, that form has codes shown for the types of objections.

To make it easy for the electoral board to count disqualified signatures, you should always list any "sustained" findings first on the line, then any "overruled." At the end of that line, you may add any notes you like.

Assume you are evaluating sheet 3, line 7 where grounds of objections were that (1) the signature is not genuine because the person did not sign it personally, (2) he lives at a different address, and that (3) that address is outside the district. You found he did personally sign it, and does live elsewhere that is outside the district.

Your entry, using the codes for the asserted grounds cited for that sheet and line would be:

3/7 Sustain NRA, OUT; Overrule SNG

E. Grounds for Objections

Here are the usual grounds asserted, along with the code for those grounds:

Not registered at address on petition (NRA)

Addresses are considered to be the same, even if an apartment number is missing, or street name lacks a direction indicator (East, West, etc.), has abbreviations or misspellings, uses ditto marks, or is otherwise understandable enough for you to find the records of all voters registered at that address.

If you find that person registered as a voter at that address, then "overruled" should be your recommendation.

If that person is registered, but at a different place then "sustained" should be your recommendation.

If you do not find that person registered as a voter anywhere, even after comparing that signature against all of those registered at that address, then "sustained" should be your recommendation.

Signature is not genuine (SNG)

If the signature is difficult to read, you should check it against the signatures of all registered voters at that address to identify him. If you do not find that person registered as a voter there or elsewhere, (or an application for ballot or other known example), then you do not have a record to compare the signature to, so you cannot say it is a forgery. Overrule that objection.

If you find that person now registered elsewhere, you may use his signature from there to compare with the petition.

The goal is to determine whether the named person personally signed that petition line.

In many cases it is easy to tell whether he did (then you recommend overruling the allegation) or did not (then you recommend sustaining the allegation).

Where it is close, you make your decision based upon what lawyers call the "preponderance of evidence" standard of proof. That means whether it is more likely than not that the voter signed it personally.

If it is still too close, then the candidate is entitled to the benefit of the doubt so your recommendation is to "overrule" the allegation. (The objector can always ask the electoral board members to take a second look at it before they vote.)

Not in district (OUT)

You don't need to have the voter's registration record for this one. The address with the signature is either in the district or not. Check the taxing jurisdictions on the property tax bill for that address.

If the address on the petition is illegible, and you cannot determine it from the line immediately above or below it of a person with the same last name, then "overruled" should be your recommendation.

Signed more than once (DUP)

The first signature counts, the others are disqualified.

If the allegation does not specify the page and line numbers of the other signatures, your recommendation should be "Overruled."

Other (MISC)

These are rare, so summarize in a few words its nature, and your findings. You can add comments into your recommendation.

Miscellaneous Document

Name of first Objector:
Name of first Candidate:

Case Number

① My role is (check one box)

<i>Role</i>	<i>Objector</i>	<i>Candidate</i>	<i>Other</i>	
<i>Self:</i>				<i>Extra</i>
<i>Attorney for:</i>				<i>Member or official of the electoral board</i>
<i>Assistant for:</i>				<i>Press or public, to join mailing list for documents filed in this case.</i>

② The nature of this document is

--

③ Statement / Request / etc.:

Miscellaneous Document

Name of first Objector:
Name of first Candidate:

Case Number

① My role is (check one box)

<i>Role</i>	<i>Objector</i>	<i>Candidate</i>	<i>Other</i>	
<i>Self:</i>				<i>Extra</i>
<i>Attorney for:</i>				<i>Member or official of the electoral board</i>
<i>Assistant for:</i>				<i>Press or public, to join mailing list for documents filed in this case.</i>

② The nature of this document is

--

③ Statement / Request / etc.:

Waiver of Service of Final Decision

Name of first Objector:	Case Number
Name of first Candidate:	

Waiver by *(name)* :

I waive postal or personal service of the written decision in this case, and direct that instead, it be emailed to me at this address:

Date

Signature

Waiver of Service of Final Decision

Name of first Objector:	Case Number
Name of first Candidate:	

Waiver by (*name*) :

I waive postal or personal service of the written decision in this case, and direct that instead, it be emailed to me at this address:

Date

Signature

Name of first Objector:	Case Number
Name of first Candidate:	

In order to expedite the process, I the **Candidate**, having had further opportunity to evaluate the registration, residence, genuineness, and other factors regarding certain signers objected to, hereby **concede as true** those separate objections I have marked below to these signers appearing on the indicated petition sheets and lines. Unless I marked the “All” column for that sheet and line, objection reasons in columns I have not marked remain in dispute.

[illegible]

Candidate

Objector's Withdrawal of Some Objections

*Consult your election attorney***EB-462**

Released 11/19/2019

Name of first Objector:	Case Number
Name of first Candidate:	

In addition to any specific objections I unconditionally stated in my Statement of Applicable Standard Rulings (form EB-410) that withdrew there, I hereby also withdraw the following specific objections from my Objector's Petition in this matter:

Date

Objector's Signature

Objector's Withdrawal of Some Objections

*Consult your election attorney***EB-462**

Released 11/19/2019

Name of first Objector:	Case Number
Name of first Candidate:	

In addition to any specific objections I unconditionally stated in my Statement of Applicable Standard Rulings (form EB-410) that withdrew there, I hereby also withdraw the following specific objections from my Objector's Petition in this matter:

Date

Objector's Signature

Withdrawal of All Objections

Name of first Objector:	Case Number
Name of first Candidate:	

Irrevocable Dismissal by Objector of his Case

I hereby withdraw my Objector's Petition in this matter and dismiss this case.

I understand that a consequence of this is that the Candidate's status to have his name appear on the official ballot will be the same as though I had never filed my Objector's Petition.

Date

Objector's Signature

Withdrawal of Candidacy

10 ILCS 5/7-12, 10-7)

Upon receipt, the local election official must issue amended certification to each election authority that prepares ballots for that elective office

Consult your election attorney

EB-465

Released 11/18/2019

Name of first Objector:	Case Number
Name of first Candidate:	

Candidacy Data

A: Name B: Address:	C: Election: D: Unit of Government and Office Sought: E: Term: <i>(Is for a Full Term, unless otherwise stated)</i>
--	---

1 Do Not fill in or sign anything below this line until you are in the presence of the Notary Public
File this form at the same place you filed your nomination papers.

Candidate's Affidavit of Withdrawal

I, first being duly sworn (or affirmed), say that

1. I am the person named at **A** above;
2. I reside at the place stated in **B** above in the State of Illinois;
3. I am the same person whose behalf nomination papers were filed for the office stated at **D** above in the unit of governments stated at **D** above, to be voted upon at the election stated at **C** above;
4. **I hereby irrevocably withdraw as a candidate for such office;**
5. and I hereby request that my name be NOT printed upon the official ballot for that election.

STATE OF ILLINOIS

2 COUNTY OF _____

I hereby certify that the person named at **A** above, personally known to me to be the same person whose name is subscribed to in the foregoing withdrawal, appeared before me in person this day and acknowledged that he signed the said instrument as his free and voluntary act of his own will and accord.

7 Official Seal

3 X _____

Candidate's Signature

Subscribed and sworn to (or affirmed) by the above-signed

before me this **4** _____ day of **5** _____ 2019

6 X _____

Notary Public

A. Your position

The official county, township, city, village Clerk, or Secretary of the community college board, will be busy concentrating on her duties judging nomination papers and running the hearings, and must not be distracted from that.

She will have no time to coordinate the paperwork. You have been chosen to handle that important job.

B. About the process

Things will make a lot more sense if you read the Uniform Rules of Procedure, in Appendix A. For the reasons stated in Rule 1 there, those rules are purposely not the rules followed in court (a fact that any attorneys present may need to be reminded of). Those rules are written in plain language and avoid technicalities that could unfairly deny either party the opportunity to fully present their case.

C. The Forms Switchboard

All the forms you will see referenced (EB-xxx) are accessible from the Forms Switchboard. It is at the front of Appendix B (Forms). It is your friend. The administrative forms you need most are grouped together at the bottom of the Forms Switchboard.

(It is best to print forms at full size, not shrunk to fit, because we have some technical codes in the normally unprintable margins, and not intended to be visible on paper.)

D. About these PDF files

You should make a folder now on your computer to hold documents of this year's Electoral Board cases. Within that folder, as objection cases are filed you make a subfolder for each of the cases, and store the documents of each case in its own folder.

You can end up with 3 types of Electoral Board Manual PDF files in your folders:

EBM 2019 Electoral Board Manual_0.pdf is the manual with the statewide standard rulings, rules, forms, and statutes just as it came from our bit-factory where elves worked through the night to send it to you. You should *never overwrite* this file, because you may need to use it to reconstruct something.

EBM 2019 Local Master.pdf is this Electoral Board Manual file we just talked about, but with worksheet EB-011 filled in giving information about the upcoming election and your electoral board and its members. That worksheet comes with sample entries that you will need to change.

You will use this file as the master to create the separate PDF files for each case filed. It is a good idea to make a separate subfolder for each case within your main folder of this season's electoral board cases.

Help improve this advice:

Please report any additions or corrections needed or suggestions to Director@CitizenParticipation.org.

EBM Case 2019-07 Jones_Smith.pdf (but using the real case number and party names) is created by you from the "Local Master" file whenever a case is filed. You open the "Local Master" file, enter information about the objector and the candidate onto form EB-010 (be sure to change the sample entries already there), and then save that file under the name the worksheet gives you (Case number and surnames of the parties). You then send copies of that new "Case" PDF file to the parties in the case. It is their set of the rules of procedure with forms customized for their case, and the statewide standard rulings that will be used to decide the case. They can print any of the forms and the captions with case number, etc. will automatically be filled in on those forms.

You will end up with the (1) original unaltered EBM Electoral Board Manual PDF, (2) one "EBM Local Master" PDF, and (3) as many of the "EBM Case x" PDFs as you have cases on file.

E. Before filing nomination papers begins

If you are the official Clerk of the public body

As the official Clerk of the public body, you will automatically be on the Electoral Board making rulings, so you cannot also be the Electoral Board's Clerk too. But you can be involved beforehand in getting things set up, and you are probably the best person to do the things listed here.

When filing does begin, because you are on the Electoral Board and might be called upon to rule on something involving the process of filing those nomination papers, you should not personally participate in receiving nomination papers. If you participated in the filing, you are then a witness and thus ineligible to be a judge in that case. It is better to avoid that exposure, and to instead have only your staff members handle the filing process.

Master copy of forms, etc.

You will want to make a renamed PDF of this "EBM 2019_Electoral Board Manual" PDF. In that copy, renamed "EBM 2019 Local Master," you will fill in information about the election. That information will be copied into all the various forms. You will use that new Local Master as the basis for files for new cases.

Then, in the new "Local Master" file, fill out Form EB-011. Hints on how to fill out a particular line often appear when your cursor hovers over the field.

The “Save your work” button on the form EB-011 screen will do a SAVEAS under a name you specify. (The dialog will recommend “EBM 2019 Local Master”).

It will be the master copy that you use to make further renamed copies for each case, to send to the parties if an Objection Petition is filed.

Court reporter

Locate a court reporting service that can provide a court reporter for the meetings of the Electoral Board. A written transcript must be prepared if an objector or candidate appeals the Electoral Board’s decision to the Circuit Court.

F. When an Objection Petition is filed

See form EB-120 (Practical Advice on Receiving Objections).

G. Working with PDF files

PDF files are the standard way of sharing documents. The Electoral Board’s Uniform Rule 7 requires parties to file their documents in PDF format so they can be emailed to everyone else.

Creating a PDF is done by choosing the correct free printer (Microsoft Print to PDF, Adobe PDF, etc.) from the Print menu.

Some forms call for you to attach other PDF documents you have previously created. For example, form EB-201 (the Objector’s Petition Cover Sheet) wants you to attach to it form EB-121 (Record of filing that Objector’s Petition) and the PDF of the scanned pages of the petition itself.

To rearrange pages, or add pages from another PDF usually requires use of a common program such as Acrobat Reader Pro, Nitro Pro, PDFelement or others, which sometimes have a nominal subscription fee. If your local government does not have software that allows you to add, remove, rearrange or merge PDF pages, you may email them to Director@CitizenParticipation.Org and we will do that for you, as a courtesy.

H. Prepare for a hearing

An electoral board is a public body, so its meetings are subject to the Open Meetings Act. As you would

for any other meeting, you need to prepare an agenda, and post it at least 48 hours before the meeting.

I. At a hearing

There are usually two or three meetings of an Electoral Board, at which you take minutes and handle the flow of paperwork. For items filed on paper during those meetings, you need to scan them in and post them to the Electronic Docket the same day. You keep the originals.

The **Organizational (or “Initial”) Meeting** Is the result of the formal Call (see form EB-250) that was issued to summon the Board and others. It is where the Board organizes, formally adopts its rules of procedure (see Appendix A), and does other housekeeping such as scheduling the Evidentiary Hearing for each case. As a public meeting, it needs an agenda¹ posted at least 48 hours in advance, and the agenda must provide an opportunity for the public to address the board.

The **Evidentiary Hearing** might occur the same evening as the Organizational Meeting, if there are only one or two cases on the docket. It is where evidence is put on, and decisions are made on each allegation in the Objector’s Petition. It has the same requirements for a posted agenda, public comment, and minutes being taken.

The **Final Meeting** on a case is where the written decision on the case is formally voted up and signed by a majority of the Electoral Board members, who must be physically present. Because the written decision can seldom be prepared the same evening as the Evidentiary Hearing, the Final Meeting is usually a few days later, and takes only a few minutes.

J. Improve the process

We want to make things flow better. If you have any suggestions for improvements in the Manual, or the forms, or anything else where we might be able to help, please contact Director@CitizenParticipation.org.

¹ See form EB-630 as an example.

A. Before the petition filing period

Appoint Board Clerk, etc.

Your public body's official clerk is automatically a member of the Electoral Board, and so will be too busy with that to handle clerical duties during the hearings and related activities. But the official clerk can certainly work on advance preparation that are described in form EB-500, Practical Advice for the Board Clerk.

Set date for initial meeting

It is not possible to know if any objections will be filed to any nomination or public question petitions, things must move quickly if an objection is filed because of absentee ballots must be sent out soon.

A date should be established now for the initial ("organizational") meeting of your Electoral Board, just in case the Board is needed. It is better for the parties and public for it to be held in the evening.

The last day to file Objection Petitions is usually the Monday after the last day to file nomination petitions. It can take some time for the things to get organized if an Objection Petition is filed, so making some decisions in advance avoids panic later.

The suggested date for the first meeting is seven calendar days (usually a Monday) after the deadline to file nomination petitions. That gives time to prepare the required materials, notices, and other materials that must be served upon the objector, candidate, and members of the Electoral Board, and to meet posting requirements of the Open Meetings Act.

Uniform Rules of Procedure

Read the Uniform Rules of Procedure, in Appendix A. For the reasons stated in Rule 1 there, those rules are purposely not the rules followed in court (a fact that any attorneys present may need to be reminded of). Those rules are written in plain language and avoid technicalities that could unfairly deny either party the opportunity to fully present their case.

B. When an Objection Petition is filed

Electoral Board members

The members of the Electoral Board must be identified. See Rule 4 for more information. Specifics are found in Appendix C, in §10-9. If a member is ineligible to hear the case, and none of the alternative persons prescribed by that statute are eligible, then the appointment of a Public Member by the Chief Judge of the Circuit Court is needed. Form EB-205 can be used to make such a request.

Voter registration records

If any signatures have been challenged, certified copies of the official voter registration records will be needed as evidence by the parties in the case before

Help improve this advice:

Please report any additions or corrections needed or suggestions to Director@CitizenParticipation.org.

electoral board. See Rule 11A. Form EB-260 with EB-265 can be used to obtain them. If the Election Authority's own electoral board will be hearing the case, those forms should not be needed.

Send the Call to the initial meeting.

To summon the Board and others, use worksheet EB-015 to automatically compose the Call and create copies of the documents you should attach to it. It gives you the ability to send that email with attachments to the list of necessary persons it has been building for you.

C. Records Examination

Purpose

It saves everyone a lot of time if you appoint someone (not you, not the person you have appointed to be the Board Clerk) looks up the signatures that were challenged and reports back which ones were indeed from signers not registered at that address, etc.

That is not required by law, but if you don't do it, then at the Evidentiary Hearing all three of you on the Electoral Board will have to be comparing every signature challenged as not genuine. Usually the written report from the examiner you have appointed becomes the basis for the Electoral Board's rulings on each allegation in the objection, subject to evidence and argument when the disagree with the examiner's recommendation on a particular signature.

The Candidate and Objector must be given notice of when that investigation by the examiner will start, so that can be present and participate.

For more information, see form EB-440 (Practical Advice for the Examiner), and Rule 11 in Appendix A (Uniform Rules of Procedure).

D. At the Organizational Meeting

The Organizational (or "Initial") Meeting is where the Board organizes, formally adopts its rules of procedure (see Appendix A), and does other housekeeping such as scheduling the Evidentiary Hearing for each case. This is the meeting to which the formal Call (see form EB-250) issued. As a public meeting, it needs an agenda posted at least 48 hours in advance, and the agenda must provide an opportunity for the public to address the board.

See Rule 9 in Appendix A (Uniform Rules of Procedure) for detailed information.

Subpoenas may be requested, so See Rule 10.

E. At an Evidentiary Hearing

The Evidentiary Hearing might occur the same evening as the Organizational Meeting, if there are only one or two cases on the docket. It is where evidence is put on, and decisions are made on each allegation in the Objector's Petition. It has the same requirements for a posted agenda, public comment, and minutes being taken. Because the Electoral Board is in effect a jury, to avoid improper influence, it is better to schedule the time for public comments at the end of the meeting. Handout EB-525 (Information for the Audience) has a more detailed explanation of that.

Uniform Rule of Procedure 15, found in Appendix A, has the detailed procedure to be followed.

F. At the Final Meeting

The Final Meeting on a case is where the written decision on the case is formally voted up and signed by a majority of the Electoral Board members, who must be physically present. Because the written decision can seldom be prepared the same evening as the Evidentiary Hearing, the Final Meeting is usually a few days later, and takes only a few minutes.

Multiple cases may be concluded at the same final meeting.

Section "O" of Uniform Rule of Procedure 15, found in Appendix A, has more information.

G. Judicial Review

One of the parties may appeal the decision. See Rule 18 for more information on what the Electoral Board needs to know and do.

Information for Candidates

Consult your election attorney

EB-511

Released 11/14/2019

A. How did this happen?

Illinois law assumes that nomination papers are correct, unless someone complains.

With so many packets of nomination papers being filed at the same time, it would be hard for a staff to go through every signature to be sure it is a good one. It is even against the law for them to do so.

Instead, the law assumes that your opponent (or a friend of his) has the greatest motivation to scrutinize your papers to see if they fully comply and to then file a complaint if they don't.

The courts would be overwhelmed if all these cases suddenly came through the door and had to be decided so quickly. So the law sets up local panels to determine whether your papers are valid. If their decision goes against you and they did not follow the law in reaching it, you can then appeal to the circuit court. Few cases are appealed.

Our form EB-525 *Information for the Audience* in the computer file you should receive gives a very good explanation about the electoral boards that hear these cases, and how they apply impartial standardized rulings to issues that are brought up.

B. What do you do now?

You should have received from the electoral board a computer file in PDF format bearing the number of name of your own case. It is a copy of the statewide Electoral Boards Manual, (EBM) with the forms in Appendix B customized for your case. It is your friend. It contains in Appendix A the procedure that will be followed at your hearing, which have been written so that a person without an attorney can follow it. The procedure is relaxed, and there are no technicalities that will prevent you from defending your nomination papers.

Your case PDF also contains the text of the laws that govern what the objector's petition and your nomination papers must contain, and how, where, and when they must have been filed.

The PDF named for your case also has several forms

Useful Forms

EB-400 Registration with the Electoral Board.
EB-410 Which Statewide Standard to use.

Optional

EB-461 Signatures you agree are not valid.
EB-072 Sworn statements to verify signatures.
EB-445 Re-examine certain signatures.
EB 450 Miscellaneous requests, filings, etc.
EB-465 Withdraw your candidacy.
EB 451 Send written formal decision later.

Help improve this information:

Please report any corrections needed or suggestions to
Director@CitizenParticipation.org.

that can be filled out directly on your computer. As the candidate, there are really only two forms you need to use.

Your PDF also contains the statewide standardized rulings on issues coming before electoral boards. It is what the electoral board will use to look up how to rule on each allegation. You should use it to look up those things the objector's petition says are wrong with your nomination papers.

Attorney, or not?

Next, you must decide whether you want to find an attorney to represent you in this case. Many candidates, especially for local offices, represent themselves and end up just fine if their papers were indeed in order. For elected offices that pay a nice salary and have a pension attached, the stakes are higher and attorneys are more often involved.

If you do decide to engage an attorney (an unpaid list of some who are experienced in election law is available on the www.CitizenParticipation.org website), then you should give them a copy of the PDF named for your case you received. Form EB-515 *Information for Attorneys* gives an attorney a good overview of this rare process.

C. Preparing for your hearing

Official notice

You will receive, probably by email, a summons calling you to attend the opening meeting of the electoral board.

Acknowledging receipt

One of the attachments is form EB-400. You should immediately open it and fill it in and return it. It is a receipt for the summons ("Call") and if it is not promptly back in the hands of the officials, they are required by law to send the Sheriff to your door to serve you with those papers.

Guiding the electoral board

The electoral board will decide on each point of challenge by looking up the proper ruling in the Electoral Boards Manual.

Form EB-410 is very important for your defense, because it is your opportunity to point out to the board, for each allegation, which Statewide Standard they should follow. It should be filed before the initial meeting, and certainly before the actual hearing.

In looking up the applicable Standard Rulings for yourself, you will get a good idea of the likely outcome of your case. You might even decide to throw

in the towel, and form EB-465 can be used for that.

Checking your signatures

The most common objection is that you do not have enough valid signatures. (And if you gathered signatures by standing outside the post office or grocery store, instead of working from a list of registered voters in your jurisdiction, about one-third of your signatures probably *are* invalid.)

The objector probably checked them against the records at the elections office, but may have been overly aggressive. You need to check them yourself.

Also, you will be invited to observe as the electoral board staff looks up those signatures (guided by form EB-440) and makes a written report of its findings as a recommendation to the election board. The electoral board makes the final decision. Most of the time, the staff report on form EB-441 is accepted by everyone. But once in a while, there is a signature or two where a party disputes the staff decision. Form EB-445 can be used to ask the electoral board to review those few instances, using evidence such as affidavits or witnesses that you provide.

You should recheck those signatures where the staff report disagrees with your allegation.

If the electoral board doesn't furnish you with copies of the voter records will you need to visit the elections office to check for yourself.

You can read and print out sections 2019-6 through 2019-8 from the statewide Standard Rulings in your case PDF. They are what the electoral board will refer to when ruling on signatures. You may find that some things the objector thought were disqualifiers really are not.

You can also print out form EB-461 in the *Electoral Boards Manual* and take it with you. When you find a signature that is invalid (there are several disqualifying things besides forgery), you should concede that point so everyone doesn't waste time on it. List it on that form EB-461 and turn in that form to the electoral board when you have finished. That simplifies things for everyone.

(There is a similar form, EB-460, for the Objector to use to withdraw challenges to signatures he now realizes were OK after all.)

Verification Affidavits

Some candidates go back to the persons whose signatures were challenged as "not genuine" and ask them to sign a notarized sworn statement "(affidavit)" that they did indeed sign your petition. If you decide to do that, form EB-072 will print affidavits for the persons you have decided to call upon.

Disqualifying the objection

The objector has said you should not be on the ballot because your paperwork was faulty. But sometimes

the objector's own complaint is faulty and the candidate turns the tables by asking that the objection (and thus this case) itself be thrown out for very specific reasons. If you decide to do that, form EB-450 is a blank form that can be used for miscellaneous things like that request. It should be filed before the initial meeting.

D. At the Electoral Board

Initial meeting of the electoral board

You, or your attorney, should not miss the meeting you were formally called to attend. There will be some housekeeping matters the electoral board must do before taking up your case, and they will set a date and time for your actual evidentiary hearing. If you do not have an attorney, they must set it so you do not have to miss work to attend.

The Evidentiary Hearing

If you do not have an attorney, you may have one unpaid friend accompany and assist you at the hearing, and even speak to the Board if you wish. He must fill out a form EB-400, as you did earlier.

The objector will present his side, then you present yours. If there are any witnesses called, they testify during the presentation of the side that called them, and the other side can question them too. The objector can then tell the board why he disputes what you have just said, but he cannot introduce any new evidence. Then you can sum up your position, and the objector (who has the burden of proving his case) has the last word.

The electoral board then debates in public and decides its ruling on each of the points raised in the objector's petition. They will announce the decision whether or not you can remain on the ballot.

The Election Code and Rule 17 require the decision to be in writing. It is common for a board to recess for a few days and come back together when the paperwork is ready. They formally vote on it and each board member signs the decision. They serve their decision on any parties then present.

Many parties and attorneys prefer to not attend that short ceremonial meeting because they already know the outcome. They ask that the written decision be emailed to them. Form EB-451 can be filled out on your computer and filed if want the formal decision emailed to you.

Appeal?

If the decision goes against you, perhaps you will consider appealing to a judge. It is not done often, is complicated and expensive, and you really need to have an attorney do it.

Information for Objectors

Consult your election attorney

EB-512

Released 11/14/2019

A. How did this happen?

You filed a challenge to the validity of nomination papers of a candidate. Although you filed it where the candidate filed his nomination papers, that paperwork has been forwarded to a separate legal body called an “electoral board.” They may even be officials of the same unit of government, wearing different hats for the time being. You will be dealing with them now.

The electoral board’s jurisdiction is confined to only the defects alleged in your written complaint. You cannot add new allegations, or change any of them, but you can withdraw any or all of them.

You can learn more about electoral boards in form EB-525 *Information for the Audience*.

B. What do you do now?

You should have received from the electoral board a computer file in PDF format of the *Illinois Electoral Boards Manual*. It is your friend. It contains the Rules that will be followed at your hearing, which have been written so that a person without an attorney can understand them. The procedure is relaxed, and there are no technicalities that will prevent you from prosecuting your case.

The *Electoral Boards Manual* also contains the text of the laws that govern what your objection petition and the nomination papers must contain, and how, where, and when they must have been filed.

The PDF file also has several forms (most of them for office use) that can be filled out directly into that PDF. As the objector, there are really only two forms you need to use, and only a handful more if you decide to be more active.

In the *Manual* is the statewide *Standard Rulings*. It is what the electoral board will use to look up how to rule on of your allegations.

Attorney, or not?

If you got this far without having an attorney, you now need to decide if you want to continue that way, or find one to handle your case going forward.

Useful Forms

EB-400 Registration with the Electoral Board.
EB-410 Which Statewide Standard to use.

Optional

EB-460 Signatures you agree were valid after all.
EB-445 Re-examine certain signatures.
EB 450 Miscellaneous requests, filings, etc.
EB-462 Withdraw some other objections.
EB-463 Withdraw your whole case.
EB 451 Send written formal decision if you are absent that day.

Help improve this information:

Please report any corrections needed or suggestions to
Director@CitizenParticipation.org.

If you do decide to engage an attorney (an unpaid list of some who are experienced in election law is available on the www.CitizenParticipation.org website), then you should give them a copy of the PDF you received of the *Electoral Boards Manual* that has the forms already customized for your case. Form EB-515 *Information for Attorneys* gives an attorney a good overview of this rare process.

C. Preparing for your hearing

Official notice

You will receive, probably by email, a summons calling you to attend the opening meeting of the electoral board. You will do most paperwork via email.

Acknowledging receipt

One of the attachments in that email is form EB-400. You should immediately open it and fill it in and return it. It is a receipt for the summons (“Call”) and if it is not promptly back in the hands of the officials, they are required by law to send the Sheriff to your door to serve you with those papers.

Guiding the electoral board

The electoral board will decide on each point of challenge you raised by looking up the proper ruling in the statewide Standard Rulings.

Form EB-410 is very important for your prosecution, because it is your opportunity to point out to the board, for each allegation, which Standard Ruling they should follow. It should be filed before the initial meeting, and certainly before the actual hearing.

In looking up the applicable Standard Rulings for yourself, you will get a good idea of the likely outcome of your case. You might even decide to throw in the towel, and form EB-463 can be used for that.

Checking the signatures

The candidate will be checking signatures that you alleged are invalid, and asking the electoral board to rule that they are OK after all.

Also, you will be invited to observe as the electoral board staff looks up those signatures and makes a written report of its findings as a recommendation to the election board. The electoral board makes the final decision. Most of the time, the staff report on Form EB-441 is accepted by everyone. But once in a while, there is a signature or two where a party disputes the staff decision. Form EB-445 can be used to ask the electoral board to review those few instances, using evidence such as affidavits or witnesses that you provide.

You should recheck those signatures where the staff report disagrees with your allegation.

In some cases, the electoral board may furnish you with copies of the voter records for those voters whose signatures were challenged. Otherwise you need to visit the elections office to recheck for yourself.

You should read and print out sections 2018-6 through 2018-8 from the statewide Standard Rulings in the *Electoral Boards Manual*. They are what the electoral board will refer to when ruling on signatures. You may find that some things you thought were disqualifiers really are not.

You should also print out form EB-460 in the *Electoral Boards Manual* and take it with you when you recheck your allegations. You may find a signature was valid all along. You should concede that point so everyone doesn't waste time on it. List it on that form EB-460 and turn in that form to the electoral board when you have finished. That simplifies things for everyone.

(There is a similar form, EB-461, for the candidate to use to accept some of your challenges to signatures he now agrees were not valid.)

Confirmation Affidavits

Some objectors go back to the persons whose signatures they have challenged as "not genuine" and ask them to sign a notarized sworn statement "(affidavit)" that they indeed did not personally sign that petition. If you decide to do that, form EB-072 will print forms for the persons you have decided to call upon.

Disqualifying your objection

You have said the candidate should not be on the ballot because his paperwork was faulty. But sometimes your own complaint is faulty and the candidate turns the tables by filing form EB-450, asking on it that your objection petition itself be thrown out for very specific legal defects. After all, they can't lose the game if the game is called off. That is a routine tactic, especially if the candidate has an attorney. Any motion to just throw the case out for technicalities, without inquiring into all the allegations made, is usually the first thing an electoral board decides. They may do it at the initial meeting, or at a later one.

D. At the Electoral Board

Initial meeting of the electoral board

You, or your attorney, should not miss the meeting you were formally called to attend. As the objector,

your side can lose by default if you do not attend. There will be some housekeeping matters the electoral board must do before taking up your case, and they will set a date and time for your actual hearing. By filing your written complaint to start this case, in view of the research you had to do to prepare it, you the objector are deemed to always be ready to proceed, and some preliminary matters affecting you can may be handled at the initial meeting.

The Actual Hearing

If no one from the objector's side appears for the evidentiary hearing, then your case must be dismissed for lack of prosecution, and it is not be eligible to be refiled or amended.

If you do not have an attorney, you may have one unpaid friend accompany and assist you at the hearing, and even speak to the Board if you wish. He must fill out a form EB-400, as you did earlier.

You will present your side, then the candidate presents his. If there are any witnesses called, they testify during the presentation of the side that called them, and the other side can question them too. When the candidate is done, you can then tell the board why you dispute certain things in the candidate's presentation, but you cannot introduce any new evidence. Then the candidate sums up his position, and you (who has the burden of proving his case) get the last word.

The electoral board then debates in public and decides its ruling on each of the points raised in the your written complaint. They will announce the decision whether or not the candidate can remain on the ballot.

The Election Code and Rule 17 require the decision to be in writing. It is common for a board to recess for a few days and come back together when the paperwork is ready. They formally vote on it and each board member signs the decision. They serve their decision on any of the parties then present.

Many parties and attorneys prefer to not attend that short ceremonial meeting because they already know the outcome. They ask that the written decision be emailed to them. Form EB-451 can be filled out on your computer and filed if want the formal decision emailed to you.

Appeal?

If the decision goes against you, perhaps you will consider appealing to a judge. It is not done often, is complicated and expensive, and you really need to have an attorney do it.

A. Background

There are 2,850 potential electoral boards in Illinois. A given ad hoc electoral board is convened only when a Objector's Petition has been filed challenging the validity of nomination papers of a candidate for an office in that electoral board's jurisdiction.

Many have not met for decades, so the process is unfamiliar to everyone involved. The members are ex-officio, without a right of recusal. They are usually all laymen, and their public body's local attorney is seldom expert in election law.

Most of the parties in the administrative adjudication before an electoral board are not represented by attorneys. Even with an attorney involved, his knowledge of law regarding nomination papers is often confined to an afternoon with IICLE at the law library.

Issues like "can ditto marks be used?" arise. The answer is often made up as they go along, resulting in inconsistent consequential rulings on the same facts in different communities.

To address these problems, leading election law attorneys have worked together to simplify the process and provide *stare decisis* for uniform operation of the law throughout the state. The result is the annual free publication of the *Illinois Electoral Boards Manual*. (The process is coordinated by the non-profit Citizen Participation Institute that works to overcome the shortage of candidates for nonpartisan office and thus improve voter choice.)

The *Electoral Boards Manual* is distributed as a PDF file. The board clerk makes a copy for each case that has the captions for each form already customized, and the user can usually fill in each form on his screen and then print it out.

B. Procedure

It is important to keep in mind that an electoral board hearing is an *administrative* proceeding, not a *judicial* proceeding.

Procedural due process before an administrative tribunal does not require a proceeding in the nature of a judicial proceeding, but is satisfied by a form of procedure that is suitable and proper to the nature of the determination to be made and conforms

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to fundamental principles of justice. Administrative procedure is, and should be, simpler, less formal and less technical than judicial procedure in the absence of a statutory mandate to the contrary.¹

The Code of Civil Procedure [735 ILCS 5] does not apply to administrative hearings.²

Nor does the Civil Administrative Code [20 ILCS 5] include electoral boards.

This electoral board is required by 10 ILCS 5/10-10 to formally adopt its rules of procedure. The *Electoral Boards Manual* contains procedural rules for conducting the process in the spirit of Supreme Court Rule 286(b). Most of the parties before an electoral board are not represented by attorneys. The Rules are purposely *pro se* friendly and provide due process without procedural pitfalls.

Mindful of those *pro se* parties, the Rules avoid legal terminology. For example, an "appearance" is called an "enrollment,"³ and pleadings are "documents."

Those Rules establish preponderance as the standard of proof for signature comparisons, simplify pleadings, eliminate proofs of their service, and generally streamline a relaxed process.

C. Standard Rulings

The *Electoral Boards Manual* gives statewide Standard Rulings for issues raised at electoral boards. It spreads *stare decisis* to them.

Each Standard Ruling gives plain language guidance toward a bright line yes/no ruling for its fact situation. A representative case is often cited and a hyperlink brings it up. When no case is known, a statute may be cited and the election law experts' best practices recommendation becomes the guidance and ruling.

Parties fearful of a biased outcome are comforted when they know that the ruling on each issue in their case will come directly from a published set of uniform on-point rulings.

To prepare the stipulations that allows the electoral board to narrow the issues,⁴ the parties them-

¹ *Village of South Elgin v. Pollution Control Board*, 64 Ill.App.3d 565, 381 N.E.2d 778 (2nd Dist. 1978) ✓.

² *Desai v. Metropolitan Sanitary District*, 466 N.E.2d 1045, 125 Ill.

App.3d 1031 (1st Dist. 1984), *Caldwell v. Nolan*, 167 Ill. App.3d 1057

(1st Dist. 1988) ✓.

³ Form EB-400. Enrollment and Appearance in the Case.

⁴ Form EB-410 Applicable Standard Rulings.

selves are actually required to look up in the Standard Rulings each point of challenge. After seeing how the uniform rulings predict the outcome of their own case, one of the parties may decide to withdraw.¹

D. Expectations

The candidate has the advantage because his nomination papers are presumed valid unless proven otherwise.

Also, our Supreme Court has said “we believe that access to a place on the ballot is a substantial right not lightly to be denied.”²

Many challenges hinge upon the candidate’s failure to do something a statute says “shall” be done. But don’t be surprised if the electoral board overrules that challenge. “Shall” is a slippery word. It can mean merely “should” or “may” instead of “must.”

The use of the word “shall” is generally regarded as mandatory when used in a statutory provision, but can be construed as directory depending on the legislative intent. The legislative intent can be ascertained from a consideration of the entire Act, its nature, its purpose, and the consequences that would result from interpreting the provision a specific way. When a statute specifies a penalty for failing to comply with its provisions, it will be construed as mandatory rather than directory. Conversely, when a statute provides no penalty for noncompliance, courts will construe it as directory.³ The statewide Standard Rulings take that into account when recommending a specific ruling.

Even when “shall” is mandatory, the issue arises of whether strict compliance is required, or is substantial compliance good enough.

E. Hearing

Meetings and hearings of an electoral board are subject to the Open Meetings Act [5 ILCS 120] and deliberations must be done in public. A handout for the audience⁴ explains the process.

Hearings can be scheduled for evening hours or Saturdays to accommodate a *pro se* candidate’s work schedule. Local electoral boards usually meet in the evenings anyway.

Because of the statutory deadline for absentee ballots to be printed and distributed, electoral board cases must be expedited, so delays and continuances are severely limited.

Challenged signatures are checked ahead of time by the staff. The parties will be given notice and can be present. The staff issues its findings in a report⁵ that any party can dispute⁶ as to specific findings. (Certified copies of voter records of questioned signatures are available in advance to each side to use in doing its own comparison.) Signature validation affidavits⁷ are included in the forms kit.

Proofs of service are replaced by constructive receipt of all pleadings (“documents”) being served by REPLYALL to an ever-growing group single email string for the case.⁸

The forms kit contains forms that can be filled in directly on the screen and printed out or directly emailed. For situations not covered by any of them, there is a blank form with a preprinted caption.⁹

Each side submits a list¹⁰ suggesting which of the Standard Rulings should be used to decide each allegation. It can be augmented by a written justification on certain points.

Because most parties are *pro se*, and this is only an administrative-level hearing, not a judicial one, a *pro se* is allowed to have a friend assist even if he is not an attorney.


F. Review


A complete Record, including transcript, must be made in case this matter goes to judicial review [10 ILCS 5/10-10.1] by the circuit court.

The circuit court reviews questions of law *de novo*. The electoral board’s findings and conclusions on questions of fact are deemed *prima facie* true and correct and will not be overturned unless they are against the manifest weight of the evidence, and its determination on a mixed question of law and fact will not be disturbed on review unless it is clearly erroneous.

If the circuit court’s decision is appealed, the appellate court reviews the decision of the electoral board, not the decision of the court below.

¹ Form EB-463 (objector) or EB-465 (candidate).

² *Welch v. Johnson*, 588 NE 2d 1119, 1126 (1992) .

³ *Brennan v. Illinois State Bd. of Elections*, 784 NE 2d 854 (1st Dist. 2002) .

⁴ Form EB-525 Information for the Audience.

⁵ Form EB-441 Report of Records Examiner.

⁶ Form EB-445 Re-examination of Certain Signatures.

⁷ Form EB-720 Signature Verification Affidavit.

⁸ A more refined method, involving uploading pleadings to a free web-based site that would automatically email a copy to all the other parties, is being investigated.

⁹ Form EB-450 Miscellaneous Document.

¹⁰ Form EB-410 Applicable Standard Rulings.

You may know us from our elected offices in another local government. But this is not it. This is a meeting of a separate legal body, created automatically by state law when needed, and called an “electoral board.”

We three up here were automatically appointed to this position by a formula in the law. We had no say in the matter, we did not volunteer for it and we cannot resign or refuse. It is somewhat like jury duty.

A. Electoral Boards

There are only 950 judges in Illinois, but over 40,000 candidates who file nomination papers for some elections. Because ballots need to be printed soon, the law realizes that the ordinary courts could suddenly be swamped with many cases that must be heard and decided quickly, so it creates up to 2,850 of these quasi-judicial public bodies —minor courts—like this one to spread out the work and handle formal objections to nomination papers. What we decide can be appealed to a judge.

We are temporary: we come into being only when the validity of some nomination papers in our jurisdiction is challenged, and we automatically die off when we have delivered our last written decision.

B. Impartiality

It happens quite often that an electoral board is made up of some current members of very body that a candidate seeks to join, and therefore it is very common for folks to feel that that is unfair, and want to have the case transferred or have different people sit in judgment. But the law does not allow that, and those of us who serve on electoral boards are usually very uncomfortable doing it, sitting in judgment of those who may be sitting next to us in a few months, or even now. But, as I said before, the law picked us using a formula, and like jury duty we must serve and are not allowed to step aside, nor can we be replaced by anyone else.

C. Standardized Rulings

We use a new tool that filters out personal bias in reaching a judgment. It is an annual book called the *“Illinois Electoral Boards Manual.”* It is a listing of combinations of charges and facts likely to be presented to an electoral board. It was put together with a group of prominent attorneys who are specialists in Illinois Election Law. For each combination of charges and facts, it tells what the state law is, and how courts have interpreted it in that situation and what our ruling should be in those circumstances. So the answer should come out the same everywhere in the Illinois, regardless of who the candidate is, and who is sitting

on the electoral board. You may download a free copy from www.CitizenParticipation.org.

D. Evidence

Like jurors, we must make our decisions based only upon the evidence properly presented before us, not our personal opinions. So, like jurors in any court, we must consider only these documents officially now in front of us, and any proper evidence introduced during this hearing by the attorneys (or they do not have an attorney, the objector or candidate personally).

Just as members of the public must not talk to jurors about a case, if you have facts that you think should be brought to our attention, then you need to talk to the attorneys or the objector or candidate and they can bring it up at the proper time, if they think it is relevant.

E. Things we must Decide

Now what we have before us in each of these cases is a written set of specific things that the Objector says make the Candidate’s nomination papers ineligible to be valid. We are confined to considering only those specific objections. They cannot be added to, any more than at your trial for speeding the cop could suddenly say, “and oh, he ran a stop sign too.” And if we stumble into something that is obviously wrong, we must just keep going past it, because it was not on the list and so the Candidate would not have prepared a defense of it.

F. The Law as it is, Not What We Think it Should Be

In considering those written charges, we must make our decision based upon what the law actually is, not what we think it ought to be. The legislature makes the laws, and we must apply them, even if we do not agree with them, or know why the legislature passed them.

An example of that, that often comes up in cases before electoral boards is failure to number the signature pages and to secure them together. Some folks think that is a silly law, until they learn that the *reason* for it is —as courts have stated many times— the reason is to keep the nomination papers from being tampered with after they are filed, and also to provide a way for referencing individual signatures that may be questioned. (You can then refer the signature on page 3, line 7, for instance. You can’t do that if the pages haven’t been numbered.) So we do know why the legislature passed that law, but we would still have to enforce it, even if we didn’t know why they passed it or we personally disagree with it.

Some folks complain that these things the law requires are minor, but others say that if a Candidate is so careless with the paperwork most important to his election that he cannot follow the simple directions to number his pages and staple them together, then how careful would he be in office, if elected? An elected official must follow more detailed laws than numbering the pages. Should a careless or indifferent person be deciding how millions of public tax dollars are spent?

G. What Happens in the Hearing

Now, here's how we will proceed with these hearings, and every word spoken since this meeting was called to order is being recorded in case this case is reviewed in Court:

First, we will adopt rules of procedure that apply to all of the cases we will hear. We will use the rules from the *Electoral Boards Manual*. They are written so that technicalities do not prevent someone without an attorney from being shut out.

H. Procedural Matters

Next we will call the first case. Before getting into the facts of the case, there are often procedural matters that must be dealt with, for instance computing and declaring the minimum number of valid signatures the law requires the candidate to have left after any bad ones are eliminated.

A common "something else" is the Candidate's side saying that it is not the Candidate's papers that are invalid, but instead it is the *Objector's* paperwork that is invalid and so there isn't really any case legally filed after all, and thus nothing for us to decide and we should throw out that objection unread and move on to the next case.

It has nothing to do with whether the Objector is right or wrong, it has to do with whether the Objector filled out his own paperwork correctly, or has the right to object in this matter, or filed it before the deadline, contains all the parts the law requires, etc. Think of the cop not writing down on your speeding ticket how fast you were going, or what the speed limit was, and you get the idea.

If the Candidate's side makes such a motion, they would then tell us why they say the Objector's paperwork is not legally enough to open the case, and then the Objector's side can tell us why they think it really is. We then look it up in the manual, and determine whether the written objection has everything it is supposed to have. If it doesn't, we dismiss the objection, never look at what he was complaining about, never

look at the candidate's papers, and move on to the next case.

I. Evidentiary Hearing

A common issue raised is that so many signatures on the Candidate's petition are invalid that he doesn't have enough left to meet the minimum requirement after the invalid ones have been identified and disqualified.

Before the actual hearing starts, to save time, someone designated by the electoral board may have compared the challenged signatures against the voter registration records using methods in the *Electoral Boards Manual*. They will make a written report of which ones seem to match ("*are more likely than not to be by the same person*"), and which ones don't or are unregistered, depending upon the specific objection the Objector raised to that signature. A copy of that report is given to both sides, and they have a day or two to study it and gather evidence to refute it, so the hearing will be scheduled for later, when that time has passed.

If the Objection was in proper form, then we will move on to consider each of the written charges, and only those written charges, that were filed several days ago. Each side can tell us why each separate item is or is not legally valid for those nomination papers, and must point out which item in the *Standard Rulings* they think applies.

Then we will deliberate in the open, take a vote based upon the law, and move on to the next case.

J. Written Findings

Over the next few days, the decisions we make in the Evidentiary Hearing will be put into writing and then we will meet again to formally vote to adopt those written findings. Parties have five days after they have given or sent our written decision to file any appeal with the trial level court.

K. Public Comment

This meeting and later hearings fall under the Open Meetings Act, that provides for public comment. Because we are a jury you must not bring up any aspect of any of these cases to us or try to influence us one way or the other until the case is over.

The public comment times will be at the end of each day's session and you can offer your opinions on anything you want, including football scores, or how nice the weather is today, but please, nothing on these cases until after we have signed our written decision on them.

Electronic Docket Sample (Send to Clerk Method)

In this example, the Board Clerk forwarded a document (from Henry Morgan at 10:07) to a group list of all those enrolled in the case. She has created a new standardized subject line that gives the case number, a parties ID composed of the first three letters of each surname, the form number, and a short description. In this case, because form 400s will be filed by several persons, to keep them separate she composed an abbreviated description that this form 400 is for the candidate's attorney Henry Morgan. By her following a formula for the subject line, when all emails are sorted by subject, they will automatically sort themselves so a recipient can see all the documents for a case in a logical sequence.

The various recipients are deemed to have received the document when the timestamp shows it was sent.

From Electoral Board Clerk <DeputyClerk@Canine.co.il.gov> (Dec 1, 2017 10:32 a.m.)

To: Candidate James Buchanan <JimmyB15@gmail.com>; Candidate rep A Lincon <4score7@gmail.com>; Objector John Adams <JohnAdamsEsq@yahoo.com>; Chairman Joseph Brahms <BrahmsJ@GderMF.at>; Member Ludwig van Beethoven <AnDieFreude@Musiker.at>; Member J. Sebastian Bach <HauptCantor@Heaven.sdg>

Subject: Case 2019-01 AdaBuc 400 CdtAttMorH

FWD:

From Henry Morgan (Dec 1, 2017 10:07 a.m.)

To: Electoral Board Clerk <DeputyClerk@Canine.co.il.gov>

Subject: Enrollment in case 2019-01 of Attorney for Candidate Henry Morgan

Form EB-400 enrolling Henry Morgan in case number 2019-01 (Adams v. Buchanan) as Attorney for Candidate is attached.

Attachments: A9Rwexqw2_1an3xo_b9k.tmp.pdf

Electronic Docket Sample (ReplyAll method)

In this example, the first two documents in this case are shown along with a notice. The first was the Call to the meeting, and it was sent at 9:18 to a group of officials and parties in the case. They are deemed to have received it at the same time it was sent. This first email contains a message directly, so it needs (and does not have) any attachment.

An hour later, the attorney for the candidate responded by filing his enrollment ("appearance") form EB-400 as a PDF file. When he sent it, he sent it as a ReplyAll to the first message in the string. So everyone received the message directly from him. Others will do the same with various documents they file, and so this single email will grow and grow, but end up have all the filings attached.

A little later, the Board Clerk sent everyone notice and an invitation to attend an examination by the staff of the signatures that were challenged.

The various recipients are deemed to have received the document when the timestamp shows it was sent.

From Joseph Brahms (Dec 1, 2019 9:18 a.m.)

To: Candidate James Buchanan <JimmyB15@gmail.com>; Candidate rep A Lincon <4score7@gmail.com>; Objector John Adams <JohnAdamsEsq@yahoo.com>; Chairman Joseph Brahms <BrahmsJ@GderMF.at>; Member Ludwig van Beethoven <AnDieFreude@Musiker.at>; Member J. Sebastian Bach <HauptCantor@Heaven.sdg>

Subject: Call to attend electoral board case 2019-01 on December 16, 2019 at 6:30 p.m.

This is official notice that you are being called to a meeting of the County Officers Electoral Board of Canine County on Monday, December 16, 2019 at 6:30 p.m. at Canine County Courthouse Board Room, 100 Court St, Bulldog IL 66666.

The purpose of the meeting is to open proceedings in case number 2019-01 to hear and pass upon the objections made by John Adams to nomination of James Buchanan for Canine County Board Member District 3 (Republican) at the General Primary Election to be held on March 17, 2020.

Attached is the official Call (215), and a receipt (300) and enrollment for it. Please open the 300 Enrollment, fill it in on your screen, and click the 'Submit' button that emails that receipt back to me. If it is not received within 24 hours, the law requires me to have the sheriff serve you at home with those documents.

Also attached as file 'EBM Case 2019-01 AdaBuc' is a copy of the Electoral Boards Manual that has standardized rulings for issues that may be raised in this case.

It is VERY IMPORTANT that you read and follow Appendix A, the procedures for conducting the case!

Appendix B has all the forms you will likely need, and often you can fill them in while that PDF file is open on your computer. In some cases, you can even email them directly from there. Appendix C contains the text of some relevant statutes.

The information in the attached InfoSheets should be helpful too.

JOSEPH BRAHMS

Chairman

County Officers Electoral Board of Canine County

(This email was automatically created from the 2019 Electoral Boards Manual curated by the nonprofit Citizen Participation Institute.)

Attachments: EBM Case AdaBuc.pdf, Case 2019-01 AdaBuc 215 Call.pdf, Case 2019-01 AdaBuc 300 Enrollment, Case 2019-01 AdaBuc 505 InfoSheets, Case 2019-01 AdaBuc 120 Objection, Case 2019-01 AdaBuc 110 Nomination

From Henry Morgan (Dec 1, 2017 10:07 a.m.)
 To: Electoral Board Clerk <DeputyClerk@Canine.co.il.gov>

Subject: Enrollment in case 2019-01 of Attorney for Candidate Henry Morgan

Form EB-400 enrolling Henry Morgan in case number 2019-01 (Adams v. Buchanan) as Attorney for Candidate is attached.

Note: Acrobat automatically gives random temporary weird but unique names to documents it forwards. When you save this document into the folder for case 2019-01, we recommend you copy and paste the name below for the new name of this document:
 Case 2019-01 AdaBuc 300 CdtAttMorH

(It is a meaningful unique name made from the case number plus abbreviations of the case name, form, and filer's ID.)

This email was automatically created by the 2019 Electoral Boards Manual curated by the nonprofit Citizen Participation Institute.

Attachments: A9Rwexqw2_1an3xo_b9k.tmp.pdf

From Electoral Board Clerk <DeputyClerk@Canine.co.il.gov> (Dec 1, 2017 10:32 a.m.)

To: Candidate James Buchanan <JimmyB15@gmail.com>; Candidate rep A Lincon <4score7@gmail.com>; Objector John Adams <JohnAdamsEsq@yahoo.com>; Chairman Joseph Brahms <BrahmsJ@GderMF.at>; Member Ludwig van Beethoven <AnDieFreude@Musiker.at>; Member J. Sebastian Bach <HauptCantor@Heaven.sdg>

Subject: Case 2019-01 AdaBuc 441 Notice: signatures exam

The Canine County Clerk's Office will examine the signatures objected to in this case starting at 10:30 a.m. on Tuesday December 4 at the County Clerk's office in the Canine County Courthouse. You are invited to attend. The staff will investigate only the specific allegations against only those signatures challenged in the objector's petition. The registration status and signature authenticity will be determined through comparison with the official voter registration records.

The standard of proof will be preponderance of the evidence (more likely than not). The staff will prepare for consideration by the electoral board a written report of its findings of fact for each allegation as signatures in the objector's petition. You will receive a copy. If you disagree with any determination, you may gather affidavits or other evidence supporting your position and file form EB-445 asking the electoral board members to reexamine those specific signatures in light of the evidence you will present.

Agenda for Organizational Meeting

PLEASE TAKE NOTICE that the ELECTORAL BOARD for the hearing and passing on of Objections to Nomination Papers submitted by candidates seeking to have their names included on the ballot will meet as follows:

MEETING DAY DATE & TIME:

MEETING LOCATION & ADDRESS:

The meeting will follow this agenda:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Remarks by Board Chair
5. Adoption of Rules of Procedure
6. Appointments –

Electoral Board Clerk- Cathy Clark

Electoral Board Counsel- Tamara Wells

Electoral Board Hearing Officer- Tamara Wells

7. Explanation of Procedure
8. Introduction of Cases

For each Case – Calculate the minimum quantity of signatures required, consider preliminary motions, and any requests for subpoena or records, set date and time to reconvene the Case hearing at least 72 hours after receipt of any signature comparison report from the staff, handle other housekeeping matters.

- a. **Case 2017-01** John Adams v. James Buchannan (Republican nomination for County Board district 3 full term).
- b. **Case 2017-02** Al Smith e v. Franklin Delano (Democratic nomination for Sheriff).
- c. **Case 2017-03** Dwight Eisenhower v. Gerald Ford (Republican nomination for Sheriff)
- d. **Case 2017-04** James Garfield v. Benjamin Harrison (Republican committeeman for Canine precinct 2).

9. Public Comments
10. Recess to the dates and times as set for each Case

Electoral Board Chair

Request and Order for Subpoena

Name of first Objector:	Case Number
Name of first Candidate:	

The ☐ Objector or ☐ Candidate/Proponent requests of the Electoral Board the issuance of the following subpoena, pursuant to its authority under Section 10-10 of the Illinois Election Code:

Subpoena to be issued to (name):
(address):

Subpoena <i>ad testificandum</i> : I intend to call the above named party as a witness on (date):

Subpoena <i>duces tecum</i> : I request that the above named party be ordered to produce the following documents:

The facts that will be proven by the witness and documents sought are:
--

I understand that I am responsible to see that the subpoena is properly served, and I will pay for any fees* that may be associated with this subpoena, in the same manner as for subpoenas used in the Circuit Court of the county in which this Board sits.

I declare under penalty of perjury that the above and foregoing statements are true and correct to the best of my information, knowledge, and belief.

.....
Date

.....
Requestor

*Fees vary by county and distance from that sheriff's office, and are usually more than \$30 per subpoena served.

The Electoral Board, having considered the Request for Subpoena and being fully advised, upon a majority vote of its members, now ORDERS:	
The Request for Subpoena has been <input type="checkbox"/> Denied or <input type="checkbox"/> Approved or <input type="checkbox"/> Approved with the following amendments:	
.....	
..... Date Electoral Board Chairperson

Subpoena

Name of first Objector:
Name of first Candidate:
Meeting Date and Time:
Meeting Place and Address:

Case Number

TO

(name & title):

(address):

This is a subpoena for ☐Records, for ☐Testimony, for ☐both Records and Testimony

SUBPOENA FOR RECORDS

You are hereby commanded to produce for inspection and/or copying on or before the Meeting Date and Time shown above and at the Meeting Place and Address shown above, any and all documents, records, or other tangible things which are in your possession or under your control relating to:

SUBPOENA FOR TESTIMONY

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you attend the meeting of the ELECTORAL BOARD, sitting and acting for the hearing and passing upon of objections to the nomination papers, at the date, time and location shown above, to testify and give evidence in the above captioned cause now pending before said ELECTORAL BOARD.

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

Issued by the Chairman of the Electoral Board, acting herein at the direction of the Electoral Board, pursuant to Section 10-10 of the Illinois Election Code (10 ILCS 5/10-10).

.....
Date

.....
Electoral Board Chairman

Signature Verification Affidavit

B Name of first Objector:**C** Name of first Candidate:**D** Name of Affiant:**E** Address of Affiant:**F** Name of Candidate:**G** Political Party:**I** Office Sought:**J** Date of Election:**K** Sheet number:**L** Line number**M** ☐ As Circulator**A** Case Number**Being duly sworn**, I state the following:

1. That I am the person named at **D** above, and I now reside at **E** above, and I am a registered voter at that address.
2. That I have been informed that there may be an accusation that the signature purported to be mine on the Nomination Petition described from **F** through **M** above is not genuine. I have examined the signature on a copy of the Nomination Petition.
3. That I have selected, marked its box, and placed my initials in the one column below that is true:

☐ That signature **is** mine.

I remember having previously signed the Nominating Petition described from **F** through **J** above. On information and belief I believe that my signature on the Nomination Petition **is genuine**. I find that the signature on sheet **K** at line **L** (or as the Circulator if box **M** is marked) is my own genuine signature as I remember signing it with my own hand.

Initials:

☐ I did **not** write that signature

I find that the signature on sheet **K** at line **L** (or as the Circulator if box **M** is marked) is **not** my own genuine signature. And **I did not write it** with my own hand. I acknowledge that denying my actual signature is a crime punishable a fine of up to \$2,500 and up to 364 days in jail.

Initials:

4. That the following are examples of my signatures:

*Printed signature:**Cursive signature #1:**Cursive signature #2:**Cursive signature #3:*

5. If called upon, I will so testify.

Further, the Affiant sayeth not.

Notary Seal

Signature of Affiant

State of Illinois)
) ss
County of)

Subscribed or sworn to before me this day of
by the above-named Affiant, whose identity has been determined by me
from personal knowledge or satisfactory evidence.

Signature of Notary Public

Appendix C

Election Code Excerpts

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Election Code

These are excerpts from the Election Code [10 ILCS 5] most often referred to in this Manual.

¶ Bookmark lines and numbers are not part of the statute, but have been added for reader convenience.

§7-10 Petition for Nomination (ESTABLISHED POLITICAL PARTIES)

¶1. Heading

The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

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

Name Office Address

John Jones Governor Belvidere, Ill.

Jane James Lieutenant Governor Peoria, Ill.

Thomas Smith Attorney General Oakland, Ill.

Name..... Address.....

¶2. Circulator's Oath

State of Illinois)

) ss.

County of.....)

I,, do hereby certify that I reside at No. street, in the of, county of, and State of, 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, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the party, and that their respective residences are correctly stated, as above set forth.

.....

Subscribed and sworn to before me on (insert date).

.....

¶3. Form

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

¶4. Signers

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any.

¶5. Circulator Statement

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

¶6. Circulation Dates

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

¶7. Striking Signatures

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

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

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

¶8. Binding and Numbering

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets.

¶9. Statement of Candidacy

Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

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

State of Illinois)
) ss.
County of)

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

Signed

Subscribed and sworn to (or affirmed) before me by ..., who is to me personally known, on (insert date).

Signed

(Official Character)

(Seal, if officer has one.)

¶10. Amendment

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition.

¶11. Forged Signatures

Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished

¶12. Minimum Signature Requirements

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

¶13. (a) Statewide Office

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

¶14. (b) Congressional Office

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition

for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

¶15. (c) County Office – All but Cook County

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

¶16. (d) Cook County Offices

(d) County office; Cook County only.

(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided

that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a countywide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

¶17. (e) Municipal or Township Office

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

¶18. (f) State Central Committeeperson

State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

¶19. (g) Sanitary District Trustee

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees

are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

¶20. (h) Judicial Office

(h) Judicial office. If a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures. If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

¶21. (i) Precinct, Ward, and Township Committeeperson

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of

signatures may be 50 more than the minimum number, whichever is greater.

¶22. (j) State's attorney or regional superintendent of schools for multiple counties.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

¶23. (k) Any Other Office

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

¶24. Computing Primary Electors Quantity

For purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes, statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

¶25. Signing Petitions of Another Party

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

¶26. Multiple Candidates on Same Petition

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices. In the case of the offices of Governor and Lieutenant Governor, a joint petition including one candidate for each of those offices must be filed.

Last amended: P.A. 100-1027, eff. 1-1-19.

§7-10.1 Loyalty Oath

Each petition or certificate of nomination shall include as a part thereof, a statement for each of the candidates filing, or in whose behalf the petition or certificate of nomination is filed, said statement shall be subscribed and sworn to by such candidate or nominee before some officer authorized to take acknowledgment of deeds in this State and shall be in substantially the following form:

United States of America)

) ss

State of Illinois)

I, do swear that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or any for-

eign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.

.....
Subscribed and sworn to by me on (insert date).

.....
(Notary Public)

My commission expires:

Last amended: P.A. 91-357, eff. 7-29-99.

§7-10.2 Candidates' Name

¶1. Forename

In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.

¶2. Name Changed

If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then (i) the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition or certificate must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's

surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

¶3. Titles Prohibited

No other designation such as a political slogan, as defined by Section 7-17, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

Last amended: P.A. 94-1090, eff. 6-1-07.

¶4. (Excerpt from §7-17(b): Political Slogan)

No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

For purposes of this Section [7-17(b)], a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate.

A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

Last amended: P.A. 100-1027, eff. 1-1-19.

§7-12 Filing Nomination Papers

All petitions for nomination shall be filed by mail or in person as follows:

¶1. (1) State-wide, Congressional, Judicial, and Offices Crossing County Lines

(1) Where the nomination is to be made for a State, congressional, or judicial office, or for any office a nomination for which is made for a territorial division or district which comprises more than one county or is partly in one county and partly in another county or counties (including the Fox Metro Water Reclamation District), then, except as otherwise provided in this Section, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary, but, in the case of petitions for nomination to fill a vacancy by special election in the office of representative in Congress from this State, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 85 days and not less than 82 days prior to the date of the primary.

Where a vacancy occurs in the office of Supreme, Appellate or Circuit Court Judge within the 3-week period preceding the 106th day before a general primary election, petitions for nomination for the office in which the vacancy has occurred shall be filed in the principal office of the State Board of Elections not more than 92 nor less than 85 days prior to the date of the general primary election.

Where the nomination is to be made for delegates or alternate delegates to a national nominating convention, then such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary; provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for nomination for delegates or alternate delegates to a national nominating convention, the chairman of the State central committee of such national political party shall notify the Board in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed in accordance with the delegate selection plan adopted by the state central committee of such national political party.

¶2. (2) County or Sanitary District Offices

(2) Where the nomination is to be made for a county office or trustee of a sanitary district then such petition shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.

¶3. (3) Municipal or Township Offices

(3) Where the nomination is to be made for a municipal or township office, such petitions for nomination shall be filed in the office of the local election official, not more than 99 nor less than 92 days prior to the date of the primary; provided, where a municipality's or township's boundaries are coextensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the petitions shall be filed in the office of such board; and provided, that petitions for the office of multi-township assessor shall be filed with the election authority.

¶4. (4) State Central Committeemen

(4) The petitions of candidates for State central committeeman shall be filed in the principal office of the State Board of Elections not more than 113 nor less than 106 days prior to the date of the primary.

¶5. (5) Precinct, Township, or Ward Committeemen

(5) Petitions of candidates for precinct, township or ward committeemen shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.

¶6. (6) Location and Notation of Filing

(6) The State Board of Elections and the various election authorities and local election officials with whom such petitions for nominations are filed shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and hour on which each petition was filed.

¶7. Filings at Opening on First Day

All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be.

¶8. Filings at Other Times

All petitions received thereafter shall be deemed as filed in the order of actual receipt.

¶9. Filings at Closing on Last Day

However, 2 or more petitions filed within the last hour of the filing deadline shall be deemed filed simultaneously.

¶10. Filing Time Tie-Breaker

Where 2 or more petitions are received simultaneously, the State Board of Elections or the various election authorities or local election officials with whom such petitions are filed shall break ties and determine

the order of filing, by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections.

Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given by the State Board of Elections to the chairman of the State central committee of each ESTABLISHED POLITICAL PARTY, and by each election authority or local election official, to the County Chairman of each ESTABLISHED POLITICAL PARTY, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election.

The State Board of Elections, election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery.

¶11. Position on the Ballot

All candidates shall be certified in the order in which their petitions have been filed. Where candidates have filed simultaneously, they shall be certified in the order determined by lot and prior to candidates who filed for the same office at a later time.

¶12. (7) Notice of Campaign Finance Disclosure Obligation

(7) The State Board of Elections or the appropriate election authority or local election official with whom such a petition for nomination is filed shall notify the person for whom a petition for nomination has been filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures under Article 9 of this Act. Such notice shall be given in the manner prescribed by [10 ILCS 5/9-16].

¶13. (8) Statement of Economic Interests

(8) Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic in-

terests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

¶14. (9) Withdrawal

(9) Any person for whom a petition for nomination, or for committeeman or for delegate or alternate delegate to a national nominating convention has been filed may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the principal or permanent branch office of the State Board of Elections or with the appropriate election authority or local election official, not later than the date of certification of candidates for the consolidated primary or general primary ballot.

No names so withdrawn shall be certified or printed on the primary ballot.

¶15. Candidacy for Multiple Political Parties

If petitions for nomination have been filed for the same person with respect to more than one political party, his name shall not be certified nor printed on the primary ballot of any party.

¶16. Candidacy for Multiple Incompatible Offices

If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing.

A candidate in a judicial election may file petitions for nomination for only one vacancy in a subcircuit and only one vacancy in a circuit in any one filing period, and if petitions for nomination have been filed for the same person for 2 or more vacancies in the same circuit or subcircuit in the same filing period, his or her name shall be certified only for the first vacancy for which the petitions for nomination were filed.

¶17. Failure to Withdraw from Incompatible Office

If he fails to withdraw as a candidate for all but one of such offices within such time his name shall not be certified, nor printed on the primary ballot, for any office. For the purpose of the foregoing provisions, an office in a political party is not incompatible with any other office.

¶18. (10)(a) Uncontested Nominations

(10)(a) Notwithstanding the provisions of any other statute, no primary shall be held for an ESTABLISHED POLITICAL PARTY in any township, municipality, or ward thereof, where the nomination of such party for every office to be voted upon by the electors of

such township, municipality, or ward thereof, is uncontested.

Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested.

For purposes of this Article, the nomination of an ESTABLISHED POLITICAL PARTY of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

¶19. (10)(b) Special Congressional Primaries

(b) Notwithstanding the provisions of any other statute, no primary election shall be held for an ESTABLISHED POLITICAL PARTY for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested.

For the purposes of this Article, the nomination of an ESTABLISHED POLITICAL PARTY of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such ESTABLISHED PARTY for election to said office. This subsection (b) shall not apply if such primary election is conducted on a regularly scheduled election day.

¶20. (10)(c) Write-in Candidates

(c) Notwithstanding the provisions in subparagraph (a) and (b) of this paragraph (10), whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary

ballot shall be prepared and a primary shall be held for that office.

Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot.

Such statement or notice shall contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate.

An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

¶21. (11) Multiple Sets of Nomination Papers for the Same Candidate for the Same Office

(11) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the State Board of Elections, election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

¶22. (12) Public Record

(12) All nominating petitions shall be available for public inspection and shall be preserved for a period of not less than 6 months.

Last amended: P.A. 101-523, eff. 8-23-19.

§7-12.1 Objections to Nomination Papers

The provisions of Sections 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern objec-

tions to petitions for nomination filed under this Article, except as otherwise provided in Section 7-13 for cases to which it is applicable.

Last amended: Laws 1967, p. 597.

§7-13 Electoral Boards for Committeeman Objections

¶1. Ward Committeeman

[If a city of over 500,000 has an Election Commission, that Election Commission shall be the Electoral Board. Usual notice and other procedures. Objector's Petition is filed with the County Clerk. Board's decision is subject to judicial review pursuant to §10-10.1.]

¶2. Precinct or Township Committeeman

[County Officers Electoral Board hears these cases. Objector's Petition is filed with the County Clerk. Usual notice and other procedures. Board's decision is subject to judicial review pursuant to §10-10.1.]

Last amended: P.A. 100-1027, eff.1-1-19.

§7-43 Primary Voters or Candidates

¶1. Primary Voter Qualifications

Every person having resided in this State 6 months and in the precinct 30 days next preceding any primary therein who shall be a citizen of the United States of the age of 18 or more years shall be entitled to vote at such primary.

¶2. Primary Voter Limitations

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Article.

(b) (Blank).

(c) (Blank).

(c.5) If that person has participated in the town political party caucus, under Section 45-50 of the Township Code, of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the calendar month in which the primary is held.

(d) (Blank).

¶3. Primary Voters must be Registered

In cities, villages and incorporated towns having a board of election commissioners only voters registered as provided by Article 6 of this Act shall be entitled to vote at such primary.

No person shall be entitled to vote at a primary unless he is registered under the provisions of Articles 4, 5 or 6 of this Act, when his registration is required by any of said Articles to entitle him to vote at the election with reference to which the primary is held.

¶4. 2018 General Election following 2020 Primary

A person

(i) who filed a statement of candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY or

(ii) who voted the ballot of an ESTABLISHED POLITICAL PARTY at a general primary election

may not file a statement of candidacy as a candidate of a different ESTABLISHED POLITICAL PARTY or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement or voted the ballot.

¶5. 2016 Primary Election History is Irrelevant

A person may file a statement of candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY regardless of any prior filing of candidacy for a partisan office or voting the ballot of an ESTABLISHED POLITICAL PARTY at any prior election.

Last amended: P.A. 98-463, eff. 8-16-13.

§10-3 Independent Candidates

¶1. State-wide Office

Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding Statewide general election or 25,000 qualified voters of the State, whichever is less.

¶2. Local Office

Nominations of independent candidates for public office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district, or political subdivision, equaling not less than 5%, nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons, who voted at the next preceding regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. However, whenever the minimum signature requirement for an independent candidate petition for a district or political subdivision office shall exceed the minimum number of signatures for an independent candidate petition for an office to be filled by the voters of the State at large at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for an independent candidate petition for such district or political subdivision office.

¶3. First Election following Redistricting

[Omitted as currently irrelevant.]

¶4. Limitations

Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for such office to be filled, and no more: Provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office.

¶5. Striking Signatures

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

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

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(3) the persons striking signatures from the petition shall each sign an additional certificate specifying the number of certification pages listing stricken signatures which are attached to the petition and the page numbers indicated on such certifications. The certificate shall be filed as a part of the petition, shall be numbered, and shall be attached immediately following the last page of voters' signatures and before the certifications of stricken signatures.

(4) all of the foregoing requirements shall be necessary to effect a valid striking of any signature. The provisions of this Section authorizing the striking of signatures shall not impose any criminal liability on any person so authorized for signatures which may be fraudulent.

¶6. Governor and Lieutenant Governor

In the case of the offices of Governor and Lieutenant Governor a joint petition including one candidate for each of those offices must be filed.

¶7. Defeated Partisan Candidates Ineligible

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 to be placed on the ballot as an independent candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as an independent candidate.

Last amended: P.A. 95-699, eff. 11-9-07.

§10-3.1 Nonpartisan Candidates

¶1. Signature Requirements

Petitions for nomination of nonpartisan candidates for offices to be filled at an election provided in Article 2A of this Code shall be in conformity with any requirements as to contents and number of signatures specified in the statute creating the political subdivision or providing the applicable form of government thereof.

¶2. Municipal Offices

Petitions for nomination of nonpartisan candidates for municipal offices where the statute creating the municipality or providing the form of government thereof, or the ordinance so providing, pursuant to Article VII of the Constitution, requires election to such office on a nonpartisan basis and does not permit political party nominations (including without limitation Articles 4 and 5 of the Municipal Code) shall be in conformity with any requirements as to contents and

number of signatures specified in such statute or ordinance.

¶3. Other Requirements

The provisions of this Article 10 relating to independent candidate petition requirements shall apply to nonpartisan petitions to the extent they are not inconsistent with the requirements of such other statutes or ordinances.

¶4. Default Signature Requirements

If signature requirements for petitions for nomination of nonpartisan candidates are not specified in the statute creating the political subdivision or the signature requirements cannot be determined under Article 10, the signature requirements for the nonpartisan candidates shall be at least 0.5% of the total number of registered voters of the political subdivision for which the nomination is made or a minimum of 25, whichever is greater.

Last amended: P.A. 87-1052 (1992).

§10-4 Petition for Nomination (Independent, Nonpartisan, and Minor Political Parties)

¶1. Heading

All petitions for nomination under this Article 10 for candidates for public office in this State, shall in addition to other requirements provided by law, be as follows: Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same.

¶2. Signers

Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed.

¶3. Addresses

The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However, the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. 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.

¶4. Circulator's Statement

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States; stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition; and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters under Articles 4, 5 or 6 of the [Election] Code of the political subdivision or district for which the candidate or candidates shall be nominated, and certifying that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

¶5. Circulation Dates

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 10-6 for the filing of such petition.

¶6. Binding and Numbering

Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

¶7. Original Signatures Only

All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

¶8. Amendment

A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the officers or officer with whom

the petition is required to be presented or filed, and before the presentment or filing of such petition.

¶9. Forged Signatures

Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly.

¶10. Definitions

The word "petition" or "petition for nomination", as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The words "political division for which the candidate is nominated", or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate or candidates, as the state in the case of state officers; the township in the case of township officers et cetera.

¶11. Circulating Petitions for More than One

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.

Last amended: P.A. 98-756, eff. 7-16-14.

§10-5 Nomination Papers Contents

¶1. Specific Information

All petitions for nomination shall, besides containing the names of candidates, specify as to each:

1. The office or offices to which such candidate or candidates shall be nominated.
2. The new political party, if any, represented, expressed in not more than 5 words. However, such party shall not bear the same name as, nor include the name of any ESTABLISHED POLITICAL PARTY as defined in this Article. This prohibition does not preclude any ESTABLISHED POLITICAL PARTY from making nominations in those cases in which it is authorized to do so.
3. The place of residence of any such candidate or candidates with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the party name or appellation.

¶2. Loyalty Oath, Statement of Candidacy

Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States.

¶3. Statement of Candidacy Contents

Each such statement shall set out the address of such candidate, the office for which he is a candidate,

shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)

) SS.

County of.....)

I,...., being first duly sworn, say that I reside at.... street, in the city (or village) of.... in the county of.... State of Illinois; and that I am a qualified voter therein; that I am a candidate for election to the office of.... to be voted upon at the election to be held on the.... day of.....; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

Signed.....

Subscribed and sworn to (or affirmed) before me by.... who is to me personally known, this.... day of.....

Signed.....

(Official Character)

(Seal, if officer has one.)

¶4. New Political Party

In addition, a new political party petition shall have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination pursuant to Section 10-11.

¶5. Statement of Economic Interests

Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation

to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed.

¶6. Receipt Required in Certain Cases

If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

Last amended: P.A. 84-551 (1986).

§10-5.1 Candidate's Name

¶1. Forename

In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.

¶2. Name Changed

If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the certificate of nomination or nomination papers for that office, whichever is applicable, then (i) the candidate's name on the certificate or papers must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the certificate or paper must be accompanied by the candidate's affidavit stating the

candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

¶3. Titles Prohibited

No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

Last amended: P.A. 94-1090, eff. 6-1-07.

§10-7 Withdrawal of Candidacy; Nomination Papers as Public Records

¶1. Voluntary Withdrawal

Any person whose name has been presented as a candidate, including nonpartisan and independent candidates, may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and presented to the principal office or permanent branch office of the Board, the election authority, or the local election official, as the case may be, not later than the date for certification of candidates for the ballot.

No name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name.

If such a request for withdrawal is received after the date for certification of the candidates for the ballot, then the votes cast for the withdrawn candidate are invalid and shall not be reported by the election authority.

¶2. Required Withdrawals

If the name of the same person has been presented as a candidate for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the ballot, for any office. However, nothing in this section shall be construed as precluding a judge who is seeking retention in office from also being a candidate for another judicial office.

Except as otherwise herein provided, in case the certificate of nomination or petition as provided for in this Article shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office), then and in that case the Board or election authority or local election official, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certifi-

icates or petitions and that within 3 days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to make such election, then and in that case the Board or election authority or local election official, as the case may be, shall permit the name of said candidate to appear or be printed or placed upon said ballot only under the political party appellation or group appearing on the certificate of nomination or petition, as the case may be, first filed, and shall strike or cause to be stricken the name of said candidate from all certificates of nomination and petitions filed after the first such certificate of nomination or petition.

¶3. No Vacancy in Nomination Created

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.

¶4. Open Records

All certificates of nomination and nomination papers when presented or filed shall be open, under proper regulation, to public inspection, and the State Board of Elections and the several election authorities and local election officials having charge of nomination papers shall preserve the same in their respective offices not less than 6 months.

Last amended: P.A. 98-1171, eff. 6-1-15.

§10-8 Objector's Petitions

¶1. Filing Deadline

Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing within 5 business days after the last day for filing the certificate of nomination or nomination papers or petition for a public question, with the following exceptions:

A. In the case of petitions to amend Article IV of the Constitution of the State of Illinois, there shall be a period of 35 business days after the last day for the filing of such petitions in which objections can be filed.

B. In the case of petitions for advisory questions of public policy to be submitted to the voters of the entire State, there shall be a period of 35 business days after the last day for the filing of such petitions in which objections can be filed.

¶2. Filing Procedure

Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition together with 2 copies thereof in the principal office or the permanent branch office of the State Board of Elections, or in the office of the election authority or local election official with whom the certificate of nomination, nomination papers or petitions are on file. Objection petitions that do not include 2 copies thereof, shall not be accepted.

¶3. Transmittal to Electoral Board

In the case of nomination papers or certificates of nomination, the State Board of Elections, election authority or local election official shall note the day and hour upon which such objector's petition is filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the certificate of nomination or nomination papers and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 hereof, or his authorized agent, 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.

In the case of objections to a petition for a proposed amendment to Article IV of the Constitution or for an advisory public question to be submitted to the voters of the entire State, the State Board of Elections shall note the day and hour upon which such objector's petition is filed and shall transmit a copy of the objector's petition by registered mail or receipted personal delivery to the person designated on a certificate attached to the petition as the principal proponent of such proposed amendment or public question, or as the proponents' attorney, for the purpose of receiving notice of objections.

In the case of objections to a petition for a public question, to be submitted to the voters of a political subdivision, or district thereof, the election authority or local election official with whom such petition is filed shall note the day and hour upon which such objector's petition was filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the petition for the public question and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 hereof, or his authorized agent, and shall transmit a copy by registered mail or receipted personal delivery, of the objector's petition to the person designated on a certificate attached to the petition as the principal proponent of the public question, or as the proponent's attorney, for the purposes of receiving notice of objections.

¶4. Objector's Petition Contents

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.

¶5. Applicable to Other Elections Too

The provisions of this Section and of Sections 10-9, 10-10 and 10-10.1 shall also apply to and govern objections to petitions for nomination filed under Article 7 or Article 8, except as otherwise provided in Section 7-13 for cases to which it is applicable, and also apply to and govern petitions for the submission of public questions under Article 28.

Last amended: P.A. 100-1027, eff. 1-1-19.

§10-9 Electoral Board Composition

The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

¶1. 1. State Officers Electoral Board

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional or legislative offices that are in more than one county or are wholly located within a single county with a population of less than 3,000,000 and judicial offices of districts, subcircuits, or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected from more than one county, and petitions for proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

¶2. 2. County Officers Electoral Board

2. The county officers electoral board of a county with a population of less than 3,000,000 to hear and pass upon objections to the nominations of candidates for county offices and judicial offices of a district, subcircuit, or circuit coterminous with or less than a county, for any school district offices, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio. If a school district is located in 2 or more counties, the county officers electoral board of the county in which the principal office of the school district is located shall hear and pass upon objections to nominations of candidates for school district office in that school district.

¶3. 2.5 Cook County Officers Electoral Board

2.5. The county officers electoral board of a county with a population of 3,000,000 or more to hear and pass upon objections to the nominations of candidates for county offices, candidates for congressional and legislative offices if the district is wholly within a county with a population of 3,000,000 or more, unless the district is wholly or partially within the jurisdiction of a municipal board of election commissioners, and judicial offices of a district, subcircuit, or circuit

coterminous with or less than a county, for any school district offices, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's Attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that, in any county which has established a county board of election commissioners, that board shall constitute the county officers electoral board ex-officio. If a school district is located in 2 or more counties, the county officers electoral board of the county in which the principal office of the school district is located shall hear and pass upon objections to nominations of candidates for school district office in that school district.

¶4. 3. Municipal Officers Electoral Board

3. The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.

¶5. 4. Township Officers Electoral Board

4. The township officers electoral board to pass upon objections to the nominations of township officers shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chairman.

¶6. 5. Education Officers Electoral Board

5. The education officers electoral board to hear and pass upon objections to the nominations of candidates for offices in community college districts shall be composed of the presiding officer of the community college district board, who shall be the chairman, the secretary of the community college district board and the eligible elected community college board member who has the longest term of continuous service as a board member.

¶7. 6. Chicago and Cook County

Expanded Jurisdictions

6. In all cases, however, where the Congressional, Legislative, or Representative district is wholly or partially within the jurisdiction of a single municipal board of election commissioners in Cook County and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

¶8. Park, Library, Fire and Other Special Districts

For special districts situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections. For purposes of this Section, "special districts" means all political subdivisions other than counties, municipalities, townships and school and community college districts.

¶9. Ineligible Electoral Board Members

In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

a. In the county officers electoral board by the county treasurer, and if he or she is ineligible to serve, by the sheriff of the county.

b. In the municipal officers electoral board by the eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.

c. In the township officers electoral board by the eligible elected town trustee who has had the second longest term of continuous service as a town trustee.

d. In the education officers electoral board by the eligible elected community college district board member who has had the second longest term of continuous service as a board member.

In the event that the chairman of the electoral board is ineligible to act because of the fact that he or she is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen under the provisions of this Section shall be the chairman; In this case, the officer or board with whom the objector's petition is filed, shall transmit the certificate of nomination or nomination papers as the case may be, and the objector's petition to the substitute chairman of the electoral board.

When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

¶10. Public Members

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge.

Last amended: P.A. 100-1027, eff. 1-1-19.

§10-10 Electoral Board Process

¶1. Summoning the Local Electoral Board and Parties

Within 24 hours after the receipt of the certificate of nomination or nomination papers or proposed question of public policy, as the case may be, and the objector's petition, the chairman of the electoral board other than the State Board of Elections shall send a call by registered or certified mail to each of the members of the electoral board, and to the objector who filed the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to, and shall also cause the sheriff of the county or counties in which such officers and persons reside to serve a copy of such call upon each of such officers and persons, which call shall set out the fact that the electoral board is required to meet to hear and pass upon the objections to nominations made for the office, designating it, and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place shall be in the county court house in the county in the case of the County Officers Electoral Board, the Municipal Officers Electoral Board, the Township Officers Electoral Board or the Education Officers Electoral Board, except that the Municipal Officers Electoral Board, the Township Officers Electoral Board, and the Education Officers Electoral Board may meet at the location where the governing body of the municipality, township, or community college district, respectively, holds its regularly scheduled meetings, if that location is available; provided that voter records may be removed from the offices of an election authority only at the discretion and under the supervision of the election authority.

¶2. Summoning the State Electoral Board and Parties

In those cases where the State Board of Elections is the electoral board designated under Section 10-9, the chairman of the State Board of Elections shall, within 24 hours after the receipt of the certificate of nomination or nomination papers or petitions for a proposed amendment to Article IV of the Constitution or proposed statewide question of public policy, send a call by registered or certified mail to the objector who files the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of the proposed Constitutional amendment or statewide question of public policy and shall state the day, hour, and place at which the electoral board shall meet for the purpose, which place may be in the Capitol Building or in the principal

or permanent branch office of the State Board. The day of the meeting shall not be less than 3 nor more than 5 days after the receipt of the certificate of nomination or nomination papers and the objector's petition by the chairman of the electoral board.

¶3. Electoral Board Powers

The electoral board shall have the power to administer oaths and to subpoena and examine witnesses and, at the request of either party and only upon a vote by a majority of its members, may authorize the chairman to issue subpoenas requiring the attendance of witnesses and subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry before the electoral board, in the same manner as witnesses are subpoenaed in the Circuit Court.

¶4. Service of Subpoenas

Service of such subpoenas shall be made by any sheriff or other person in the same manner as in cases in such court and the fees of such sheriff shall be the same as is provided by law, and shall be paid by the objector or candidate who causes the issuance of the subpoena.

¶5. Enforcement of Subpoenas

In case any person so served shall knowingly neglect or refuse to obey any such subpoena, or to testify, the electoral board shall at once file a petition in the circuit court of the county in which such hearing is to be heard, or has been attempted to be heard, setting forth the facts, of such knowing refusal or neglect, and accompanying the petition with a copy of the citation and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and shall apply for an order of court requiring such person to attend and testify, and forthwith produce books and papers, before the electoral board.

Any circuit court of the state, excluding the judge who is sitting on the electoral board, upon such showing shall order such person to appear and testify, and to forthwith produce such books and papers, before the electoral board at a place to be fixed by the court. If such person shall knowingly fail or refuse to obey such order of the court without lawful excuse, the court shall punish him or her by fine and imprisonment, as the nature of the case may require and may be lawful in cases of contempt of court.

¶6. Initial Meeting

The electoral board on the first day of its meeting shall adopt rules of procedure for the introduction of evidence and the presentation of arguments and may, in its discretion, provide for the filing of briefs by the parties to the objection or by other interested persons.

¶7. Statewide Public Questions

In the event of a State Electoral Board hearing on objections to a petition for an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution, or to a petition for a question of public policy to be submitted to the voters of the entire State, the certificates of the county clerks and boards of election commissioners showing the results of the random sample of signatures on the petition shall be prima facie valid and accurate, and shall be presumed to establish the number of valid and invalid signatures on the petition sheets reviewed in the random sample, as prescribed in Section 28-11 and 28-12 of this Code. Either party, however, may introduce evidence at such hearing to dispute the findings as to particular signatures. In addition to the foregoing, in the absence of competent evidence presented at such hearing by a party substantially challenging the results of a random sample, or showing a different result obtained by an additional sample, this certificate of a county clerk or board of election commissioners shall be presumed to establish the ratio of valid to invalid signatures within the particular election jurisdiction.

¶8. Authority

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of

nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1.

¶9. Findings

The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained. A copy of the decision shall be served upon the parties to the proceedings in open proceedings before the electoral board. If a party does not appear for receipt of the decision, the decision shall be deemed to have been served on the absent party on the date when a copy of the decision is personally delivered or on the date when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to each party affected by the decision or to such party's attorney of record, if any, at the address on record for such person in the files of the electoral board.

¶10. Transmittal of Ruling

Upon the expiration of the period within which a proceeding for judicial review must be commenced under Section 10-10.1, the electoral board shall, unless a proceeding for judicial review has been commenced within such period, transmit, by registered or certified mail, a certified copy of its ruling, together with the original certificate of nomination or nomination papers or petitions and the original objector's petition, to the officer or board with whom the certificate of nomination or nomination papers or petitions, as objected to, were on file, and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.

Last amended: P.A. 100-1027, eff. 1-1-19.

§10-10.1 Judicial Review

(a) Cases other than PTELL Referenda

¶1. Standing and Venue

Except as otherwise provided in this Section, a candidate or objector aggrieved by the decision of an electoral board may secure judicial review of such decision in the circuit court of the county in which the hearing of the electoral board was held.

¶2. Filing for Judicial Review

The party seeking judicial review must file a petition with the clerk of the court and must serve a copy of the petition upon the electoral board and other parties to the proceeding by registered or certified mail within 5 days after service of the decision of the electoral board as provided in Section 10-10.

The petition shall contain a brief statement of the reasons why the decision of the board should be reversed.

The petitioner shall file proof of service with the clerk of the court.

¶3. Record to be Forwarded

No answer to the petition need be filed, but the electoral board shall cause the record of proceedings before the electoral board to be filed with the clerk of the court on or before the date of the hearing on the petition or as ordered by the court.

¶4. Prompt Decision

The court shall set the matter for hearing to be held within 30 days after the filing of the petition and shall make its decision promptly after such hearing.

(b) Property Tax Limit Referendum

(b) An objector or proponent aggrieved by the decision of an electoral board regarding a petition filed pursuant to Section 18-120 of the Property Tax Code may secure a review of such decision by the State Board of Elections. The party seeking such review

must file a petition therefor with the State Board of Elections within 10 days after the decision of the electoral board. Any such objector or proponent may apply for and obtain judicial review of a decision of the

State Board of Elections entered under this amendatory Act of 1985, in accordance with the provisions of the Administrative Review Law, as amended.

Last amended: P.A. 96-1008, eff. 7-6-10.

§28-1 Initiating a Public Question

¶1. Application of Article 28

The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

¶2. Binding Questions

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution.

¶3. Non-binding Questions

Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 or pursuant to a statute which so provides.

¶4. Initiation

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

¶5. Ballot Layout

All public questions shall be initiated, submitted and printed on the ballot in the form required by [10 ILCS 5/16-7], except as may otherwise be specified in the statute authorizing a public question.

¶6. Controlling Statute

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 shall govern such petition.

¶7. Limitation on Quantity of Questions

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city coterminous with a township is proposing to annex territory from an adjacent township, (c) referenda held under the provisions of the Property Tax Extension Limitation Law in the Property Tax Code, (d) referenda held under Section 2-3002 of the Counties Code, or (e) referenda held under Article 22, 23, or 29 of the Township Code may be submitted to referendum with respect to a political subdivision at the same election.

¶8. Excess Questions

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election.

(From §28-5)

¶9. Notice to Proponent

Whenever a local election official, an election authority, or the State Board of Elections is in receipt of an initiating petition, or a certification for the submission of a public question at an election at which the public question may not be placed on the ballot or submitted because of the limitations of Section 28-1, such officer or board shall give notice of such prohibition, by registered mail, as follows:

(a) in the case of a petition, to any person designated on a certificate attached thereto as the proponent or as the proponents' attorney for purposes of notice of objections;

(b) in the case of a certificate from a local election authority, to such local election authority, who shall thereupon give notice as provided in subparagraph (a), or notify the governing board which adopted the initiating resolution or ordinance;

(c) in the case of a certification from a circuit court clerk of a court order, to such court, which shall thereupon give notice as provided in subparagraph (a) and shall modify its order in accordance with the provisions of this Act.

¶10. Deferral until Next Regular Election

If the petition, resolution or ordinance initiating such prohibited public question did not specify a particular election for its submission, the officer or board responsible for certifying the question to the election authorities shall certify or recertify the question, in the manner required herein, for submission on the ballot at the next regular election no more than one year, or 15 months in the case of a back door referendum as defined in subsection (f) of Sec-

tion 28-2, subsequent to the filing of the initiating petition or the adoption of the initiating resolution or ordinance and at which the public question may be submitted, and the appropriate election authorities shall submit the question at such election, unless the public question is ordered submitted as an emergency referendum pursuant to Section 2A-1.4 or is withdrawn as may be provided by law.

§28-5 Last amended: P.A. 97-81, eff. 7-5-11.

¶11. Changing Form of Government

However, except as expressly authorized by law not more than one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

¶12. Nexus

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if,

in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

¶13. State-wide Questions

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, or for a question submitted under the Property Tax Cap Referendum Law, shall not be included in the foregoing limitation.

Last amended: P.A. 100-107, eff. 1-1-18.

§28-2 Selection of Election

¶1. (a) *omitted.* (b) *omitted.*

¶2. (c) Initiated by Governing Board

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 79 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

¶3. (d) Specifying Election

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year, or 15 months in the case of a back door referendum as defined in subsection (f), after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance

initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

¶4. (e) Default

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 92 days after the filing of the petition, or not less than 122 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 79 days after the adoption of the resolution or ordinance.

¶5. (f) Back door Referenda

Omitted.

Last amended: P.A. 100-465, eff. 8-31-17.

§28-3 Form of Petition

¶1. Heading and Elements

Petitions for the submission of public questions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to the question of public policy to be submitted, and specifying the state at large or the political subdivision or district or precinct or combination of precincts or other territory in which it is to be submitted and, where by law the public question must be submitted at a particular election, the election at which it is to be submitted.

¶2. Affecting Less than the Entire Jurisdiction

In the case of a petition for the submission of a public question described in [§28-6(b)], the heading shall also specify the regular election at which the question is to be submitted and include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory in plain and nonlegal language, such description to describe the territory by reference to streets, natural or artificial landmarks, addresses or any other method which would enable a voter signing the petition to be informed of the territory concerning which the question is to be submitted. The heading of each sheet shall be the same.

¶3. Signatories, addresses, abbreviations

Such petition shall be signed by the registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed, which residence address shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state; provided that the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section [§28-3] are complied with.

¶4. Circulator's Statement

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city,

village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence and are genuine, and that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

¶5. Binding and Numbering Required

Such sheets, before being filed with the proper officer or board shall be bound securely and numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

¶6. Only Original Signatures Allowed

All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

¶7. Petition not Amendable

A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the board or officer with whom the petition is required to be presented or filed, and before the presentment or filing of such petition, except as may otherwise be provided in another statute which authorize the public question.

¶8. Forged Signatures

Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly.

¶9. State-wide Questions

In addition to the foregoing requirements, a petition proposing an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution or a petition proposing a question of public policy to be submitted to the voters of the entire State shall be in conformity with the requirements of [10 ILCS 5/28-9].

¶10. Multiple Petitions

If multiple sets of petitions for submission of the same public questions are filed, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the proponent of his or her multiple petition filings and that proponent has 3 business days after receipt of the notice to notify the

State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the proponent notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, appropriate election

authority or local election official. If the proponent fails to notify the State Board of Elections, appropriate election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

Last amended: P.A. 98-756, eff. 7-16-14.

§28-4 Objections

¶1. Usual Objection Laws Apply

The provisions of [§10-8 through §10-10.1] relating to objections to nominating petitions, hearings on objections, and judicial review, shall apply to and govern, insofar as may be practicable, objections to petitions for the submission of questions of public policy required to be filed with local election officials and election authorities, and to petitions for proposed Constitutional amendments and statewide advisory public questions required to be filed with the State Board of Elections, except that objections to petitions for the submission of proposed Constitutional amendments and statewide advisory public questions may be filed within 42 business days after the petition is filed.

¶2. Electoral Board

The electoral board to hear and pass on objections shall be the electoral board specified in §10-9 to have jurisdiction over objections to the nominating petitions of candidates for offices of the political subdivision in which the question of public policy is proposed to be submitted to the electors. The electoral board to hear and pass upon objections to petitions for proposed Constitutional amendments or statewide advisory public questions shall be the State Board of Elections.

¶3. Petitions Filed with Court instead of Authorities

Objections to petitions for the submission of public questions which are required by law to be filed with the circuit court shall be presented to and heard by the court with which such petitions are filed. In such

cases, unless otherwise provided in the statute authorizing the public question, the court shall (1) set a hearing on the petition, (2) cause notice of such hearing to be published, as soon as possible after the filing of the petition but not later than 14 days after such filing and not less than 5 days before the hearing, in a newspaper of general circulation published in the political subdivision to which the public question relates and if there is no such newspaper, then in one newspaper published in the county and having a general circulation in the political subdivision, (3) conduct such hearing and entertain all objections as may be properly presented on or before such hearing date in the manner as provided in Article 10 for the conduct of proceedings before electoral boards, insofar as practicable, (4) conduct further hearings as necessary to a decision on the objections properly raised, and (5) enter a final order not later than 7 days after the initial hearing.

Where a statute authorizing a public question specifies judicial procedures for the determination of the validity of such petition, or for the determination by the court as to any findings required prior to ordering the proposition submitted to referendum, the procedures specified in that statute shall govern.

Last amended: P.A. 83-999 (1984).

§28-5

¶4. Notice to Proponent When Public Question is Crowded Off Ballot (Excerpts appear indented within §28-1.)

§28-6 Non-binding Questions

¶1. Signatures Quantity

(a) On a written petition signed by a number of voters equal to at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by the registered voters of the municipality, township, county or school district, it shall be the duty of the proper election officers to submit any question of public policy so petitioned for, to the electors of such political subdivision at any regular election named in the petition at which an election is scheduled to be held throughout such political subdivision under Article [10 ILCS 5/2A].

¶2. Filing Location

Such petitions shall be filed with the local election official of the political subdivision or election authority, as the case may be. Where such a question is to be submitted to the voters of a municipality which has adopted Article 6 [city election commission], or a township or school district located entirely within the jurisdiction of a municipal board of election commissioners, such petitions shall be filed with the board of election commissioners having jurisdiction over the political subdivision.

¶3. Less than the Entire Jurisdiction

(b) In a municipality with more than 1,000,000 inhabitants, when a question of public policy exclusively concerning a contiguous territory included entirely within but not coextensive with the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality, or by a petition which

may be signed by registered voters who reside in any part of any precinct all or part of which includes all or part of the territory and who equal in number to at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by the voters of the precinct or precincts in the territory where the question is to be submitted to the voters, it shall be the duty of the election authority having jurisdiction over such municipality to submit such question to the electors throughout each precinct all or part of which includes all or part of the territory at the regular election specified in the resolution, ordinance or petition initiating the public question. A petition initiating a public question described in this subsection shall be filed with the election authority having jurisdiction over the municipality. A resolution, ordinance or petition initiating a public question described in this subsection shall specify the election at which the question is to be submitted.

¶4. Non-binding Effect

(c) Local questions of public policy authorized by this Section and statewide questions of public policy authorized by [10 ILCS 5/28-9] shall be advisory public questions, and no legal effects shall result from the adoption or rejection of such propositions.

¶5. Barring Liquor Sales

(d) This Section [28-6] does not apply to a petition filed pursuant to Article IX of [235 ILCS 5] the Liquor Control Act of 1934.

Last amended: P.A. 97-81, eff. 7-5-11.