

2017
Statewide
Standards
for Findings and Rulings
by Illinois Electoral Boards
With Relevant Statutes




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Guide to Using this Book

Symbols

§ (“section”) or §§ (“sections”) indicate section numbers within the Election Code, 10 ILCS 5.  (computer mouse) is a hyperlink (in the PDF edition) to the text of the case or statute cited.

The Need

Electoral Boards often have insufficient published precedent and little time to research unpublished non-precedential opinions. They therefore have to come up with rulings themselves, reinventing the wheel each time, unaware of what other Electoral Boards and lower courts may have determined. This is especially true with Municipal Officers Electoral Boards that are generally made up of non-attorney elected officials.

The outcome is that the same facts presented to one Electoral Board may result in a different outcome than if presented to a different Electoral Board—an unfair unequal application of the law.

A written set of rulings to be applied to a given set of facts provides a uniform outcome throughout the state and increases due process and public confidence in the fairness of the electoral board hearings..

These *Statewide Standards*[™] codify issues presented to Electoral Boards and give a ruling for each of them, along with reasoning that can be incorporated into the written Findings that an Electoral Board must issue with its formal decision.

Applying these Standards

These *Statewide Standards* are in outline format.

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

Thus for Standard 2017-2.3.4.5, the allegations at 2017-2.3, and 2017-2.3.4, must be true before considering the allegation at 2017-2.3.4.5.

The first (lower numbered) applicable standard controls over all later (higher numbered) standards.

The basis

These *Statewide Standards* are based upon Illinois statutes, rulings by courts, some past decisions by various Electoral Boards, and expert review and advice from attorneys well-versed in election law.

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

These *Statewide Standards* will be updated annually, as new cases are litigated, as more issues arise, as the laws change, and as we build a library of past Electoral Board cases from more public bodies throughout the Illinois.

This publication

All decisions of an Electoral Board can be brought to the local trial court for judicial review, and the judge will decide questions of law anew. To avoid needless issues of estoppel arising, state agencies hesitate to promulgate official rules

in an area where the law changes faster than the rulemaking process. Instead, they encourage expert bodies to identify and promote use of best practices that state rules would otherwise have done.

These *Statewide Standards* are compiled and curated by the Citizen Participation Institute in consultation with prominent election law specialist attorneys,, and are the only comprehensive set available on the subject. To prevent variations that defeat the whole purpose of uniform application of the law, they are copyrighted.

The publisher is a not-for-profit Illinois charity, but the research to create and update these *Statewide Standards* is expensive. Therefore use of these *Statewide Standards* is subject to an honor system token license fee.

Disclaimer

These *Statewide Standards* are not legal advice, but are a set of guides developed through a rational process designed to promote uniformity in rulings. An Electoral Board should always consult a qualified attorney before adopting or applying them. In law there can be no guarantees, so the publishers do not warrant that any ruling made by an Electoral Board using these *Statewide Standards* will not be overruled during a judicial review.

Implementing these Statewide Standards

At its first meeting, an Electoral Board adopts rules of procedure. Rule 15(D) in the 2017 issue of *Model Rules of Procedure for Illinois Electoral Boards* (a companion publication to this one) provides “The Board will be guided by the latest issue of *Statewide Standards for Findings and Rulings by Electoral Boards*... in ruling on those signatures and other elements of the NOMINATION PAPERS that have been questioned by the Objector.”

Thus these *Statewide Standards* are incorporated by reference when the *Model Rules* are adopted. If other rules are adopted, they should use similar language to make these *Statewide Standards* applicable.

Citation

This is the first issue. During the first few years of annual expansion and refinement of these *Statewide Standards*, some will inevitably be renumbered. Until the numbering becomes stable after a few years, to prevent future confusion, the citation number of a Standard includes the edition year as a prefix.

In citations, we recommend use of the prefix “Standard” and then its number (including “2017-”) and a summary of the bottom up hierarchy of topics, showing its applicability:

Viz. *Pursuant to Standard 2017-4.3.7.3 that covers too many signatures tendered in the total quantity of signatures on PETITION sheets....*

Improving these Statewide Standards

Improving and expanding the *Statewide Standards* is an ongoing process driven by the needs and experience of the Electoral Boards. Please notify Director@CitizenParticipation.org of any issues presented that are not covered, improvements suggested, errors spotted and any other feedback about how these *Statewide Standards* have or have not been applied and their impact on the electoral board system.

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2017-1 General Standards

2017-1.1 Words and phrases

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

2017-1.1.1 CANDIDATE

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

2017-1.1.2 “DIRECTORY”

Not everything in a statute, even if it says “shall,” is necessarily absolutely required to be followed with strict compliance to the letter. Courts sometimes rule that a provision is merely “DIRECTORY” and not “MANDATORY.” It is a mere direction or instruction of no obligatory force and involves no invalidating consequence for its disregard, as opposed to an imperative or MANDATORY provision, which must be followed. Often, the test is whether there is a penalty for not following it.

2017-1.1.3 ESTABLISHED POLITICAL PARTY

Pursuant to 10 ILCS 5/10-2, a statewide **ESTABLISHED POLITICAL PARTY** is one that received more than 5% of the vote for Governor in the 2014 General Election.

For purposes of the 2018 General Primary and General Elections, the Republican Party and the Democratic Party are the only ESTABLISHED POLITICAL PARTIES in the State and every district or political subdivision of it.

For purposes of the 2019 Consolidated Primary and Primary Elections, the term “ESTABLISHED POLITICAL PARTY” also includes any local political party that secured more than 5% of the vote in its territory in the 2017 Consolidated Election.

2017-1.1.4 LOCAL ELECTION OFFICIAL

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

2017-1.1.5 “MANDATORY”

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

2017-1.1.6 New Political Party

The term “**New Political Party**” means a group running one or more candidates under its name, but has not yet become an

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ESTABLISHED POLITICAL PARTY by securing a sufficient proportion of the votes at an General Election or Consolidated Election.

2017-1.1.7 NOMINATION PAPERS

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

2017-1.1.8 OBJECTOR’S PETITION

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

2017-1.1.9 PETITION

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

2017-1.1.10 PREPONDERANCE OF THE EVIDENCE

The term “**PREPONDERANCE OF THE EVIDENCE**” means that a particular fact or event was more likely than not to have occurred. It has nothing to do with the quantity of evidence presented on either side, but with the evaluation of that evidence. “Evidence” is anything presented in support of an assertion. It 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).

2017-1.1.11 Sheet


The term “**sheet**” means a page in the PETITION FOR NOMINATION.

2017-1.1.12 SUBSTANTIAL COMPLIANCE

In some cases courts have held that “**SUBSTANTIAL COMPLIANCE**” (instead of *strict* compliance) with the requirements of certain statutes is good enough. But in an Electoral Board case on appeal, interpreting exactly which statutes, and how much constitutes SUBSTANTIAL COMPLIANCE, will be determined anew by the court because that is a question of law, or a mixed question of law and fact. See *Salgado v. Marquez*, 356 Ill. App.3d 1072, 1075, 293 Ill.Dec. 495, 828 N.E.2d 805 (2nd Dist. 2005) [↗](#).

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

2017-1.1.12.1 No likelihood of voter confusion

A NOMINATION PETITION should be free from a ‘**basis for confusion**’ as to the office for which they are filed. A potential signatory to a PETITION has the right to know the specific vacancy sought by the CANDIDATE so that the signatory may make an informed decision to sign the PETITION or support another CANDIDATE for the same vacancy.” *Zapolsky v. Cook County Officers Electoral Bd.*, 695 N.E.2d 1329 (1998), 296 Ill. App.3d 731, 231 Ill.Dec. 210 (1st Dist. 1998) .

The CANDIDATE must prove there is no *likelihood* of voter confusion. (He is not required to prove that there is no *actual* voter confusion.)

2017-1.1.12.2 No threat to the integrity of the election process


The CANDIDATE must prove there is no *likelihood* of a threat to the integrity of the election process. (He is not required to prove that there is no *actual* threat to the integrity of the election process.)

2017-1.1.12.3 No likelihood of confusion by the ballot preparation officials

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

2017-1.2 Spelling

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

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

2017-1.3 Standard of proof


The default standard of proof for questions of fact coming before the Electoral Board shall be PREPONDERANCE OF THE EVIDENCE.

2017-1.4 Scope of precedent

2017-1.4.1 Illinois appellate courts

These *Statewide Standards* include decisions by appellate courts from throughout Illinois.

Because some attorneys confuse Illinois practice with federal practice, they hold the mistaken belief that a ruling by an Illinois appellate court is binding on the circuit courts in only that appellate district.

The Illinois Supreme Court has declared “[In 1988], we recognized that it is ‘fundamental in Illinois that the decisions of an appellate court are binding on all circuit courts regardless of locale.’ The notion that circuit courts are bound only by the appellate court decisions from their own district is a relic of the pre-1964 Illinois Constitution of 1870 and has been expressly disavowed by our court. Until this court says otherwise, an appellate court’s decision must therefore be followed regardless of the appellate court’s district.” *Bryant v. Bd. Of Election Comm’rs*, 865 NE 2d 189, 194, 224 Ill. 2d 473, 309 Ill. Dec. 826 (2007)  (Internal citations omitted).

2017-1.4.2 Other rulings

There is not always an open-and-shut, bright-line, appellate decision directly on point that can be cited as precedent in a case in court. But preparing an appellate brief is not the purpose of this publication.

The purpose of these *Statewide Standards* is to aid an Electoral Board in coming to a just ruling on an issue.

That involves sharing with that quasi-judicial administrative body the reasoning used by others who have had to consider the same issue. Therefore citations are given to other Electoral Board and trial court cases and practices (including Rule 23(b) opinions) for guidance. (Even Rule 23(b) cases, although they cannot be cited in Illinois courts as precedent, can be cited in court for other purposes.) The reasoning and conclusions from others who have been there before can be helpful in an Electoral Board reaching its own decision.

2017-2 Issues involving the Electoral Board

2017-2.1 Jurisdiction

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

2017-2.1.1 Over constitutional issues

An Electoral Board has no authority to declare a statute unconstitutional or even to question its validity. *Bryant v. Bd. Of Election Comm'rs*, 865 NE 2d 189, 224 Ill. 2d 473, 309 Ill. Dec. 826 (2007) [🔗](#).

2017-2.1.2 Over subject matter

In §10-10 of the Election Code, the legislature granted these powers to Electoral Boards:


“The Electoral Board shall take up the question as to whether or not


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


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

The Electoral Board does not have the authority to grant rehearings or modify its decisions unless ordered to do so by a court on judicial review or appeal. The aggrieved party's remedy lies in the judicial review procedure specifically authorized by

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the Election Code. *Caldwell v. Nolan*, 167 Ill.App.3d 1057 (1st Dist. 1988). 

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

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

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

2017-2.1.2.1 Public Questions.

2017-2.1.2.1.1 Initiating PETITION must be filed with an election official.

Under §28-4, the Electoral Board has jurisdiction over public questions that are filed with an official other than a court.

The objection that the Electoral Board has no subject matter jurisdiction shall be **overruled**.


2017-2.1.2.1.2 Initiating PETITION must be filed with a court.


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

The objection that the Electoral Board has no subject matter jurisdiction shall be **sustained**.

2017-2.1.3 Over parties

2017-2.1.3.1 Manner of service

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

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

Except for a document filed stating on its face that that the party appears for the sole reason of complaining that the he has

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not received even de facto notice, appearance or participation by a party shall constitute acceptance and waiver of service.

2017-2.1.3.1.1 With SUBSTANTIAL COMPLIANCE

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

2017-2.1.3.1.2 Without SUBSTANTIAL COMPLIANCE

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

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

The objection based upon failure to serve the CANDIDATE shall be **sustained**. The only relief shall be that the Electoral Board must institute service upon the CANDIDATE. Deadlines shall be deemed met so that neither party suffers harm due to the error by officials. See *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App.3d 900 (2d Dist. 1985) [↗](#).

2017-2.1.4 Wrong venue

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

2017-2.2 Composition

2017-2.2.1 Recusal

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

Otherwise, as the Supreme Court of the United States has stated, "The true rule unquestionably is that wherever it becomes necessary for a judge to sit even where he has an

interest-where no provision is made for calling another in, or where no one else can take his place-it is his duty to hear and decide, however disagreeable it may be.” See *United States v. Will*, 449 U.S. 200 at 214, (1980) [🔗](#).

2017-2.2.2 Ineligibility

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

2017-2.2.2.1 Subsidiary ineligibility

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

2017-2.2.2.2 Presumption of bias

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

There are causes for removal of a member, but the appearance of bias is not one of them, and such grounds have been uniformly rejected by the courts: See *In re Objection of Cook to Referendum Petition of Marjorie Pierce*, 122 Ill. App.3d 1068, 462 N.E.2d 557, 78 Ill.Dec. 438 (5th Dist. 1984) [🔗](#); *Ryan v. Landek*, 159 Ill.App.3d 10, 512 N.E.2d 1, 111 Ill.Dec. 97 (1st Dist. 1987) [🔗](#); *Ayers v. Martin*, 223 Ill.App.3d 397, 584 N.E.2d 1028, 165 Ill.Dec. 594 (4th Dist. 1991) [🔗](#).

An objection on grounds of apparent bias shall be **overruled**.

2017-2.2.2.2.1 Change of venue


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

A request for a change of venue shall be **denied**.

2017-2.2.2.3 Previous involvement in a public question

When members of the Electoral Board, in another capacity, have voted to approve an action that is now subject of a


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referendum, there is no conflict. *Ayers v. Martin*, 584 NE 2d 1028 , (4th Dist. 1991).

2017-2.2.2.4 CANDIDATE for the same office

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



2017-2.2.2.5 Same objection as in a case against Member's own candidacy

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


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

2017-2.2.2.6 Financial interest in the outcome

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

For example, when an elected official sitting on an Electoral Board would have his salary affected by a public question to dissolve his unit of government, or to impose term limits, he is ineligible to hear objections filed on those public questions. See *Anderson v. McHenry Township*, 289 Ill.App.3d 830, 682 N.E.2d 1133, 225 Ill.Dec. 56 (2d Dist.1997) , and *Zurek v. Franklin Park Officers Electoral Board*, 2014 IL App (1st) 142618, 22 N.E.3d 90, 387 Ill.Dec. 208 (1st Dist. 2014) .

2017-2.2.2.7 Threat to tenure in office by public question

When a public question, if passed, would eliminate or otherwise impact the elected position of a member of the Electoral Board, the situation is no different than if he had been running for office in that unit of government and therefore that member is ineligible to hear objections filed against that public question. See *Anderson v. McHenry Township*, 289 Ill.App.3d 830, 682 N.E.2d 1133, 225 Ill.Dec. 56 (2d Dist.1997) .

2017-2.2.2.8 Necessary witness in the case

This situation most often occurs when the officer who received the CANDIDATE'S NOMINATION PAPERS is also a member of the

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Electoral Board, and would thus called upon to judge his own testimony.

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

2017-2.2.2.9 Party officials

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

2017-2.2.2.10 Due process


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

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

Any objection to the composition of an Electoral Board, made upon Due Process grounds not covered by enumerated Standards that precede this one, shall be **overruled** because the Electoral Board lacks jurisdiction. Instances such as those illustrated below belong to a Court, not the Electoral Board, to decide:

- In 2004, the Illinois Supreme Court found that a conflict requiring a recusal of a board member can arise where an unacceptable risk of bias is present. Where there is an unacceptable risk of bias present, the PETITIONER's right to a fair and impartial hearing is lost. See *Girov v. Keith*, 212 Ill.2d 372, 818 N.E.2d 1232, 289 Ill.Dec. 29 (2004) [↗](#).
- In 2013, all the members of the Town of Cicero Electoral Board were CANDIDATES running for re-election and jointly contributed and raised campaign funds and financing in a group they were members of that co-mingled funds and used them to further their election, including financing the defense against objections and the cost of litigation. If any of these members were to rule against another member, it would conflict with

their joint fundraising efforts and their re-election, including defending against any such objections. The trial court disqualified all of them and ordered that Public Members be appointed.


- In 2014, when a PETITION to place term limits on the elected offices in Franklin Park was challenged, all three members of the Electoral Board would have been precluded from being re-elected if the voters adopted the proposal. The trial court ruled the PETITIONER had not shown either an unacceptable risk of bias, or dishonesty, and refused to disqualify them. The appellate court ruled that the members should have been disqualified, and ordered that a new Electoral Board consisting of all Public Members be appointed to hear the case and (because the election was already underway) the proposition be placed on the ballot on the next election if the new Electoral Board overruled the OBJECTOR'S PETITION. See *Zurek v. Franklin Park Officers Electoral Board*, 2014 IL App (1st) 142618, 22 N.E.3d 90, 387 Ill.Dec. 208 (1st Dist. 2014) .

2017-2.3 Subpoenas

2017-2.3.1 Relevant Subject



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

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

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

2017-2.4 Rules of Procedure

Procedural due process in an administrative proceeding does not require a proceeding in the nature of a judicial proceeding, but is satisfied by a form of procedure that is suitable and proper to the nature of the determination to be made and conforms to fundamental principles of justice. Administrative procedure is, and should be, simpler, less formal and less technical than judicial procedure in the absence of a statutory mandate to the contrary, *Village of South Elgin v. Pollution*

Control Board, 64 Ill.App.3d 565, 381 N.E.2d 778 (2nd Dist. 1978) . The Code of Civil Procedure [735 ILCS 5] is inapplicable to administrative hearings. *Desai v. Metropolitan Sanitary District*, 466 N.E.2d 1045, 125 Ill. App.3d 1031 (1st Dist. 1984), *Caldwell v. Nolan*, 167 Ill. App.3d 1057 (1st Dist. 1988) . Nor does the Civil Administrative Code [20 ILCS 5] include Electoral Boards.


Note that those principles are implemented in the *Model Rules of Procedure for Illinois Electoral Boards*, a companion to this publication.

2017-2.4.1 Production of Documents


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


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


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


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

2017-3 Issues affecting the OBJECTOR'S PETITION

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


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


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

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

The CANDIDATE has the burden of proof in disqualifying the OBJECTOR'S PETITION.

2017-3.1 Objector fails to Appear

"Given the CANDIDATE's substantial right to appear on a ballot and the expedited nature of ruling on objections to nominating PETITIONS, electoral boards are authorized to reasonably employ a common-sense approach in making a preliminary evaluation on the sufficiency of an objection. We see nothing in the Code that prohibits an electoral board from requiring an objector to appear and make a credible showing that there is a good-faith basis for the filed objection. Subject to judicial review, a failure to make a credible showing justifies summary dismissal of an objection." *Daniel v. Daly*, 31 NE 3d 379, 391 Ill.Dec. 703, 2015 IL App (1st) 150544 (1st Dist. 2015) .

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


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

2017-3.2 Objection filed in bad faith

When the CANDIDATE moved to dismiss the OBJECTOR'S PETITION on the basis that objector's line-by-line objections were overly broad and objector had not demonstrated that there was a good-faith basis to ascertain the truth of his objections prior to filing

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his PETITION, and given the expedited nature of ruling on objections to Nominating Papers, the Electoral Board reasonably questioned the nature and basis of the objection after it was presented with a facially reasonable argument that the objection was not filed in good faith.

Because the objector did not appear to answer question surrounding the basis of his objection which, if sustained, would disqualify the CANDIDATE, “we cannot conclude the Board acted contrary to its authority.” The record is clear that [the objector] was afforded an opportunity to persuade the Board that his objection was meritorious and that he could meet his burden proof. The Board properly drew an adverse inference from [the objector's] failure to appear and, after consideration of the OBJECTOR'S PETITION, [the CANDIDATE's] motion to dismiss and the arguments of counsel, the Board sustained the motion to dismiss the objections. Based on the record before us, we do not believe that the Board's decision was arbitrary and not grounded in the law.” *Daniel v. Daly*, 31 NE 3d 379, 391 Ill.Dec. 703, 2015 IL App (1st) 150544 (1st Dist. 2015) .

2017-3.3 Issue is moot

2017-3.3.1 Candidacy has ended

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

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

2017-3.3.2 Papers have already been officially accepted

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

But acceptance by a filing official is not the same as a determination that the NOMINATION PAPERS are valid.

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

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

2017-3.4 Objector is not a legal voter in the district.

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

The failure of an objector to state on the face of his OBJECTOR’S PETITION his residential address showing that he resides in the voting district requires dismissal of the OBJECTOR’S PETITION, even though the objector attested that he resides in the district and is a certified voter. See *Daniel v. Daly*, 31 NE 3d 379, 391 Ill.Dec. 703, 2015 IL App (1st) 150544 (1st Dist. 2015) [🔗](#).

(The topic “Objections to Addresses” at *Standard 2017-8* provides procedures for interpreting addresses.)

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

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

The burden of proof is on the party who questioned the Objector’s status as a legal voter in the district.


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

2017-3.5 Objection was filed too late

Pursuant to §10-8, an objection must be filed in writing “within five business days” after the last day for filing the NOMINATION PAPERS. Applying §1-3(22), a “business day” is any day in which the office where the OBJECTOR’S PETITION must be filed is open to the public for a minimum of 7 hours. §1-6(a) excludes from the count any Saturday, Sunday or State Holiday as defined in §1-6(b), but §1-6(c) provides that an OBJECTOR’S PETITION filed on one of those days cannot be disqualified for that reason alone.


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


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



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

2017-3.6 Objection has been amended

The Election Code does not authorize amendments to the OBJECTOR'S PETITION, and therefore any action by the Electoral Board recognizing it is void. See *Stein v. Cook County Officers Electoral Board* 636 N.E.2d 1060 (1994), 264 Ill. App.3d 447, 201 Ill.Dec. 628  (1st Dist. 1994).

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

The objection to considering any amendments to the OBJECTOR'S PETITION, except for any alleging fraud (see *Standard 2017-4.7*), shall be **sustained**, and only the original OBJECTOR'S PETITION shall be considered.

Note that once filed, an OBJECTOR'S PETITION cannot be changed, but another such PETITION may be filed before the original filing deadline. If the original is not later 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).

2017-3.7 Stated interest

2017-3.7.1 Invalid stated interest

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

An interest stated is sufficient (even if it is stated as an incomplete sentence but the meaning can be inferred from the

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filing as a whole) and its truth is irrelevant. See *Fulton v. Sanders*, 91 EB-ALD-111 (Chicago Electoral Board 1991) [↗](#).

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

2017-3.7.2 Failure to state any interest

If no interest at all was stated, a motion to dismiss an OBJECTOR'S PETITION on that basis shall be **granted**.

2017-3.8 Motive

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

2017-3.9 Failure to state fully the nature of the objection

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

An objection must fully apprise the CANDIDATE of the source or sources of any alleged defects whereby the CANDIDATE could affirmatively defend against the objections. *Pochie v. Cook County Officers Electoral Board*, 287 Ill. App. 3d 585 (1st Dist. 1997) [↗](#).

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

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

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

Any objection or allegation that attempts to shift the burden of proof from the Objector to the Electoral Board shall be dismissed or **overruled**.

2017-3.10 Failure to file at least two copies

Section 10 ILCS 5/10-8 in the Election Code provides that, in addition to the original, "Objection Petitions that do not include 2 copies thereof, shall not be accepted." The Local Election Authority should not have accepted the OBJECTOR'S PETITION in the first place, so there should not have been any case to come

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before any Electoral Board. But the OBJECTOR'S PETITION was accepted anyway, and "Therefore, the only reasonable inference created by the filing of this PETITION is that the objector tendered a sufficient number of copies at the time. This reasonable inference is bolstered by the fact that after accepting and filing the documents, the election official is required to take certain actions...." *Zurek v. Petersen*, 2015 IL App (1st) 150508 (1st Dist. 2015) [🔗](#). Those actions include forwarding the paperwork necessary to initiate the Electoral Board proceeding hearing that very point of objection.

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

2017-3.11 Failure to state a cause of action

An OBJECTOR'S PETITION that fails to plead a *prima facie* cause of action for which relief can be granted is subject to a motion to dismiss with prejudice.

2017-4 Objections affecting the entire candidacy or question

2017-4.1 CANDIDATE fails to Appear

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

Unless good cause is shown, the objection shall be **sustained**.

2017-4.2 All documents

2017-4.2.1 Already rejected by an election official

A CANDIDATE is entitled to due process that includes an opportunity to defend the validity of his NOMINATION PAPERS if it is questioned. An objection on the basis that the NOMINATION PAPERS have already been rejected by a LOCAL ELECTION OFFICIAL shall be **overruled**.

2017-4.2.2 Heading is not appropriate

SUBSTANTIAL COMPLIANCE (See *Standard 2017-1.1.12*) is the proper standard for evaluating violations of the pagination and heading requirements under §§7-10, 8-8, or 10-4 of the Election Code. *Samuelson v. Cook County Officers Electoral Bd*, 2012 IL App (1st) 120581 (2012) [↗](#).

2017-4.2.2.1 Type of candidacy


The description as an "Independent CANDIDATE" for an office that is nonpartisan by law, shall be deemed to be for a Nonpartisan CANDIDATE, and an objection of the basis of description shall be **overruled** because there is no voter confusion.

The description as a "Nonpartisan CANDIDATE" for an office that a CANDIDATE of a political party may be elected to, shall be deemed to be for an Independent CANDIDATE, and an objection of the basis of description shall be **overruled** because there is no voter confusion.

2017-4.2.2.2 CANDIDATE address is a rural route or post office box

On the PETITION sheets, the address needed is not where the CANDIDATE's mail is delivered to, (although it might coincidentally be the same as the required information). Section 10

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ILCS 5/10-5(3) in the Election Code requires a CANDIDATE or CANDIDATES to list the *place of residence* with the street and number thereof, if any. If the community uses street addresses, the objection shall be **sustained**. See *Chambers v. Finney*, 11-EB-ALD-104 (Chicago Electoral Board 2011) .

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

2017-4.2.2.2.1 CANDIDATE is homeless

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

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

The Chicago Board of Election Commissioners considered the candidacy of a homeless person with a post office box address, but determined the physical location of the post office box was outside the Ward. *Wohadlo v. Hendricks*, No. 11-EB-ALD-088 .

2017-4.2.2.3 Multiple CANDIDATES named

Sections 7-10, 8-8, and 10-4 in the Election Code refer to "CANDIDATE or CANDIDATES" when specifying the elements required in the heading of signature sheets.

An objection made solely on the basis that multiple CANDIDATES are on the same signature sheet shall be **overruled**.

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

2017-4.2.2.4 Office sought

2017-4.2.2.4.1 Is missing

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

2017-4.2.2.4.2 Is ambiguous

The test is likelihood of voter confusion. (See *Standard 2017-1.1.12.1*.)

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

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

2017-4.2.2.4.3 Is not correctly named

2017-4.2.2.4.3.1 *Only one type of official possible*

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

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

2017-4.2.2.4.3.2 *Functional equivalent used*

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

The objection shall be **overruled**.

Similarly, voter confusion is unlikely when “councilman” or “alderman” is used instead of “trustee” in relation to a village election.

2017-4.2.2.4.4 Is not scheduled for election this time

The objection shall be **sustained** because there is no such office to be filled by the voters at the next election. Other statutes would prevent the LOCAL ELECTION OFFICIAL from certifying the CANDIDATE’s name onto the ballot, and him from being certified as the winner or holding the elective office.

2017-4.2.2.4.5 Filed for multiple terms for the same office

This can happen when a CANDIDATE files for both a full term and an unexpired term. Those are two separate and incompatible seats and the conflict has usually been resolved by the CANDIDATE withdrawing from all but one before this hearing. The objection shall be **overruled**, because another law prevents the LOCAL ELECTION OFFICIAL from certifying the CANDIDATE for either incompatible office if the CANDIDATE has not withdrawn from all but one of the incompatible offices.


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

2017-4.2.2.4.6 Does not exist in this district

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

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The objection shall be **sustained**.

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

2017-4.2.2.5 Political party

2017-4.2.2.5.1 Political party name is stated for a nonpartisan office.


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


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

2017-4.2.2.5.1.1 *Everywhere but Chicago*

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

2017-4.2.2.5.1.2 *In only Chicago*

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

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

2017-4.2.2.5.2 No political party name stated

If the elected office is a partisan one, then the objection shall be **sustained** and the CANDIDATE's name shall be removed from the ballot. But if the Petition contains enough valid signatures to qualify the CANDIDATE to run as an Independent CANDIDATE, then the NOMINATION PAPERS shall be deemed to be for an Independent CANDIDATE.

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Note that, if the election is a primary election where CANDIDATES for a political party's nomination are chosen, the effect is to remove the CANDIDATE because the CANDIDATE did not identify which political party's ballot he seeks to appear on, and Independent CANDIDATES do not run in primary elections.

2017-4.2.2.5.3 CANDIDATE is a member of another political party

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

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

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

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

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

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

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

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

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

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


2017-4.2.2.5.3.1 CANDIDATE signed a PETITION for a CANDIDATE of another political party

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

2017-4.2.2.5.3.2 Filed a Statement of Candidacy for another political party

Section 7-43 of the Election Code states that a person who filed a Statement of Candidacy for a partisan office as a qualified

primary voter of an ESTABLISHED POLITICAL PARTY may not file a Statement of Candidacy as a CANDIDATE of a different ESTABLISHED POLITICAL PARTY or as an Independent CANDIDATE for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement.


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


For a CANDIDATE of a different ESTABLISHED POLITICAL PARTY or an Independent CANDIDATE the objection shall be **sustained**. For a candidate of a New Political Party the objection shall be **overturned**.


2017-4.2.2.5.3.3 *Candidate voted in another political party's primary election*

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

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

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


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

The candidacy was upheld when the objection focused on voter conduct rather than partisan CANDIDATE conduct. *Cobb v. Tyson*, No. 12-EB-NPP-02 (Chicago Electoral Board 2012). .

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

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

A person may not file a partisan Statement of Candidacy, withdraw from the race, decline to take a primary ballot and then seek to run for that very same office in the general election

as an independent CANDIDATE. *Rudd v. Lake County Electoral Board*, 60 N.E.3d 979, 2016 IL App (2d) 160649 (2d Dist. 2016) .

2017-4.3 Petition (“signature”) sheets

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

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

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


2017-4.3.1 Not of uniform size


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


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


2017-4.3.2 Not numbered

2017-4.3.2.1 None numbered

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

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

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

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

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

The objection shall be **sustained**.

2017-4.3.2.2 Some not numbered

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

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

Court decisions are inconsistent. Court decisions that favor SUBSTANTIAL COMPLIANCE (see *Standard 2017-1.1.12*) are mindful of the principal enunciated by the Illinois Supreme Court, which said we should tread cautiously when construing statutory language which restricted the people's right to endorse and nominate the candidate of their choice." See *Akin v. Smith*, 2013 IL App 130441, 989 NE 2d 715, (1st Dist., 2013) [🔗](#) (quoting *Lucas v. Lakin*, 175 Ill.2d 166, 176, 221 Ill.Dec. 834, 676 N.E.2d 637 (1997)) [🔗](#).

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


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

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

2017-4.3.3 Duplicate sheet numbers


Duplicative sheet numbers are not in SUBSTANTIAL COMPLIANCE with that MANDATORY requirement Election Code and therefore the objection shall be **sustained**.

Where 29 of the 34 nominating PETITION sheets filed by a CANDIDATE were not numbered, five of the numbered PETITION sheets were not in consecutive order, and two sheets bore the marking "Sheet 1," the CANDIDATE's NOMINATION PAPERS did not substantially comply with Section 10-4 of the Election Code.

Maldonado v. Morales, 11-EB-ALD-015 (Chicago Electoral Board 2010) .

2017-4.3.4 Pages not securely bound

A PETITION is required by the MANDATORY provisions of §§7-10, 10-4, and 28-3 in the Election Code to have its sheets “neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner.” A public question PETITION is required by 10 ILCS 5/28-3 to be “bound securely.” Those statutes also require that “the sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.”

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

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


The objection shall be **sustained**.

2017-4.3.4.1 Formed into a roll

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

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

2017-4.3.4.2 Improvident acceptance

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


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

2017-4.3.4.3 An official bound the pages

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

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

2017-4.3.4.4 Metal clips

Binding by two metal clips, including one large metal paperclip, the Electoral Board found SUBSTANTIAL COMPLIANCE. *Haynes v. Anderson*, 07-EB-ALD-017 (Chicago Electoral Board 2007) . The objection shall be **overruled**.


Courts have found that a regular paperclip, by its very nature, allows the papers it fastens to be pulled apart and rearranged at will and therefore does not satisfy the requirements of the

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Election Code. *Girov v. Keith*, 341 Ill. App.3d 902 (3rd Dist. 2003), *reversed on other grounds*, 212 Ill.2d 372 (2004).


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

2017-4.3.4.5 Rubber band


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

The objection shall be **sustained**.

2017-4.3.4.6 Brass fasteners

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

2017-4.3.4.7 Only some bound

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

2017-4.3.5 Photocopied signature pages

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

2017-4.3.6 Heading not the same on all sheets

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

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

2017-4.3.7 Quantity of signatures

2017-4.3.7.1 Crossed-out signatures



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

2017-4.3.7.2 Not enough signatures tendered

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

2017-4.3.7.3 Too many signatures tendered

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

However, the sole relief shall be that all of those signatures beyond the cutoff (counting from the first signature on page number one) shall be ignored for all purposes (including being substituted for a disqualified signature) except for establishing a pattern of fraud. See *Richards v. Lavelle*, 620 F.2d 144 (7th Cir. Ill. 1980) , *Wilson v. Municipal Officers Electoral Board*, 213 IL App (1st) 130957 (2013) .

2017-4.3.7.4 Not enough valid signatures

The objection shall be **sustained**.

2017-4.4 Other required documentation

2017-4.4.1 Professional qualifications

2017-4.4.1.1 Assessors

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

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

2017-4.4.1.2 State's Attorneys

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

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

An objection that such a statement is missing from the Statement of Candidacy shall be **overruled** because, later in that same section, the CANDIDATE's oath on that Statement of Candidacy contains the phrase "I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office...." The adoption of the form paragraph's general representation that the CANDIDATE possessed the licenses required for office was sufficient for a valid PETITION FOR NOMINATION for state's attorney, despite the requirements of Section 7-10 that require a CANDIDATE to expressly affirm he had a state law license. See *Weber v. Winnebago County Officers Electoral Board*, 2012 IL App (2d) 120051, ¶¶19, 26, 966 N.E.2d 462, 359 Ill.Dec. 141 (2nd Dist. 2012) [🔗](#).

2017-4.4.1.3 Judges

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

An objection that a CANDIDATE for judge failed to file proof of being a licensed attorney in Illinois shall be **overruled** because there is no requirement in the Election Code for him to file such a document. See *Weber v. Winnebago County Officers Electoral Board*, 2012 IL App (2d) 120051, ¶¶19, 26, 966 N.E.2d 462, 359 Ill.Dec. 141 (2nd Dist. 2012) [🔗](#).

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

2017-4.4.1.4 Regional Superintendents of Schools

Section 105 ILCS 5/3-1 in the School Code provides that "No PETITION of any CANDIDATE for nomination for the office of regional superintendent of schools may be filed and no such CANDIDATE's name may be placed on a primary or general election ballot, unless such CANDIDATE files as part of his PETITION a certificate from the State Board of Education certifying that from the records of its office such CANDIDATE has the qualifications required by this Section; however, any incumbent filing his PETITION FOR NOMINATION for a succeeding term of office shall not be required to attach such certificate to his PETITION of candidacy."

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

2017-4.4.2 Name changes

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

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

2017-4.5 CANDIDATES

2017-4.5.1 CANDIDATE qualifications

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


2017-4.5.1.1 Is not a registered voter at that address.


(The topic "Objections to Addresses" at Standard 2017-8 provides procedures for interpreting addresses.)

The objection shall be **sustained**.

2017-4.5.1.2 Is not a registered voter in the district.

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

Sanders v. Riles, 92-EB-WC-012 (Chicago Electoral Board 1992) .

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

(The topic “Objections to Addresses” at Standard 2017-8 provides procedures for interpreting addresses.)



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

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

The objection shall be **sustained**.

2017-4.5.1.3 Has not resided long enough in the district.


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

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

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

2017-4.5.1.4 Is CANDIDATE for more than one office.

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

The Attorney General's *Index of Opinions on Compatibility of Offices*, obtainable from www.CitizenParticipation.org,  may be helpful.

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

2017-4.5.1.5 CANDIDATE owes debt to that unit of government.

Statutes applying to municipalities (65 ILCS 5/3.1-10-5(b)), make a person ineligible to take the oath of office if, at the time required for taking the oath of office, that person is in arrears in the payment of a tax or other indebtedness due to the that unit of government. *(Before 2013, it was the date when he filed his NOMINATION PAPERS, but was changed to now become when the oath is due.)*

For park districts (70 ILCS 1205/2-11) and fire protection districts (70 ILCS 705/10.1) the relevant date is when he files his NOMINATION PAPERS because he swears in his Statement of Candidacy that “I **am** [present tense] legally qualified to hold such office.” See *Cinkus v. Village of Stickney*, 886 NE 2d 1011 (2008) [↗](#).

Note that the debt of a company owned by CANDIDATE is not a debt of the CANDIDATE and will not render the CANDIDATE ineligible for office. See *Burke v. Electoral Board of the Village of Bradley*, 990 N.E.2d 393, 2013 IL App (3d) 130141, 372 Ill. Dec. 493 (3rd Dist. 2013) [↗](#).

2017-4.5.1.5.1 Property taxes

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

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

2017-4.5.1.5.2 Civil penalties against campaign committee.


The Electoral Board lacks jurisdiction to enforce the provisions of 10 ILCS 5/9-30 that bar from the ballot the name of a CANDIDATE whose committee has not paid a civil penalty assessed against it pursuant to 10 ILCS 5/9. Enforcement of that bar is a duty of the Local Election Authority later, at the time of ballot certification.

Therefore, an objection based upon arrearages in such penalties shall be **overruled**.

2017-4.5.1.5.3 Other arrearages

Examples of some arrearages that would be covered by a Tax or Other Indebtedness Clause are overdue water bills, parking tickets, inspection or permit fees, local real estate transfer taxes cost recovery, license/taxes such as vehicle stickers, etc.

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

If the objection involves a CANDIDATE for an office of a unit of government governed by the Municipal Code (65 ILCS 5), then because (as noted above in Standard 2017-4.5.1.5) legislation effective in 2013 has moved the test date into the future, the Electoral Board declines to follow the *Cinkus*, case decided in 2008, and the objection shall be **overruled**.



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

2017-4.5.1.6 CANDIDATE for a partisan nomination is not a member of that party

See Standard 2017-4.2.2.5.3.

2017-4.5.1.7 CANDIDATE in general or consolidated election participated in the primary of another party

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

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

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

If the objection is that a CANDIDATE of a New Political Party voted in the primary election, the objection shall be **overruled**.

2017-4.5.1.8 CANDIDATE was convicted of a felony

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

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

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

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

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

2017-4.5.2 CANDIDATE name

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

2017-4.5.2.1 Version of name

2017-4.5.2.1.1 Maiden name

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

2017-4.5.2.1.2 Marriage, dissolution, adoption

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

2017-4.5.2.1.3 Voluntary change

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

Note that he is also required to file an affidavit with his NOMINATION PAPERS. (See *Standard 2017-4.4.2* for more information.)

2017-4.5.2.1.4 Generation

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

2017-4.5.2.2 Title in name

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

2017-4.5.2.3 Slogan in name

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

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

The objection shall be **sustained** and the CANDIDATE's name removed from the ballot.

2017-4.5.2.4 Nickname

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

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

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

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

2017-4.5.3 Statement of Candidacy

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

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

2017-4.5.3.1 Filed separately from PETITION

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

The validity of NOMINATION PAPERS as a whole may not be assessed prior to the close of the filing period. It is sufficient that the Statement of Candidacy was filed after the nomination PETITIONS were filed but during the filing period. See *Ballentine v. Bardwell*, 478 N.E.2d 500, 132 Ill. App.3d 1033 (1st Dist. 1985) [↗](#), *Washington v. Means*, 11-EB-ALD-124 (Chicago Electoral Board 2011) [↗](#).

The objection shall be **overruled**.

2017-4.5.3.2 Missing

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


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

The objection shall be **sustained**.

2017-4.5.3.3 Incomplete


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

2017-4.5.3.4 CANDIDATE's signature is not original

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

The objection shall be **sustained** and the document shall be treated as missing under *Standard 2017-4.5.3.1*.

2017-4.5.4 Statement of Economic Interests

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


2017-4.5.4.1 Receipt

2017-4.5.4.1.1 Receipt was filed separately from PETITION

Sections 7-10, 8-8, and 10-5 in the Election Code, and the Oath in the Certificate of Candidacy, specifically allow the receipt for the Statement of Economic Interests to be filed later than the rest of the NOMINATION PAPERS, as long as it is filed before the deadline for filing NOMINATION PAPERS.

The objection shall be **overruled**.

2017-4.5.4.1.2 Statement was filed late


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

The objection shall be **sustained**.

2017-4.5.4.1.3 Receipt is missing

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

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

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

The objection shall be **sustained**.

2017-4.5.4.1.4 Receipt is for a different unit of government

The objection shall be **sustained**.

2017-4.5.4.1.5 Receipt does not identify the office

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

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

2017-4.5.4.1.6 Receipt is for a different office

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

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

2017-4.5.4.1.7 Receipt is from the wrong county

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

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

When the Statement of Economic Interests was filed in the wrong county containing part the applicable unit of government of the candidacy, then the objection shall be **overruled**. See *Atkinson v. Roddy*, 2013 IL App (2d), 991 N.E.2d 467 (2nd Dist. 2013) [🔗](#).

2017-4.5.4.2 Contents of Statement of Economic Interests

2017-4.5.4.2.1 Jurisdiction

Only the *receipt* for the Statement of Economic Interests is part of the NOMINATION PAPERS. The *full* Statement is not, so review of its contents is beyond the jurisdiction of the Electoral Board.

The objection shall be **overruled**.

2017-4.5.4.2.2 False statements

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

The objection shall be **overruled**.

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The Illinois Supreme Court, in *Welch v. Johnson*, 147 Ill.2d 40 (1992) [↗](#) held that removal from the ballot of a CANDIDATE for elective office is not a permissible sanction for the CANDIDATE's filing, in relation to his candidacy, of a Statement of Economic Interests which is not true, correct and complete due to inadvertence on the CANDIDATE's part.

An inadvertent mistake would be stating the office sought as only "Circuit Court of Cook County" instead of specifying the "Clerk of the Circuit Court" or "Judge of the Circuit Court.". *Requena v. Cook County Officers Electoral Board*, 692 N.E.2d 1217, 295 Ill.App.3d 728, 230 Ill.Dec. 51 (1st Dist. 1998) [↗](#).

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

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

2017-4.5.5 Loyalty Oath missing

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

The objection shall be **overruled**.

2017-4.5.6 Code of Fair Campaign Practices form missing

This is an optional form.

The objection shall be **overruled**.

2017-4.5.7 Certificate of Nomination (for new political party)

2017-4.5.7.1 New party name contains the name of another party.


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

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

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


The name "Action IV Party" violated the statute because "Action III Party" was an ESTABLISHED POLITICAL PARTY. *Vasquez v.*

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Municipal Officers Electoral Board, 115 Ill.App.3d 1014 (3rd Dist. 1983) .


The objections shall be **sustained**.

2017-4.5.7.1.1 Other local party is in a different political subdivision.


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

The objection shall be **overruled**.

2017-4.5.7.1.2 Variation or permutation.

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


2017-4.5.7.1.3 Abbreviation or acronym.

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

The objection shall be **sustained**.

2017-4.5.7.2 Party name is more than 5 words.

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

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

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

2017-4.5.7.3 Party did not file a full slate.

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

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That full slate requirement was held to be unconstitutional by the federal district court in *Libertarian Party of Illinois v. Illinois State Board of Elections*, 164 F. Supp.3d 1023 (N.D. Ill. 2016) [↗](#). In that case, the trial court found violations of the First and Fourteenth Amendments. The federal court of appeals having jurisdiction in Illinois agreed and found that the full slate requirement violates the First Amendment right of political association. See *Libertarian Party v. Scholz*, 16-1667 (7th Cir., 2017) [↗](#).

The objection that a full slate was not filed shall be **overruled**.

2017-4.5.7.4 Party did not file a Certificate of Officers

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

The objection shall be **sustained** but the CANDIDATES shall not be removed from the ballot for that reason, nor shall their designation as CANDIDATES of the new party be impaired. The appropriate relief of barring the new party from filling future vacancies is beyond the jurisdiction of the Electoral Board.

2017-4.6 Public Questions

2017-4.6.1 Backdoor referendum

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

2017-4.6.1.1 Form was supplied by officials.

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

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

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

2017-4.6.1.2 Form was *not* supplied by officials.

If the form for the backdoor referendum was not supplied by the secretary or clerk of the political subdivision, then the form is subject to all possible objections, which shall be decided based upon these Standards.

2017-4.6.2 Too many public questions

The question of whether there is an available place on the ballot for a public question is beyond the jurisdiction of the Electoral Board.

The objection shall be **overruled**.

2017-4.6.3 Binding public questions



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

2017-4.6.3.1 Failure to state statutory authority

If the statute authorizing a binding referendum requires that the statutory authority for that public question is to be shown on the PETITION sheets, then the objection shall be **sustained**.

2017-4.6.4 Certificate of Principal Proponent

2017-4.6.4.1 Missing

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

2017-4.6.4.2 Qualifications


There are no qualifications. The principal proponent is simply the person that should be notified in case of an OBJECTOR'S PETITION being filed. He has no official standing.

2017-4.7 Pattern of Fraud


When in the course of hearing objections to NOMINATION PAPERS, evidence beyond the specific objections in the OBJECTOR'S PETITION comes to the Electoral Board's attention, it cannot close

its eyes and ears if the evidence is relevant to the protection of the electoral process. Relevant matters include a clearly evidenced pattern of fraud, false swearing, and total disregard for the MANDATORY requirements of the Election Code. See . *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 78 Ill.Dec. 496 (1st Dist. 1984).

2017-4.7.1 Particulars


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

2017-4.7.2 Standard of proof


Although PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found.*) is the default standard of proof under these adopted *Statewide Standards for Findings and Rulings by Electoral Boards*, a pattern of fraud must be proved by clear and convincing evidence. See *Durr v. Love*, 03-EB-ALD-101 (Chicago Electoral Board 2003), affirmed in *Durr v. Chicago Board of Election Commissioners*, 03 CO EL 028 (Cir. Ct. Cook Co., February 20, 2003) .

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

2017-4.7.3 Corroborating evidence

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

2017-4.7.4 Electoral remedy

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

2017-4.7.5 Criminal remedy

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

2017-5 Objections affecting an entire document

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

2017-5.1 Not the official form

There are no “official” forms.

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

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

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

The objection shall be **overruled**.

2017-5.2 Size


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

For an objection as to uniform size of signature sheets, see *Standard 2017-5.5.1*.


The objection, as to all other documents, shall be **overruled**.

2017-5.3 Verification (“Notarization”)

2017-5.3.1 Notarization missing

An election board cannot invalidate a Statement of Candidacy and PETITION sheets on the ground that the items were not properly notarized if it was not a ground raised by an objector. *Wiesner v. Brennan*, 2016 IL App (2d) 160115 (2d Dist. 2016) .

The objection to the document (usually a single sheet) shall be **sustained** and the document shall be disqualified.

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

The fact that the CANDIDATE circulated all of his own PETITION sheets and the first sheet was notarized did not save remaining

sheets that were not notarized. *Anderson v. Llong Bey*, 07-EB-ALD-036 (Chicago Electoral Board 2007) [🔗](#).

2017-5.3.2 Notary seal missing or expired

2017-5.3.2.1 Apparent authority

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

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

2017-5.3.2.2 Commission expired

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

2017-5.3.2.3 Apparent defects

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

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

2017-5.3.3 Notary signature not genuine


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

2017-5.3.4 “Notary” not authorized


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

business is in the same county in Illinois in which the notary was commissioned. See *Standard 2017-5.3.2.1*.


2017-5.3.4.1 No commission or commission expired

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


2017-5.3.4.2 Notary no longer resides in county where he was commissioned

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


2017-5.3.4.3 Notary's office is no longer in the county where he was commissioned

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

2017-5.3.4.4 Notarization is from outside of Illinois


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

2017-5.3.5 Date missing or incorrect

The jurat is not an affidavit, but is simply evidence of the fact that an affidavit was properly sworn to by the affiant and therefore where the affiant is otherwise identified, clerical errors such as naming the wrong person in the jurat or omitting the affiant's name from the jurat entirely will be disregarded. The fact the jurat did not name the circulator of a PETITION for the election did not detract from the efficacy of certification. *Cintuc, Inc. v. Kozubowski*, 230 Ill.App.3d 969 (1st Dist. 1992). .

Correcting a date by handwriting the correct date over a preprinted number does not invalidate the PETITION sheet.

Villareal v. Aguilar, 96-EB-RGA-25 (Chicago Electoral Board 1996) .

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

2017-5.3.6 Color of ink

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

2017-5.4 Circulator

2017-5.4.1 Circulator ineligible

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

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


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

The use of more than one ineligible circulator may constitute a pattern of fraud, providing a basis for disqualifying the entire CANDIDATE'S PETITION.

2017-5.4.1.1 Circulated conflicting PETITIONS

Section 10-4 in the Election Code provides that no person shall circulate or certify PETITIONS

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

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

2017-5.4.1.2 Not old enough

Section 3-6 in the Election Code provides that "An individual who is 17 years of age, [and who] will be 18 years of age on the date of the immediately following general or consolidated election, and is otherwise qualified to vote shall be deemed

eligible to circulate a nominating PETITION or a PETITION proposing a public question.”

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

2017-5.4.1.3 Not a citizen of the United States

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

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

2017-5.4.1.4 Not a registered voter

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

2017-5.4.1.5 Not a resident of the district

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

2017-5.4.1.6 Is the CANDIDATE

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

2017-5.4.2 Signed as a PETITIONER on sheet he circulated

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

2017-5.4.3 Purported circulator not the actual circulator

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

If a Preponderance of Evidence (*see Standard Error! Reference source not found.*) shows that the purported circulator did not personally witness one or more signatures being placed on the sheet, then all signatures on that sheet shall be deemed to have that same defect and be disqualified,

But individual signatures can be rehabilitated by an affidavit from the purported original signer stating that he signed that PETITION and that the named circulator personally witnessed the affiant’s signature.

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

2017-5.4.4 Circulator's certification

2017-5.4.4.1 Wording differs from statutory language

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

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

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

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

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

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

2017-5.4.4.2 Not signed by circulator

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

2017-5.4.4.3 Signed by a name other than stated in the certification

There can be only one circulator of a sheet. Where the name at the start of the affidavit (e.g. *Jack Schwartz*) differs from the name of the person who signed it (e.g. *Amy Schwartz*), the objection shall be **sustained** and all the signatures on that sheet disqualified. See *Schwartz v. Kinney*, 50 N.E.3d 59 (2016), 401 Ill.Dec. 339, 2016 IL App (3d) 160021 (2016) [🔗](#).

2017-5.4.4.4 Circulator's signature is not genuine

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

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

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

2017-5.4.4.5 Circulator's address is incomplete

The circulator's address must be sufficiently complete so as to easily locate the circulator at the listed address in the event the

circulator's qualifications or the method of circulation is challenged.

2017-5.5 Signature sheets

2017-5.5.1 Size not uniform


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

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

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

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

2017-5.5.2 Pattern of fraud

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

2017-6 Objections to Individual Signer's Eligibility


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


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

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

2017-6.1 Overly broad objections

Any signature not specifically objected to in the OBJECTOR's PETITION for a specific reason shall be deemed valid.

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

The assertion that the CANDIDATE does not have a sufficient quantity of valid signatures, without specifying exactly which signatures are defective and the reason each is defective, is an attempt to shift the burden of proof from the Objector to the CANDIDATE or to the Electoral Board itself and shall be **overruled** for failure to state a valid reason. See *Daniel v. Daly*, 31 NE 3d 379, 391 Ill.Dec. 703, 2015 IL App (1st) 150544 (1st Dist. 2015) .

2017-6.2 Address shown for signer is outside the district

(The topic "Objections to Addresses" at Standard 2017-8 provides procedures for interpreting addresses.)

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

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

2017-6.2.1 Address is complete enough to determine proper district

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

2017-6.2.2 Apartment, unit, lot or other subaddress is missing

2017-6.2.2.1 All units within the address shown are in the district

The objection shall be **overruled**.

2017-6.2.2.2 Some units within the address shown are in another district

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

2017-6.3 Signer is not registered at the address shown

2017-6.3.1 Voter registration record is found

2017-6.3.1.1 Signer is registered, but at a different address

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

2017-6.3.1.2 Signer is registered at the address shown

The objection shall be **overruled**.

2017-6.3.2 Voter registration record cannot be located

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

2017-6.3.2.1 Signature is legible

The objection shall be **sustained**.

2017-6.3.2.2 Signature is not legible

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

2017-6.3.3 Signer no longer resides at registered address

2017-6.3.3.1 Signer is deceased


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

2017-6.3.3.2 Signer is presumed alive, but now resides elsewhere

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

2017-6.3.4 Signer's voter registration is on "inactive" status

2017-6.3.4.1 For a CANDIDATE

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

The objection shall be **overruled**.

2017-6.3.4.2 For a public question.

It is the same as for a candidate.

2017-6.3.5 Signer has already signed this PETITION on a different sheet


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

2017-6.3.6 Signer has signed a PETITION for another CANDIDATE for this same office

Section 10-3 of the Election Code decrees that "each voter may subscribe to one nomination for such office to be filled, and no more."

2017-6.3.6.1 Petition for a CANDIDATE of an ESTABLISHED POLITICAL PARTY


2017-6.3.6.1.1 Same party

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

The objection shall be **overruled**.

2017-6.3.6.1.2 Different parties

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

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

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

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

2017-6.3.6.2 Petition for an Independent, Nonpartisan, or New Party CANDIDATE.

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

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

2017-6.3.7 Signer is not registered with the correct political party

As explained in *Standard 2017-4.2.2.5.3*, Illinois does not register anyone as a member of a political party, but merely records a history of which political party ballots a voter asked for in past primary elections to nominate CANDIDATES for that party. After the election for office is over, that voter is free to associate himself with another political party.

The objection shall be **overruled**.

2017-6.3.8 Signer's registration is invalid

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

2017-6.3.8.1 Signer is too young

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

2017-6.3.8.2 Signer's right to vote has been revoked

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

Being held in jail awaiting trial (or being released on parole, furlough, or work release), is not a reason to disqualify a person from voting or signing an election-related PETITION.

2017-6.3.8.3 Signer is not a citizen

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


2017-7 Objections to a Signature's Validity

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


2017-7.1 Name is not identical to registration record

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


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

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

2017-7.2 Signature is printed

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

2017-7.2.1 No other grounds were stated

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

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

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

2017-7.2.2 Signature is printed but registration record was cursive (or vice-versa)

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

SIGNATURE

The voter's original signature on his registration record shall be examined. If the signature is not genuine, the objection shall be **sustained**

2017-7.2.2.1 Handwriting does not match record

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

The voter's original signature on his registration record or most recent application to vote shall be examined. If by a PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found.*) the signature is not genuine, the objection shall be **sustained**.

2017-7.3 Signature is not genuine

2017-7.3.1 Not signed in own proper person

2017-7.3.1.1 Handwriting does not match record


The voter's original signature on his registration record or most recent application to vote shall be examined. If by a PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found.*) the signature is not genuine, the objection shall be **sustained**.

2017-7.3.1.2 Forgery

If a PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found.*) shows that some other than the person named signed that person's name, the objection shall be **sustained**.


2017-7.3.1.3 Voter has executed a notarized signature rehabilitation affidavit.

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


Notarized affidavits may be used to establish that signatures challenged as not genuine are, in fact, the genuine signatures of those signing the PETITION. *Garza v. Adams*, 91-EB- ALD-11 (Chicago Electoral Board 1991) .

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

2017-7.3.1.4 Voter's affidavit is merely certified, not notarized.

Verifications by certification under Section 1-109 of the Code of Civil Procedure are no longer acceptable in lieu of notarized affidavits. In *Caldwell v. Board of Election Commissioners*, Cir. Ct. Cook County, 2012-COEL- 002 (January 30, 2012) , the trial

SIGNATURE

court applied the ruling in *Mashni v. Laski*, 351 Ill. App.3d 727 (1st Dist. 1987)  that Section 1-109 of the Code of Civil Procedure does not indicate that verification under its procedure is an acceptable substitute when a statute other than the Code of Civil Procedure requires notarization.

The objection shall be **sustained**.

2017-7.3.1.5 Registration record is very old.

A voter's handwriting may change over time. When it appears from the voter registration record that a signature is not genuine, the signature may be rehabilitated if by the PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found. for definition*) it matches any document on file where the voter requested a ballot to be voted at the polling place or otherwise in a recent election.

2017-7.3.1.6 Signature is legible

If, by the PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found. for definition*) the signature on the PETITION matches the signature on file, the objection shall be **overruled**.

2017-7.3.1.7 Signature is not legible

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

2017-7.3.1.7.1 Address is legible

Unless the PREPONDERANCE OF THE EVIDENCE (*see Standard Error! Reference source not found. for definition*) shows that the signature on the PETITION matches the signature on file of a person currently registered as a voter at the address stated in the PETITION, the objection shall be **sustained**.

2017-7.3.1.7.2 Address is not legible

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

2017-7.4 Signature was added after notarization

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

The objections shall be **sustained** and that signature shall be disqualified. The Electoral Board shall refer the matter to the office of the appropriate prosecutor.

2017-8 Objections to Addresses

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

2017-8.1 Address uses ditto marks

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

2017-8.2 Address is missing or incomplete

2017-8.2.1 General rule

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

2017-8.2.2 Rehabilitation

Signatures of signers of PETITION sheet whose addresses on the PETITION are incomplete may be rehabilitated and restored upon submission of affidavits from such persons attesting to their full and complete address and when such persons are found to be registered to vote at the address as correctly shown on their affidavits. *Davis et al. v. Reed*, 04-EB-WC-81 (Chicago Electoral Board 2004) [↗](#). (A sample of such an affidavit is form EB-25 in the *Model Rules of Procedure for Illinois Electoral Boards*.)

2017-8.2.3 Address not written by the signer himself

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

The objection shall be **overruled**.

2017-8.2.4 Residence city is misspelled or abbreviated

Any objection solely on the ground that the city in the mailing address is abbreviated (e.g.: FP – Forest Park, OP – Oak Park, etc.) will be **overruled** as failing to state grounds for an objection

2017-8.2.5 Street address is missing

2017-8.2.5.1 Community uses street addresses

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

ADDRESS

2017-8.2.5.1.1 Surname is same as on line above

2017-8.2.5.1.1.1 Line above contains an address

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

2017-8.2.5.1.1.2 Line above does not contain an address

The objection shall be **sustained**.

2017-8.2.5.1.2 Surname differs from line above

The objection shall be **sustained**.

2017-8.2.5.2 Community does not use street addresses

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

2017-8.2.6 Street name is missing direction indicator

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

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

2017-8.2.7 Apartment, unit, lot or other subaddress is missing

If the signer can be found in the voter registration records for the address as stated, then the objection shall be **overruled**.

2017-8.2.8 Address is a rural route box

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

2017-8.2.9 Address is a post office box

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

2017-8.2.10 Record shows a street address

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

2017-8.2.11 County is missing

2017-8.2.11.1 Record cannot be found in Electoral Board's home county voter records

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

2017-8.3 Address does not match record

2017-8.3.1 Community changed street name or house number

2017-8.3.1.1 Signer has not moved

The objection shall be **overruled**.

2017-8.3.1.2 Signer has moved

The objection shall be **sustained**.

2017-8.3.2 Address partially matches

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

Selected Statutes

These are the statutes most often referred to in the Statewide Standards.

§7-10 Petition for Nomination (ESTABLISHED POLITICAL PARTIES)

Heading

The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the party and qualified primary electors of the party, in the of, in the county of and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Name	Office	Address
John Jones	Governor	Belvidere, Ill.
Jane James	Lieutenant Governor	Peoria, Ill.
Thomas Smith	Attorney General	Oakland, Ill.

Name..... Address.....

Circulator's Oath

State of Illinois)

) ss.

County of.....)

I,, do hereby certify that I reside at No. street, in the of, county of, and State of, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the party, and that their respective residences are correctly stated, as above set forth.

.....

Subscribed and sworn to before me on (insert date).

.....

Form

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Signers

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any.

Circulator Statement

At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for

which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

Circulation Dates

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

Striking Signatures

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

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

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Binding and Numbering

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets.

Statement of Candidacy

Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

State of Illinois)

) ss.

County of)

I, ..., being first duly sworn, say that I reside at Street in the city (or village) of ..., in the county of ..., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the ... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of ... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed

Subscribed and sworn to (or affirmed) before me by ..., who is to me personally known, on (insert date).

Signed

(Official Character)

(Seal, if officer has one.)

Amendment

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition.

Forged Signatures

Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished

Minimum Signature Requirements

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide Office

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for

nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional Office

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County Office - All but Cook County

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(d) Cook County Offices

(d) County office; Cook County only.

(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified

primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a countywide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

(e) Municipal or Township Office

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State Central Committeeperson

State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary District Trustee

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial Office

(h) Judicial office. If a candidate seeks to run for judicial office in a district, then the candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures. If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

(i) Precinct, Ward, and Township Committeeperson

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of

signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any Other Office

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

Computing Primary Electors Quantity

For purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes, statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

Signing Petitions of Another Party

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

Multiple Candidates on Same Petition

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more

candidates of the same political party for the same or different offices. In the case of the offices of Governor and Lieutenant Governor, a joint petition including one candidate for each of those offices must be filed.

§7-10.1 Loyalty Oath

Each petition or certificate of nomination shall include as a part thereof, a statement for each of the candidates filing, or in whose behalf the petition or certificate of nomination is filed, said statement shall be subscribed and sworn to by such candidate or nominee before some officer authorized to take acknowledgment of deeds in this State and shall be in substantially the following form:

United States of America)
) ss
 State of Illinois)

I, do swear that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or

any foreign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.

.....
 Subscribed and sworn to by me on (insert date).

.....
 (Notary Public)

My commission expires:

§7-10.2 Candidates' Name

Forename

In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.

Name Changed

If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition or certificate for that office, whichever is applicable, then (i) the candidate's name on the petition or certificate must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition or certificate must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an

adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

Titles Prohibited

No other designation such as a political slogan, as defined by Section 7-17, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

(Excerpt from §7-17(b): Political Slogan)

No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate.

A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

§7-12 Filing Nomination Papers

All petitions for nomination shall be filed by mail or in person as follows:

(1) State-wide, Congressional, Judicial, and Offices Crossing County Lines

(1) Where the nomination is to be made for a State, congressional, or judicial office, or for any office a nomination for which is made for a territorial division or district which comprises more than one county or is partly in one county and partly in another county or counties, then, except as otherwise provided in this Section, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary, but, in the case of petitions for nomination to fill a vacancy by special election in the office of representative in Congress from this State, such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 85 days and not less than 82 days prior to the date of the primary.

Where a vacancy occurs in the office of Supreme, Appellate or Circuit Court Judge within the 3-week period preceding the 106th day before a general primary election, petitions for nomination for the office in which the vacancy has occurred shall be filed in the principal office of the State Board of Elections not more than 92 nor less than 85 days prior to the date of the general primary election.

Where the nomination is to be made for delegates or alternate delegates to a national nominating convention, then such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 113 and not less than 106 days prior to the date of the primary; provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for nomination for delegates or alternate delegates to a national nominating convention, the chairman of the State central committee of such national political party shall notify the Board in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed in accordance with the delegate selection plan adopted by the state central committee of such national political party.

(2) County or Sanitary District Offices

(2) Where the nomination is to be made for a county office or trustee of a sanitary district then such petition shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.

(3) Municipal or Township Offices

(3) Where the nomination is to be made for a municipal or township office, such petitions for nomination shall be filed in the office of the local election official, not more than 99 nor less than 92 days prior to the date of the primary; provided, where a municipality's or township's boundaries are coextensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the petitions shall be filed in the office of such board; and provided, that petitions for the office of multi-township assessor shall be filed with the election authority.

(4) State Central Committeemen

(4) The petitions of candidates for State central committeeman shall be filed in the principal office of the State Board of Elections not more than 113 nor less than 106 days prior to the date of the primary.

(5) Precinct, Township, or Ward Committeemen

(5) Petitions of candidates for precinct, township or ward committeemen shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary.

(6) Location and Notation of Filing

(6) The State Board of Elections and the various election authorities and local election officials with whom such petitions for nominations are filed shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and hour on which each petition was filed.

Filings at Opening on First Day

All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be.

Filings at Other Times

All petitions received thereafter shall be deemed as filed in the order of actual receipt.

Filings at Closing on Last Day

However, 2 or more petitions filed within the last hour of the filing deadline shall be deemed filed simultaneously.

Filing Time Tie-Breaker

Where 2 or more petitions are received simultaneously, the State Board of Elections or the various election authorities or local election officials with whom such petitions are filed shall break ties and

determine the order of filing, by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections.

Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given by the State Board of Elections to the chairman of the State central committee of each ESTABLISHED POLITICAL PARTY, and by each election authority or local election official, to the County Chairman of each ESTABLISHED POLITICAL PARTY, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election.

The State Board of Elections, election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery.

Position on the Ballot

All candidates shall be certified in the order in which their petitions have been filed. Where candidates have filed simultaneously, they shall be certified in the order determined by lot and prior to candidates who filed for the same office at a later time.

(7) Notice of

Campaign Finance Disclosure Obligation

(7) The State Board of Elections or the appropriate election authority or local election official with whom such a petition for nomination is filed shall notify the person for whom a petition for nomination has been filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures under Article 9 of this Act. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code.

Statement of Economic Interests

(8) Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required

to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

(9) Withdrawal

(9) Any person for whom a petition for nomination, or for committeeman or for delegate or alternate delegate to a national nominating convention has been filed may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the principal or permanent branch office of the State Board of Elections or with the appropriate election authority or local election official, not later than the date of certification of candidates for the consolidated primary or general primary ballot.

No names so withdrawn shall be certified or printed on the primary ballot.

Candidacy for Multiple Political Parties

If petitions for nomination have been filed for the same person with respect to more than one political party, his name shall not be certified nor printed on the primary ballot of any party.

Candidacy for Multiple Incompatible Offices

If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing.

A candidate in a judicial election may file petitions for nomination for only one vacancy in a subcircuit and only one vacancy in a circuit in any one filing period, and if petitions for nomination have been filed for the same person for 2 or more vacancies in the same circuit or subcircuit in the same filing period, his or her name shall be certified only for the first vacancy for which the petitions for nomination were filed.

Failure to Withdraw from Incompatible Office

If he fails to withdraw as a candidate for all but one of such offices within such time his name shall not be certified, nor printed on the primary ballot, for any office. For the purpose of the foregoing provisions, an office in a political party is not incompatible with any other office.

(10)(a) Uncontested Nominations

(10)(a) Notwithstanding the provisions of any other statute, no primary shall be held for an ESTABLISHED POLITICAL PARTY in any township, municipality, or ward thereof, where the nomination

of such party for every office to be voted upon by the electors of such township, municipality, or ward thereof, is uncontested.

Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested.

For purposes of this Article, the nomination of an ESTABLISHED POLITICAL PARTY of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

(10)(b) Special Congressional Primaries

(b) Notwithstanding the provisions of any other statute, no primary election shall be held for an ESTABLISHED POLITICAL PARTY for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested.

For the purposes of this Article, the nomination of an ESTABLISHED POLITICAL PARTY of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such ESTABLISHED PARTY for election to said office. This subsection (b) shall not apply if such primary election is conducted on a regularly scheduled election day.

(10)(c) Write-in Candidates

(c) Notwithstanding the provisions in subparagraph (a) and (b) of this paragraph (10), whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election

official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office.

Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot.

Such statement or notice shall contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate.

An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(11) Multiple Sets of Nomination Papers for the Same Candidate for the Same Office

(11) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the State Board of Elections, election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(12) Public Record

(12) All nominating petitions shall be available for public inspection and shall be preserved for a period of not less than 6 months.

§7-12.1 Objections to Nomination Papers

The provisions of Sections 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern

objections to petitions for nomination filed under this Article, except as otherwise provided in Section 7-13 for cases to which it is applicable.

§7-13 Electoral Boards for Committeeman Objections

Ward Committeeman

[If a city of over 500,000 has an Election Commission, that Election Commission shall be the Electoral Board. Usual notice and other procedures. Objector's Petition is filed with the County Clerk. Board's decision is subject to judicial review pursuant to §10-10.1.]

Precinct or Township Committeeman

[County Officers Electoral Board hears these cases. Objector's Petition is filed with the County Clerk. Usual notice and other procedures. Board's decision is subject to judicial review pursuant to §10-10.1.]

§7-43 Primary Voters or Candidates

Primary Voter Qualifications

Every person having resided in this State 6 months and in the precinct 30 days next preceding any primary therein who shall be a citizen of the United States of the age of 18 or more years shall be entitled to vote at such primary.

Primary Voter Limitations

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Article.

(b) (Blank).

(c) (Blank).

(c.5) If that person has participated in the town political party caucus, under Section 45-50 of the Township Code, of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the calendar month in which the primary is held.

(d) (Blank).

Primary Voters must be Registered

In cities, villages and incorporated towns having a board of election commissioners only voters registered as provided by Article 6 of this Act shall be entitled to vote at such primary.

No person shall be entitled to vote at a primary unless he is registered under the provisions of Articles 4, 5 or 6 of this Act, when his registration is required by any of said Articles to entitle him to vote at the election with reference to which the primary is held.

2018 General Election following 2018 Primary

A person

(i) who filed a statement of candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY or

(ii) who voted the ballot of an ESTABLISHED POLITICAL PARTY at a general primary election

may not file a statement of candidacy as a candidate of a different ESTABLISHED POLITICAL PARTY or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement or voted the ballot.

2016 Primary Election History is Irrelevant

A person may file a statement of candidacy for a partisan office as a qualified primary voter of an ESTABLISHED POLITICAL PARTY regardless of any prior filing of candidacy for a partisan office or voting the ballot of an ESTABLISHED POLITICAL PARTY at any prior election.

§10-3 Independent Candidates

State-wide Office

Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding Statewide general election or 25,000 qualified voters of the State, whichever is less.

Local Office

Nominations of independent candidates for public office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified

voters of such district, or political subdivision, equaling not less than 5%, nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons, who voted at the next preceding regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. However, whenever the minimum signature requirement for an independent candidate petition for a district or political subdivision office shall exceed the minimum number of signatures for an independent candidate petition for an office to be filled by the voters of the State at large at the next preceding State-wide general

election, such State-wide petition signature requirement shall be the minimum for an independent candidate petition for such district or political subdivision office.

First Election following Redistricting

[Omitted as currently irrelevant.]

Limitations

Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for such office to be filled, and no more: Provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office.

Striking Signatures

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that;

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

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(3) the persons striking signatures from the petition shall each sign an additional certificate specifying the number of certification pages listing stricken signatures which are attached to the petition

and the page numbers indicated on such certifications. The certificate shall be filed as a part of the petition, shall be numbered, and shall be attached immediately following the last page of voters' signatures and before the certifications of stricken signatures.

(4) all of the foregoing requirements shall be necessary to effect a valid striking of any signature. The provisions of this Section authorizing the striking of signatures shall not impose any criminal liability on any person so authorized for signatures which may be fraudulent.

Governor and Lieutenant Governor

In the case of the offices of Governor and Lieutenant Governor a joint petition including one candidate for each of those offices must be filed.

Defeated Partisan Candidates Ineligible

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible to be placed on the ballot as an independent candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as an independent candidate.

§10-3.1 Nonpartisan Candidates

Signature Requirements

Petitions for nomination of nonpartisan candidates for offices to be filled at an election provided in Article 2A of this Code shall be in conformity with any requirements as to contents and number of signatures specified in the statute creating the political subdivision or providing the applicable form of government thereof.

Petitions for nomination of nonpartisan candidates for municipal offices where the statute creating the municipality or providing the form of government thereof, or the ordinance so providing, pursuant to Article VII of the Constitution, requires election to such office on a nonpartisan basis and does not permit political party nominations (including without limitation Articles 4 and 5 of the Municipal Code) shall be in conformity with any requirements as to contents and number of signatures specified in such statute or ordinance.

Other Requirements

The provisions of this Article 10 relating to independent candidate petition requirements shall apply to nonpartisan petitions to the extent they are not inconsistent with the requirements of such other statutes or ordinances.

Default Signature Requirements

If signature requirements for petitions for nomination of nonpartisan candidates are not specified in the statute creating the political subdivision or the signature requirements cannot be determined under Article 10, the signature requirements for the nonpartisan candidates shall be at least 0.5% of the total number of registered voters of the political subdivision for which the nomination is made or a minimum of 25, whichever is greater.

§10-4 Petition for Nomination (Independent, Nonpartisan, and Minor Political Parties)

Heading

All petitions for nomination under this Article 10 for candidates for public office in this State, shall in addition to other requirements provided by law, be as follows: Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same.

Signers

Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed.

Addresses

The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However, the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.

Circulator's Statement

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States; stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition; and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters under Articles 4, 5 or 6 of the Code

of the political subdivision or district for which the candidate or candidates shall be nominated, and certifying that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

Circulation Dates

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 10-6 for the filing of such petition.

Binding and Numbering

Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Original Signatures Only

All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

Amendment

A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the officers or officer with whom the petition is required to be presented or filed, and before the presentment or filing of such petition.

Forged Signatures

Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly.

Definitions

The word "petition" or "petition for nomination", as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The words "political division for which the candidate is nominated", or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate or candidates, as the state in the case of state officers; the township in the case of township officers et cetera.

Circulating Petitions for More than One

Provided, further, that no person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be

voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election.

§10-5 Nomination Papers Contents

Specific Information

All petitions for nomination shall, besides containing the names of candidates, specify as to each:

1. The office or offices to which such candidate or candidates shall be nominated.

2. The new political party, if any, represented, expressed in not more than 5 words. However, such party shall not bear the same name as, nor include the name of any ESTABLISHED POLITICAL PARTY as defined in this Article. This prohibition does not preclude any ESTABLISHED POLITICAL PARTY from making nominations in those cases in which it is authorized to do so.

3. The place of residence of any such candidate or candidates with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the party name or appellation.

Loyalty Oath, Statement of Candidacy

Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States.

Statement of Candidacy Contents

Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)
) SS.
County of.....)

I,...., being first duly sworn, say that I reside at.... street, in the city (or village) of.... in the county of....

State of Illinois; and that I am a qualified voter therein; that I am a candidate for election to the office of.... to be voted upon at the election to be held on the.... day of.....; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

Signed.....

Subscribed and sworn to (or affirmed) before me by.... who is to me personally known, this.... day of.....

Signed.....

(Official Character)

(Seal, if officer has one.)

New Political Party

In addition, a new political party petition shall have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination pursuant to Section 10-11.

Statement of Economic Interests

Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed.

Receipt Required in Certain Cases

If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

§10-5.1 Candidate's Name

Forename

In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname.

Name Changed

If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the certificate of nomination or nomination papers for that office, whichever is applicable, then (i) the candidate's name on the certificate or papers must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the certificate or paper must be

accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

Titles Prohibited

No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

§10-8 Objector's Petitions

Filing Deadline

Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing within 5 business days after the last day for filing the certificate of nomination or nomination papers or petition for a public question, with the following exceptions:

A. In the case of petitions to amend Article IV of the Constitution of the State of Illinois, there shall be a period of 35 business days after the last day for the filing of such petitions in which objections can be filed.

B. In the case of petitions for advisory questions of public policy to be submitted to the voters of the entire State, there shall be a period of 35 business days after the last day for the filing of such petitions in which objections can be filed.

Filing Procedure

Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition together with 2 copies thereof in the principal office or the permanent branch office of

the State Board of Elections, or in the office of the election authority or local election official with whom the certificate of nomination, nomination papers or petitions are on file. Objection petitions that do not include 2 copies thereof, shall not be accepted.

Transmittal to Electoral Board

In the case of nomination papers or certificates of nomination, the State Board of Elections, election authority or local election official shall note the day and hour upon which such objector's petition is filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the certificate of nomination or nomination papers and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 hereof, or his authorized agent, and shall transmit a copy by registered mail or receipted personal delivery of the objector's petition, to the candidate whose certificate of nomination or nomination papers are objected to, addressed to the place of residence designated in said certificate of nomination or nomination papers.

In the case of objections to a petition for a proposed amendment to Article IV of the Constitution or for an advisory public question to be submitted to the voters of the entire State, the State Board of Elections shall note the day and hour upon which such objector's petition is filed and shall transmit a copy of the objector's petition by registered mail or receipted personal delivery to the person designated on a

certificate attached to the petition as the principal proponent of such proposed amendment or public question, or as the proponents' attorney, for the purpose of receiving notice of objections.

In the case of objections to a petition for a public question, to be submitted to the voters of a political subdivision, or district thereof, the election authority or local election official with whom such petition is filed shall note the day and hour upon which such objector's petition was filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the petition for the public question and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 hereof, or his authorized agent, and shall transmit a copy by registered mail or receipted personal delivery, of the objector's petition to the person designated on a certificate attached to the petition as the principal proponent of the public

question, or as the proponent's attorney, for the purposes of receiving notice of objections.

Objector's Petition Contents

The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board.

Applicable to Other Elections Too

The provisions of this Section and of Sections 10-9, 10-10 and 10-10.1 shall also apply to and govern objections to petitions for nomination filed under Article 7 or Article 8, except as otherwise provided in Section 7-13 for cases to which it is applicable, and also apply to and govern petitions for the submission of public questions under Article 28.

§10-9 Electoral Board Composition

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

1. 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.

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.

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Season Report by Electoral Board

1. Circle the season of objection hearings being reported:

2018 General Primary 2018 General Election

2. Name of your Electoral Board, with address, phone and email contact information:

3. Quantity of cases filed with your Electoral Board for that season:

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

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

5. Please give us feedback on good and bad aspects of the Model Rules and the Statewide Standards, so we can improve future issues:

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

Honor System Invoice for License

Remit to:

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

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

Quantity of cases filed with your Electoral Board for that season:

_____ referred from the State Board of Elections (no fee)

_____ first case filed here (\$10.00)

_____ additional cases filed here (\$1.00 each)

*Enter total computed
in report above →*

\$

License fee for the indicated season's use of
2017 Statewide Standards for Findings and
Rulings by Illinois Electoral Boards