

# 2017 Model Rules of Procedure for Illinois Electoral Boards

With Relevant Statutes



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## Guide to Using these Rules

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This book contains the Model Rules, the relevant statutes, and useful sample forms.

The rules are based upon study of different sets of rules previously used in various Electoral Boards in Illinois. These Model Rules are a composite of the best features found there, plus court cases.

They have been prepared in consultation with leading election law attorneys.

The rules greatly streamline the process, and strive to allow an Objector or Candidate without an attorney a fair opportunity to try to adequately present his side. Rule 15C uses the principles approved by the Illinois Supreme Court for relaxed procedures that eliminate technical barriers to a layman in presenting his case.

These rules also require the work schedules of parties to be considered when setting schedules, so that the need for a party to take time off from work is minimized.

Comparison of challenged signatures is now done automatically, and preliminary determinations by the staff can now be challenged at the hearing. The previous common but unfair practice of limiting challenges to shortly after the staff report was made, but before the hearing, has been abolished by the Model Rules.

Parties now may cross examine witnesses as a matter of right, instead of as a favor sometimes granted by the Electoral Board.

We also simplify the communication of materials between the parties and the Electoral Board, by Rule 7 instituting a group email string as an electronic docket that efficiently disseminates documents and eliminates proof of service affidavits.

In the past, the requirements of the Open Meetings Act have not been followed by some Electoral Boards, but these Model Rules implement that state law.

These Model Rules set preponderance of the evidence as the standard of proof for signature comparisons and other matters.

They embrace the companion publication *Statewide Standards for Findings and Rulings by Illinois Electoral Boards* as a basis for impartially applying predetermined outcomes to a given set of facts, instead of giving the appearance of bias by making up the outcome on the spot.

Operating under relaxed procedures, these Model Rules also allow a party without an attorney to have the assistance of one friend during the hearing.

# Electoral Board Rules of Procedure

For the Introduction of Evidence, the Presentation of Arguments,  
and Other Matters Relating to the Administration of Cases Properly Before this Board

## 2018 General Election Cycle

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## Rule 1. PROMULGATION

In the interests of fair play and due process, this Electoral Board wants to assure that 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.

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) ¶6. 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) ¶6. Nor does the Civil Administrative Code [20 ILCS 5] include Electoral Boards.

Accordingly, these MODEL UNIFORM RULES OF PROCEDURE FOR ILLINOIS ELECTORAL BOARDS, 2017 EDITION, curated and published by the nonpartisan Citizen Participation Institute, were adopted by this Electoral Board pursuant to the authority granted in the Illinois law that is the statute numbered 10 ILCS 5/10-10.

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 therefore unequal justice, throughout the State.

Therefore, these rules embrace the 2017 *Statewide Standards for Findings and Rulings by Illinois Electoral Boards* 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.

## Rule 2. DEFINITIONS

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

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

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 “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 “PREPONDERANCE OF THE EVIDENCE” means that a particular fact or event was more likely than not to have occurred. “Evidence” is not necessarily true, but is anything presented in support of an assertion.

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 “STANDARDS” or “STATEWIDE STANDARDS” means the latest issue of the publication “*Statewide Standards for Findings and Rulings by Illinois Electoral Boards*” downloadable from [CitizenParticipation.Org](http://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 will be posted in the main office 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 briefs and other pleadings filed will be made available on the website 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 will be kept by the Board Clerk. They shall 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 shall 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 shall 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 shall 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 shall, if practicable, be approved at that same session.

Otherwise, they shall be 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 shall 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 shall 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 shall 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. INITIATING A CASE

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 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 location specified in Appendix A.

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.

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).

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

## Rule 5. BOARD MEMBERS AND SUBSTITUTES

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.

Membership of this three-person Electoral Board is set by statute 10 ILCS 5/10-9. Membership automatically consists of the three persons holding certain elected positions.

The law does not allow members to recuse themselves from a case, nor to be removed for the 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).

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.

(In the case of 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. A CANDIDATE or objector has the ability

to contact the automatic member and request that he designate someone other than who has already named.)

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.

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. Nor shall a member whose own candidacy is challenged hear any case containing an objection that is identical to an objection in his own case.

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.



## **Rule 6. ELECTORAL BOARD STAFF**

### **A. 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 duties. 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 exhibits placed into evidence, and other tasks necessary to accumulate the judicial record of the proceedings.

Therefore, the chairman has appointed the person so designated in Appendix A to be the Board's clerk, who shall receive documents for

filing at the location, email address and facsimile number shown there.

### **B. Electoral Board Counsel**

To avoid the appearance of bias, it is better if the Electoral Board Counsel is not be a member of the same firm that regularly serves as counsel to the PUBLIC BODY, nor an employee or official of the PUBLIC BODY. A substitute Electoral Board Counsel should be appointed when necessary to avoid the appearance of bias in a case before the Board.

This Electoral Board has appointed the person or firm so designated in Appendix A to be its attorney for purposes related to its present cases, including serving as its hearing officer if the Board so directs.

## **Rule 7. NOTICES AND DOCUMENTS**

### **A. Starting the Electronic Docket**

In addition to any other manner of notice, when an Objection Petition is filed the Board Clerk shall send an email [*see form EB-16*] jointly to the Chairman, and to each member of the electoral board, the Board Counsel, the CANDIDATE, the Objector, and all other persons believed to have an interest in the case, whose email addresses can be ascertained.

The subject line shall be the short title of the case and its number. Attached to it shall be (preferably searchable in PDF format) a copy of the Objection Petition, a copy of the NOMINATION PAPERS (if they are not a part of the Objection Petition), a copy of the Call, a copy of this Rule, and any other items considered pertinent.

The email shall open with substantially this statement:

To be more efficient because of the short deadline to resolve this case, and to therefore minimize paperwork and avoid the expense, effort, and delay of both certified mail and having the Sheriff serve this Notice upon you, please "reply all" to this email stating that "I acknowledge receipt of the foregoing notice and waive personal service of it and all further notices and pleadings that are sent to me via further additions of this email, and will submit all notices and pleadings via additions to this email string." Type your name as the signature. File all future documents as attachments to this email string, no further proof of service required for

those named as addressees of this this growing email.

### **B. Required use of the Electronic Docket**

In these rules that email is called the "ELECTRONIC DOCKET" and, with subsequent messages appended in a "reply all," shall be used by all parties who have an email address for the filing and distribution of notices, pleadings, and other communications of record in this case so that it builds a preliminary record of the case as it goes along. The body of each appended email 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.

### **C. 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 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.

### **D. Presumptive proof of service**

The transmission of any notice or other filing via a "Reply All" to the growing message string shall be considered sufficient notice of filing and

proof of service to all those named as addressees of that appended message.

### **E. 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.

### **F. 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 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 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,

### **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.

## **Rule 8. CALL TO THE OPENING MEETING**

After the Objector's Petition is filed, the chairman shall fulfill the many duties required by 10 ILCS 5/10-10, including setting a time (usually between three and five days hence) and place for the opening of a hearing and issuing a written Call [see forms EB-10, EB-12, and EB-16] to summon all the appropriate persons to it.

A copy of these expected Rules, and the STATEWIDE STANDARDS referred to in Rule 15D, shall be appended to the Call.

The Call shall also name the hearing officer expected to conduct the hearing, along with a notice that if any party desires a substitution of hearing officer for good cause, that request must

be received before or at the initial meeting of the Board.

The Chairman shall also order from the appropriate ELECTION AUTHORITIES [see form EB-14] certified copies of certain voter records as specified in Rule 11.

If a vacancy in the membership of the electoral board is expected (see Rule 5), then, under 5 ILCS 10/10-9, the Chairman shall immediately request the appointment of sufficient substitutes by the Chief Judge of the Circuit Court.

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

## **Rule 9. THE OPENING MEETING**

### **A. Adoption of rules**

On the first day [see form EB-30] 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. The adopted rules shall be in effect for all cases on its docket.

### **B. Issuance of subpoenas**

The Electoral Board shall issue any subpoenas, pursuant to Rule 10. [see forms EB-20 and EB-21] It shall 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.

### **C. Preliminary motions**

Motions on preliminary matters (for example

motions to dismiss the case, or requests for subpoenas) shall 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 shall cite the specific Standard number(s) in the *Statewide Standards* that deals with the nature of that count. Other authority, such as court cases, may be cited to supplement the citation to the *Statewide Standards*, or if no such Standard deals with the subject. Copies of such other authority must be attached to the motion.

### **D. 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 shall schedule an

evidentiary hearing for each case on its docket.

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.

No hearing shall 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 shall consider the convenience of the parties and the need for expedited handling of the cases when scheduling its hearings.

No two cases shall be scheduled for the same time before the same hearing officer. The schedule shall assume each case will take at least 45 minutes. In observance of the Open Meetings Act, no hearing shall begin before the scheduled time.

No case shall be heard until at least 72 hours after the parties have been sent, via the ELEC-

TRONIC DOCKET, copies of the certified voter records received from the ELECTION AUTHORITIES.

The Board shall then recess until each of those hearings begin. Pursuant to 5 ILCS 120/2.02(a) in 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.

### **E. 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. The Board may, for its own reasons reschedule a hearing or any continuation of it.

Notice of any continuance or rescheduling shall 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 authority under 10 ILCS 5/10-10 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 records under Rule 11, 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 a document on file where the voter requested a ballot to be voted at the polling place or otherwise in a recent election for the purpose of validating a signature that the inspector's report deemed not genuine shall request a subpoena via the ELECTRONIC DOCKET for that document as soon as practicable so that it can be distributed to all parties in the ELECTRONIC DOCKET before the hearing.

## Rule 11. RECORDS EXAMINATION AND REPORT

### A. Acquiring official records

Upon receipt of an Objection Petition, the Chairman shall immediately order 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, shall not be part of the certification.

However, if on its face the petition in the related Nomination Papers contains fewer signatures than the minimum quantity required by law, then no certifications shall be ordered, and no preemptive records comparison shall be made.

Each certification shall 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 shall certify a statement to that effect.

The ELECTION AUTHORITY shall 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 shall transmit copies of them to the CANDIDATE and to the Objector via the ELECTRONIC DOCKET.

Because handwriting may change over time, if requested after the original certification of that voter's record, a copy of signature on the most recent application to vote purportedly signed by that registrant shall be certified by the ELECTION AUTHORITY and supplied to the Electoral Board.

### B. Preemptive records comparison

The Chairman of the Electoral Board may cause the Board Clerk, the ELECTION AUTHORITY, or another person not interested in the case to inspect and compare the information on the original or certified records to the questioned signatures on the NOMINATION PAPERS. (The hearing officer is ineligible to be the records examiner because he could find himself ruling upon his own work.)

That examiner shall prepare a report of his findings and recommendations involving each questioned signature for the use the Electoral Board and parties, even before the first meeting of the Electoral Board, if practicable.

The inspector 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 (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 inspector shall follow the STATEWIDE STANDARDS embraced by these Rules.

The report shall be distributed via the ELECTRONIC DOCKET at least 72 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 affidavits [see form EB-25] from persons whose signatures were challenged.

To expedite the coming hearing, and as a courtesy to all involved, any party who disagrees with the inspector's recommendation as to any signature is encouraged to post a list 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.

### C. Rulings at hearing

Because the certified copies of 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 inspector's report is challenged or the Electoral Board makes a ruling on the validity of a purported signature or other issue.



## 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 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 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). ¶

### **Rule 13. ELECTORAL BOARD SCOPE**

With the exception of evidence 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.

### **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.

The parties shall be notified of the name and professional affiliation of the hearing officer as part of the notice of the time and date of the hearing of the case.

Upon timely application, a substitute hearing officer shall be appointed when necessary so

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) ¶.

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 STATEWIDE STANDARDS adopted under Rule 15D.

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.

there is no previous connection between the examiner's firm and any of the parties, or for other good cause.

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 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, the hearing shall be held in a public building open to the public, and shall not commence before the established time has arrived.

The limited time before ballots must be finalized dictates that the process move forward with deliberate speed while preserving due process.

No hearing shall be held between the hours of 10:00 p.m. and 9:00 a.m., nor on Sundays or state holidays, and the Board shall consider the convenience of the parties and the need for expedited handling of the cases when scheduling its hearings. Public notice shall be provided as required by law.

### 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 guided by the latest issue of

*Statewide Standards for Findings and Rulings by Electoral Boards* (available from [www.CitizenParticipation.org](http://www.CitizenParticipation.org)) 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 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 may have the assistance of one other individual who need not be an attorney.

Each participant must first (during open session or beforehand) file a written statement [*see form EB-35*] of appearance with the Board's clerk

listing his name, address, and office and mobile telephone numbers, and email address if possible, and stating which party (Objector or CANDIDATE) 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 appearance may result in losing the case by default.

The parties shall be reasonably available by telephone during the day and night 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 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. 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 shall be dismissed for want of prosecution, and shall 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.) The Board may reserve rulings on such motions pending further hearings.

If briefs 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 are available from the local bar association, the Citizen Participation Institute, and other organizations.

#### **J. Statement of relevant Standards**

Before the Objector's presentation begins, each side is strongly encouraged to file a statement *[see form EB-36]* drawing the attention of the Board to the identification number of the specific entry in the STATEWIDE STANDARDS adopted in Rule 15D, above, that he believes applies to each count in the Objector's Petition. The Board is not bound to apply the Standard recommended by either party.

If the party believes no entry in the STATEWIDE STANDARDS is relevant, or that the analysis or ruling in the relevant Standard is contrary to law, then he may file a statement citing judicial rulings or other precedents for the guidance of the Board.

#### **K. Objector's Presentation**

The Objector shall present his case-in-chief after the consideration of such 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 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.

#### **L. 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. Sur-rebuttal is disfavored and may be allowed by the Board only upon showing of compelling grounds.

#### **M. Ruling**

After deliberating in public, the Board or hearing officer shall make an oral ruling on each item in the Objector's Petition.

The Board shall not be bound by the hearing officer's recommendations.

After the Board has concluded all 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.

After the Board has made its oral ruling, if practicable it shall at the same session vote upon its written findings and decision pursuant to Rule 17

### **Rule 16. PATTERN OF FRAUD**

To make a valid claim of a pattern of fraud, an Objector must allege it in his initial written Objector Petition and cite specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim.

In 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.

### **Rule 17. FINDINGS.**

The Board shall state its findings in writing, noting the objections that have been sustained and those overruled. When the ruling on an objection does not conform to the STATEWIDE STANDARDS, the Board shall state the detailed reason for that deviation.

The Board shall 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*,

and serve copies upon parties present. Otherwise, the case may then be recessed until another day, when the findings and decision have then reduced to writing to be voted upon by the Board.

All sheets signed by the same person as the circulator may be considered in establishing a pattern of fraud, including those 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 invalid Petition signers or NOMINATION PAPERS 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.

939 N.E.2d 368 (2010) .

The written decision must be signed by the members of the Electoral Board then present 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 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 and choose to have the decision delivered by facsimile transmission or email.

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.

### **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 defend the Board in any litigation that may arise.

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 December, 2017, by this Electoral Board:**

Chairman

Member

Member

# APPENDIX A-

## Variable Information:

### 2018 General Election Cycle

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#### 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

Telephone Number

Facsimile Number

#### Rule 4- 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 6- Electoral Board Clerk:

Cathy DePuty Clerk  
Bulldog Village Hall  
417 N Churchill St  
Bulldog, Illinois 66666

Clerk@BulldogIL.org

(289) 311-7000

Facsimile Number

#### Rule 6- Electoral Board Counsel:

Tamara Wells  
Lasker Law  
100 W Randolph St  
Bulldog, Illinois 66666

Email Address

Telephone Number

Facsimile Number

# APPENDIX B-

## Selected Statutes

### §10-9 Electoral Board Composition

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The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

#### 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. 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, or an assistant designated by 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.

#### [Precinct or Township Committeeman]

[Under §7-13, 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.]

#### 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, or an assistant designated by 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. 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.

#### 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.

#### 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.

#### 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.

#### 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.

#### 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.

#### 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.

## §10-10 Electoral Board Process

#### Summoning the 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.

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.

#### 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.

#### 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.

#### 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.

#### 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.

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.

#### 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.

#### 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.

#### 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.

## §10-10.1 Judicial Review

### (a) Cases other than PTELL Referenda 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.

#### 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.

#### 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.

#### 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.

# APPENDIX C-

## Sample Documents

Page	Form	Title
25	EB-10	Electoral Board Call and Summons
		Request to Chief Judge for a Public Member
26	EB-12	Receipt of Call and Waiver of Service
		Request to Election Authority for Certified Records
		Subpoena to Election Authority for Certified Records
27	EB-16	Electronic Docket
29	EB-20	Request and Order for Subpoena
30	EB-21	Subpoena
31	EB-25	Affidavit to Rehabilitate Signature
32	EB-30	Agenda for Organizational Meeting
		Agenda for Normal Meeting
		Agenda for Hearing without Board Present
33	EB-34	Handout to Audience
35	EB-35	Enrollment and Appearance in the Case
36	EB-36	Statement of Relevant Standards
		Minutes



# Electoral Board Call and Summons

<b>B</b>	Name of first Objector:
<b>C</b>	Name of first Candidate:
<b>D</b>	Office sought:
<b>E</b>	Electoral Board Meeting Date and Time:
<b>F</b>	Meeting Place and Address:
<b>G</b>	Expected Hearing Officer
<b>H</b>	Electoral Board Phone and email:

<b>A</b>	Case Number
----------	-------------

Sheriff of \_\_\_\_\_ County: Serve these persons:

Role	Name	Address
Electoral Board Chairman		
Electoral Board Member		
Electoral Board Member		
Objector		
Candidate or Principal Proponent		

## Take Notice !

- 1 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 in box **D** above is required to meet.
- 2 You are called and required to attend said meeting at the date and time specified in box **E** at the location specified in box **F**. **If you do not attend, you may be held in default.**
- 3 If a Hearing Officer is named in box **G**, any request to substitute another person for good cause must be received before by the Electoral Board at **H** before or at the meeting specified in box **E**.
- 4 A copy of the Objector's Petition is attached.
- 5 A copy of the Rules of Procedure that the Electoral Board expects to adopt at its first meeting is attached.
- 6 Requests to subpoena witnesses or documents are rare, but any should be made as soon as possible.
- 7 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

# Receipt of Call and Waiver of Service

<b>B</b>	Name of first Objector:
<b>C</b>	Name of first Candidate:
<b>D</b>	Office sought:
<b>E</b>	Electoral Board Meeting Date and Time:
<b>F</b>	Meeting Place and Address:
<b>G</b>	Expected Hearing Officer
<b>H</b>	Electoral Board Phone and email:

<b>A</b>	Case Number
----------	-------------

## ① Receipt of Personal Delivery

I have received the Summons and Call to the above-captioned meeting and matter.

I waive any defects in service and further service of it.

## ② I am *(all is required)*

Name (printed)
Email address for service in this case
Mobile phone number
Other phone numbers
Mailing address

## ③ I agree

- That an Objection case must move forward expeditiously, and that it may be necessary to contact me outside of business hours.
- That under Model 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 Model Rule 7 there is an Electronic Docket created that is a growing email string of items for the Record. I will post all notices to others and documents I wish to file to that Electronic Docket using “reply all.” I will, in addition, deliver the originals of evidentiary documents, such as affidavits, to the Electoral Board Clerk for preservation.
- I understand that under Model 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

\_\_\_\_\_  
Recipient

From Joseph Brahms (Dec 1, 2017 9:18 a.m.)

To: *[All Electoral Board members:]* Ludwig van Beethoven, J. Sebastian Bach, Joseph Brahms, *[Candidate:]* James Buchanan, *[Objector:]* John Adams, *[Electoral Board Counsel:]* Tamara Wells, *[Attorney for Candidate:]* John Marshall, *[etc:]*

Subject: Electoral Board Case 2017-01 Adams v. Buchanan

Pursuant to Model Rule 7, this is the Electronic Docket for this case. It is part of the streamlined process, and the only method by which notices, filings, and other matters in this case will be sent to you. This helps build the Record in this case, and because you are deemed to have constructive receipt of everything posted to this Electronic Docket when your correct email address is in the list of recipients, it also eliminates the nuisance of creating, notarizing, and filing proofs of service. It is important that you monitor your inbox. For any notice or other item to be filed in this case, add it to this very email using "REPLY ALL." This single email string will grow during the course of the case. It is helpful if you end your addition with a long line of hyphens at the bottom, so that the separation of messages becomes obvious when reading the ever-lengthening Electronic Docket.

1.

TAKE NOTICE that important documents are attached to the message because the Objector's Petition in this case was filed on November 30, and pursuant to section 10-10 of the Election Code, within 24 hours after receipt by the Canine County Officers Electoral Board of all other necessary documents, a Call to a meeting of that Electoral Board must be sent to you.

Attached as searchable PDF files are:

1. As required by law and Model Rule 7(A), form EB-10, Electoral Board Call and Summons in this case.
2. As required by Model Rule 7(A), a copy of the 2017 Model Rules of Procedure for Illinois Electoral Boards, expected to be adopted at meeting called in form EB-10.
3. As required by Model Rule 7(A), a copy of the 2017 Statewide Standards for Findings and Rulings by Illinois Electoral Boards.
4. As required by law and Model Rule 7(A), the Objector's Petition of John Adams, filed November 30, 2017.
5. As required by Model Rule 7(A), the nomination papers of James Buchanan for the Democratic nomination to the office of Member of the Canine County Board for district 3, filed on November 24, 2017.

2.

Pursuant to Model Rule 11, for all signatures challenged by the Objector, certified copies of voter registration records are being requested of the Election Authority, and a non-binding report of the results of a comparison of those records with signatures on the Candidate's petition sheets will be prepared and issued to you via a later REPLY ALL to this Electronic Docket email.

3.

To be more efficient because of the short deadline to resolve this case, and to therefore minimize paper-work, and avoid the expense, effort, and delay of both certified mail and having the Sheriff serve this Notice upon you, please REPLY ALL to this email stating **"I acknowledge receipt of the foregoing notice and waive personal service of it and all further notices and pleadings that are sent to me via further additions of this email, and will submit all notices and pleadings via additions to this email string."**

Type your name as the signature. File all future documents as attachments to this email string, no further proof of service required for those named as addressees of this this growing email.

If you have not made such an acknowledgement via REPLY ALL in 24 hours, or picked up the papers in my office and signed the EB-12 form (Receipt of Call and Waiver of Service), I shall have to initiate the burdensome and expensive process of serving you with the necessary documents via both certified mail

and the Sheriff.

Joseph Brahms,  
Electoral Board Chairman

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From Joseph Brahms (Dec 1, 2017 10:07 a.m.)

To: Ludwig van Beethoven, J. Sebastian Bach, Joseph Brahms [All Electoral Board members], James Buchanan [Candidate], John Adams [Objector], Tamara Wells [Electoral Board Counsel], John Marshall [Attorney for Candidate], [etc]

Subject: Electoral Board Case 2017-01 Adams v. Buchanan

I acknowledge receipt of the foregoing notice and waive personal service of it and all further notices and pleadings that are sent to me via further additions of this email, and will submit all notices and pleadings via additions to this email string.

Joseph Brahms

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From Ludwig van Beethoven (Dec 1, 2017 11:28 a.m.)

To: Ludwig van Beethoven, J. Sebastian Bach, Joseph Brahms [All Electoral Board members], James Buchanan [Candidate], John Adams [Objector], Tamara Wells [Electoral Board Counsel], John Marshall [Attorney for Candidate], [etc]

Subject: Electoral Board Case 2017-01 Adams v. Buchanan

I acknowledge receipt of the foregoing notice and waive personal service of it and all further notices and pleadings that are sent to me via further additions of this email, and will submit all notices and pleadings via additions to this email string.

Ludwig van Beethoven

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# Request and Order for Subpoena

**B** Name of first Objector:

**C** Name of first Candidate:

**A** Case Number

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 *ad testificandum*: I intend to call the above named party as a witness on (date):

Subpoena *duces tecum*: 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*

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 ☐Denied or ☐Approved or ☐Approved with the following amendments:

.....  
*Date*

.....  
*Electoral Board Chairperson*

# Subpoena

<b>B</b> Name of first Objector:	<b>A</b> Case Number
<b>C</b> Name of first Candidate:	
<b>D</b> Meeting Date and Time:	
<b>E</b> Meeting Place and Address:	

**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

## Affidavit to Rehabilitate Signature

**B** Name of first Objector:**C** Name of first Candidate:**A** Case Number

## The Affidavit of

**D** Name of Affiant:**E** Address of Affiant:

## Regarding the Nomination Petition of

**F** Name of Candidate:**G** Political Party:**H** Office Sought:**I** Unit of Government:**J** Date of Election: **March 20, 2018** **K** Sheet number:..... **L** Line number:..... **M** ☐ As Circulator**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 remember having previously signed the Nominating Petition described from **F** through **I** above.
3. That I have been informed that there may be an accusation that my signature on the Nomination Petition is not genuine, but on information and belief I believe that my signature on the Nomination Petition *is* genuine. I have examined my signature on a copy of the Nomination Petition and 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.
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.**.....  
*Signature of Affiant*.....  
*Date*

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*

Notary Seal

# 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. Pledge of Allegiance
5. Remarks by Board Chair
6. Adoption of Rules of Procedure
7. Appointments –

Electoral Board Clerk- Cathy Clark

Electoral Board Counsel- Tamara Wells

Electoral Board Hearing Officer- Tamara Wells

8. Explanation of Procedure
9. Introduction of Cases

For each Case – consider preliminary motions, requests for subpoena or records, set any motion schedule, set date and time to reconvene the Case hearing at least 72 hours after receipt of any signature comparison report from the staff.

- a. **Case 2017-01** John Adams v. James Buchannan (Democratic nomination for County Board district 3 full term).
- b. **Case 2017-02** Calvin Coolidge v. Franklin Delano (Republican 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).

10. Public Comments
11. Recess to the dates and times as set for each Case

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*Electoral Board Chair*



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.

## **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 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.

## **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.

## **Standardized Rulings**

We use a new tool that filters out personal bias in reaching a judgment. It is an annual book called *“Statewide Standards for Findings and Rulings by Electoral Boards.”* 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.

## **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 audience cannot talk 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 have them bring it up at the proper time, if they think it is relevant.

## **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.

## **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?

## 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 same rules, called the "Model Rules," that many electoral boards elsewhere in the State use. They are written so that technicalities do not prevent someone without an attorney from being shut out.

## 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 delaying that case until another day because an attorney is already scheduled to be another court, or something else.

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 legally enough to open the case, and then the Objector's side can tell us why they think it really is.

We then look at what the law is, and decide 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.

## Main Hearing

A common issue raised is that so many signatures on the candidates 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 on the staff will have compared the challenged signatures against the voter registration records using methods in the *Statewide Standards*. They will make a written report of which ones seem to match, 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 72 hours 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 objections, and only those written objections, 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 to use which item in the *Statewide Standards* they think applies.

Then we will deliberate in the open, take a vote based upon the law, and move on to the next case.

## Written Findings

Over the next few days, the decisions we make here today will be put into writing and then we will meet again to formally vote to adopt those written findings. Parties have ten days after they have given or sent our written decision to file any appeal with the trial level court.

## 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 these cases, football scores, or how nice the weather is today!

**B** Name of first Objector:

**C** Name of first Candidate:

**A** Case Number

## ① My role is (check one box)

Role	Objector	Candidate
Self:		
Attorney for:		
Assistant for:		

(Optional)  
Your business card may be attached here  
to avoid transcribing contact information  
into the table below.  
Items missing from the business card  
must then be supplied manually below.

## ② I am (all is required)

Name (printed)
Email address for service in this case
Mobile phone number
Other phone numbers
Mailing address

## ③ I agree

- 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 Model 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 Model Rule 7 there is an Electronic Docket created that is a growing email string of items for the Record. I will post all notices to others and documents I wish to file to that Electronic Docket using "reply all." I will, in addition, deliver the originals of evidentiary documents, such as affidavits, to the Electoral Board Clerk for preservation.
- I understand that under Model 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

