

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601
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BOARD MEMBERS
William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
Judith C. Rice
Bryan A. Schneider
Charles W. Scholz

EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

AGENDA
State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Tuesday, January 24, 2012
11:00 a.m.

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

Call State Board of Elections to order.

1. Approval of the minutes from the December 20 & January 3 meetings.
2. Recess the State Board of Elections and convene as the State Officers Electoral Board.
3. Approval of the minutes from the December 20 & January 3 SOEB meetings.
4. Call cases and accept appearances - objections to Presidential and Delegate/Alternate Delegate candidate nominating petitions for the March 20, 2012 General Primary Election:
 - a) *Freeman v. Obama*, 12SOEBGP103;
 - b) *Jackson v. Obama*, 12SOEBGP104;
 - c) *Meroni et al. v. Obama*, 12SOEBGP500.
5. Approve the revised Rules of Procedure for the State Officers Electoral Board.
6. Appointment of Hearing Examiners.
7. Consideration of objections to candidate nominating petitions for the March 20, 2012 General Primary Election;
 - a) *McSweeney v. Gaffney*, 11SOEBGP502;
 - b) *Woods v. Maurice*, 11SOEBGP510; (Motion to Reconsider)
 - c) *Montgomery/Williams v. Letke*, 11SOEBGP520;
 - d) *Bromley v. Evans*, 12SOEBGP100;
 - e) *Bromley v. Canfield*, 12SOEBGP101.
8. Objections/Candidate withdrawn;
 - a) *Jackson v. Romney*, 12SOEBGP105;
 - b) *Zahm v. Gingrich*, 12SOEBGP106;
 - c) *Zahm v. Perry*, 12SOEBGP107;

- d) *Zahm v. Romney*, 12SOEBGP108;
 - e) *Zahm v. Paul*, 12SOEBGP109;
 - f) *Runyon v. Hagen, et al*, 12SOEBGP110;
 - g) *Runyon v. Green, et al*, 12SOEBGP111;
 - h) *Runyon v. Santorum*, 12SOEBGP112;
 - i) *Runyon v. Paul*, 12SOEBGP113;
 - j) *Runyon v. Perry*, 12SOEBGP114;
 - k) *Milone v. Smit,h et al*, 12SOEBGP502;
 - l) *Lorch v. Eilers, et al*, 12SOEBGP503;
 - m) *Offord v. Grabowski, et al*, 12SOEBGP504;
 - n) *Blankenbaker v. Zahm, et al*, 12SOEBGP505;
 - o) *Broederman v. Arndt, et al*, 12SOEBGP506;
 - p) *Loudermilk v. Hagen, et al*, 12SOEBGP507;
 - q) *Deiderich v. Gray, et al*, 12SOEBGP508;
 - r) *Claar v. Gardner Huff, et al*, 12SOEBGP509;
 - s) *Griffith v. Wallace, et al*, 12SOEBGP510;
 - t) *Kim v. Raymond, et al*, 12SOEBGP511.
9. Other business.
10. Recess the State Officers Electoral Board until February 2, 2012 or until call of the Chairman, whichever occurs first.
11. Reconvene as the State Board of Elections.
12. Consideration of pending candidate withdrawals following certification;
- a) Patricia “Teasha” Hanson – 28th Representative District;
 - b) James J. Taylor – 28th Representative District;
 - c) John Hu – 5th Representative District;
 - d) Martin D. Reggi – Cook County, 4th Subcircuit A Vacancy;
 - e) Pamela Raves-Harris – Cook County, 7th Subcircuit, Vacancy of Lawrence W. Terrell;
 - f) Sherby J. Miller – 7th Representative District;
 - g) John P. Tully - 1st Supreme Court, Vacancy of Thomas R. Fitzgerald.
13. Motion to settle civil penalty assessments – *Friends of Sherman Jones*.
14. Other business.
15. Adjourn until February 2, 2012 or until call of the Chairman, whichever occurs first.

**STATE BOARD OF ELECTIONS
MONTHLY BOARD MEETING
December 20, 2011**

MINUTES

PRESENT: William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
Judith C. Rice, Member
Bryan A. Schneider, Member
Charles Scholz, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Assistant III

Chairman McGuffage called the meeting to order at 10:04 a.m. and led everyone in the Pledge of Allegiance to the flag.

The Chairman asked for a motion to recess to the State Officers Electoral Board. Member Smart so moved and Member Scholz seconded the motion which passed unanimously by roll call vote.

The Board recessed at 10:06 and returned to open session at 10:16 a.m. Attendance was taken to ensure a quorum. All members were present.

To accommodate Attorney Richard Means, who had another case before hearing examiners in another area, the Board called Item #26, *SBE v. Friends of Sherman C. Jones*, 22764, 11AJ069. General Counsel Sandvoss agreed with the hearing officer's recommendation to deny the appeal. Mr. Means indicated that the committee is willing to raise additional funds to pay the previous \$5,000 penalty for failure to comply with the Board Order. Member Smart moved to adopt the recommendation of the hearing officer and general counsel and fine the committee 10% or \$152. Member Scholz seconded the motion which passed unanimously by roll call vote. As to the Appeal of a Board Order from the committee, Vice Chairman Smart moved to continue this matter to the January 12th Regular Board Meeting. Member Byers seconded the motion which passed 8-0 by roll call vote.

Member Smart moved to adopt the minutes from the November Board meeting as presented. Member Byers seconded the motion which passed by 8 ayes in unison.

General Counsel Sandvoss recommended in *SBE v. Citizens for Blair*, 22735 to grant the Motion to Reconsider and rescind the final order assessing a penalty as the committee made a timely return of the contribution received in excess of the limits. Vice Chairman Smart so moved and Member Byers seconded the motion. Leave for attendance roll was requested, and hearing no objection, the leave is granted.

Mr. Andrew Finko's appearance was recognized in *SBE v. Citizens to Elect Richard A. Wooten*, 23114. This matter involved receipt of contributions in excess of limits and the corresponding escheatment under the new law. Mr. Finko requested a reduced escheatment amount. Mr. Sandvoss explained that escheatment is automatic and if the contribution had been returned within 15 days, this would have had a different outcome. However, the Board lacked jurisdiction to give any relief on the escheatment since it is a statutory mandate.

Mr. John Farrell, Treasurer for the respondent in *SBE v. Friends of Stocks-Smith*, 23142, was present in the Springfield office via videoconference and submitted a Motion to Reconsider a previous Board order assessing a civil penalty. He indicated his situation was very similar to the previous matter, but added that the treasurer and candidate did not receive notice of the assessment or final order. Mr. Sandvoss indicated that if a sworn affidavit from the chairman, treasurer and candidate stating under oath that they did not receive any notice whatsoever regarding this penalty until the November ballot forfeiture letter, he would recommend the Board consider those affidavits in their decision on whether or not to grant the motion to reconsider. If the affidavits are in order, he would recommend granting it. He suggested continuing this matter to the February meeting as the January agenda was very full. Mr. Farrell thanked the board and indicated he would get the affidavits and have them available at the February meeting. He added that the staff helped him immensely and that Tom Newman and the rest of the staff were patient, professional and outstanding.

Chairman McGuffage called Anthony Jacob, attorney for the respondent in *SBE v. Friends of Terry Marketti*, 18102. He indicated that the committee had the same problem as the previous complaint, not receiving the notices from the Board, and stated that the committee would like to settle the fine. Mr. Jacob offered a settlement of 50% or \$3,956.50; and added that this represents 20% of all the committee's funds. The General Counsel recommended considering the settlement offer. Member Byers moved to accept the offer and Member Coffrin seconded the motion. The motion passed unanimously by roll call vote.

Item #5) *SBE v. Friends of Dale Berman*, 18528 was continued to February.

The Chairman acknowledged Mr. Ed Joyce, chairman of the respondent committee in *SBE v. Citizens to Elect Patrick J. Sherlock*, 20897. Mr. Joyce indicated that they only received the ballot forfeiture notice and not any previously sent notices. He offered a 50% settlement or \$1350 which he said he would pay personally. Vice Chairman Smart moved to accept the settlement offer and Member Byers seconded the motion. The motion carried unanimously by roll call vote.

Mr. Sandvoss indicated that there was an additional item to consider which was not on the agenda: *SBE v. Citizens for Daion Dean*, 11 MA 066. Their counsel, Burt Odelson, offered a settlement offer of 10% of the assessment. Chairman McGuffage moved to deny their request and advise them that anything less than 50% is unacceptable. Member Gowen agreed and seconded the motion. Eight ayes in unison and none opposed carried the motion unanimously.

Member Byers moved to grant the new appeals in *SBE v. Wheaton Warrenville PAC for Education*, 7487, 11 AJ 033 and *SBE v. Friends of Dart*, 19319, 10 AG 093. Member Rice seconded the motion which passed 8-0 on 7487 and 7-0-1 on 19319 with the Chairman voting present.

The Chairman asked for the General Counsel's decision in *SBE v. ILCA PAC*, 19282. Mr. Sandvoss concurred in part and disagreed in part. He agreed to grant the appeal for the assessment for the March quarterly report; but the appeal for the December Semi-annual report should be denied since the committee has been filing for several years and should have been aware of the due date. Mr. Scott Grams appeared for the Illinois Landscape Contractors Association as Chairman of the PAC. He admitted the mistake was made by checking Final on his report and being removed automatically from the IDIS system. He asked the Board to adopt the recommendation of the hearing officer and grant the appeal. The Chairman moved to grant the appeal and the recommendation of the hearing officer should be adopted. Member Coffrin seconded the motion which passed 8-0 by roll call vote.

Mr. Sandvoss presented new appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be denied. He added that Item 10 was to be continued to February.

Vice Chairman Smart moved to accept the hearing officer's recommendation and deny the appeals in Items 11, 12, 13, 16, 21, 22, 23, 25 and 27. Member Scholz seconded the motion which passed 8-0 by roll call vote. Appeals are denied for: *SBE v. IPACE of Alton Education Association*, 5778, 11JQ213; *SBE v. Citizens for Lyle*, 14153, 11AJ043; *SBE v. Citizens to Elect Robert E. Howard*, 19080, 11AJ057; *SBE v. Friends of District 214*, 20059, 11AM165; *SBE v. Friends of Murfin and Sarkees*, 21877, 09JS267; *SBE v. Re-Elect Eric Leys*, 22022, 11MA067; *SBE v. Friends of Russell W. Hartigan*, 22244, 11AJ067; *SBE v. People for Rauschenberger*, 22369, 11AJ068; and *SBE v. Project MPAC*, 23716, 11MA088.

Chairman McGuffage acknowledged Attorney Thomas Jaconetti who was present for items 14 and 70. Mr. Jaconetti summarized the problems these two committee's treasurer had in his professional and personal life and the fact that he had closed their committees in January. A penalty was assessed after the committees filed their final reports. Discussion ensued among the board. Mr. Sandvoss recommended granting the appeal. Member Byers moved to grant the appeal and Vice Chairman Smart seconded the motion. The motion passed 8-0 by roll call vote.

The Chairman called *SBE v. Prairie Greens of East Central Illinois*, 19988, 11JQ240 and recognized the appearance of Kostas Yfantis, acting treasurer of the respondent committee. Mr. Yfantis spoke to the problems with the committee and offered a 50% settlement of the fine or \$388.00. Member Scholz moved to accept the 50% settlement and Member Rice seconded the motion. The offer was accepted by roll call vote of 8-0.

Mr. Sandvoss presented Item 19, *SBE v. Friends of Terry Stephens*, 21582, 11MQ060 and the Board acknowledged the presence of respondent's Attorney Dan McGrath and the candidate Terry Stephens. Respondents summarized the activities of the committee and Mr. McGrath offered a settlement offer of 50% of the fine, or \$2,012.50. General Counsel Sandvoss agreed with the hearing examiner's recommendation, but said this was the first he heard of a settlement offer. Member Coffrin moved to accept the settlement offer. Member Byers seconded the motion which included payment within 30 days of the order. The committee was cautioned about

paying the settlement using personal funds as the committee filed a final report in July, 2011. The motion passed 7-0-1 with Chairman McGuffage voting present as he disagrees with payment using personal funds.

The Chairman recognized Mr. Gerald Williams, treasurer for the respondent in *SBE v. Committee to Elect Steven G. Watkins*, 22358, 11MA069. Mr. Williams indicated that the filing in question in February of 2010 was due after the campaign ended and no further activities took place after February 2010. He spoke of problems with the electronic filing and the software and that the committee had approximately \$300. General Counsel Sandvoss concurred with the hearing officer's recommendation and advised the committee of problems that would arise if the committee dissolved and reopened within 2 years as the fine would then be due and owing. Mr. Williams offered \$500 as a settlement offer. The Board discussed several scenarios with Mr. Williams. Vice Chairman Smart moved to accept the remainder of the funds of the committee; accept the dissolution of the committee and if they remain inactive for 2 years they can re-establish their committee without penalty. Member Coffrin seconded the motion which passed unanimously by roll call vote.

The Board returned to Item 18, *SBE v. Zalewski for State Representative*, 21222, 11AJ064, and acknowledged Michael Kasper for the respondent. Mr. Sandvoss recommended lowering the amount indicated by the hearing officer by \$500, making the total penalties \$1500 and \$75, totaling \$1575; Attorney Kasper had no objection. Vice Chairman Smart moved to accept the recommendation of the General Counsel and Member Scholz seconded the motion. Member Schneider said that cautionary observance in the future regarding re-submitting contributions will be necessary, but he would support the motion. The motion passed 8-0 by roll call vote.

Mr. Kasper disagreed with two issues in *SBE v. Preckwinkle for President*, 21644, 10AG091. The first issue involved an in-kind contribution and the difficulty in estimating the ultimate cost of a breakfast. He indicated that it was difficult to get a value from a vendor and asked for a reduction of \$134 regarding estimating the ultimate cost of the breakfast. Second, a number of contributions were deposited the day before the election and the A-1 report would not have been due until the day after the election. The committee thought the A-1 requirement expired on Election Day and did not continue past the election. A waiver of those fines would be \$925. Member Byers moved to grant the appeal as to the issues raised by Mr. Kasper and deny the remainder of the appeal, which would result in the committee being assessed \$1420. Member Rice seconded the motion which passed unanimously by roll call vote.

Three new appeals of contribution limit fines were presented wherein the hearing officer recommended the appeal be granted. Vice Chairman Smart moved the appeals be granted in *SBE v. Citizens to Elect Anthony Bealt*, 14556, 11MQ-CL001; *SBE v. Friends of JoAnn Thompson*, 16425, 11MQ-CL002; and *SBE v. Houston for Mayor*, 17280, 11MQ-CL003. Member Byers seconded the motion which passed 8-0 by roll call vote.

The Board considered the failure to comply with a board order in *SBE v. Cook County Democratic Women*, 945. No one appeared for the respondent. Mr. Sandvoss recommended the committee be ordered to make the payments that were due in September, October, November and December before December 30, 2011, and if they fail to make that payment, the full outstanding balance be paid no later than 5 p.m. January 17, 2012. If the committee does not have the funds to make these payments, Mr. Sandvoss' alternative recommendation was to submit a final report, turning over any money in their balance to the SBE in payment or partial payment and if they stay inactive for two years, the remaining penalty would be abated. Vice Chairman Smart so moved and Member Byers seconded the motion. The motion passed unanimously.

Mr. Sandvoss asked for a motion to impose the civil penalties on the committees that did not appeal their assessments, after which staff will issue a final order to that effect. Member Scholz so moved and Member Byers seconded. The motion passed 8-0 by roll call vote.

The matter of *SBE v. Friends of Michael Stinson*, 11CD205 was continued to be heard in Executive Session later in the meeting.

The Board recessed at 12:25 and returned on the record at 12:48 p.m.

Executive Director Borgsmiller summarized the candidate filing period which worked very well and ran smoothly. He added that all documents were scanned. An order of the court was entered the week before the first date to file where congressional candidates would not be filing under the normal time frame. The order from the Court and our press release was available on our website. Two representatives of congressional candidates were in line to file on the first day of filing and were told that we could not accept their petitions that day. Three additional petitions were received in the mail and were returned to the candidates. Mr. Borgsmiller was very happy with the successful first day of filing. The lottery for ballot placement was held on December 14. The lottery sequence was 6, 4, 3, 1, 2, and 5. As the numbers were drawn, the IT staff was plugging the numbers into the candidate filing system and within minutes of the lottery any candidate in a simultaneous filing was able to look on our website and see their ballot placement. He added that the activity of the staff both in Chicago and Springfield was tremendous. Some people showed up Friday afternoon around 11:00 a.m. to be first in line for Monday's filing. Due to the new law, ensuring that judicial candidates filed for only one vacancy slowed

down the process a little. But, by 10:00 a.m. approximately 400 candidates had been processed. Mr. Borgsmiller asked Jane Gasperin, Acting Director of Election Information, to elaborate on the petition requests.

Mrs. Gasperin said 954 requests for petitions were received. 919 requested a CD and 35 requests were for paper copies. The charge for CDs was \$5 and were available within an hour of ordering. There were 103 viewers in Springfield and this is the first year we offered credit card services and taking orders over the phone with a credit card. She complimented the staff as they all pitched in and did an excellent job and acknowledged Brent, Amy and Gary as doing an excellent job organizing the scanning. She was very happy with the smooth, quick process.

Director Borgsmiller indicated that issues in the next couple of weeks would be a matter of staffing. We will have records checks, petition filing, presidential preference, and campaign disclosure filings all at the same time. He added that another lottery will be held on January 5th for candidates filing in the special judicial filing period and Appellate Court as well as congressional candidates. The final lottery will be for the presidential preference if necessary.

Next on his report was the COGEL conference held in Nashville, TN. Mr. Borgsmiller gave a history of the group and that the SBE has been involved since the late 70's. He found the seminar on donating via text message; boards dealing with directors and staff; social media such as Facebook and Twitter very interesting. Most interesting was using Twitter for campaign disclosure and election information, such as posting a tweet that today is the last day to file. He intends to have further discussions with Kevin Turner, IT Director – after the move. The next COGEL conference is the first weekend of December, 2012 in Columbus, OH. The Chairman asked if Chicago has ever hosted their conference. Mr. Borgsmiller answered in 2008, on the day that former Governor Blagojevich was arrested. The whole conference changed that day. Vice Chairman Smart added that he has attended those conferences as Chairman and that Rupert is a very respected and integral part of that organization. The laws have not caught up to the electronic age and none have been updated dealing with all the different means of communications and dispensing information.

Legislative Liaison, Cris Cray, presented a memo with six pieces of legislation staff would like in the Board's packet for the next session. Since grace period, early voting and no excuse absentee voting, eliminating an hour of voting time is very popular with the election authorities. She added that all the items would be put into memo form and brought to the Board again in January. Other matters of interest are eliminating or lengthening the 7-day calendar for disclosure complaints and tightening the language in 7-61 and 8-17.1, which will be included in that memo. Cris added that the Governor signed our supplemental appropriation bill yesterday which adds 2 million dollars in our bank account.

The Executive Director continued his report with his report on the Governor's Task Force on Campaign Finance. They had meetings on November 28th and December 15 which offered the public an opportunity to give testimony on the public funding of campaigns. They will issue a report by December 31st. They also have two legislative fixes that they agreed to, one dealing with the transfer of money between state political campaign committees and federal campaign committees so that it's going to limit it to party campaign committees. The second piece of legislation dealt with raffles and the records that must be maintained. Other issues the SBE raised were dealing with election cycles for candidates and how it applied to candidate running in the even vs. the odd year elections. It appears there is no consensus agreement with the 11 members, so their report will be of great interest. Their next meeting will be in April.

Brent Davis offered a report on the electronic canvass. He said he received confirmation from the city of Chicago that they will participate as a pilot jurisdiction in addition to Cook County and the city of Peoria. He plans to work on recruiting a couple of jurisdictions for the Dominion customers. We will also add ES&S customers that use the Unity system. He intends to meet with the jurisdictions in late January to give them a demo and train them on the system. Mr. Borgsmiller added that he would like this whole task completed by the 2014 election.

The Director said there was a reduction of 700 precincts which gives us a considerable savings in terms of reimbursement costs based on the fact of the consolidation of these precincts and asked Kyle Thomas to continue with the update on the IVRS system. He said jurisdictions continue to update their registrations. We still have several jurisdictions reporting registered voters over 100% of the voting age population. These counties are asking for HAVA money to purge their lists. The Election Management System Project will be meeting in Springfield in January, 2012.

Mr. Borgsmiller updated the Board on the budget and appropriations for next year including the COLA increases for staff, moving the Springfield office, the statewide voting system mandated by HAVA, and the statewide election management system. We asked for \$806,000 for the county clerks stipend and with the additional \$1.3M we should be able to pay the early voting judges. The redistricting has been completed and no money was requested. Since the electronic canvass is mandated, we are trying to get additional money to keep this program running through the end of the fiscal year. Additional money was requested for the infrastructure for the IDIS reporting program. He added that it appears to be a large increase, but the operations are a very small

increase which should be adequately funded by the awards and grants. Mr. Borgsmiller said that \$600,000 was returned but we will have additional costs with moving. Vice Chairman Smart moved to approve the budget request as submitted. Member Coffrin seconded the motion which passed unanimously by leave for the attendance roll call.

Mike Roate, Director of Administrative Service, reported that the Springfield office plans to move February 1st and a moving vendor has been contacted and we expect the movers as well as the finalized map layout postings to be approved by the Procurement Policy Board. He added that Kevin Turner has been working on wiring the facility and moving the generator to the new facility. Illinois Correction Industries cataloged all existing cubicles. The current landlord has been contacted to get a one-month extension on the lease and it has been granted.

Two year plan was presented for informational purposes and there were no follow-up matters.

The January 12th meeting was changed to Chicago in the James R. Thompson Center, Shared Conference Room 9-040 at 10:00 a.m. However, the County Clerk's Advisory Committee meeting will be held in Springfield, videoconferenced with the Chicago conference room, and Cris Cray will chair the meeting.

The Executive Director advised the Board that additional meetings might be necessary due to objections to candidate's petitions. January 3rd, January 9th, January 12th (regular monthly meeting) and January 17th, 2012 at 10:00 a.m.

Vice Chairman Smart moved to adjourn into executive session. The Vice Chairman so moved and Member Coffrin seconded the motion which passed by 8 voices in unison.

The Board recessed into executive session at 2:13 p.m. and reconvened at 2:35 p.m.

Roll call was taken to ensure a quorum with 7 members present and the Chairman holding Member Rice's proxy.

As to *SBE v. Friends of Michael Stinson*, 11CD205, Member Schneider moved to find that the complaint was filed on justifiable grounds and the matter proceed to public hearing. Member Byers seconded the motion which passed unanimously by roll call vote.

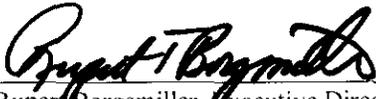
Member Schneider moved to renew IVRS Division Director Kyle Thomas' term of appointment for another four years beginning February 1, 2012. Member Scholz seconded the motion which passed unanimously by roll call vote.

Member Scholz moved to adjourn with Member Byers seconding. The motion passed by 8 voices in unison and none opposed.

The meeting ended at 2:38 p.m.

DATED: January 9, 2012

Respectfully submitted,


Rupert Borgsmiller, Executive Director


Darlene Gervase, Administrative Assistant III

STATE BOARD OF ELECTIONS
SPECIAL MEETING
January 3, 2012

MINUTES

PRESENT: William M. McGuffage, Chairman (Chicago)
Jesse R. Smart, Vice Chairman (Springfield)
Harold D. Byers, Member (Springfield)
Betty J. Coffrin, Member (Springfield)
Bryan A. Schneider, Member (teleconference)
Charles W. Scholz, Member (Springfield)

ABSENT: Ernest L. Gowen, Member
Judith C. Rice, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Assistant III

Chairman McGuffage called the January 3, 2012 special meeting of the State Officers Electoral Board to order at 10:40 a.m. Attendance was taken to ensure a quorum. Chairman William M. McGuffage was present in Chicago and Vice Chairman Jesse R. Smart, Members Harold D. Byers, Betty J. Coffrin, Charles Scholz were present in Springfield via videoconference. Member Bryan A. Schneider was present via teleconference. Member Gowen's proxy was held by Member Schneider and Member Rice's proxy by the Chairman.

The Chairman asked for a motion to recess the State Board of Elections for Electoral Board matters and convent as the State Officers Electoral Board. Vice Chairman Smart so moved and Member Coffrin seconded. The motion passed unanimously by roll call vote.

The Board recessed at 10:43 a.m. and returned at 11:30 a.m.

Roll call was taken to ensure a quorum.

There being no further business before the State Board of Elections, the Chairman asked for a motion to adjourn until January 9th. Member Byers so moved and with Member Scholz second the motion passed unanimously by ayes in unison.

The meeting recessed at 11:31 a.m.

DATED: January 9, 2012

Respectfully submitted,



Rupert Borgsmiller, Executive Director



Darlene Gervase, Administrative Assistant III

STATE OFFICERS ELECTORAL BOARD MEETING
December 20, 2011

MINUTES

PRESENT: William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers, Member
Betty J. Coffrin, Member
Ernest L. Gowen, Member
Judith C. Rice, Member
Bryan A. Schneider, Member
Charles Scholz, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Assistant III

Chairman McGuffage called the meeting of the State Officers Electoral Board to order at 10:06 a.m. Attendance was taken to ensure a quorum. All members were present.

General Counsel Sandvoss announced that after all the cases are called, the Board will consider the rules of Procedure and proceed to make appointments of hearing officers and assign the objection cases to those hearing officers. He will then introduce the hearing officers and they and their respective parties will meet in the offices of the Board on the 14th floor for case management conferences.

The Chairman called the objections and accepted appearances.

The Rules of Procedure were presented and Vice Chairman Smart moved to approve the Rules. Member Coffrin seconded the motion which passed unanimously by roll call vote.

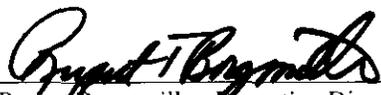
Mr. Sandvoss announced the Hearing Officers and the cases they were going to hear. Vice Chairman Smart moved to approve the appointment of the hearing officers and Member Byers seconded the motion which passed by 8 voices in unison.

There being nothing further before the State Officers Electoral Board Vice Chairman Smart moved to recess the Electoral Board until January 12 at 10:30 a.m. or the call of the Chairman whichever comes first. With Member Byers' second, the motion passed unanimously by 8 voices in unison.

The meeting ended at 10:16 a.m.

DATED: January 9, 2012

Respectfully submitted,


Rupert Borgsmiller, Executive Director


Darlene Gervase, Administrative Assistant III

STATE OFFICERS ELECTORAL BOARD MEETING

January 3, 2012

MINUTES

PRESENT: William M. McGuffage, Chairman (Chicago)
Jesse R. Smart, Vice Chairman (Springfield)
Harold D. Byers, Member (Springfield)
Betty J. Coffrin, Member (Springfield)
Bryan A. Schneider, Member (teleconference)
Charles W. Scholz, Member (Springfield)

ABSENT: Ernst L. Gowen, Member
Judith C. Rice, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Assistant III

Chairman McGuffage called the January 3, 2012 special meeting of the State Officers Electoral Board to order at 10:43 a.m. Attendance was taken to ensure a quorum. Chairman William M. McGuffage was present in Chicago and Vice Chairman Jesse R. Smart, Members Harold D. Byers, Betty J. Coffrin, Charles Scholz were present in Springfield via videoconference. Member Bryan A. Schneider was present via teleconference. Member Gowen's proxy was held by Member Schneider and Member Rice's proxy by the Chairman.

At this meeting, the Chairman indicated the State Officers Electoral Board will consider requests for subpoenas in connection with challenges to the nominating petition of established party candidates.

Chairman McGuffage called the first case, *Moore v. McCann*, 11SOEBGP102, and asked for appearances. Ms. Emily Rollman was present for Objector Lynn Moore and Attorney John Fogarty appeared for the candidate. Ms. Rollman indicated that it was her understanding that three individuals were not in the presence of the notary when they signed the petition. Mr. Fogarty objected and opposed the request, but if it is granted they will work with counsel. The hearing officer recommended the subpoenas be issued with certain limitations and constraints. Mr. Sandvoss stated the line of questioning should be limited to the issue of whether the circulators executed their respective petition sheets before a notary. This narrow question would be posed to each witness if the Board adopts the recommendation. Member Schneider asked if the parties accepted the limitation and constraints associated with the recommendation. Ms. Rollman and Mr. Fogarty both replied yes. Member Scholz moved to adopt the recommendation of the Hearing Officers and General Counsel and Member Byers seconded the motion which passed unanimously by roll call vote.

The Chairman acknowledged the appearance of John Fogarty for the objector, but no one appeared for the candidate in *Bruch/Marshall v. Navarro*, 11SOEBGP104. However, Mr. Fogarty acknowledged that the candidate was represented by counsel in previous matters. General Counsel Sandvoss summarized the request for subpoenas relating to the filing of petitions and specifically the receipt for the statement of economic interest. He said the candidate's position is that circumstances prevented him from receiving and filing in a timely manner. The objector requested the subpoena to establish what those circumstances are. The hearing officer recommended the subpoena request be granted and Mr. Sandvoss concurred. Vice Chairman Smart moved to grant the motion. Member Scholz seconded the motion which passed unanimously by roll call vote.

Chairman McGuffage called *McSweeney v. Gaffney*, 11SOEBGP502 and accepted the appearances of Attorney Richard Means and objector David McSweeney and Mr. Fogarty for the candidate. Mr. Means indicated he has seven subpoena requests with three basic issues. Whether state employees collected signatures on state time using state resources; to issue subpoenas on the Clerk of the House for public time sheets; Kevin Arnold, the political director of the House Republican organization; and for the records of two state representative district offices where two individuals worked and on the individuals themselves to testify if they gathered petition on state time. Mr. Means tendered the plea agreement of Michael Tristano, former chief of staff for the House Republicans where he details a similar scheme engaged in by the House Republican staff, at Tristano's direction. Mr. Fogarty responded that political territory and criminal territory is being discussed that does not fall under the Board's jurisdiction. The Board considers the sufficiency of the petitions and nominating papers tendered and not to determine whether a state employee has conducted political work on state time. He continued that issuing a subpoena to discover those matters is inappropriate and the candidate objects in the strongest possible manner. Mr. Fogarty rested on his motion to strike and dismiss and incorporates the basis and case law he presents. Further, the House Clerk has rejected their FOIA request and Kevin Arnold appears nowhere within the objector's petition. Mr. Fogarty

objected to the subpoena for Tina Hill, because the Notary Act does not require a notary to know the truth of an oath, it merely requires the notary to know this person and this person's signature is genuine. He acknowledged an understanding with counsel as to many of the individuals subpoenaed, that most of these individuals will be called as witnesses and subpoenas are not necessary. But some of those witnesses have hired their own counsel. Discussion ensued. Mr. Sandvoss concurred with the hearing officer's recommendation as to denying the issuance of subpoenas in paragraph 1, 2A, B and C for the reasons articulated by candidate's counsel. Mr. Sandvoss recommended to deny the subpoena request for Paragraph 4, again for reasons articulated by candidate's counsel. Mr. Sandvoss also recommended to allow the issuance of subpoenas for Paragraph 3 as those three individuals testimony would be relevant to issues raised by the objector whether or by them or by an "impostor circulator". Member Schneider moved to adopt the recommendation of the General Counsel and grant the subpoenas with respect to the issues identified in Paragraph 3 of the objector's motion for issuance of subpoenas and deny the balance. With Member Coffrin's second, the motion passed unanimously by roll call vote. The Chairman reminded Mr. Means that state workers allegedly doing political work on state time is not an issue this Board can hear or decide upon and has no relevancy dealing with objections to nominating petitions. Mr. Sandvoss pointed out that an additional subpoena request was submitted by the candidate for two individuals associated with collection of affidavits. The candidate's request was not contested and he recommended the subpoenas be issued as well. Member Schneider so moved and Member Coffrin seconded the motion. The motion passed 8-0 by roll call vote.

Chairman McGuffage called *Harris v. Harris*, 11SOEBGP507, Mr. Means was present for the Objector and indicated that Attorney James Nally represents the Candidate, but is not present at this meeting. The Objector requested a subpoena to produce Ken Menzel, Deputy General Counsel of the State Board of Elections. Although Mr. Sandvoss indicated he would make Mr. Menzel available, for the purpose of formality, if the objector wishes to have a subpoena issued, the General Counsel concurs with the hearing officer which is to grant the motion as there is no objection from the candidate. Vice Chairman Smart so moved and Member Byers seconded. The motion passed unanimously by roll call vote.

The Board discussed scheduling a meeting for 10:00 a.m., Monday, January 9, 2012 in the event objections were filed to congressional and special judicial candidates.

There being nothing further before the State Officers Electoral Board, Member Byers moved to recess and the Vice Chairman seconded the motion.

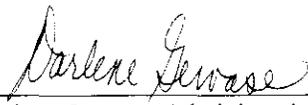
The meeting recessed at 11:30 a.m.

DATED: January 10, 2012

Respectfully submitted,



Rupert Borgsmiller, Executive Director



Darlene Gervase, Administrative Assistant III

RULES OF PROCEDURE

ADOPTED BY THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATING PAPERS SEEKING TO PLACE ESTABLISHED POLITICAL PARTY CANDIDATES ON THE BALLOT FOR THE MARCH 20, 2012 PRIMARY ELECTION

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/10-10), the State Board of Elections, acting in its capacity as the State Officers Electoral Board (the "Board"), a duly constituted electoral board under Section 10-9 of the *Election Code*, hereby adopts the following rules of procedure:

1. EXPEDITED PROCEEDINGS

On all hearing dates set by the Board or its designated hearing examiner, (other than the Initial Hearing of the Board) the objector and the candidate (at times individually referred to as "party" or collectively referred to as the "parties") shall be prepared to proceed with the hearing of their case. Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objections. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown. The parties shall make themselves reasonably available by telephone (including cellular phone) during the day and at least until 7:00 P.M (or as otherwise directed by the Board or hearing examiner) for receipt of notice from the Board, from the hearing examiner, or from opposing parties during the course of these proceedings. If the Board or hearing examiner has made reasonable attempts to contact a party by telephone, cellular phone, fax or by e-mail at the number(s) or address(s) provided by that party and the party cannot be contacted or fails to respond to such contacts, the party will be deemed to have received constructive notice of the proceedings and the proceedings may go forward without the presence of that party. If a party has received actual or constructive notice of a hearing and fails to appear, the failure to appear shall constitute acquiescence by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing.

2. CASE MANAGEMENT CONFERENCE (Initial Hearing)

The Board will notify the parties to appear at a specified time and place for a conference with the General Counsel of the State Board of Elections, his designee or the Board's appointed hearing examiner for the purpose of considering issues such as scheduling, attendance of witnesses, filing of briefs and motions, discovery matters and any other proceedings intended to aid in the expeditious resolution of the objection. This is usually done at the same time as the initial hearing before the State Officers Electoral Board. Additional case management conferences may be called by the

Board, the General Counsel or the appointed Hearing Examiner when necessary. If an objector fails to appear at the initial hearing after having been sent due notice, the Board may dismiss the objection for want of prosecution. If a candidate fails to appear at the initial hearing, he/she will be bound by any decisions made by the Board, the General Counsel or the designated hearing examiner.

3. APPEARANCE

The candidate or objector may appear in person on his or her own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, any counsel to the Board or the Board's appointed Hearing examiner) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party. Out of state attorneys may appear subject to Part 125.60(b) of the Rules and Regulations of the State Board of Elections. A party must file with the Board and other parties of the case a written appearance stating his or her name, address, telephone or cellular phone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

Though every effort will be made by the Board or its designated Hearing Examiner to keep parties informed of upcoming events, parties shall be responsible for periodically checking the Board's website, with the Board's staff or the Board's hearing examiner to keep apprised of scheduled events in their case. The failure of a party to receive actual notice of an event posted on the Board's website regarding their case shall not prevent such event from proceeding as scheduled nor shall it invalidate any action taken at such event.

4. AUTHORITY OF THE BOARD

The Board itself or through its duly appointed hearing examiner if applicable; (See Part 5 below) shall conduct all hearings and take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. If a Hearing Examiner has been duly appointed, the Hearing Examiner shall preside over all such hearings. At the discretion of the Board or the hearing examiner, hearings may be conducted in two or more locations connected by telephonic or video conference; however, any witness who is going to provide verbal testimony must appear at the same location as the requesting party or its counsel (unless otherwise agreed by such requesting party or their counsel, and the hearing examiner or Board). The Board or its designated hearing examiner shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to:

- (a) Administer oaths and affirmations;

- (b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of these Rules;
- (c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- (d) Rule upon offers of proof and receive relevant evidence;
- (c) Direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Issue subpoenas and rule upon objections to subpoenas (subject to the provisions of paragraph 8 below) and discovery requests;
- (h) Consider and rule upon all motions presented in the course of the proceedings except that a Motion to Strike or Dismiss an Objection or a Motion for Directed Verdict or its administrative equivalent can only be ruled upon by the Board. Unless otherwise directed by the hearing examiner, the hearing of the objection will proceed despite the filing of the above Motions;
- (i) Consider such competent and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and
- (j) Enter any order that further carries out the purpose of these Rules.

The Board may on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. Objections to individual signers and/or circulators must consist of a specific objection or objections to that particular signer or circulator. In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law.

5. HEARING EXAMINERS

In view of the time limitations and the amount of evidence to be presented, the Board may appoint a hearing examiner in any case which the Board deems such an appointment necessary or expedient. Any hearing examiner so appointed shall have the duties and powers of the Board as set forth in these rules, except that a hearing examiner shall not have the power to rule upon any motion which would be dispositive of the objection or issue a final decision. In addition, any hearing examiner

appointed by the Board is authorized and directed (a) to hold a full hearing and receive all evidence and argument, (b) to prepare a record of the hearing including a full transcript of court reporter stenographic notes of the proceedings (where the presence of a court reporter was determined necessary by the hearing examiner), (c) to prepare an outline of all the evidence, issues and argument (Such outline may be incorporated into the written recommendation.) and (d) to prepare recommendations, and proposal for decision for submission to the Board, the General Counsel and the parties. In cases where a hearing examiner is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the Hearing Examiner is served upon the parties and an opportunity is afforded each party to take exceptions, whether written or oral, and, if the Board so permits, oral argument before the Board. The Board will make a final ruling on the objection and may consider the following as part of its consideration and appraisal of the record: the petition and the objection thereto, the hearing transcript, the hearing examiner's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits, offers of proof or arguments presented by the parties.

6. SERVICE OF DOCUMENTS

All briefs, notices, documents, pleadings, answers and correspondence shall be served upon the opposing parties, or their attorneys if represented by counsel, and filed with the General Counsel and the hearing examiner where appropriate. All briefs, notices, documents, pleadings, answers and correspondence may be sent by telefax or e-mail attachment if the other receiving party or his or her representative agrees. In those instances where a telefax or an unsigned e-mail communication is used, a hard copy shall also be sent by regular mail. The date the telefax or e-mail attachment is sent shall be deemed the date notice is given.

7. MOTIONS PRACTICE

All Motions Generally

- (a) If a hearing examiner has been appointed, motions shall be addressed to the hearing examiner, with copies provided to the General Counsel's office in Springfield. The hearing examiner will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a hearing examiner has not been appointed, motions will be filed with the General Counsel and will be decided by the Board.
- (b) The Board will decide all motions in cases in which no hearing examiner has been appointed. In accordance with the Open Meetings Act, the Board may meet by video conference call to rule on such motions. The Chairman may appoint a member of the Board or the staff of the Board to hear and decide for the Board all motions except dispositive motions. Motions addressed to the Board shall be thoroughly briefed so

as to minimize the time needed for oral argument. Such argument shall be permitted at the Board's discretion.

- (c) Motions for continuance are discouraged and will be granted only in extreme circumstances.

Dispositive Motions

- (d) The Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/ or the General Counsel.
- (e) Preliminary motions not already ruled upon and objections to an objector's petition in the nature of a motion to dismiss or strike the objections will be heard prior to the case on the merits if so directed by the Chairman. The Board may, in its discretion, reserve rulings on preliminary motions and objections pending further hearing thereon.
- (f) The Board may, upon its own motion with notice to the parties, dismiss for failure to prosecute an objection in any case where the objector fails to attend the initial meeting of the Board at which the objection is called or repeatedly fails to attend proceedings ordered by the Board or its duly appointed hearing examiner.

8. SUBPOENAS

Any party desiring the issuance of a subpoena shall submit a request to the hearing examiner. Such request for subpoena may seek the attendance of witnesses at a deposition (evidentiary or discovery, however all depositions can be used for evidentiary purposes) or hearing and/or subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. The request must be filed no later than 5PM on January 27th and shall include a copy of the subpoena itself and a detailed basis upon which the request is based. A copy of the request shall be given to the opposing party at the same time it is submitted to the hearing examiner. Any response to the subpoena request shall be given to the hearing examiner no later than 12PM on Saturday, January 28th. If the hearing examiner deems it necessary, he/she shall hold a hearing prior to issuance of a final ruling. Such ruling shall on the request shall be provided no later than 5PM on Monday, January 30th. The hearing examiner may limit or modify the subpoena based on the arguments of the parties or on his/her own initiative. Any subpoena request received subsequent to 5PM on January 27th shall not be considered. If the request is granted by the hearing examiner, the party requesting the subpoena shall be responsible for proper service thereof. Objections to the granting or denial of the subpoena may be raised before the Board when they consider the case for final disposition, and the Board may take whatever action they deem necessary in response to same.

In case any person so served shall neglect or refuse to obey a subpoena, or refuse to testify in a hearing before the Board or Hearing Examiner, the Board may, at the request of any party, file a petition in the Circuit Court setting forth the facts of such knowing refusal or neglect. The petition shall be accompanied by a copy of the subpoena, the return of service thereon and the sworn statement of the person before whom the witness was to appear that the witness did not so appear. The petition shall apply for an order of the Court requiring such person to comply with the duly issued subpoena.

9. RECORDS EXAMINATION

At the direction of the Board or a hearing examiner, the parties may be directed to appear at a "records examination." Notice of same shall be provided by the Board or the hearing examiner. At the records examination, staff assigned by the Board shall, in an orderly and expeditious manner, search for and examine the State Board of Elections' computerized registration records for comparison to the names on the petition that have been objected to.

The Board or a hearing examiner may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the Objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were not made in good faith. In the alternative, the Board or hearing examiner may order, on its own motion or upon motion of the candidate, that the objector show cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection.

The Board's staff shall, based upon their examination of the relevant registration records, make and announce a finding as to whether certain objections in the Objector's petition are sustained or overruled. Such computerized voter registration records of the State Board of Elections and the staff findings as to whether the objections are sustained or overruled may be considered as evidence with respect to the objections described above.

Each party shall have the right to have designated and duly authorized representatives ("watchers"), including the party or the party's counsel, present during the records examination. No more than one watcher for each party may be assigned to any given computer terminal at which a records examination is being conducted. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

Watchers are to participate as observers only. The Board's staff shall not be required to solicit the opinion of any watcher as to any matter nor consider such opinions if offered. Arguing with Board staff or other abusive conduct will not be tolerated. By order of the General Counsel or his designee, a watcher may be ordered removed from the records examination proceedings for the conduct specified above and any other conduct that disrupts the orderly conduct of the proceedings and if

necessary, this provision will be enforced by appropriate law enforcement. In the event of such removal, the Board may continue with the records examination in the absence of the removed watcher. A party may replace a removed watcher with another watcher; however the records examination will not be delayed by the absence of a replacement watcher.

Staff shall note their findings as to each objection on copies of the objected to petition sheets, indicating a sustained objection with the letter "s" and an overruled objection with the letter "o". Following the records examination, the copies of the petition sheets containing the staff rulings shall be proofread for accuracy by Board staff, and the rulings thereon shall be used to create a line by line computer generated printout of the results of the records examination. The said printout shall then be sent via e-mail or facsimile to the parties or their counsel. (If both parties are present at the conclusion of the records examination and such printout is available, it may be provided in person upon such conclusion.) The printout shall be so sent (or given) at the same date and time and such date and time shall serve as the commencement of the three (3) business day time period (aka, the Rule 9 Motion Period) described below. Copies (via electronic medium or hard copy) of the objected to petition sheets containing staff rulings will not be made available to the respective parties until noon on the next business day **at the earliest**.

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

Section IA-25 prohibits viewers from printing any records viewed at the records examination and there is no provision requiring the Board to print any such records for the benefit of any party. Therefore, at no time will the Board entertain any requests for printouts of records that were examined during the records examination conducted by the Board except as otherwise ordered by the Board or the hearing examiner. Lists of registered voters are available for purchase by political committees registered with the Board, pursuant to Article 4, 5 and 6 of the Election Code. Note: Such records do not contain the signatures of the voters. In addition, records of individual voters can be obtained through the office of the election authority in whose jurisdiction the voter is registered. Check with the appropriate election authority as to obtaining such records, and the content of same.

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law

even if all of the remaining objections to be decided were sustained, the Board or the hearing examiner may suspend the records examination and the results of the records examination shall be forwarded to the Board or the hearing examiner, as the case may be. If this is so ordered, the party adversely affected by the order will be afforded an opportunity to present evidence that there exists a sufficient amount of valid or invalid signatures as the case may be, to warrant resumption of the examination. Such evidence must be submitted within 48 hours of the order of suspension. The records examination may be resumed or terminated at the discretion of the Board or the hearing examiner.

(For a detailed description of specific objections and the policies applied to each, please refer to the attached Appendix A.)

10. EVIDENCE

Evidence will be heard by either the Board or the duly appointed hearing examiner as may be submitted, including, but not limited to, documentary evidence, depositions, affidavits, and oral testimony. Evidentiary depositions submitted by either party shall be entered into evidence. Discovery depositions shall be entered into evidence if agreed to by both parties, otherwise such depositions may only be used for purposes of impeachment. Such documentary evidence shall be presented at a hearing, however service of such documentary evidence may be made by facsimile or e-mail followed by a copy to be served by U.S. Mail if the Board or hearing examiner finds that to be the most expedient method of service.

Due to the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross examination of witnesses will be subject to the discretion of the Board or its duly appointed hearing examiner, and the Board/hearing examiner will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. The Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where a hearing examiner has been appointed, he or she will receive all evidence and make all evidentiary rulings, subject to review by the entire Board. The Board will not retry issues heard by a hearing examiner unless the hearing examiner has excluded evidence the Board believes should have been admitted. In such cases the Board will hear the excluded evidence and such other evidence as may be appropriate in response to the matter excluded. The Board will not hear evidence that could have been but was not presented to the hearing examiner, nor will the Board consider objections that could have been, but were not raised in the original objection

11. ARGUMENT

All arguments and evidence must be confined to the points raised by the objector's petition and objections, if any, to the objector's petition. The Board reserves the right to limit oral arguments in any particular case and will ordinarily allow not more than ten minutes per side for argument.

With regard to the substance of the objections, generally the objector must bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence ("the burden of proof") that the objections are true and that the candidate's nomination papers are invalid.

12. ORDER

If the objections are sustained in whole or in part, the Board will issue an Order declaring the remedy up to and including invalidation of the nomination papers. The Board will state its findings in writing noting the objections which have been sustained. If the objection is overruled, the Board will issue the appropriate Order; stating its findings in writing.

13. GENERAL PROCEDURES

For the matters not covered herein, the Board will generally follow the provisions of the Code of Civil Procedure of Illinois and the rules of the Illinois Supreme Court regulating discovery and practice in trial courts, provided however that the Board will not be strictly bound by the Code or rules in all particulars.

14. SESSIONS

After the Board convenes the initial hearing, it will be in continuous session until all objections arising out of that filing period have been considered and disposed of, and, in the discretion of the Board, its session may be extended or recessed for a period to be determined by the Board.

15. TRANSCRIPT AND RECORD OF PROCEEDINGS

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board.

If a party aggrieved by the decision of the Board timely files and serves upon the Board a proper petition for judicial review pursuant to Section 10-10.1 of the Election Code, the Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Board. The petitioner or the Court shall designate

which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not included in the petitioner's designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

ADOPTED THIS 24th Day of January, 2012

_____)	CONSTITUTING THE
_____)	STATE BOARD OF
_____)	ELECTIONS
_____)	SITTING AS THE
_____)	DULY AUTHORIZED
_____)	STATE OFFICERS
_____)	ELECTORAL
_____)	BOARD

APPENDIX A.

Listed below are the most common grounds for objections to nominating petitions and the basis on which the Board will render decisions on objections unless evidence or argument presented at hearing persuade the Board that circumstances require a differing decision. References to the registration "card" in the context of the records examination conducted in the offices of the SBE refer to the electronic voter registration information contained in the Statewide voter registration database.

When the records examination is being conducted, any exceptions to the decision of the examiner must be made to the ruling at the time the ruling is made or the exception to the ruling is waived. Any party may, at the beginning of the records examination issue a general objection to any adverse decision of the records examiner obviating the need for individual objections. If, subsequent to the general objection, a party decides not to take exception to a particular ruling of the records examiner, the party must withdraw the objection as to that particular ruling.

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

I. Objections to Individual Signers

A. Signer's Signature Not Genuine

The voter's original signature on his or her registration card (in either hard copy or electronic format) shall be examined. If, in the opinion of the records examiner the signature is not genuine, the objection shall be sustained. Collateral evidence of the validity of the signature is admissible, such as testimony of a person purporting to observe one person signing for another. There is no requirement that a signature be in cursive rather than printed form. 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, will be denied as failing to state grounds for an objection.

B. Signer Not Registered at Address Shown

The voter's registration information (in either hard copy or electronic format) shall be examined. If the address on the voter's card does not match the address opposite his or her name on the petition, the objection shall be sustained. **NOTE:** If the candidate can present evidence that the voter resided and was registered to vote at the address shown on the petition at any time during the petition circulation period, the objection shall be overruled pending evidence from the objector that the voter did not reside at such address on the date he/she signed the petition.

C. Signer Resides Outside the State

Any objection to a petition signer whose address is determined by the records examiner to not in fact be located in Illinois, shall be sustained.

D. Signer's Address Missing or Incomplete

If there is no address listed other than a city or village, the objection shall be sustained unless, in the city, town or village, street addresses either do not exist or are not commonly used. Where the petition and the registration card both show the same rural route and box number, but no street address, the objection will be overruled. If the petition shows a street and house number and the registration card shows a rural route and box number the objection will be sustained. If however, the voter's place of residence has in fact not changed, but only the designation of it has changed, it is the burden of the candidate to show that only the designation of the residence has changed. If the address listed next to the voter's signature matches the registration record in pertinent part (eg. the petition lists "John Doe, 1020 South Spring, Springfield" and the registration record lists "John Doe, 1020 South Spring, P.O. Box 4187, Springfield), the objection will be overruled. 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. Likewise, if the address line is blank, but the signers surname is the same as the person signing above, indicating that such signer resides at the same address, any objections to missing address shall be overruled. In either case, the decision to overrule the objection shall be subject to evidence by the objector showing such signer resides at a different address.

E. Signature is Not Legible

If the records examiner determines that a signature is not legible, the examiner shall check the address opposite the illegible signature. If none of the signatures of voters listed at that address match, the objection will be sustained. The basis of the objection however, must be that the petition signer is not registered at the address shown on the petition. If the basis of the objection is that the signature is not genuine, the objection will be overruled for the reason that it is impossible to determine genuineness of the signature without a comparison to the signature on the voter registration record. If the address is also illegible, and the candidate cannot sufficiently, in a reasonably short amount of time, identify the signatory so as to

permit the records examiner to check the signature against a specific voter record, then the objection will be sustained. If the illegible signature is located at a single address at which ten or more voters are registered, the examiner shall not be required to examine every signature at that address to find a match, but may instead rule the objection sustained. In the event that the objection is sustained, the candidate at a later time (but in no event later than the expiration of the 3 business day time period set forth in Section 9 above) will be given an opportunity to present a copy of the petition signer's voter registration record for a signature comparison. If in the opinion of the records examiner or the Hearing Examiner the signature is genuine and the address on the voter registration record matches that contained on the petition, the objection will be overruled.

F. Signer Signed Petition More Than Once at Sheet/Line Indicated

If the signatures on the sheet and line numbers indicated match, the objection shall be sustained and all but the signature appearing on or closest to the first petition sheet shall be invalidated.

G. Signature Incorporates Initials/Name isn't Identical to Registration Record

If, for example, the registration record indicates "John E. Jones", 1020 South Spring, Spfld., and the petition lists "J. Jones" at 1020 South Spring, Spfld, the objection will be overruled if the signature on the card and the petition match. An objection that is based solely on the fact that a 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.

H. Voter Registration Record of Petition Signer Cannot be Located

The disposition of the objection depends on the grounds. If the objector is alleging that the person is not registered to vote at the address shown on the petition, the objection will be sustained. If the objection is based on the circumstances set forth in **A, D, E, or G** above, where the only evidence to substantiate the objection is contained on the voter registration card, the objection will be overruled.

I. Petition Signer's Voter Registration is on Inactive Status

The objection shall be overruled. The Objector may introduce parol evidence that the voter in question no longer resides at the address shown on the petition.

II. Objections to Circulators

A. Circulator did not Sign Petition Sheet

If the circulator's statement is unsigned, the objection shall be sustained, and all the signatures on the petition sheet shall be invalidated.

B. Ineligible Circulator

The fact that a circulator is not 18 years of age, or a United States Citizen or a resident at the place he or she states in the affidavit may be proved by any competent evidence. Ineligible circulators may not circulate petitions and a petition page so circulated is invalid. 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 petition.

C. Circulator's Signature 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. NOTE: It is not a requirement that a petition circulator be a registered voter. If, in the opinion of the person examining the signature, the signature is not genuine, the objection shall be sustained. The validity of Non-resident or non-registered circulator's signatures 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. There is no requirement that a signature be in cursive rather than printed form, and an 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, will be denied as failing to state grounds for an objection

D. Circulator's Address is Incomplete

The circulator's address must be as complete as usage in his or her town, county or state requires. When the circulator's address does not indicate a street name or rural route number, or is missing a city, village, town or county (where the residence is in an unincorporated area), the objection shall be sustained subject to rehabilitation by the candidate upon the production of a valid address.

E. Use of Registration Card as 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.

F. Purported Circulator Did Not Circulate Sheet

Upon proof by the objector that the individual who signed as circulator did not circulate the petition sheet or personally witness the signing of the signatures on the petition sheet, the entire sheet shall be invalidated. See also II (C) above.

G. Sheet Not Notarized

If the petition sheet is not notarized, the entire sheet will be invalidated. Simply missing a notary seal does not invalidate the sheet, unless the objector establishes that the sheet was not notarized by a qualified notary public.

H. Purported Notary Did Not Notarize Sheet

If the petition sheet is not in fact notarized by the notary who purports to notarize it, the entire sheet will be invalidated. See also II(C) above.

III Miscellaneous Objections

A. Signatures Exceed the Statutory Maximum

If a petition is filed that contains signatures in excess of the statutory maximum, an objection solely on that basis will not result in the petition being invalidated. However, for purposes of determining the total number of valid signatures, the Board will not consider any signatures (or objections thereto) in excess of the statutory maximum, the count of which will commence with page 1.

APPENDIX B.

Schedule of Brief and Motion Filing

Candidate's Motion to Strike and/or Dismiss or other similar motion (MTSD)

Objector's Motion for Summary Judgment or other similar motion (MSJ)

Must be filed no later than 5 pm on the first business day following the date of the Initial Meeting of the Board, unless extended by the Board or hearing examiner for good cause shown.

Objector's Response to Candidate's MTSD

Candidate's Response to Objector's MSJ

Must be filed no later than 5 pm on the first business day following the due date of the Candidate's MTSD or Objector's MSJ unless extended by the Board or hearing examiner for good cause shown.

Due to the extreme time constraints, there shall be no further pleadings accepted following the submission of either the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MSJ.

Any memorandum of law in support of any of the above pleadings shall accompany such pleading. Briefs on any issue or issues shall be filed as directed by the Board or the hearing examiner.

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

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MEMORANDUM

TO: Chairman William M. McGuffage
Vice Chairman Jesse R. Smart
Members of the Board
Executive Director Rupert Borgsmiller

From: Steve Sandvoss, General Counsel

Re: Appointment of Hearing Officers

Date: January 20, 2012

I have selected the following persons to serve as hearing officers for the four remaining objections that had been filed with the State Board of Elections following the filing period for Presidential candidates seeking nomination at the March 20, 2012 General Primary Election and propose the following cases be assigned to them for hearing.

Barbara Goodman

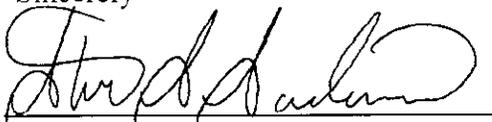
12 SOEB GP 500 Meroni et al. v. Obama

Jim Tenuto

12 SOEB GP 103 Freeman v. Obama
12 SOEB GP 104 Jackson v. Obama
12 SOEB GP 105 Jackson v. Romney

I would request of the Board authorization to appoint the above persons to serve as hearing officers and for the above cases to be assigned to them for hearing.

Sincerely



Steven S. Sandvoss, General Counsel

McSweeney v. Gaffney
11 SOEB GP 502

Candidate: Kent Gaffney

Office: State Representative, 52nd Dist.

Party: Republican

Objector: David McSweeney

Attorney For Objector: Richard Means

Attorney For Candidate: John Fogarty Jr., John Countryman

Number of Signatures Required: not less than 500

Number of Signatures Submitted: 1059

Number of Signatures Objected to: 411

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," "Signer Signed Petition More than Once," "Signer's Address So Incomplete or Illegible as to Prevent Checking," and that certain signers were not qualified to sign Candidate's petition because they previously signed a petition for an opposing candidate.

The Objector also alleges that certain petition pages were circulated by State employees on state time and therefore demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet circulated by said individuals is invalid and should be stricken.

The Objector further alleges that certain petition pages purported to be circulated by one individual (Alan Hill) were actually circulated by two other individuals (Garret Hill and Nicholas McNeely) and therefore demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on that circulator's sheet is invalid and should be stricken.

The Objector further alleges that certain petition pages were illegally notarized because the notary (Tina Hill) knew when she notarized the circulator affidavit that the circulator (Alan Hill) was not the individual who actually circulated the sheets. Objector argues that such illegally notarized sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet notarized by that individual notary is invalid and should be stricken.

Dispositive Motions: Candidate's Motion to Strike and Dismiss the Objector's Petition, Candidate's Motion for Subpoena, Objector's Motion for Subpoena, Candidate's Motion in Limine

Binder Check Necessary: Yes

Hearing Officer: Barbara Goodman

Hearing Officer Findings and Recommendation: Candidate's Motion to Strike and Dismiss the Paragraph 2 objection related to signatures gathered on state time should be granted because the electoral board has no jurisdiction over the issue. Candidate's Motion to Strike and Dismiss the Paragraph 4 objection related to notarization should be granted because there is no legal basis to invalidate the petition sheets. Candidate's Motion to Strike and Dismiss should be denied in relation to Paragraph 3 and all objections regarding the sufficiency of signatures.

A records examination commenced and was completed on December 27, 2011. Both parties were present at the records examination. The examiners ruled on objections to 411 signatures. 261 objections were sustained leaving 798 valid signatures, which is 298 signatures more than the required minimum number of signatures.

Both parties filed Motions for Subpoenas and the Candidate filed a Motion in Limine. The Board granted the parties' Motions for Subpoenas and the Candidate's Motion in Limine, which served to preclude any testimony regarding the stricken allegations contained in Paragraphs 2 and 4.

In support of the Paragraph 3 circulator allegation, the Objector offered 41 affidavits by signers of the Candidate's nominating papers. The Hearing Officer finds that those affidavits, in conjunction with the inconsistent testimony of circulators Alan Hill and Garret Hill, successfully established that while Alan Hill signed certain sheets a circulator, he was neither the person who handed those sheets to the signer nor was he present when some of the petition signers affixed their signatures to those petition sheets. Therefore, all signatures on sheets 10, 11, 12, 13, 14, 21, 29, 30, 34, 40, 41, 42, 43, 72, 73, 74, 79, 103, 104 and 105 must be stricken, leaving 660 valid signatures.

Regarding the pattern of fraud allegation, the Hearing Officer finds that there is insufficient evidence to establish that the named circulators engaged in a pattern of fraud and false swearing and the record is devoid of any further evidence that would warrant the striking of any additional petition sheets.

Based on the foregoing, the Hearing Officer recommends that the objections of David McSweeney be overruled in conformity with the results of the records examination and the results of the evidentiary hearing. Accordingly, the Hearing Officer recommends that the name Kent Gaffney, Republican Candidate for the office of State Representative in the 52nd District appear on the ballot at the March 20, 2012 General Primary Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer. I further note that there is no evidence that the signatures appearing on the Candidate's nomination petitions circulated by the challenged circulators were not genuine, which otherwise may amount to a finding of a pattern of fraud and false swearing by said circulators. The Hearing Officer's recommendation to strike those signatures appearing on circulator Alan Hill's sheets is an appropriate and adequate remedy to the improper circulation by Alan Hill.

BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

David McSweeney)	
)	
Objector)	
)	
-v-	)	11 SOEB GP 502
)	
)	
Kent Gaffney)	
Candidate)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 20, 2011 and assigned to this Hearing Officer. A case management conference was held on said date. The Objector appeared through counsel Richard Means and the Candidate appeared through counsel John Fogarty and counsel John Countryman.

The parties were given the opportunity to file preliminary motions. The Candidate filed a Motion to Strike Objector's Petition and the Objector filed Objector's Reply to Candidate's Motion to Strike Objector's Petition. The Objector's Petition at paragraph 2 alleges that certain sheets should be stricken because they were gathered on state time and /or with the use of state resources. Candidate moved to strike paragraph 2 as being outside the jurisdiction of the electoral board. The Objector's Petition at paragraph 4 alleges that certain sheets should be stricken because they were notarized by a notary who knew that the circulator's oath was false. Candidate moved to strike paragraph 4 as it failed to state a basis to invalidate the nominating sheets. Candidate also moved to strike paragraph 3 in that it failed to allege sufficient facts to put the Candidate on notice as to the alleged defect.

The motion to strike paragraph 2 was granted in that the electoral board has no jurisdiction over the issue of whether the signatures were gathered during state time or with state resources. The Candidate's motion to strike paragraph 4 of the Objector's Petition was granted in that the paragraph failed to set forth any cognizable basis to invalidate the petition sheets. The Candidate's motion was denied as to paragraph 3 in that the paragraph was sufficient to provide the Candidate with notice of the alleged defect.

Additionally, the objections contained allegations regarding the sufficiency of the signatures contained in the nominating papers and required a records examination. A records examination was conducted and the results were as follows:

- A.** The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500.
- B.** The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,059.
- C.** The number of signatures deemed invalid because of objections sustained in the records examination total 261.
- D.** The remaining number of signatures deemed valid as a result of the records examination total 798.

At the conclusion of the records examination, the Candidate had 298 signatures more than the required number of signatures for placement on the ballot. No motions were filed pursuant to the Rule 9 of the Board's Rules of Procedure. However, a further evidentiary hearing was held to address paragraph 3, the remaining allegation in the Objector's Petition. Paragraph 3 of the Objector's Petition provides as follows:

“The Nomination Papers herein contain petition pages which purport to have been circulated by Alan Hill. Those petition sheets are number 10-21, 28-34, 39-43, 72-77, 79, 103 and 104. In fact, those petition sheets were circulated by State of Illinois, House of Representatives Republican Staff employees Garret Hill and Nicholas McNeely who then conspired with each other and Alan Hill to procure Alan Hill’s perjured circulator affidavit on each such petition sheet. Because Garret Hill and Nicholas McNeely suborned Alan Hill’s perjury on those circulator affidavits, and because Alan Hill perjured himself in the circulator affidavits, Garret Hill, Alan Hill and Nicholas McNeely have demonstrated a pattern of fraud and disregard of the Election Code to such a degree that every signature on these petition sheets and on every sheet on which on its face, purports to have been circulated by Garret Hill and Nicholas McNeely is invalid, and should be invalidated, in order to protect the integrity of the electoral process. Such petition sheets are 10-21, 28-34, 39-43, 72-77, 79, 103 and 104 and 8, 9, 46-54, 56-65, 69-71, 101, 107, and 110 and each of such sheets are invalid in their entirety and none of their contents should be counted toward the Candidate’s minimum signature requirement.”

Prior to the evidentiary hearing, the parties filed Motions for Subpoenas and the Candidate filed a Motion in Limine. The Motions for Subpoenas were addressed by the Electoral Board and the Candidate’s Motion in Limine was granted which served to preclude any testimony regarding the stricken allegations contained in paragraphs 2 and 4 of the Objector’s petition.

EVIDENTIARY HEARING

In support of paragraph 3 of the Objector’s Petition, the Objector offered 41 affidavits by signers of the Candidate’s nominating papers. Two versions of affidavits were submitted, one with the pictures of circulator Garrett Hill, notary Tina Hill and circulator Alan Hill and the other version with the pictures of circulator Garrett Hill, circulator Nicholas McGreely and Circulator Alan Hill. Copies of these affidavits were made available to the Candidate on the first day of hearings at the case management conference. Samples of these affidavits are attached hereto. The purpose of the affidavits were to ascertain who the actual circulator with respect to the sheets signed

by the respective petition signers. In addition to questions that the petition signers were asked to answer in relation to individuals pictured in the affidavit, a line was available for the petition signers to add any additional information they recalled regarding the identity of the circulator.

To explain the affidavit gathering process, Joseph A. Tolomeo ("Tolomeo") was called to testify. Tolomeo is a private investigator who was hired by the McSweeney campaign¹. He testified that he conducted field interviews with petition signers and that the petition signers were identified on a list supplied to him by the campaign. Tolomeo described the investigation process as follows: He went to the homes of the petition signers on the list, identified himself as a private investigator working for a campaign but did not specifically name which campaign, asked the petition signers if they could identify their signatures at the respective sheet and line, asked if they remembered who handed them the petition and asked who else was present. (Tr. 43). He then asked if they would be willing to sign an affidavit. For those who were willing to sign an affidavit and before they signed, he retrieved the notary who was waiting in Tolomeo's car so that the notary could observe the signing. (Tr. 11,12)

Tolomeo also testified that after the first few interviews, none of the petition signers recalled seeing Tina Hill who was pictured on the first version of the affidavit but some recalled the presence of Nicholas McNeely. He so advised the campaign and a second affidavit form was created which omitted Tina Hill's picture and replaced it with Nicholas McNeely's picture. Tolomeo further testified that his interviews were conducted at night, generally under porch light or with the light from his flashlight. Tolomeo further testified that all of the information on the affidavits was completed by

the affiants, that all the writing contained thereon except for the notary's signature was placed on the affidavit by the affiants and that he did not do any of the writing on the affidavits. (Tr. 40). Tolomeo gathered some but not all of the affidavit. Some of the affidavits were obtained by another investigator, Michael Harrington with two other notaries. Tolomeo gave Harrington instructions on how to conduct the interviews with the petition signers .

Tolomeo also testified that he kept notes on the list of petition signers he received from the campaign. The list containing his notes was submitted as Objector's Exhibit 2. Tolomeo explained many of his notations on the list. He indicated where the signers were not home, if they were able to identify Alan Hill, whether they could recall identify their signature, at what location they signed the petition, etc. These notations were of significance because they served to establish that the investigator attempted to truthfully record the results of his investigation, even where the results of a particular interview did not assist the Objector's case.

THE TESTIMONY OF ALAN HILL

Alan Hill, the circulator whose sheets were the subject of the affidavits submitted, testified pursuant to subpoena from the Objector.² The nominating papers contain 33 sheets where Alan Hill signed as circulator. He testified that he circulated all of the sheets he signed as circulator and that he circulated in many locations. He recalled circulating at the Barrington Train station when Nicholas McNeely Elizabeth Gaffney was also present. He also recalled circulating at the Fox River turkey raffle with Tina Hill, Garret Hill and others, at the Cary Turkey raffle with Garret Hill and other with Tina

¹ Objector McSweeney is also a Candidate seeking the same office as the Candidate in the instant case.

² Alan Hill was accompanied by attorney Rebecca Lee who was present throughout his testimony.

Hill at a restaurant, at a fundraiser with Garret Hill, Tina Hill and others and door to door with Tina Hill. Alan Hill also testified that the turkey raffles were extremely crowded fundraisers where food and alcohol was served. He further testified that on some occasions he would hand his son Garret Hill a petition sheet and that Garret would hand the sheet to a petition signer. In every instance, according to Alan Hill, he observed the signer sign. (Tr. 95, 97, 98).

THE TESTIMONY OF GARRET HILL

Circulator Garret Hill was also subpoenaed to testify by the Objector.³ Garret is the son of Alan Hill and Tina Hill. He circulated a number of petition sheets at various locations. He circulated door to door, at a restaurant, at a fund raiser and at the Cary and Fox River Grove turkey raffles. He confirmed that the turkey raffles were crowded places where food and alcohol was served. He always circulated with other people. He circulated with his father and mother on some occasions and with others in various locations. He further testified that he never handled his father's petition sheets and that he never gave any of his father's petition sheets to anyone to sign. (Tr. 163, 164).

THE TESTIMONY OF NICHOLAS McNEELY

Nicholas McNeely was subpoenaed to testify by the Objector. McNeely testified that he worked with the Gaffney campaign and that he was the circulator of two of the sheets. He circulated his sheets on one day at the Barrington Hills Train station and Elizabeth Gaffney, the wife of the Candidate, and Alan Hill were also present at the time. He was present when other circulators circulated their petitions but he was the circulator on only those sheets.

³ Garret Hill was accompanied by attorney Rebecca Lee who was present throughout his testimony.

McNeely was asked by Candidate's counsel about Objector's Exhibit 26. The exhibit was the affidavit of Rosa M. Haakonsen who identified McNeely as the circulator of sheet 104, the sheet she signed. In the affidavit, Haakonsen indicted, "the reason why I remember who was present when I signed the petition sheet of Kent Gaffney is was [sic] in the Air Force and grew up in Fox River Grove. McNeely testified that he did not circulate sheet 104 and that he had never been in the air force and did not grow up in Fox River Grove. (Tr. 192-193)

McNeely was also asked about Objector's Exhibit 27, the affidavit of Raymond Haakonsen. He also identified McNeely as the circulator of sheet 104, the sheet Haakonsen signed. His affidavit indicated that "the reason I remember who was present was that he lived down the block and went to school around here..." McNeely testified that he never lived down the block and did not go to school around there. (Tr. 193-194).

THE TESTIMONY OF JIM THACKER

Jim Thacker ("Thacker") was called to testify by the Objector and was asked to identify pictures contained in Objector's Exhibit 3. He identified the pictures as having been found on the internet. He further testified that he cropped and edited the pictures so that they could be used in the Objector's affidavits. He indentified the persons in the photos as Alan Hill, Garret Hill, Nicholas McNeely and Tina Hill.⁴ (Tr. 78-92).

THE TESTIMONY OF TIMOTHY CORR

The Candidate called Timothy Carr ("Carr"). Carr testified that he signed the Candidate's nominating papers at sheet 40, line 8 of the Candidate's nominating

⁴ The Candidate raised issues regarding copyright infringement which this Hearing Officer deemed not relevant in this case.

papers. Corr further testified that he was handed the petition by Garret Hill at the Cary Grove Fire turkey raffle and that Garret Hill was present when he signed the petition. They were having a few beers at the time he signed. (tr.70). According to Corr, Alan Hill was also at the table, a couple of feet away. (Tr. 72).

Corr testified that he signed an affidavit. His affidavit, Objector's Exhibit 22, indicated that Garret Hill handed him the petition that Tina Hill was not present when he signed and that Alan Hill was not present when he signed. Corr could not recall the conversation that he had when he signed the affidavit. He did, however, acknowledge that while the affidavit said Alan Hill was not present when he signed the nominating papers, Alan Hill was in fact present.

During much of his testimony, Corr could not recall a number of matters. He also seemed confused. Below is an excerpt of his testimony.

Q. You're not sure who put the sheet number
1 and the line number?

A. No, I'm not sure. Was it you? There was
2 a private investigator that came to my house. Is
3 that what we're talking about?
4

Q. The question is, who was the one who
5 filled in the blank?
6

A. Oh, I can't tell you that. I don't know
7 that for sure.
8

Q. Okay. Look at Question Number 2. Who was
9 the one who circled the word "was" in that
10 question?
11

A. Again, I can't tell you. This may have
12

13 been -- I don't know. I can't recall that. I
14 don't remember him circling it right then and
15 there. I just remember meeting with him talking
16 about the petition and signing it.

17 Q. Do you remember the investigator or the
18 notary doing any writing on this document?

19 A. I can't recall that either, to be honest
20 with you.

21 Q. Okay.

22 A. You look like him by the way. I thought
23 it was you actually. Very similar to the
24 investigator that came to my house. I thought it
1 was you when I walked in the door.

2 Q. Okay.

3 A. But I don't know.

4 Q. Much younger guy. Even fatter than me.

5 MR. COUNTRYMAN: That's debatable.

6 BY MR. MEANS:

7 Q. Maybe. On Question Number 3, who circled
8 the "was not"?

9 A. The person whose photograph appears in
10 this page, that's Person A, that's Garret, right,
11 was not present when I signed the petition. I
12 don't know, but I wouldn't have signed that if I
13 had known what I was particularly reading.

14 Q. Person A is down below. That's Tina.

15 A. Oh. I don't know who circled it, but I
16 don't remember seeing her there either.

17 Q. And Number 4 says Person B was not there?

18 A. Yeah, he was.

19 Q. Who circled that?

20 A. I don't recall who circled that, to be
21 honest with you. I don't know who circled that.
22 But if I did it, and I don't think I did because it
23 doesn't even look like my handwriting. I don't do
24 circles like that. He was definitely there.

1 Q. Now who filled in the blank for Number 5,
2 I know him, His name is Garret?

3 A. You know what, I don't know who did that.
4 But that's definitely not my writing, let's put it
5 that way. That's not how I write.

6 Q. Okay.

7 A. But I may have stated that because I know
8 his name is Garret. I have met him before at other
9 political events, let's say.

10 Q. Okay. But on Number 4, you're not sure
11 who it was who circled the "was not"?

12 A. I don't recall. I don't remember seeing
13 anyone circle or fill in any of this, to be honest
14 with you. I don't recall anyone filling in these
15 specific . . .

16 Q. Nothing further.

17 A. As far as I signed it, though, to be quite
18 honest with you because I would not have signed
19 Number 4 like that. It might not have been filled
20 in, frankly, actually, if I signed that. If I read
21 the whole thing, I would have definitely not agreed

THE AFFIDAVIT OF KAYE KREHER

At the end of the hearing, the Candidate, without prior notice to the Objector, tendered the affidavit of Kaye Kreher (Kreher) which was marked as Candidate's Exhibit 5. The Kreher affidavit was provided to the Candidate's attorneys by Rebecca Lee, the attorney for circulators Alan Hill and Garret Hill. (Tr. 196). According to the Kreher affidavit, Kreher was the signer of the Candidate's nominating petition at sheet 10, line 1. She signed the petition at the Fox River Grove Turkey Raffle. Someone who was with a person she knew by the name of Dan Shea presented the petition to her. She did not have an independent recollection of what the person who was with Mr. Shea looked like.

Kreher was also the signer of an affidavit submitted by Objector as Exhibit 22. With respect to Exhibit 22, the current affidavit provided that Kreher was approached at her home by two individuals who asked her to confirm her signature on the nominating papers of Kent Gaffney and that she believed that by signing the affidavit she was attesting to her signature on the nominating papers only. She did not recall making the circles on it and did not mean to attest that the pictured individuals were not present. The affidavit further provided that if the statements contained therein were contrary to the affidavit submitted by Objector, the statements of the current affidavit should control "and overrule any prior affidavit." (Page 2 of Candidate's Ex. 5).

Summary of Objector's Arguments

The Objector argued that the affidavits were known to the Candidate weeks before the hearing and that the affidavits were largely un rebutted. The testimony of Timothy Corr was equivocal at best. The affidavit of Kaye Kreher was also equivocal and was essentially "sprung" on the Objector's counsel at the evidentiary hearing. While the Candidate had the affidavits that the Objector was submitting for weeks prior to the hearing, the Kreher affidavit was never disclosed to the Objector and Objector had no notice as to its contents. Moreover, the testimony of the circulators was inconsistent. Additionally, in light of the unanticipated testimony of Timothy Corr as well as the affidavit of Kaye Kreher, Objector contends that he should be entitled to subpoena all of the affiants as witnesses, bring in the other investigator and notaries who gathered affidavits and bring in a handwriting expert to authenticate the writing on Timothy Corr's affidavit.

Summary of Candidate's Argument

The Candidate argued that the evidence did not, in any way, demonstrate a pattern of fraud or a conspiracy between the circulators. The Candidate further argues that the affidavits are inherently unreliable because the photographs suggest responses. The Candidate also takes issues with the affidavits because the affiants were asked questions about who circulated and who handed them the petitions which is inconsistent with the law regarding circulating as reflected in the case of *Moscardini v. County Officers Electoral Board of DuPage County* 224, Ill. App. 3d 1059, 590 N.E.2d 84 (2nd Dist. 1983). In *Moscardini*, the Court determined that Section 7-10 of the Election Code required only that the person who signs the circulator's affidavit be present when

each signatory signs the sheet. The testimony of Timothy Corr, the affidavit of Kaye Kreher and the testimony of Nicholas McNeely established that the affidavits were confusing and in some instances simply wrong. Moreover, the condition under which the affidavits were gathered renders them unreliable in that it was dark and cold and the affidavits were completed quickly. Additionally, the testimony of the circulators was credible and contradicted the content of the affidavits. Finally, many petition signers signed at turkey raffles where it was crowded and where alcohol was being served.

DISCUSSION

The Candidate raised reasonable issues regarding the affidavits. The circumstances under which they were gathered were not ideal in that it was cold and dark. The affidavits contained pictures that may have tended to suggest an answer. There were some mistakes made on the affidavits as to sheet and line and as to why a circulator was recognizable to an affiant. However, while there may have been some problems with the affidavits, they were not so overwhelming as to render the affidavits wholly unreliable as the Candidate contends. Indeed, the evidence of problems with the affidavit process was unpersuasive at best. For example, the testimony of Timothy Corr, the only affiant whose live testimony was offered by the Candidate, established that Mr. Corr remembered little about the affidavit signing process and that he was confused about the identity of the investigator, having confused the investigator with counsel for the Objector. The other evidence presented by the Candidate to attack the Objector's affidavits was the affidavit of Kaye Kreher. While the affidavit indicated that she was confused when she signed the original affidavit, it is unclear how the subsequent affidavit was obtained and why such affidavit was provided by the attorney

for circulators Alan Hill and Garret Hill. Moreover, the existence of the Kreher affidavit was not made known to the Objector until the end of the hearing which precluded the Objector from cross examining her or making further inquiry as to the circumstances of both of her affidavit signings. The testimony of Nicholas McNeely served to establish that two affiants may have been confused about his identity.

The totality of the evidence presented by the Candidate to attack the reliability of the affidavits was minimal. In order for the Candidate's evidence to be persuasive, one would have to engage in extensive extrapolation. In other words, one would have to conclude from the testimony of two witnesses and an affiant, that each and every one of the affiants were confused by the questions on the affidavits, or misled by the pictures, or could not adequately see the pictures contained thereon, or that their original recollection was incorrect, or that the atmosphere in which they signed the nominating papers made it impossible for them to know who was actually present or that they were inebriated and that their memories were impaired when they signed the nominating papers.

There was simply an insufficient amount of evidence submitted by the Candidate to justify the drawing of such conclusions as to all of the affidavits. Therefore, the Candidate, in my opinion, failed to adequately rebut the sworn statements contained in the Objector's affidavits.

Unlike the Objector in this case, the Candidate had notice of all of the Objector's evidence weeks in advance. As the Objector has suggested, the Candidate could have brought in all of the affiants as their identities were known from the first hearing date. He could have submitted contrary affidavits explaining the problems with the Objector's

affidavits. With respect to thirty-nine (39) affidavits submitted by the Objector, the Candidate inexplicably did none of these things.

While the circulators appeared to be credible witnesses, there was one significant instance where the testimony of Alan Hill and Garret Hill was wholly inconsistent. Circulator Alan Hill testified that he sometimes would hand the petition sheet to his son Garret Hill and that Garret Hill would then hand the sheet to a signer while the signers were also in Alan Hill's presence. The testimony of Timothy Corr seemed to suggest that that was the case when he signed the petition. However, Garret Hill testified that this **never** happened. If it had, it may have at least explained why some of the affiants swore that they were handed the petition sheet by Garret Hill even though Alan Hill signed as circulator. It may have even helped to establish that even if some of the petition signers may not have seen Alan Hill, Alan Hill could have seen them sign. If that was the testimony of both Garret Hill and Alan Hill, it may even have helped to establish that the circulation process was within the *Moscardini* interpretation of circulation. However, according to Garret Hill, this could **not** have happened because he **never** handled his father's petition sheets except to turn them in to Nicholas McNeely.

In my opinion, the inconsistent testimony of circulators Alan Hill and Garret Hill along with the confused testimony of Timothy Corr and the questions regarding how the affidavit of Kaye Kreher provided little assistance to the Candidate. Although the affidavits may have been gathered under less than ideal circumstances, the Candidate failed to establish that they were lacking in veracity. Accordingly, it is my opinion that the Objector successfully established that while Alan Hill signed certain sheets as

circulator, he was neither the person who handed those sheets to the signer nor was he present when some of the petition signers affixed their signatures to those petition sheets. The Objector's affidavits establish this fact as to sheets 10, 11, 12, 13, 14, 21, 29, 30, 34, 40, 41, 42, 43, 72, 73, 74, 79, 103, 104 and 105 and each of these sheets, in my opinion, must be stricken because they contain a circulator's oath that could not have been truthful.

The number of signatures remaining on these sheets after the records examination was 138. By striking these sheets, the number of valid signatures remaining in Candidate's nominating papers is 660, which is 160 more than the required minimum of 500.

The final question that arises as a result of the foregoing is whether or not there was sufficient evidence to establish that circulator Alan Hill engaged in a pattern of fraud and false swearing and whether circulator Garret Hill and circulator Nicholas McNeely engaged in a conspiracy which warrants the striking of all of their petitions. In my opinion, a pattern of fraud has not been established and such action is not warranted under the cases of *Fortas v Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984); *Huskey v Municipal Officers Electoral Board*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist. 1987); *Canter v Cook County Officer Electoral Board* 170 Ill.App.3d 364, 523 N.E.2d, *Huskey v Municipal Officers Electoral Board*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist. 1987); *Canter v Cook County Officers Electoral Board*, 170 Ill.App.3d, 364, 523 N.E.2d 1299 (1st Dist. 1988).

The evidence established that Alan Hill did not circulate some of the sheets or parts of some of the sheets even though he signed as circulator on those sheets.

However, the record is devoid of any basis which would warrant the striking of any additional sheets of Alan Hill or any other circulator and there simply is no case law to support such an action.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the objections of David McSweeney be **overruled** in conformity with the results of the records examination and the results of the evidentiary hearing. It is my further recommendation that the nominating papers of Candidate Kent Gaffney be deemed **valid** and that the name of Candidate Kent Gaffney for the Republican nomination to the office of Representative in the 52nd Representative District **be** printed on the ballot at the March 20, 2012 General Primary Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman

Hearing Officer

1/22/12

State of Illinois

000 15

County of McHenry } SS

AFFIDAVIT

James Czerninski being first duly sworn and placed under oath, hereby depose and state:

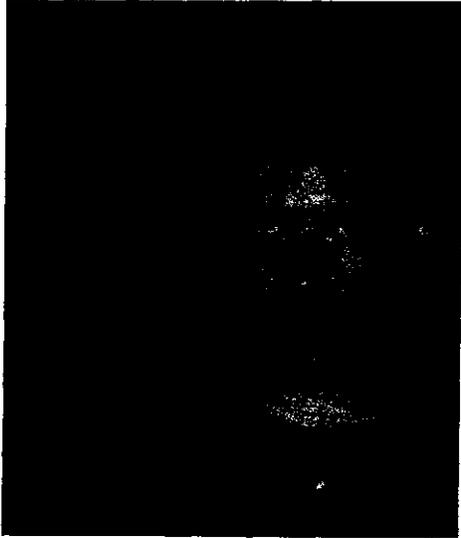
1. I have examined the signature that appears on Sheet 43 Line 9 of the nominating petitions of Kent Gaffney as a candidate for the Republican Party nomination to the office of Representative in the General Assembly for the 52nd Representative District for the March 20, 2012 primary election and I can verify that that **IS** **IS NOT** (circle one) **MY SIGNATURE**.

2. The person whose photograph appears on the right side of this page **WAS** **WAS NOT** (circle one) the person who circulated the petition and presented it to me for signature.

3. The person whose photograph appears on this page as **Person A**. **WAS** **WAS NOT** (circle one) present when I signed the petition sheet of Kent Gaffney.

4. The person whose photograph appears on this page as **Person B**. **WAS** **WAS NOT** (circle one) present when I signed the petition sheet of Kent Gaffney.

5. The reason why I remember who was present when I signed the petition sheet of Kent Gaffney is:



Person A



Person B



James Czerninski
Signature of Affiant
NAME: CZERNINSKI

Subscribed and sworn to before me by this 4th day of December, 2011.

Jill Hupp
Notary Public

(SEAL)



Group Ex #1

State of Illinois

County of McHenry SS

1-000

AFFIDAVIT

I Rita Maloney being first duly sworn and placed under oath, hereby depose and state:

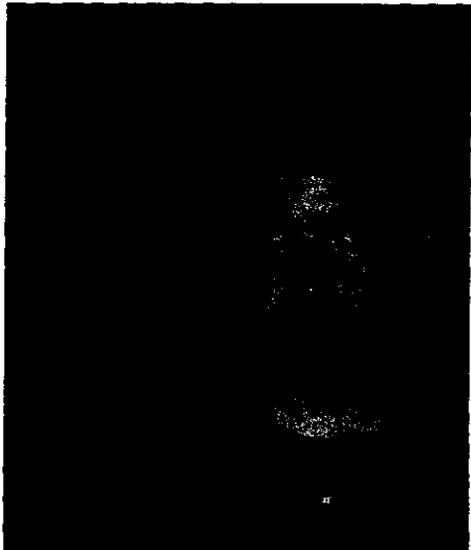
1. I have examined the signature that appears on Sheet 30 Line 10 of the nominating petitions of Kent Gaffney as a candidate for the Republican Party nomination to the office of Representative in the General Assembly for the 52nd Representative District for the March 20, 2012 primary election and I can verify that that IS **IS NOT** (circle one) **MY SIGNATURE**.

2. The person whose photograph appears on the right side of this page **WAS** **WAS NOT** (circle one) the person who circulated the petition and presented it to me for signature.

3. The person whose photograph appears on this page as **Person A**. **WAS** **WAS NOT** (circle one) present when I signed the petition sheet of Kent Gaffney.

4. The person whose photograph appears on this page as **Person B**. **WAS** **WAS NOT** (circle one) present when I signed the petition sheet of Kent Gaffney.

5. The reason why I remember who was present when I signed the petition sheet of Kent Gaffney is:



Person A



Person B

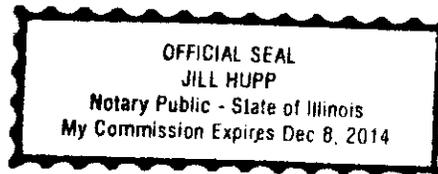


Rita Maloney
Signature of Affiant

Subscribed and sworn to before me by Rita Maloney this 7th day of December, 2011.

Jill Hupp
Notary Public

(SEAL)



State of Illinois)
) SS.
County of Cook)

**Before the Duly Constituted Electoral Board for the Hearing and
Passing Upon of Objections to Nomination Papers of Candidates for
the Nomination of the Republican Party for the Office of
Representative in the General Assembly for the 52nd Representative
District of the State of Illinois**

**Objections of David McSweeney to the Nomination Papers of Kent
Gaffney for the Republican Party Nomination for the Office of
Representative in the General Assembly for the 52nd Representative
District of the State of Illinois, to be voted for at the General Primary
Election to be Held on March 20, 2012**

Verified Objector's Petition

David McSweeney, residing and registered to vote at 8 Hubbell Court, in the Village of Barrington Hills, County of Cook, State of Illinois (hereinafter referred to as "Objector") states that the Objector's address is as stated, that the Objector is a legal voter of the 52nd Representative District of the State of Illinois, and that the Objector's interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52nd Representative District of the State of Illinois, are properly

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complied with. Therefore, the Objector makes the following objections to the nomination papers of Kent Gaffney as a candidate for the Republican Party nomination for the office of Representative in the General Assembly for the 52nd Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012 (hereinafter referred to as the "Nomination Papers").

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

1. Pursuant to Illinois law, nomination papers for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52nd Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012, must contain the true signatures of not fewer than 500 nor more than 1500 qualified and duly registered legal voters of the Republican Party for the 52nd Representative District of the State of Illinois. In addition, said Nomination Papers must truthfully allege that the candidate is qualified for the office he seeks, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise must be executed in the form provided by law. The Nomination Papers herein purport to contain the signatures of approximately 1064 of such voters, and further purport to truthfully allege that the candidate is qualified for the office he seeks and purport to have been gathered, presented and executed in the manner required by the Illinois Election Code.
2. The Nomination Papers herein contain petition pages which were illegally circulated by State of Illinois, House of Representatives Republican Staff employees Garret Hill and Nicholas McNeely on State time and with the use of State resources in violation of §9-25.1 of the Illinois Election Code, Article VIII, §1 of the Illinois Constitution, several provisions of the State Officials and Employees Ethics Act and numerous other Illinois laws. Such petition sheets are therefore the proceeds of a crime from which the candidate must not be allowed to benefit. Such illegally gathered petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet circulated by said individuals is invalid, and should be invalidated, in order to protect the integrity of the electoral process. Such petition sheets are pages 8-21, 28-34, 39-43, 46-54, 56-65, 69-77, 79, 101, 103, 104, 107, and 110 and each of such sheets are invalid in their entirety and none of their contents should be counted toward the candidate's minimum signature requirement.

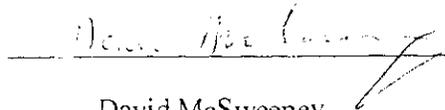
3. The Nomination Papers herein contain petition pages which purport to have been circulated by Alan Hill. Those petition sheets are numbered 10-21, 28-34, 39-43, 72-77, 79, 103 and 104. In fact, those petition sheets were circulated by State of Illinois, House of Representatives Republican Staff employees Garret Hill and Nicholas McNeely who then conspired with each other and Alan Hill to procure Alan Hill's perjured circulator affidavit on each such petition sheet. Because Garret Hill and Nicholas McNeely suborned Alan Hill's perjury on those circulator affidavits, and because Alan Hill perjured himself in the circulator affidavits, Garret Hill, Alan Hill and Nicholas McNeely have demonstrated a pattern of fraud and disregard of the Election Code to such a degree that every signature on these petition sheets and also on every sheet which, on its face, purports to have been circulated by Garret Hill and Nicholas McNeely is invalid, and should be invalidated, in order to protect the integrity of the electoral process. Such petition sheets are 10-21, 28-34, 39-43, 72-77, 79, 103 and 104 and 8, 9, 46-54, 56-65, 69-71, 101, 107, and 110 and each of such sheets are invalid in their entirety and none of their contents should be counted toward the candidate's minimum signature requirement.

4. The Nomination Papers herein contain petition pages which were illegally notarized by State of Illinois, House of Representatives Republican Staff employee Tina R. Hill. Her notarizations were illegal because, when she notarized the affidavits of Alan Hill on sheets pages 34, 39-43, 103 and 104, she knew those affidavits to be false and perjurious. She did this in violation of several provisions of the Election Code, the Notary Act and numerous other Illinois laws. Such petition sheets are therefore the proceeds of a crime from which the candidate must not be allowed to benefit. Such illegally notarized petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet notarized by her is invalid, and should be invalidated, in order to protect the integrity of the electoral process. Such petition sheets are pages 23-27, 34, 37-44, 78, 99, 103-106, 108, and 109 and each of such sheets are invalid in their entirety and none of their contents should be counted toward the candidate's minimum signature requirement.

5. The Nomination Papers contain the names of persons, as petitioners, who are not duly registered as voters at the addresses shown opposite their respective names, as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column A, "Signer not registered at address shown," in violation of the Illinois Election Code and therefore all such signatures are invalid.
6. The Nomination Papers contain the names of persons, as petitioners, who, at all times relevant hereto, did not reside within the boundaries of the 52nd Representative District of the State of Illinois, as is shown by the address written on the petition sheet and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column B, "Signer resides outside district," in violation of the Illinois Election Code and therefore all such signatures are invalid.
7. The Nomination Papers contain the names of persons, as petitioners, who did not sign said papers in their own proper persons, and said entries are not the genuine signatures of the registered voters indicated as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column C, "Signer's signature not genuine," in violation of the Illinois Election Code and therefore all such signatures are invalid.
8. The Nomination Papers contain petition sheets containing the names of persons, as circulators of said petition sheets, who were not the true circulators of such petition sheets as is set forth specifically in Appendix A. attached hereto and incorporated herein, under the heading, Column K., "Stated circulator not the true circulator," in violation of the Illinois Election Code and therefore all signatures on such petition sheets are invalid.
9. The Nomination Papers contain the names of persons, as signers, for whom the address appearing opposite said names is so incomplete or illegible as to render impossible the inquiry into whether such persons are registered voters within the 52nd Representative District of the State of Illinois as is set forth specifically in Appendix A. attached hereto and incorporated herein, under the heading Column P., "Signer's address so incomplete or illegible as to prevent checking," in violation of the Illinois Election Code and therefore all such signatures on such petition sheets are invalid.

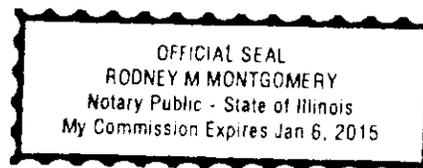
10. The Nomination Papers contain petition sheets circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet circulated by said individuals is invalid, and should be invalidated, in order to protect the integrity of the electoral process. Such affected signatures are set forth specifically in Appendix A. attached hereto and incorporated herein, under the heading Column S., "Sheet invalid because of pattern of fraud and disregard of Election Code by circulator," in violation of the Illinois Election Code and therefore all such signatures on such petition sheets are invalid.
11. Because the Nomination Papers contain fewer than the statutory minimum number of 500 validly collected and presented signatures of qualified and duly registered legal voters of the Republican Party of the 52nd Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, as alleged above and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, the Nomination Papers are invalid in their entirety.

Wherefore, the Objector requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official precinct registers and binders relating to voters in the 52nd Representative District of the State of Illinois, (to the extent that such examination is pertinent to any of the matters alleged herein), a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Kent Gaffney **shall not appear** on the ballot for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52nd Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012.


David McSweeney
Objector

Subscribed and sworn to before me by David McSweeney
this 12 day of December, 2011.


NOTARY PUBLIC
(SEAL)



Mc Sweeney v. Gaffney

ARDC Attorney #01874098

Objections prepared: December 11, 2011

Richard K. Means
Attorney for the Objector
806 Fair Oaks Avenue
Oak Park, Illinois 60302

Telephone: (708) 386-1122
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Email: rmeans@richardmeans.com
Cook County Attorney # 27351
ARDC Attorney #01874098

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY FOR THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 52nd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

David McSweeney,)	
)	
Objector,)	
)	
v.	)	Case No. 11 SOEBGP 502
)	
Kent Gaffney,)	
)	
Candidate.)	

MOTION TO STRIKE OBJECTOR'S PETITION

Now comes Kent Gaffney (hereinafter referred to as the "Candidate"), and for his Motion to Strike Objector's Petition, states as follows:

Kent Gaffney and David McSweeney (the "Objector" herein) are candidates for the nomination of the Republican Party for the 52nd Representative District. In his bid to "clear the field," the Objector here has recklessly lodged a number of outrageous and baseless claims that have no place before this Electoral Board and must be stricken.

In his Objector's Petition, the Objector makes the over-the-top claims that (1) certain of the Candidate's nominating petitions were "illegally circulated" by State workers on State time in violation of §9-25.1 of the Election Code, Article VIII of the Illinois Constitution, and the State Officials and Employees Ethics Act; (2) certain petition pages were somehow "illegally notarized" by state employee Tina Hill; and (3) certain of the Candidate's petition pages that were circulated by Alan Hill were actually circulated by Garret Hill and Nicholas McNeely and

that the three actually *conspired* to have Alan Hill sign the circulator's affidavit on each.¹ None of these accusations have any merit.

What makes the Objector's over-the-top claims even worse, though, is that they are nothing more than bald assertions, unsupported by any sworn allegation of fact. While the Objector has titled his Objector's Petition a "Verified Objector's Petition," a close review of the document reveals that it is very carefully not "verified," and not sworn under oath at all. Although § 10-8 of the Election Code does not require an objector's petition to be a sworn statement, most, if not all, commonly are. The fact that the Objector has made such extreme accusations against his opponent without offering sworn proof raises serious questions, and demonstrates that the Objector is abusing the objection process in order to smear his opponent. Indeed, without actual allegations of sworn fact to support his "pattern of fraud" claims, the Objector fails to meet his burden of going forward on such claims, and this body should dismiss them on their face. For this reason and many that follow, the offending portions of the Objector's Petition fail to state a cognizable objection and must be stricken.

A. This Board Lacks Subject Matter Jurisdiction To Even Consider An Objection As To Whether Nominating Petitions Were Circulated "on State time."

Regardless of the fact that the Objector has seen fit to lodge the reckless, false charge that certain of the Candidate's nominating petitions were circulated "on State time," and therefore should be declared invalid, it is well-settled that this Board lacks subject matter jurisdiction to even consider this question. An electoral board is a creature of statute, and is therefore limited only to the powers granted it by statute. *Goodman v. Ward*, IL Sup. Ct. Docket No. I09796,

¹ The Objector also makes objection to certain signatures, and these will be resolved by the records exam in this case.

(2011) p. 10; *Kozel v. State Board of Elections*, 126 Ill.2d 58 (1998). The Electoral Board's powers are proscribed in Section 10-10 of the Election Code, which provides, in pertinent part:

"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."

10 ILCS 5/10-10.

Interpreting this section, the First District has held that an electoral board's scope of inquiry is limited to the sole issue of whether a challenged nominating petition complies with the provisions of the Election Code pertaining thereto. *Wiseman v. Elward*, 5 Ill.App.3d 249, 283 N.E.2d 282 (1st Dist. 1972); *Nader v. Ill. State Bd. Of Elections*, 354 Ill.App.3d 335, 819 N.E.2d 1148 (1st Dist. 2004). While the Objector has accused the Candidate of violation of §9-25.1 of the Election Code, Article VIII of the Illinois Constitution, and the State Officials and Employees Ethics Act, an electoral board's mandate does not, and cannot, include evaluation of any of these charges, and they therefore must be stricken.

Indeed, it has long been held that the sorts of claims made here by the Objector have no basis in law. Similar claims were unsuccessfully made by the objector in *Wiseman v. Elward*, *supra*. In *Wiseman*, the objector argued that the candidate's nominating petitions should be invalidated because, among other things, certain sheets were circulated as a direct result of political patronage pressures, contrary to the then-recent decision of *Shakman v. Democratic Organization of Cook County*, 435 F.2d 267 (Ct. App. 7th 1970). 5 Ill.App.3d at 257. According

to the *Wiseman* objector, an appropriate remedy for such an offense would be “the use of the objection procedures of the Illinois Election Code as a means of voiding primary petition signatures obtained directly through political patronage pressures.” *Id.* The *Wiseman* Court flatly disagreed. Because an electoral board’s scope of review is limited by its enacting statute, the *Wiseman* Court held that such “patronage” objections “were not well founded in law.” *Id.* at 258.

The Objector here asks this Electoral Board for the same relief as did the Objector in *Wiseman*: to void the Candidate’s petition sheets on the allegation of some official misconduct outside of Section 7 of the Election Code. However, as the *Wiseman* decision makes clear, such unverified allegations are not well founded in law. Accordingly, in keeping with well-settled precedent, the Objector’s claims of violation of §9-25.1 of the Election Code, Article VIII of the Illinois Constitution, and the State Officials and Employees Ethics Act fail to state a valid basis of an objection and must be stricken.

B. The Objector Has Failed To Offer Any Sworn Facts That Would Support A Conspiracy Or A Pattern Of Fraud.

In Paragraph 3 of his Objector’s Petition, the Objector baldly asserts that all of the petition sheets circulated by Alan Hill were in fact circulated by Garret Hill and Nick McNeely, and that these three actually conspired to have Alan Hill execute the circulator’s affidavit on each sheet. According to the Objector, this allegation constitutes a “pattern of fraud,” and the petition sheets circulated by all three men should be invalidated. There are a number of problems with the Objector’s accusation, however.

First and foremost, the Objector fails to offer a shred of evidence to support this so-called conspiracy charge. Allegations in an Objector’s petition must be pled with requisite specificity to apprise a candidate of the charge being made against his or her nominating papers. 10 ILCS 5/10-8; *Siegel v. Lake County Officers Electoral Board*, 385 Ill.App.3d 452, 895 N.E.2d 69 (2nd

Dist. 2008). Simply making a blanket charge is insufficient. A pleading must present some minimal credible evidence in order to sustain the objector's burden to move forward. When an objection does not fully apprise the candidate of the source of any alleged defects whereby he or she can defend the petitions, the objection does not comply with the Election Code. *Sutor v. Acevedo*, 06-EB-RGA-04, Chicago Board of Election Commissioners, January 30, 2006.

Notably, the Objector makes no claim that any of the signatures actually appearing on the petitions are not genuine, or have been altered in any way by any circulator. Further, the Objector makes no allegation that the circulators of the Candidate's petitions were not present when the voters signed those petitions. As the Court held in *Moscardini v. County Officers Electoral Board of DuPage County*, § 7-10 only requires that the person who signs the circulators affidavit have been present when each signatory signed the sheet. *Moscardini*, 224 Ill.App.3d 1059, 590 N.E.2d 84 (2nd Dist. 1992) Here, the Objector here simply claims "pattern of fraud" -- without a scintilla of proof -- and expects to use the objection process to engage in a fishing expedition to prove his case.

Second, the Objector offers only unsworn allegations in his Objection that, on their face, are inadequate to overcome the sworn statements contained in the circulator's affidavits for Garret Hill, Alan Hill and Nick McNeely. It is well-established that a circulator's affidavit establishes the *prima facie* validity of signature sheets. *In re Petition for Removal of Bower*, 41 Ill.2d 277, 242 N.E.2d 252 (1968). In order to successfully maintain his Objection, the burden is on the Objector to allege facts that could overcome the *prima facie* validity of the Candidate's petition sheets. Because the Objector has alleged no such fact to meet his burden, his allegation of a so-called "conspiracy" must be stricken.

Finally, the charge of a “conspiracy” itself is illogical. While the Objector seems to assert that the point of the so-called conspiracy was to conceal the involvement of Garret Hill and Nick McNeely, both Garret Hill and Nick McNeely did circulate petition sheets for the Candidate, and each did sign the circulator’s affidavit on each sheet he circulated. The involvement of Garret Hill and Nick McNeely is therefore publicly known – which would seem to defeat the purpose of the Objector’s so-called conspiracy. Because the Objector has offered not even minimal factual support for his “conspiracy” claim, he has not met his burden, and these allegations must be stricken.

By making such false, fact-free accusations against the Candidate’s circulators, the Objector here is doing nothing more than abusing the objection process in order to harass individuals who have helped his opponent. These tactics have no place in Illinois politics and, if tolerated, will further discourage people from taking part in the electoral process, to the detriment of all.

C. The Objector Has Failed To Offer Any Fact To Support The Charge That Certain Sheets were “Illegally Notarized.”

In Paragraph 4 of his Objector’s Petition, the Objector asserts that all of the petition sheets notarized by Tina Hill should be stricken, because when she notarized the affidavits on seven sheets circulated by Alan Hill, “she knew those affidavits to be false and perjurious.” The Objector fails to offer any fact as to how or why Tina Hill would have knowledge that those affidavits were false and perjurious. Again, as Objector has done time and again throughout his Petition, Objector simply makes a bald, unsupported allegation. Further, Objector cites no law that would require a notary to have any knowledge as to the truth of the document. In fact, the notary’s action is merely a ministerial task. *Cheng v. Illinois*, 438 F.Supp. 917 (N.D.Ill. 1977).

For the same reasons discussed above, Objector's allegations with regard to Tina Hill's notarizations should be stricken.

D. In Illinois, The Overriding Interest Is In Ballot Access.

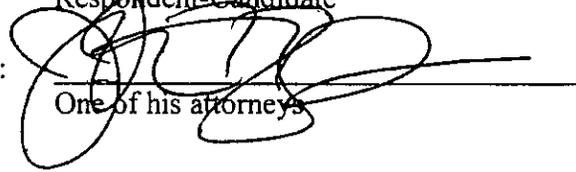
Illinois law and public policy favor ballot access. While the provisions of the Election Code are designed to protect the integrity of the electoral process, "it is a fundamental principle that access to a place on the ballot is a substantial right and is not lightly to be denied." *Welch v. Johnson*, 147 Ill.2d 40, 56 (Ill. 1992). The Objector here – who is not coincidentally also a candidate for the Republican nomination in the 52nd Representative District -- seeks to deny ballot access to all of his opponents, and in so doing, deny Republican voters of the 52nd Representative District of any choice at all for that office at the 2012 General Primary Election. The Objector's attempt to use the objection process to "clear the field" for himself must be rejected.

WHEREFORE, the Candidate, Kent Gaffney, prays this Honorable Electoral Board strike and dismiss the aforesaid portions of the Objector's Petition.

Respectfully Submitted,

Kent Gaffney,
Respondent-Candidate

By:



One of his attorneys

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY FOR THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 52nd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

David McSweeney,)
)
 Objector,)
)
 v.)
)
 Kent Gaffney,)
)
 Candidate.)

Case No. 11 SOEBGP 502

REPLY IN SUPPORT OF MOTION TO STRIKE OBJECTOR'S PETITION

Now comes Kent Gaffney (hereinafter referred to as the "Candidate"), and for his Reply in Support of his Motion to Strike Objector's Petition, states as follows:

The thrust of the Objector's charge in this matter is that certain of the Candidate's nominating petitions were "illegally circulated" by State workers on State time in violation of §9-25.1 of the Election Code, Article VIII of the Illinois Constitution, and the State Officials and Employees Ethics Act. However, as pointed out in the Candidate's Motion to Strike, the State Officers Electoral Board has no jurisdiction over alleged violations of the Campaign Finance Act (5 ILCS 10/9 *et seq.*), nor over the State Officials and Employee Ethics Act (5 ILCS 430/25 *et seq.*). Nor is this body empowered to rule on constitutional questions, to the extent such a question has even validly been raised. *Bonaguro v. County Officers Electoral Board*, 240 Ill.App.3d 368, 608 N.E.2d 215 (1st Dist. 1992). In his Response, the Objector offers nothing of substance to save his claim on these points. Accordingly, these charges must be stricken from the Objector's Petition herein.

Alleged violations of Article 9 of the Election Code are remedied exclusively by the State Board of Elections, subject to such rules and regulations as the Board may establish. 10 ILCS 5/9-18. If any person believes that a violation of Article 9 has occurred, his or her sole remedy is to file a verified complaint with the State Board, pursuant to § 9-20 of the Election Code. 10 ILCS 5/9-20. In fact, the statute includes a comprehensive statutory mechanism to remedy alleged violations of Article 9. *See*, 10 ILCS 5/9-18 through 5/9-24. Simply put, no other body has original jurisdiction over Article 9 matters. As such, the State Officers Electoral Board has no jurisdiction over the Objector's §9-25.1 allegation, and it must be stricken from the Objector's Petition.

Similarly, alleged violations of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* are resolved exclusively under the framework set forth under that Act. Alleged violations of the Act in the legislative arena are decided only by the Legislative Ethics Commission, and no other body. No other agency has jurisdiction over such claims. Further, only the Legislative Inspector General has standing to bring an alleged violation of the Act. 5 ILCS 430/25-45(a). No private person may prosecute a claim under the Act. Like Section 9 of the Election Code, the legislature has provided a comprehensive statutory scheme to resolve alleged violations of the State Officials and Employees Ethics Act. Similarly, the State Officers Electoral Board has no jurisdiction over the Objector's allegations of violations of the State Officials and Employees Ethics Act, and those allegations must therefore be stricken.

WHEREFORE, for the reasons set forth here and in the Candidate's Motion to Strike and Dismiss, the Candidate, Kent Gaffney, prays this Honorable Electoral Board strike and dismiss the aforesaid portions of the Objector's Petition.

Respectfully Submitted,

Kent Gaffney,
Respondent-Candidate

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

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**BEFORE THE DULY CONSTITUTED STATE OFFICER'S ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY
FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
52ND REPRESENTATIVE DISTRICT FOR THE STATE OF ILLINOIS**

SHARON ANN MERONI,)	
)	
Petitioner-Objector,)	
)	
vs.	)	11 SOEB GP 502
)	
KENT GAFFNEY,)	
)	
Respondent-Candidate.)	

CANDIDATE'S MOTION TO STRIKE AND DISMISS OBJECTOR'S PETITION

NOW COMES Kent Gaffney, Respondent-Candidate (hereinafter referred to as "Candidate"), by and through his attorneys, John W. Countryman of The Foster & Buick Law Group, LLC, and John Fogarty, and moves to strike and dismiss the Objectors' Petition filed by Sharon Ann Meroni (hereinafter referred to as "Objector"), and in support thereof, states as follows:

1. Objector has failed to furnish a file-stamped copy of her Objection with the attorneys for the Candidate, even after requests by the Candidate's attorneys and their voluntary entry of Appearance at the case management conference before the State Officer's Electoral Board on December 20, 2011.

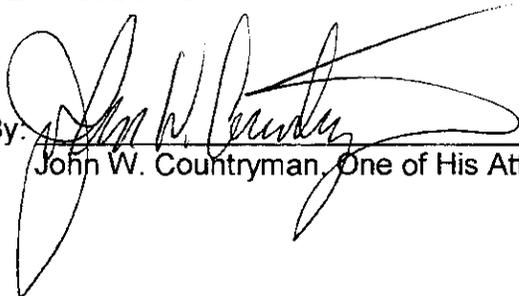
2. That Paragraphs 4 through 15 of the Objection, as given to the Candidate's attorneys by the Objector, fail to state any basis whatsoever under Illinois Law, Code of Elections of Illinois, or any case law that requires the Candidate to file any documents that the Candidate has not filed.

3. That the Candidate has filed all documents which are proper and necessary for placement of his name on the ballot and the Objector fails to state with specificity any objection to any of those documents which would constitute the basis of a sustainable objection to the Petitions and related documents of Kent Gaffney, Candidate for the Office of Representative in the General Assembly for the 52nd District for the State of Illinois.

WHEREFORE, the Candidate, Kent Gaffney, moves to dismiss and strike the Objection of Sharon Ann Meroni for the reasons stated above; requests that this Electoral Board find that such Objection was baseless and without merit; and for such other relief as is equitable and proper.

Dated 21st day of December, 2011.

KENT GAFFNEY

By: 
John W. Countryman, One of His Attorneys

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required to plead under oath although this objection did. Objections are required to plead with sufficient specificity so that the respondent is put on notice of what defect is alleged and what he is required to defend. The pleading here plainly accomplishes this task.

Objection Paragraph 3

In ¶ 3 of the Objector's Petition, the Objector alleges that State of Illinois, House of Representatives Republican Staff employes Garret Hill and Nicholas McNeely circulated certain candidate petitions which were later claimed, in circulator's affidavits, as having been circulated by Alan Hill and that both Hills and McNeely conspired together to have Alan Hill falsely and perjurally sign and swear to the circulator's affidavit on those sheets. The Objection then specifies which particular petition sheets are involved. The charge plainly identifies the deficient circulator and the identity of the true circulator. The pattern of fraud allegation involves a similar pattern of fraud fact scheme as those in the classic cases which developed pattern of fraud theory. *Fortas v. Dixon*, 122 Ill. App.3d 697 (1st Dist., 1984); *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201 (1st Dist., 1987); *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364 (1st Dist., 1988).

The allegations in ¶ 3 of the Objector's Petition plainly put the Candidate on notice of precisely what is complained of and, at the first hearing in this case, the Objector tendered the primary evidence in this regard. 41 sworn affidavits of his own petition signers claiming that the purported circulator of the sheet they signed was nowhere present when they signed.

The Candidate argues that the charge is illogical because the petitions, on their face, show that Garret Hill circulated numerous petitions and that Nicholas McNeely circulated at least one. As evidence at the trial will show, well prior to the filing of nomination papers, the Objector's campaign manager complained to House Republican Organization leadership that the state employee staffer assigned to the incumbent Candidate here was doing campaign work on public time and the Objector's campaign manager was subsequently told that Garret Hill would be reassigned to another office. As charged in ¶ 2 of the Objector's Petition, Garret Hill and McNeely plainly had a motive to minimize the public appearance that they were performing campaign work on public time.

Objection Paragraph 4

As the evidence will show at trial, circulator Alan Hill and notary Tina R. Hill are married and live together in a single family home. As the evidence will further show, Alan Hill has taken credit for circulating a prodigious number of candidate petitions for Kent Gaffney. From the number he has claimed, it is apparent

Alan Hill would have had to devote virtually every waking hour to collecting signatures on Kent Gaffney petitions. It is beyond credulity under these circumstances for the notary not to know whether his oath was true or false. While the notary is not charged with the responsibility of knowing the *bona fides* of documents she takes oaths upon, it is still an offense, under both the Election Code and the Notary Act, for her to knowingly certify an oath she knows to be false.

Objection Paragraph 2

In ¶ 2 of the Objector's Petition, the Objector alleges that State of Illinois, House of Representatives Republican Staff employees Garret Hill and Nicholas McNeely circulated certain candidate petitions on State time and with the use of State resources in violation of §9-25.1 of the Illinois Election Code, Article VIII, §1 of the Illinois Constitution, several provisions of the State Officials and Employees Ethics Act and numerous other Illinois laws. Not only is this violation one of constitutional dimension, circulating candidate petitions by a state employee on state time (or using state resources) is an act specified as "prohibited political activity" by the State Officials and Employees Ethics Act, 5 ILCS 430/1-5 (8). It plainly attacks the integrity of the electoral system when government acts, through its employees and on the tax-payer's dollar, to manipulate and subvert the electoral process in order to place a candidate on the ballot or somehow assist in his election.

The fact that the Objector can not cite a case in which another electoral board and/or reviewing court has disallowed petition signatures on this ground does not mean that this Board can not consider such behavior an offense and provide a remedy. The arrogant misbehavior which occurred here hopefully is rare. The notion that incumbent government could corrupt the electoral process in the fashion charged and that the Objection process would have no authority to provide a remedy makes no sense when the impostor circulator pattern of fraud recognized by *Fortas*, *Huskey* and *Canter* (*op cit.*) is fully recognized and frequently used.

In urging that "this Board lacks subject matter jurisdiction" to consider this allegation, the Respondent Candidate supports his argument with the decisions in *Wiseman v. Elward* [5 Ill. App.3d 249 (1st Dist., 1972)] and *Nader v. Illinois State Board of Elections*, 354 Ill. App.3d 335 (1st Dist., 2004).

The decision in *Wiseman* shows the case to be a product of the ancient history - the Dark Ages - of objection proceedings. Judicial review of electoral board decisions was brand new and, as the decision details, the objectors had to get a federal court order even to review the registration cards of the voters who were eligible to sign the petitions. In *Wiseman* the objectors had complained that the petition circulators had gathered the petitions, not on public time and with public resources, but on the far more attenuated argument that the circulators were political patronage employees and therefore were required to gather the Berg for State's

Attorney petitions as a condition of their public employment. This alleged corruption of the electoral process is indeed far more attenuated than what is charged here and there was no allegation in *Wiseman* that the behavior complained of directly violated any then existing provisions of the Election Code, the Illinois Constitution or other Illinois laws.

In urging that "this Board lacks subject matter jurisdiction" to consider the ¶ 2 allegation the Candidate has also relied on the decision of the Appellate Court in *Nader*. 354 Ill. App.3d 335 (1st Dist., 2004). In *Nader*, the Candidate complained not that the objected-to petition signatures had been collected on public time and with public resources but that the objections had been investigated on public time and with public resources and sought subpoenas to prove that contention. The Appellate Court upheld the refusal of this Board to issue the subpoenas holding: "Nowhere in the Election Code is the Electoral Board allowed or required to conduct an investigation into the propriety of the methods used by the Objector in raising his objections to a candidate's nominating petition." 354 Ill. App.3d at 344. That is not the issue we present to this Board. We contest how the petitions were gathered.

The cases cited and the argument presented by the Candidate do not support the notion that this Board has no authority consider the fact that certain of the petitions objected to in this case were collected on public time and with public resources in violation of the Illinois Constitution, the Election Code and other Illinois ethics laws.

Conclusion

The Objector in this case does not ask this Board to disallow numerous of the Respondent Candidate's petition signatures simply based on this Objector's sworn allegations. The Objector merely asks the Board to hear the Objector's evidence and then rule. For the above reasons, the Objector asks this Board to deny the Candidate's Motion To Strike the Objector's Petition and permit the case to go to proofs.

Respectfully submitted,



Richard K. Means
Attorney for Objector

December 27, 2011

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**BEFORE THE STATE OFFICERS
ELECTORAL BOARD**

David McSweeney)	
	Objector,)
)	
vs.)	Case #: 11-SOEB-GP-502
)	
Kent Gaffney)	
)	
	Candidate.)

Objector’s Evidentiary Hearing Summation

Now comes David McSweeney, Objector herein by and through his attorney, Richard K. Means, and the Objector hereby presents his analysis of the evidence introduced at the evidentiary hearing held on January 5, 2012. To the extent that that evidence was not reasonably anticipated and took the Objector by surprise, the Objector seeks a further hearing to rebut and thereby resolve conflicting evidence so that the finder of fact may best determine the truth of the allegations and the defenses.

Introduction

The context in which the evidentiary hearing arises is basically a 4 substantive count ballot access objection alleging that the Candidate presented too few valid supporting petition signatures to qualify for ballot access.

1. As in most ballot access cases, there are the garden variety line-by-line defects which are tested by a registration records examination and those allegations were not the subject of the evidentiary hearing held on January 5, 2012.
2. There was a substantive allegation which sought to disqualify petition pages on the grounds that certain petition pages were gathered on “State time” and/or with the use of “State resources.” The Candidate was successful in arguing that even if it were true that certain petition pages were gathered on “State time” and/or with the use of “State resources” that would not justify disqualifying supporting petitions and the Board denied subpoenas for evidence on this subject and is expected to dismiss the “State time” allegation on the Hearing Officer’s recommendation.

3. There was a substantive allegation which sought to disqualify petition pages on the grounds that certain petition pages were notarized by a notary who knew that the circulator's oath was false. The Candidate was successful in arguing that even if it were true that certain petition pages were notarized by a notary who knew that the circulator's oath was false, that would not justify disqualifying supporting petitions and the Board denied subpoenas for evidence on this subject and is expected to dismiss the notary allegation on the Hearing Officer's recommendation.
4. Thus the subject of the evidentiary hearing held on January 5, 2012 was the allegation that the petition pages allegedly circulated by Alan Hill were, in fact, gathered by other persons outside of Alan Hill's presence.

The Evidence

Joseph A. Tolomeo

The Objector's private investigator, Joseph A. Tolomeo, testified as to how he and his staff investigated the issue of who was present when the signatures were gathered on 20 out of the 33 petitions on which Alan Hill claimed to have been the circulator. Stenographic Transcript of Proceedings (hereinafter "Tr.") Tr. 6-68. Mr. Tolomeo identified Objector's Group Exhibit #1, 41 single page affidavits and Mr. Tolomeo testified extensively on how these affidavits were made and gathered.

Mr. Tolomeo testified that he was hired by the McSweeney campaign (particularly Jim Thacker, the campaign manager) to first investigate whether field interviews of petition signers would show that the petition pages allegedly circulated by Alan Hill were, in fact, gathered by other persons outside of Alan Hill's presence. Thus Tolomeo testified that he went to petition signers' homes with Notary Jill Hupp and an affidavit form showing the photographs of State employee Garret Hill, and his parents Tina Hill and Alan Hill and everyone they interviewed acknowledged the authenticity of their signature and, those who remembered to signing the petitions and were willing to sign an affidavit, did so identifying others to have been present but not Alan Hill. None in the initial inquiries recalled the presence of Tina Hill but several described another State employee believed to be Nicholas McNeely. The Objector's campaign then provided a new affidavit form depicting Garret Hill, Nicholas McNeely and Alan Hill. Mr. Tolomeo then added another investigative team consisting of Investigator Michael Harrington and Notary Rebecca Kramer.

Most pertinent to the disputed facts in this case, Mr. Tolomeo testified several times that he and his investigative teams were scrupulous not to suggest to the affiants what their answers should be and that the affiants themselves made all of the writings on the affidavits including circling the "**was** **was not**" choices

constituting the substance of the affiants' averments. Tr. 29. The affiants who answered question #5 explaining why they remembered who was present when they signed the Gaffney petition did so in their own writing. Tr. 60.

Altogether, the 41 affidavits in Objector's Group Exhibit #1 showed that Alan Hill was not present as a circulator when individuals signed the petitions later claimed by Alan's as circulator. These affidavits represent 20 of the 33 petition pages Alan Hill claimed.

- a. 7 affidavits specifically identified Garret Hill as the only one pictured to have been present.
- b. 6 affidavits specifically identified Nicholas McNeely as the only one pictured to have been present.
- c. 28 affidavits confirm that some other unidentified person was present when the signing occurred.

Mr. Tolomeo testified that his investigations ended just before the filing of the Objector's Petition and that his field notes, Group Exhibit #2, faxed to Objector's attorney thereafter on December 15, 2011, show a number of references to interviewees identifying Alan Hill being present on during petition circulation at a train station and a Turkey Raffle. Additionally, the field notes show that Kay Kreher signed the Gaffney petitions at the Fox River Grove Turkey Raffle. Page 4 line 1.

Timothy Corr

Counsel for the Candidate had notified the Objector that they were attempting to secure the testimony of a Group Exhibit #1 affidavit signer who would repudiate portions of his affidavit. The previously unidentified witness was called out of order by the Candidate and his presentation out of order was agreed to as a usual accommodation to the witness.

Mr. Corr was the affiant for Group Exhibit #1 page 22. He identified the affidavit as being his and that he had signed it in front of the Notary. However, he denied having circled the "**was** **was not**" choices constituting the substance of the affiant's averments. Tr. 68-76. Mr. Corr's powers of recollection (or veracity) may have been shown during cross-examination by his confusing the Objector's investigator as being the same person as the Objector's attorney. Tr. 74-75. The affidavit shows that the affiant answered question #5 explaining why he remembered who was present when he signed the Gaffney petition saying "I know him his name is Garrett." Mr. Corr denied that he wrote those words. Tr. 76. Partially contradicting his prior sworn statement, Mr. Corr testified that Garret Hill handed him the petition to sign at the Fox River Grove Turkey Raffle but that Alan Hill was present. Tr. 68-76.

Jim Thacker

Jim Thacker, the Campaign Manager for the Objector's campaign was called to testify on Objector's Group Exhibit #3. The exhibit consisted of 8 black and white and color photographs, versions of which photographs are depicted on the affidavits in Group Exhibit #1. Mr. Thacker identified each photograph as having come from a Web page and he testified as to how the photographs were edited or cropped so not to unnecessarily depict other people unconnected to this case or to improperly suggest to the viewer that they should identify a person by showing, for example, Garret Hill carrying a clipboard. Tr. 78-92.

Alan R. Hill

Alan R. Hill, a subpoenaed witness, was called and testified in the presence of his attorney, Rebecca Lee. While he was on the stand, he did not seek Ms. Lee's advice and she did not offer any or interpose any objections. Alan Hill testified that he was presently unemployed but he had recently been employed by the Gaffney campaign to collect petition signatures, Tr. 94. He testified that he frequently circulated petitions with his son Garret and his regular practice was to hand the petition (on a clipboard) to Garret and Garret would hand it off to someone for signing. Tr. 95. Alan Hill insisted that he would observe every signing although sometimes he was unable to see all parts of the signing. Tr. 95, 97, 98.

Alan Hill testified at length and in detail that he circulated every sheet for which he was identified as the circulator in the circulator's affidavit including sheet 34. Tr. 98-103, 140-142. Additionally, he testified that he swore to sheet 34 in front of his wife, the notary, although he never signed the circulator's affidavit. Tr. 99-101.

Garret A. Hill

Garret Hill testified that he served as circulator for all of the 24 petition sheets for which he signed a circulator affidavit. Tr.143-148. He testified that he was always accompanied by others when he circulated nominating petitions. Tr. 148. Garret Hill testified, unequivocally, that when he was with his father and the father was circulating a Gaffney petition, Garret would never handle his father's petition and if anyone testified or said the contrary, they would be mistaken. Tr. 163, 164. He further testified that he never circulated a Gaffney petition at a train station. Tr. 170. Additionally, he testified that he was never present when his father circulated door to door. Tr. 173.

Nicholas A. McNeely

Nicholas McNeely testified that he circulated only 2 petitions, sheets 56 and 57, after he took a leave of absence from his State job on November 16, 2011. Tr. 181. He further testified that he was frequently present when petitions were passed but that, at that time, he was engaged in other campaign activities. He testified that Mr. and Mrs. Haakonsen (Objector's Group Exhibit #1, affidavits # 25 and 26) mistook him for a former neighbor in Fox River Grove but that does not alter their core testimony that they saw McNeely there and Alan Hill was not present.

Kaye Kreher Affidavit

The Objector rested seeking an opportunity to rebut the unanticipated and conflicting evidence presented by legally hostile witnesses compelled to testify in the Objector's case in chief. The Candidate then determined that he had no further witnesses in his case in chief and presented, as Candidate's Exhibit #5, an affidavit counter to Group Exhibit #1 page 38. In the Objector's affidavit, the affiant identifies her signature as authentic and states that neither persons resembling Alan Hill, Garret Hill nor Nicholas McNeely were present at the time she signed.

Candidate's Exhibit #5 is carefully but oddly-worded not to repudiate the affiant's previous affidavit in which she previously denied the presence of either of the Hills or McNeely. Instead it alleges that she does not recall making the circles by which she denied the presence of the pictured men and now alleges that she does not recall who was present. While this is pretty thin soup, the new Kreher affidavit is marginally admissible: the Objector's criticisms going to the evidence's weight and not to its admissibility. However this surprise affidavit sprung on the Objector in the last minute of the hearing gives the Objector the right to rebut.

Argument

The evidence has clear conflicts which should be resolved for the trier of fact to resolve what is true and what is not true.

At the conclusion of the evidentiary hearing, the state of the record is that there is directly conflicting evidence as to who was present when at least 20 of the 33 nominating petition sheets supporting Kent Gaffney purportedly circulated by Alan Hill were signed by the various petition signers. The numerous direct conflicts in the evidence plainly call for rebuttal, particularly with regard to the last minute witness Corr and the last minute Kreher affidavit.

At the December 20, 2011 first call of the Electoral Board and case management conference in this case, the Objector turned over black and white copies of the 41 affidavits comprising Objector's Group Exhibit #1. Each of those affidavits was a sworn statement by one of the signers of 20 of the 33 nominating petition sheets supporting Kent Gaffney purportedly circulated by Alan Hill. Each such sworn statement shows accurate likenesses of Alan Hill, Garret Hill, Tina Hill and/or Nick McNeely. Each sworn statement makes a categorical and clear allegation that the affiant believed that Alan Hill was not present or close enough nearby to observe the signing when the undisputed signing occurred. As the undisputed evidence shows, the affidavits were proper in form and collected in a manner which was designed to gather and present truthful evidence.

From December 20 until January 5, the Candidate had the opportunity and the incentive to interview each of the 41 affiants and produce either witness testimony, counter-affidavits, or evidence repudiating prior affidavits. In addition, on January 1, 2012 the Objector disclosed his investigators' field notes which showed all persons interviewed and particularly showed numerous persons on a few petition sheets who confirmed recalling Alan Hill's presence when some of the 33 petition sheets he claimed were signed. With all of this information at hand, the Candidate countered only with the last minute witness Corr and the last minute Kreher affidavit. If the truth of the situation were as clear-cut as the Candidate would have us believe, one would think that his defense would have been more robust.

Just 3 days after the Objections were filed, when the Objector received the field notes from his investigator, it became clear to the Objector that Alan Hill did, in fact, circulate some of the petition sheets he claimed. The facts are clear that Alan Hill was present at a railway station and at a turkey raffle at the time when some of his sheets were signed. That does not mean that Alan Hill was not involved in a pattern of fraud, it only means that everything he did was not fraudulent. In the classic pattern of fraud cases, every act performed by the guilty circulator was not fraudulent but so many were that the circulator's oath could not be believed and relied upon. See, *Fortas v. Dixon*, 122 Ill. App.3d 697, 462 N.E.2d 615 (1st Dist., 1984); *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1st Dist., 1987); *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1st Dist., 1988).

An analogy is appropriate here: if someone robs 3 banks but walks by 2 banks before getting to the 3 he robs, that does not mean he is not a bank robber; it only means that he does not rob every bank he sees. The Objector does not dispute that Garret Hill and Nick McNeely circulated the petitions they signed as circulator, but the evidence still points to them as being present when Alan Hill was not on petition sheets claimed by Alan.

Alan Hill testified consistently (Tr. 95) and several times that Garret was with him on a number of occasions when Alan was passing petition sheets and that he frequently would hand a sheet to Garret, for example at the Fox River Grove Turkey Raffle, who would then hand the sheet to the voter. Tim Corr testified firmly that Garret handed the petition to him on a clipboard at the Fox River Grove Turkey Raffle when Corr signed. Tr. 70. Garret was unequivocal in denying that he ever touched a petition sheet which Alan later claimed. Tr. 163-164.

Alan Hill insisted that he never circulated a petition at a shopping center. Tr. 123. Affiant William Preskow on Affidavit #2 identified Nick McNeely as being present and Alan not at a mall when he signed. Alan Hill insisted that he never circulated a petition door to door with a woman not his wife. TR. 122. 137. Affiant Gregory Henk on Affidavit #32 says that a woman other than Tina Hill (and not Alan) was present when he signed on one of the sheets Alan identified as being door to door. Alan Hill testified that when he was circulating at Galati's Restaurant in Cary, he was with Tina and not another woman. Tr. 137. On Affidavit #29, Heidi Peters swears that neither Alan or Tina Hill were present when she signed the petition. Heidi further states that it was a different female circulator. Immediately following Heidi Peters' signature on the same petition page, Erik Nordstrom also confirms a female circulator other than Tina Hill. Neither Alan nor Tina were present to observe Erik Nordstrom's signature. Petition signatures for affidavit #29 and #13 are immediately adjacent.

The above are only a few of the conflicts in evidence presented at the evidentiary hearing on January 5. The most important conflicts come from the surprise evidence out of the mouth of Tim Corr and from the pen of Kaye Kreher. The Objector plainly could not have anticipated this evidence and have prepared in advance to meet it. A close examination of Tim Corr's affidavit shows a remarkable similarity in the handprinted writing of the answer to question #5 and his the handprinted writing of his own name at the top of the affidavit. This stark and rather apparent prevarication needs resolution and the Objector is entitled to provide it, if he can.

Kaye Kreher's non-denial denial in Candidate's Exhibit #5 describes signatures gathered at the same event as Corr's, the Fox River Grove Turkey Raffle.

Conclusion

Because of the clear conflicts in the evidence described above which constitute mutually-exclusive sets of facts which could not be simultaneously true, further evidence is required to present to the Board a complete enough record upon which it can determine the truth of the matter. For this reason, the Objector is entitled to present further evidence in the form of live testimony by as many as 20 of the 41 affiants whose affidavits are

included in Group Exhibit #1. Additionally, the Objector seeks to voluntarily produce investigator Michael Harrington and the two notaries. Restricting these rebuttal witnesses to those persons who the Candidate already has notice and an opportunity to interview causes any surprise on the Candidate and balances the interests. The Candidate should be required to disclose the substance and results of the Candidate's investigation as well.

Additionally, the Objector seeks a subpoena for the testimony of Kaye Kreher to resolve her contradictory affidavits. Further the Objector seeks a subpoena on surprise witness Tim Corr for handwriting exemplars respecting the writing which appears on his affidavit. Finally the Objector seeks to present a court-qualified handwriting expert to administer the exemplars to Corr and to analyze the results in testimony before the Hearing Officer.

Respectfully submitted,



Richard K. Means
Attorney for Objector

January 9, 2012

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY FOR THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 52nd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS**

David McSweeney,)	
)	
Objector,)	
)	
v.	)	Case No. 11 SOEBGP 502
)	
Kent Gaffney,)	
)	
Candidate.)	

CANDIDATE'S SUMMATION

Now comes Kent Gaffney (hereinafter referred to as the "Candidate"), by and through his attorneys, and for his Summation following the hearing on the merits in this case, states as follows:

The only issue remaining in this case is the Objector's charge that certain of the Candidate's petition pages circulated by Alan Hill were actually circulated by Garret Hill and Nicholas McNeely, and the three *conspired* to have Alan Hill sign the circulator's affidavit on petitions he did not actually circulate. (Obj. Pet. ¶ 3.) According to the Objector, the actions of the Hills and McNeely constitute a "pattern of fraud" that justifies invalidating every petition page submitted by Alan Hill, Garret Hill, and Nick McNeely. However, the Objector has completely failed to put on a case that would even remotely prove these allegations. Not a scintilla of evidence was offered that would support a "conspiracy" of any sort, and that charge cannot be taken seriously. Further, not only does the evidence submitted by the Objector fall well short of demonstrating any pattern of fraud, the evidence demonstrates overwhelmingly that the petitions circulated by Alan Hill, Garret Hill and Nick McNeely were done so properly.

A. The Objector Utterly Fails To Meet His Burden Of Proving A “Pattern Of Fraud.”

In order to prove a “pattern of fraud,” the Objector must establish, by clear and convincing evidence, “intentional fraud, wilful [sic] misconduct, or guilty knowledge” by the circulators. *In re: Petition for Removal of Bower*, 41 Ill.2d 277 (1968); *Durr v. Chicago Bd of Election Commissioners*, 03 COEL 028 (Cook Co. 2003)(Proof requires “clear and convincing evidence”). An objector must demonstrate that the petitions are “so permeated with fraud and false swearing as to warrant the extraordinary measure of invalidating every sheet.” *Munoz v. Gordils*, 03 EB-ALD-004. The burden on an objector to prove a “pattern of fraud” is extraordinarily high. As set forth in the discussion below, the Objector has utterly failed to meet that burden.

B. The Affidavits Submitted By The Objector Are Inherently Unreliable, Given Their Format, Verbiage Used, And The Manner In Which They Were Collected.

To make his case, the Objector relies exclusively on a number of dubious affidavits engineered by a private investigator and his associates that he contends demonstrate that individuals other than Alan Hill circulated the petition sheets Alan Hill claims to have circulated. (See. Objector’s Group Exhibit 1.) These affidavits, though, are so problematic, both in terms of their format, and in the manner in which they were collected, that they have little, if any, probative value in this case.

1. The Objector’s Use Of Photographs In The Affidavits Suggests Responses To The Affiants, Rather Than Accurately Reflecting The Affiant’s Independent Recollection.

The form of the affidavits themselves renders them inherently unreliable. The two forms of the affidavits are identical in format, and were specially-prepared by the Objector. Curiously, instead of using a standard affidavit, wherein the affiant might describe, from memory, the person(s) before whom he signed a candidate’s petitions, the affidavits crafted by the Objector

pointedly suggest three particular individuals, and include a photograph of each. The Objector's approach is more akin to a police lineup than an affidavit that truly, accurately tests the recollection of the affiant. A more reliable affidavit would call for the affiant to describe the individual(s) who circulated a petition, rather than have a mug shot-type picture suggested to the affiant. In particular, the photo of Nick McNeely used by the Objector actually appears to have a finger pointing at him, which is even more suggestive and inappropriate. Further still, the pictures used in the Objector's affidavits are not true and accurate depictions of the Hills (particularly that of Alan Hill) or of Nick McNeely, and they are unduly suggestive.

An examination of the pack of 41 affidavits offered by the Objector reveals that few contain any facts that would help confirm their reliability, such as allegations as to where and when the petitions were signed. And, the few that do are demonstrably incorrect, and were contradicted by live witness testimony. Indeed, the great majority of the Objector's affidavits are wholly inconclusive. Of course, this would not be unexpected, given that the Objector asks the affiants to recall such a brief, unremarkable event that occurred months earlier.

2. The Verbiage Used In The Affidavits Does Not Accurately Convey The Law.

As problematic as the format of the affidavits is the verbiage used on the affidavits. The main thrust of the affidavits is contained in Paragraph 2, where the affiant is asked to identify the person who "circulated the petition and presented it to me for signature." However, as the Court held in *Moscardini v. County Officers Electoral Board of DuPage County*, § 7-10 only requires that the person who signs the circulator's affidavit have been present when each signatory signed the sheet. *Moscardini*, 224 Ill.App.3d 1059, 590 N.E.2d 84 (2nd Dist. 1992). Thus, this central portion of the affidavit does not accurately reflect the law on what it means to "circulate" a

petition. This fundamental flaw in the format of the affidavits further renders them insufficient proof in this case.

3. The Manner In Which These Affidavits Were Collected Renders Them Wholly Unreliable.

The manner in which the Objector's affidavits were collected is problematic as well. The Objector offered the testimony of Joseph Tolomeo, a private investigator, to describe how these affidavits were collected. (Tr. pp. 3-63.) Tolomeo testified that he began by interviewing a number of individuals who had signed the Candidate's petition sheets that were circulated by Alan Hill. It is significant that Tolomeo actually did not know who he was working for for at least two of the days in which he was conducting interviews and collecting affidavits. (Tr. p. 38, lines 21-24; p. 57, line 14.) Indeed, at least two of the affiants, Tim Corr and Kaye Kreher, offered evidence that they were given the impression that by making an affidavit, they were merely confirming their signatures for the Candidate, rather than offering assertions that would be used to disqualify any of the Candidate's circulators. It is also significant that numerous of these interviewees confirmed that Alan Hill was the circulator, and/or did not want to sign an affidavit. (Tr. p. 31, line 8.)

The instruction that Tolomeo testified that he provided to the affiants is troubling, as it appears that he has miscomprehension of the legal standard for a "circulator." Tolomeo testified repeatedly that he instructed each affiant that the "circulator," for the purposes of completing the affidavit, was simply the person who handed them the petition. For example, Tolomeo testified plainly, "[o]nce they authenticated their signature, I had displayed either one of the affidavits or both, depending on what day it was, and said, could you tell me if you see the person on this piece of paper that handed you the petition to sign." (Tr. p. 40, lines 4-13.) Elsewhere, Tolomeo testified that his practice was to first have the affiant authenticate their signature, and then

“verify who handed that to them to sign.” (Tr. p. 7, line 19.) Tolomeo also explained, when showing the affidavit to signers and he “asked if one of those three people were one of the individuals who had presented the petition to them for signing.” (Tr. p. 12, line 4, 5.)

In describing his instruction as to Mr. and Mrs. Bozeman, both of whom executed affidavits, Tolomeo recounts how Mrs. Bozeman told him that she did not see the female who “handed the petition sheet for her to sign” and how he was told that Alan Hill “handed him [Mr. Bozeman] the petition.” (Tr. p. 29, line 8, 14.) Asked about affiants who said that they had signed the Candidate’s petition at a turkey raffle, Tolomeo did not ask the affiants who had been present, but rather, “I just showed them the affidavits and asked if they had observed the person that was the one who handed them the petition.” (Tr. p. 47, lines 12-15.) Tolomeo’s repeated testimony demonstrates that he regularly instructed the affiants incorrectly, and as such, the probative value of the Objector’s affidavits is seriously impacted.

Not only was Tolomeo’s instruction suspect, the field conditions under which the affidavits were signed was suspect as well. Tolomeo testified that many of his interviews were conducted on weeknights, after work, when it was dark. (Tr. p. 44, line 13.) Tolomeo testified that many of the affidavits were completed under porch light, or by Tolomeo’s flashlight. (Tr. p. 44, lines 16-18.) Given that the affidavits in this case ask the affiant to essentially pick the circulator from a lineup, this testimony regarding the lighting is troubling indeed. Further, because the weather was cold at the time Tolomeo was conducting his interviews, he moved quickly. In fact, Tolomeo testified that because of the dark and the cold weather, he did not overly-scrutinize the affidavits with the affiants, even if the affiant made an obvious error. (Tr. p. 59, lines 18-22.) Tolomeo acknowledged that mistakes on these affidavits could be made, as “we’re all human.” (Tr. p. 60, line 6.)

Notably, Tolomeo did not conduct all of the affiant interviews in this case, as his associate, Michael Harrington, also collected affidavits for the Objector. Although the Objector offered no evidence as to how Harrington instructed the affiants he interviewed, Tolomeo's assertion that Harrington conducted his interviews in "exactly the same manner" as Tolomeo is sufficient to discredit Harrington's work.

4. Significant Contrary Evidence Was Offered By The Candidate To Demonstrate The Lack Of Accuracy And Reliability Of The Objector's Affidavits.

Tolomeo's testimony with regard to the creation of the second affidavit form, with McNeely's picture on it, well illustrates how unreliable the Objector's affidavit evidence is. According to Tolomeo, an elderly couple told him that their circulator was not one of the Hill family, but rather, "a former or present military who worked for the State of Illinois and lived in the neighborhood just a few blocks away." (Tr. p. 13, line 10-12.) Based on this information, the Objector produced a new affidavit that included Nick McNeely's picture, and brought that affidavit to that elderly couple. The elderly couple then identified McNeely as their circulator, and executed affidavits 25 and 26 in Objector's Group Exhibit I. However, as McNeely readily testified, he was not the circulator of the petition signed by this couple, and that he's never been in the Air Force, and he did not grow up anywhere near Fox River Grove. (Tr. p. 192, lines 16-23; p. 193, lines 3, 21; p. 194, lines 1-17.) These affiants are simply mistaken.

The live testimony of Tim Corr further demonstrated the unreliability of the Objector's affidavits, and, in addition, brought to light an even more serious issue: some of the handwriting on Corr's affidavit was not his. Corr is the affiant in for Group Exhibit Number I, Page 22. (Tr. p. 69, line 12.) Corr identified Garret Hill as the individual who gave him the Candidate's petition at a turkey raffle, and said that Corr, Garret Hill and Alan Hill, were at a table having a

couple beers. (Tr. p. 70, lines 21-24.) Corr acknowledged that Alan Hill was “a couple feet away” from him when he signed. (Tr. p. 70, line 23; p. 72, lines 4-7.) Corr further testified that the person who had him fill out the affidavit gave him the impression that he was actually working for the Candidate, rather than the Objector. (Tr. p. 72, lines 16-24.) Corr flatly contradicted the contents of his affidavit, saying, “I wouldn’t have signed that if I had known what I was particularly reading.” (Tr. p. 75, lines 12, 13; p. 76, lines 30-22.)

Corr went on to identify yet another serious problem with his affidavit. He testified that certain handwriting on the face of his affidavit was “definitely not” his handwriting. (Tr. p. 73, line 23; p. 75, lines 17-24; p. 76, line 4.) This charge was echoed in the affidavit of Kay Kreher, who attested that she does not recall making any of the circles that appeared on her affidavit. (Candidate’s Ex. 5, ¶ 9.) Kreher’s affidavit further demonstrates the flawed process by which the Objector obtained his affidavits, as she asserts that it was not explained to her, nor did she have any understanding, that her signature was sought for any reason other than to simply verify her signature. (Tr. p. 201, lines 16-22.)

5. The Affidavits Are Inherently Unreliable Given The Circumstances Under Which Many Of The Signatures Were Obtained.

Any affidavit that is offered to recount the circumstances of such a brief, nondescript event as a petition signing is going to be limited by the affiant’s memory, and the passage of time. However, the affidavits submitted in this case have an extra impediment: at least some of the petition-signing at issue took place at the crowded, beer-drinking events known as the Cary Turkey Raffle and the Fox River Grove Turkey Raffle. (Tr. p. 34, lines 11-20; p. 71, lines 9-15; p. 140, lines 5-9.) According to all of the witnesses, these turkey raffles were packed fundraising events at the firehouses in Cary and Fox River Grove that featured hours of beer drinking. (Tr. p. 34, lines 11-20; p. 71, lines 9-15; p. 140, lines 5-9.) Many of the Candidate’s signatures were

collected from the Cary Turkey Raffle and the Fox River Grove Turkey Raffle. Because these events were so crowded, and involved hours of beer drinking, it is entirely conceivable that the recollection of any of the affiants who signed a petition at these events would not necessarily be accurate.

Accordingly, because of the format of the Objector's affidavits, the manner in which they were collected, and their substantial lack of accuracy, the affidavits submitted by the Objector are too unreliable to even begin to meet his burden of proving a "pattern of fraud."

C. The Testimony Of Alan Hill, Garret Hill and Nick McNeely Was Credible And Forthright.

On the other hand, the live testimony provided by the Alan Hill, Garret Hill and Nick McNeely was credible, consistent and straightforward, and demonstrate conclusively that each circulated the Candidate's petitions properly. Alan Hill recounted the many places he had circulated petitions for the Candidate, who had been with him, and the circumstances involved. For instance, Alan Hill circulated petitions at the Barrington train station with Elizabeth Gaffney and Nick McNeely (Tr. p. 110, lines 12-22); at the Cary and Fox River Grove train stations with Elizabeth Gaffney (Tr. p. 132, lines 1-21); at the Fox River Grove turkey raffle with Tina Hill, Garret Hill and others (Tr. p. 117, lines 1-7; p. 136, lines 11-21); at the Cary turkey raffle with Garret Hill and others (Tr. p. 137, lines 2-5); with Tina Hill at a restaurant (Tr. p. 137, line 18); at a fundraiser with Garret Hill, Tina Hill and others (Tr. p. 138, lines 16-20); and door to door with Tina Hill on two separate Saturdays. (Tr. p. 117, lines 1-15.) Given Alan Hill's testimony that he circulated petitions in so many locations with his wife, son, and Elizabeth Gaffney, it is perfectly understandable that a few of the affiants note that another person was their circulator, especially given the apparent lack of proper instruction given by Tolomeo to his interviewees.

Critically, Alan Hill testified that he observed every signature that was placed on the petition sheets he circulated. (Tr. p. 142, line 1), and the farthest away he ever was from a signer on his sheet was about 10 feet. (Tr. p. 97, line 11.) Alan Hill also testified credibly as to his process for storing petition sheets once they had been filled-out. He stated that he kept them on two clipboards until they are full, then, once full, he places them into a separate folder to take to get notarized. (Tr. p. 128, lines 5-10.)

Garret Hill similarly testified credibly as to where and when he circulated his petition sheets. Garret Hill corroborated Alan Hill's testimony, testifying that he passed petitions with his father at various locations, and with numerous other individuals around. (Tr. p. 156, lines 1-16; p. 169-174.) Critically, Garret Hill testified as to how he kept his petition sheets separate from his father's after they have been circulating together. Garret Hill kept all of his petition sheets on a clipboard in the trunk of his car. (Tr. p. 157, lines 11-22.) Further, Garret testified that he always witnessed the signers of his petitions (Tr. p. 165, line 14; p. 176, line 6.) Garret never handled the petitions his father kept on their kitchen table. (Tr. p. 166, line 2.) Once notarized, though, Garret transported them to the campaign office. (Tr. p. 166, line 11.)

Nick McNeely also testified credibly as to the petitions he submitted. Having circulated only two petition sheets for the Candidate, McNeely's testimony was brief. McNeely circulated only two petition sheets for the Candidate, and no more. (Tr. p. 191, line 9.) Moreover, McNeely witnessed each signature on his petition pages. (Tr. p. 191, line 12.) McNeely corroborated Alan Hill's testimony and credibly described passing petitions at the Barrington train station with Alan Hill and Elizabeth Gaffney. (Tr. p. 189-190.)

Notably, and critically, none of the evidence offered makes any claim that any of the signatures actually appearing on the petitions are not genuine, or have been altered in any way by

any circulator. (Tr. p. 11, line 24; p.40, lines 1-3.) This fact, as well as the overwhelming weight of the evidence, distinguishes this case from the "pattern of fraud" cases cited by the Objector. For instance, Objector offers *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988), where the Appellate Court upheld striking the petitions of a circulator who, although subpoenaed to testify, refused to do so, invoking the 5th Amendment; and where testimony was offered by people whose names appeared on the petitions that the signatures were not their own but were fraudulent. 170 Ill.App.3d at 366. The case involved further testimony that the circulator, who had been paid to circulate the petitions, admitted that he did not circulate them himself, but had others obtain signatures for him. *Id.* at 366-67. In *Canter*, it was found that on two petition sheets, numerous signatures appeared to be written in the handwriting of the circulator, and not genuine signatures. *Id.* at 367. The *Canter* case bears no resemblance to the facts of this case. There is no allegation or an ounce of proof of fraudulent signatures in the instant case.

Objector also makes reference to *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987), which also involved numerous forged signatures and a circulator's testimony that she "did not understand what an individual's signing 'in their own proper person' meant" and therefore told people they could sign for their family members. 156 Ill.App.3d at 203. In that case, there was also testimony from over thirty witnesses that the same confused individual did not in fact circulate the sheets herself, but that her granddaughter circulated them. The Court found it important that the circulator testified that at least half the time she was not the person who offered the petition and that many of the signatures were fraudulent, signed by somebody else. *Id.* at 205. The *Huskey* case bears no resemblance whatsoever to the facts of this case.

Conclusion

The Objector here has utterly failed to offer evidence that would prove the "pattern of fraud" he alleges. He pins his entire case to a stack of affidavits that are so inherently unreliable, they have little, if any probative value. The Candidate, on the other hand, has offered credible, live testimony demonstrating not only the gaping holes in the Objector's case, but establishing conclusively that the petitions circulated by Alan Hill, Garret Hill and Nick McNeely were indeed circulated properly.

WHEREFORE, the Candidate, Kent Gaffney, prays this Honorable Electoral Board deny and dismiss the remaining portions of the Objector's Petition.

Respectfully Submitted,

Kent Gaffney,
Respondent-Candidate

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

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BEFORE THE STATE OFFICERS ELECTORAL BOARD

WOODS ,OBJECTOR

Vs.

11 SBOE GP 510

MAURICE ,CANDIDATE

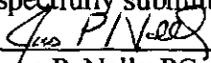
MOTION TO REINSTATE CASE TO BOARD'S CALENDAR

The Candidate, by his attorney, requests that the Electoral Board reconsider and reinstate this matter which erroneously appeared on the Board's agenda for January 17, 2012 at 10 AM. In support of this motion it is stated as follows:

1. The Candidate and Objector received the hearing officer's recommendation in this matter, and on January 13, 2012 receive the recommendation of the General Counsel via e-mail. In that same e-mail counsel for the Candidate and Objector were given notice that the Board would consider this matter at its meeting on Tuesday, January 17, 2012 beginning at 11 AM. A copy of the e-mail notice is attached.
2. When Counsel for the Candidate arrived on January 17, 2012 approximately 10:45 AM on that date, he obtained a written agenda indicating that the Board was convening at 10 AM on that date to consider this cause. Counsel for the Candidate then immediately spoke to the General Counsel and the Deputy Director of the Board regarding this discrepancy, however the Board had already adjourned at that point and the matter could not be heard. Representatives of the Candidate's campaign had likewise arrived to attend the Board meeting at 11 AM.
3. Based upon erroneous notice that this matter would be heard at 11 AM on January 17, 2012, the Candidate, who wishes to address the Board in this matter to contest the recommendations before any ruling is made, requests that this Board reconsider and reinstate this matter to its next Board meeting to rectify this error and allow the Candidate his due process.

Wherefore it is respectfully requested that the Electoral Board reconsider and reinstate this matter for argument at its next Board Meeting, which is scheduled for Tuesday, January 24, 2012 at 11 AM, to allow the Candidate to appear and argue before the Board.

Respectfully submitted,



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James P. Nally

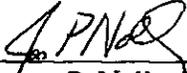
From: Klos, Sue [SKlos@elections.il.gov]
Sent: Friday, January 13, 2012 4:28 PM
To: 'James P Nally'; Mike Kasper
Subject: 11 SOEB GP 510
Attachments: 11 SOEB GP 510.docx

Good afternoon. Attached please find the recommendation of the General counsel along with a summary of the above-referenced case. The Board will consider this matter at its meeting on Tuesday, January 17, 2012. The meeting will begin at 11:00 AM and will be held at the James R Thompson Center, 100 W Randolph, room 9-040, Chicago IL. You may also attend the meeting via Video Conference at our Springfield office, located at 1020 S. Spring Street, Springfield IL.

*Sue Klos
Administrative Specialist II
Office of the General Counsel
State Board of Elections*

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that the foregoing Document was served upon Objector by email to Michael Kasper and by email to the Electoral Board to Robert Bell and Stephen Sandvoss on January 17, 2012 prior to 1 PM.



James P. Nally, P.C.

Woods v. Maurice
11 SOEB GP 510

Candidate: Ken Maurice.

Office: State Representative, 84th Dist.

Party: Democrat

Objector: Winford L. Woods

Attorney For Objector: Michael Kasper

Attorney For Candidate: James Nally

Number of Signatures Required: 500

Number of Signatures Submitted: 994

Number of Signatures Objected to: 725

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," and "Signer Signed Petition More than Once."

Dispositive Motions: Candidate's Rule 9 Motion, Objector's Rule 9 Motion

Binder Check Necessary: Yes

Hearing Officer: Robert Bell

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on December 27, 2011. The examiners ruled on objections to 994 signatures. 519 objections were sustained leaving 475 valid signatures, which is 25 signatures below the required minimum number of signatures.

Candidate filed a Rule 9 Motion and submitted affidavits and certifications in support of the rehabilitation of signatures ruled invalid by Board staff. Objector argued that the category of signatures of persons which were found on the petition sheets not matching the address shown opposite his/her address found on the certifications or on those affidavits which were in proper form, were not registered to vote at such address when he/she signed the petition, and are invalid pursuant to 10 ILCS 5/3-1.2. The Hearing Officer sustained those objections.

The Hearing Officer finds that the Candidate did meet the burden of proof required to overturn the SBE staff rulings made at the records examination to rehabilitate 8 signatures; therefore, the Candidate's total signature count is 483, or 17 signatures below the required number for nominating petitions.

Accordingly, the Hearing Officer recommends that the Board: (1) grant the Objector's Rule 9 Motion in part and deny it in part; (2) grant in part the Candidate's Rule 9 Motion and find that he rehabilitated 8 signatures; (3) find that after the records examination and the Rule 9 Motion, the Candidate is 17

signatures below the minimum requirement to have his name placed on the ballot; and (4) order that the name Ken Maurice not be certified for the ballot as a candidate for the office of State Representative for the 84th District of the State of Illinois to be voted on at the March 20, 2012 General Primary Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

**BEFORE THE STATE OFFICERS
ELECTORAL BOARD**

WINDFORD L. WOODS,)	
)	
Objector,)	
)	
vs.	)	Case #: 2011 SOEB GP 510
)	
KEN MAURICE,)	
Candidate.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

This matter having been assigned to me for recommendation to the Board after the hearing held on January 12, 2012 on the Candidate's Request that the Electoral Board reconsider rulings made at the Rule 9 records examination and his Objections to those rulings which were adverse to the Candidate, and the appearances of counsel, I recommend findings as follows:

PRELIMINARY FACTS

The Candidate, Ken Maurice timely filed his Nomination Papers with the State Board of Elections to qualify as a candidate for the Office of State Representative for the 84th Representative District of the State of Illinois to be voted for at the Primary Election on March 20, 2012. The Objector Woods objects to the Petitions stating that the Nomination Papers are insufficient in fact and law alleging that the nomination papers contain petition sheets with the names of persons who are not registered voters or who are not registered a voters at the addresses shown opposite their respective names or, who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries or, contain petition sheets with the names of persons for whom the addresses stated are not in the 84th District or, contain petition sheets with the names of persons for whom the addresses given are either entirely missing or are incomplete or, contain petition sheets with the names of persons who have signed the Nomination Papers more than one time, all of which result in Nomination Papers containing less than 500 validly collected signatures of qualified and duly registered legal voters of the

84th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law. The Objector provided an Appendix-Recapitulation which includes and incorporates the objections made therein.

HEARING AND FINDINGS OF FACT AND LAW

The Candidate provided or was provided evidence consisting of the Board's Appendix-Recapitulation sheets (81 pages), a summary of the Board's staff rulings, the Candidate's affidavits and DuPage County Election Commission's Certifications of Voter registration records for the alleged improper signatures to be disqualified or sustained.

The Candidate presented his case in support of the rehabilitation of those signatures ruled invalid by Board staff by presentation of affidavits and certifications. The Objector responded to the rehabilitation evidence and arguments presented by the Candidate's counsel. The parties were allowed sufficient time for presentation of fact, law or argument as to each signature, affidavit or the validity of each entry challenged from the petition sheets.

The Objector presented legal argument that the category of signatures of persons which were found on the petition sheets not matching the address shown opposite his/her address found on the certifications or on those Affidavits which were in proper form, and not registered to vote at such address when he/she signed the petition, were invalid pursuant to 10 ILCS 5/3-1.2. The Hearing Officer sustained those objections.

The Candidate, based upon the reconciliation found on the Board's summary sheet, was 25 valid signatures short of the 500 required signatures. The Hearing Examiner sustained the Candidate's objections to an additional 8 signatures finding them to be valid and made findings therefore. In final count, the summary allowed 475 signatures, the total number agreed to by the parties having been rehabilitated after the rulings made by the Hearing Examiner, and totaled 483 or, 17 signatures below the number required for the nominating papers.

RECOMMENDATION

For the above and foregoing reasons, I recommend that the Board : i) grant the Objector's Rule 9 Motion in part and deny it in part; ii) grant in part the Candidate's Rule 9 Motion and find that he rehabilitated 8 signatures; iii) find that after the records examination and the Rule 9 Motions, the Candidate is 17 signatures below the minimum requirement to have his name placed on the ballot; and, iv) order that the name Ken Maurice not be certified for the ballot as a candidate for the Office of State Representative for the 84th Representative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012

Date: January 13, 2012



Robert S. Bell, Jr.
Hearing Examiner

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Chicago, IL 60602
(312) 498-7181

candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 500 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

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

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

7. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 84th Representative District of the State of Illinois, and such persons are not registered voters in the 84th Representative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.

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

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

10. The Nomination Papers contain less than 500 validly collected signatures of qualified and duly registered legal voters of the 84th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

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

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 84th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Ken Maurice shall not appear and not be printed on the ballot for nomination to the office of Representative in the General Assembly of the 84th Representative District of the State of Illinois, to be voted for at the Primary Election to be held March 20, 2012.

OBJECTOR 

Address:
Windford L. Woods
1900 Sedgewood Ave.
Aurora, IL 60503

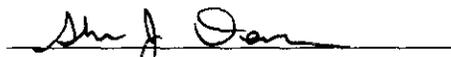
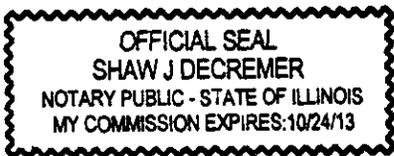
VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

I, Windford Woods, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.



Subscribed and sworn to before me
by
this 11 day of December, 2011.


Notary Public

Montgomery/Williams v. Letke, Jr.
11 SOEB GP 520

Candidate: Joseph T. "Joe" Letke, Jr.

Office: State Senator, 15th Dist.

Party: Democrat

Objector: Donte Montgomery, Yashika Williams

Attorney For Objector: Andrew Finko

Attorney For Candidate: Steven Miller

Number of Signatures Required: 1000

Number of Signatures Submitted: 2484

Number of Signatures Objected to: 1867

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," and "Signer Signed Petition More than Once."

Dispositive Motions: Candidate's Rule 9 Motion, Objector's Rule 9 Motion, Objector's Rebuttal Evidence, Request for Subpoenas and Motion to Strike

Binder Check Necessary: Yes

Hearing Officer: Kelly Cherf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on December 29, 2011. The examiners ruled on objections to 1867 signatures. 1521 objections were sustained leaving 963 valid signatures, which is 37 signatures less than the required minimum number of signatures.

Candidate filed a Rule 9 Motion and submitted 76 affidavits of signers to the nomination papers for purposes of rehabilitation of the genuineness of signature rulings and of not registered at address shown rulings as well as a poll sheet from the Chicago Board of Election Commissioners. The candidate made several objections to the affidavits which were overruled, on the basis that the objection focuses on the weight to be given the affidavits as opposed to their admissibility. The poll sheet was not considered by the Hearing Officer as it did not contain street addresses for the voters, and therefore lacked any probative value.

Objector filed a Rule 9 Motion that does not include any exhibits or documents, but refers generally to a handwriting expert who may testify at the evidentiary hearing. Objector did challenge two sheets as not having a notary stamp, but was overruled on the basis of caselaw that establishes that the lack of a stamp is not fatal to the petition page.

The Objector raised a pattern of fraud argument which the Hearing Officer recommended not be considered, since it was not properly plead and was not supported by sufficient evidence. The fact that a petition included a page that had been copied and notarized (All the signatures on the page were stricken.) and the fact that that all the candidates affidavits were notarized on the same day was insufficient to establish such a pattern of fraud.

After consideration of the candidate's affidavits, the Hearing Officer found that 17 originally stricken signatures were rehabilitated. The candidate however, is still short by 20 signatures.

The final recommendation is to; i) grant in part and deny in part the Objectors' Petition; ii) grant in part and deny in part the Candidate's Rule 9 Motion; iii) deny the Objectors' Rule 9 Motion; iv) find that after the records examination and the Rule 9 Motions, the Candidate is 20 signatures short of meeting the minimum requirement to have her name placed on the ballot; and v) order that the name Joseph T. Letke, Jr. not be certified for the ballot as a candidate for the office of State Senator for the 15th Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Hearing Officers Supplemental Recommendation: Candidate filed exceptions to the Hearing Officer's original recommendation, consisting of three items.

- 1) The pollsheet submitted by the candidate did contain addresses of the registered voters, contradicting the earlier notation of the Hearing Officer that it did not.
- 2) The Hearing Officer improperly failed to consider 3 affidavits submitted by the candidate.
- 3) The Hearing Officer's rulings on 76 affidavits submitted by the candidate were arbitrary

Regarding the pollsheet, the Hearing Officer acknowledged that the pollsheet did indeed contain street addresses (they were difficult to notice on her copy) and as a result, she overruled 11 objections based on the signer not being registered at the address on the petition, as the addresses on the pollsheet matched those on the petition.

Regarding the three non-considered affidavits, the Hearing Officer noted in her original recommendation that the three affidavits were considered, but since there was an additional sustained objection to those three petition signers, and the ruling on those objections were not successfully challenged by the candidate, the Hearing Officer found no need to rule on the genuineness of the signature issue, which was the reason for submitting the three affidavits.

Regarding the allegation that the Hearing Officer's rulings were arbitrary as to the 76 affidavits, the Hearing Officer noted that 17 of the objections were overruled as a result of the submitted affidavits. In addition, the candidate did not provide voter registration records to compare with the information contained in the affidavits. While the candidate noted, and the Hearing Officer conceded that she is not a handwriting expert, the burden is on the party challenging the records exam results to submit evidence supporting the challenge and to the extent that the testimony of a handwriting expert was necessary, he did not submit such a handwriting expert. Finally, the affidavits submitted by the candidate were challenged by the objector on the basis that they did not contain a signature exemplar that could be compared to the printed name of the petition signer on the petition. The only signature on the affidavit that could be used for comparison was the notarized signature of the affiant contained at the bottom of the affidavit, and it was this signature that the Hearing Officer used for purposes of comparison.

After consideration of the results of the records exam, the evidence presented at the evidentiary hearing, and the candidate's exceptions to the Hearing Officer's original recommendation, the Hearing Officer concluded that the candidate was nine (9) signatures short of the necessary 1,000, and therefore the objection should be sustained in part, and the candidate should not be certified for the ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
THE NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF
STATE SENATOR FOR THE 15TH
LEGISLATIVE DISTRICT IN THE STATE OF ILLINOIS

DONTE MONTGOMERY,)	
)	
YASHIKA WILLIAMS,)	
)	
Petitioners-Objectors,)	
)	
v.	)	Case No. 11-SOEB-GP-520
)	
JOSEPH T. LETKE, JR.,)	
)	
Respondent-Candidate.)	

**HEARING OFFICER'S AMENDED
SUPPLEMENTAL FINDINGS AND RECOMMENDATIONS**

On January 11, 2012, I served the parties with my Findings and Recommendations in the above captioned matter in which I recommended that the Candidate Joseph T. Letke, Jr. not be certified for the ballot as candidate for the office of State Senator for the 15th Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012 since, after the Records Examination and after the Rule 9 Motion evidentiary hearing, the Candidate was 20 signatures short of meeting the minimum requirement to have his name placed on the ballot.

On January 16, 2012, the Candidate filed Exceptions to the Hearing Officer's January 11, 2012 Findings and Recommendations. The Candidate raises the following 3 arguments in his Exceptions: 1) the hearing officer incorrectly ruled that the poll sheet did not contain addresses; 2) the hearing officer did not review all of the affidavits submitted by the Candidate and did not fully explain why; and 3) the hearing officer's rulings as to the signatures sought to be rehabilitated by the Candidate's affidavits is without proper basis. The following are my supplemental findings and recommendations which address the Candidate's Exceptions.

I. PROCEDURAL FACTS RELEVANT TO THE CANDIDATE'S EXCEPTIONS

The records examination results showed the Candidate was 37 signatures short of the required signatures necessary (*i.e.*, 1,000) to be certified on the ballot.

On January 6, 2012, the Candidate timely filed his Rule 9 Motion which listed by sheet and page number, name and address those signers which the Candidate sought to rehabilitate.¹ Attached to the Candidate's Rule 9 Motion were the following forms of evidence:

1. Signed and notarized affidavits of signers of the Candidate's nomination papers. With the exception of one affidavit (Anjeannette Scott, Sheet 19/Line 8), the affiant states and/or provides: a) that he/she is a registered voter and a qualified Democratic Primary voter in the 15th Legislative District; b) that he/she signed his/her name and listed his/her address on the Candidate's petition; c) the particular sheet and line number that the affiant signed; and d) a signature line at the end of the document which is notarized. With the exception of Ms. Scott's affidavit, other than the signature line at the end of the document which is notarized, none of the affidavits included exemplars of the affiant's printed and/or handwritten signatures. Attached as Exhibit A is an example of the form by which all but Ms. Scott's affidavit followed. Attached as Exhibit B is Ms. Scott's affidavit;

2. Signed and notarized affidavits of circulators specifying the petition sheets that he/she circulated; and

3. Three pages of a Chicago Board of Election Commissioners Walking List dated November 17, 2011 which were highlighted and which were referred to by the Candidate in his Rule 9 Motion and Exceptions as a "Poll Sheet" (Exhibit C).²

No other evidence was submitted by the Candidate with his Rule 9 Motion.

II. SUPPLEMENTAL FINDINGS OF FACT AS THEY PERTAIN TO THE CANDIDATE'S EXCEPTIONS

Error Regarding the Poll Sheet

The Candidate is correct that the Poll Sheet (Exhibit C) does include addresses for various highlighted individuals, and therefore, the Poll Sheet should be considered for purposes of making a finding with regarding to the not registered at address objections.³ In his Exceptions, the Candidate lists 13 addresses which he claims should have been rehabilitated by the Poll Sheet.

¹ The Candidate's Rule 9 Motion did not allege the specific type of objection he was seeking to rehabilitate for each page and line number. At the end of the Rule 9 Motion, under the heading "Basis of Objection," the Candidate states: "Each of the above sheets and lines contain the names and addresses of registered and otherwise qualified voters and circulators who signed the respective sheets and lines in their own proper person as required by the Illinois Election Code." (See Candidate's Rule 9 Motion at p. 13).

² At the evidentiary hearing, the Objectors objected to this document and further argued that the "Walking List" is not a "Poll Sheet." However, for purposes of the Supplemental Findings and Recommendations, the document in Exhibit C will be referred to as a "Poll Sheet."

³ The mistake was made in part because the street address on the Poll Sheet appears to have been previously highlighted rendering it difficult to read.

Two (2) of these addresses are not properly before the hearing officer. First, there were no objections made to Sheet 46/Line 10, 3116 S. Lawrence St. Second, both objections made to Sheet 114/Line 4 were overruled at the records examination.

Upon further review of the Poll Sheet and the remaining eleven (11) addresses listed on the Candidate's Exceptions, I recommend that the following eleven (11) sheet and line numbers which had a sustained objection on registration at the records exam be overruled on the grounds that the address on the nomination page matches the address on the Poll Sheet, and the Candidate has met his burden to demonstrate by the preponderance of the evidence that the records examiner was wrong.⁴ The Objector did not submit any evidence in defense/rebuttal to the rehabilitation of the registration objections.

1. Sheet 32/Line 8 -- Teaira M. Conway, 1064 E. 132nd
2. Sheet 35/Line 1 -- Calvin Jemison, 13035 S. Champlain Ave.
3. Sheet 35/Line 6 -- Natalie Dodson, 701 E. 132nd
4. Sheet 35/Line 9 -- Darnice Jones, 711 E. 132nd
5. Sheet 36/Line 4 -- Karl White, 13225 (Candidate listed it as 1322 on Exemption) S. Langley Ave.
6. Sheet 36/Line 9 -- Toni Lemon, 13279 S. Langley Ave.
7. Sheet 37/Line 1 -- Bernetta Fefee, 736 E. 133rd St.
8. Sheet 38/Line 1 -- Alice Sewell, 644 E. 133rd
9. Sheet 38/Line 2 -- Latasha Johnson, 629 E. 131st.
10. Sheet 38/Line 7 -- Tammy R. Loyd, 13237 S. St. Lawrence
11. Sheet 46/Line 9 -- Loretta Hollingworth, 13116 S. St. Lawrence⁵

Hearing Officer's Failure to Review 3 Affidavits Submitted by the Candidate

In his Exception, the Candidate alleges error in that the hearing officer did not review the following 3 affidavits submitted by the Candidate on the grounds that another objection to those signatures were sustained on other grounds:

1. Sheet 199/Line 8, Aletha Griffin, 1402 E. 14th Place;
2. Sheet 214/Line 10, Rhonda Evans (this page and line number was not specifically identified in the body of the Candidate's Rule 9 Motion but an affidavit was submitted); and
3. Sheet 224/Line 6, Christopher Griffin, 14504 S. Pulaski Ave., Midlothian, Ill.

The Candidate argues: "However, it is not apparent . . . on what other grounds those signatures were ruled invalid nor is it clear that those signatures were not rehabilitated by other matter included in the Candidate's Rule 9 Motion. Respectfully, the Candidate asks that a ruling be made with respect to these three signatures."

⁴ The Board records indicate that all of the genuineness of signature objections which also were made for each of the 11 sheet and line numbers were overruled at the records examination.

⁵ This page and line number was not specifically identified in the body of the Candidate's Rule 9 Motion but was highlighted in the Candidate's polling sheet exhibit.

On page 3, Footnote 1 of the January 11, 2012 Findings and Recommendation, I stated: "The following affidavits also were not considered as part of the Candidate's Group Exhibit I as there was another ruling on those signatures which was sustained (and for which insufficient evidence was provided to rehabilitate): a) Aletha Griffin Sheet 199/Line 8; b) Rhonda Evans, Sheet 214/Line 10; and c) Christopher Griffin, Sheet 224/Line 6." Based on the board's records from the records examination, a not registered at address objection was sustained for all 3 signatures. I have reviewed the Poll Sheet and for each of the sheet and line numbers listed above, there does not appear to be any evidence related to the registration objection (nor does the Candidate identify any specific evidence in his Exceptions). Accordingly, there is no reason for me to rule on the genuineness of signature objection and/or to consider the 3 affidavits as the registration objections for those 3 signatures were sustained at the records examination and were never addressed or rehabilitated on the Candidate's Rule 9 Motion.

Hearing Officer's Rulings on the Sustained Objections are Arbitrary and Capricious

The Candidate claims the hearing officer's rulings are arbitrary and capricious because I only found 17 affidavits of the "scores of affidavits" to have rehabilitated the genuineness of signature objections. Specifically, the Candidate notes that I am not a handwriting expert nor is there any indication that I reviewed the registration records.

The Candidate is correct that I did not review registration records in making my findings and recommendations for each of the genuineness of signature objections identified in the Candidate's Rule 9 Motion. However, registration records were not submitted as evidence by the Candidate in connection with his Rule 9 Motion. There were some registration records submitted as part of the Candidate's "Response to the Objector's Motion Pursuant to Rule 9." However, said registration records were not before me for purposes of the Candidate's case-in-chief and moreover, were not timely filed with the Candidate's Rule 9 Motion.

The Candidate also is correct that I am not a handwriting expert. However, the Candidate had the burden of proof in rehabilitating the signatures and to the extent a handwriting expert is necessary, it would have been the Candidate's burden to provide expert testimony at the evidentiary hearing. No such expert witness testified at the hearing nor was an expert identified by the Candidate pursuant to my January 3, 2012 case management order.

The only evidence that the Candidate submitted for purposes of meeting his burden on the genuineness of signature objections were the affidavits of the signers. With the exception of one affidavit, all of the affidavits followed the same form as the affidavit attached as Exhibit A. No exemplars are evident in any of these affidavits. As noted in my Findings and Recommendation, the Objectors objected to the admission of the affidavits on the grounds, *inter alia*, that: 1) the affidavits do not provide an example of a printed signature; and 2) the last line on the page below the "I hereby certify that the above named person signed this Affidavit in my presence" which includes the name of the affiant should not be considered an exemplar of the affiant's signature. I recommended that the objection be overruled for purposes of admission of the affidavits and stated: "all the foregoing objections address the weight that should be given to the affidavits and not the admissibility of the affidavits." (January 11, 2012 Report and Recommendation at p. 4).

There are three lines on the form affidavits where the affiant's name or signature was affixed. The first line at the top is found in the following sentence: "I _____ (print), being duly sworn, depose and state as follows:" In all of these affidavits, the printed name of the affiant is set forth on this line. However, there is no indication that the affiant himself/herself printed his/her name on that line or if someone else filled out the line. Moreover, if this line was intended to be evidence that it was an example of the affiant's printed signature, the affidavit should have said so.⁶ The second line is near the bottom, and as noted above, includes the signature of the affiant for purposes of the notarization. The third line is the last line on the page, and as noted above, follows certification language by the notary. It is unclear whether this line is filled out by the affiant or the notary. Therefore, the only signature on these affidavits for me to review for purposes of comparison to the corresponding sheet and line number on the nomination page was the signature at the bottom of the page (the second to last line) which is notarized by the notary. In comparing that signature with the signatures on the nomination pages, I made my findings and recommendations.

I think it is worth noting that there was one affidavit submitted by the Candidate which did provide exemplars of the affiant's printed and cursive signature, namely Ms. Scott's affidavit (Exhibit B). As set forth in the January 11, 2012 Findings and Recommendation at p. 5, I did find the printed signature on Ms. Scott's affidavit to be similar to the printed signature on the nomination page, and therefore, recommended that the objection be overruled.

III. CONCLUSION AND RECOMMENDATIONS

For the foregoing reasons and for the reasons set forth in my January 11, 2012 Findings and Recommendations, I recommend that the Board: i) grant in part and deny in part the Objectors' Petition; ii) grant in part and deny in part the Candidate's Rule 9 Motion; iii) deny the Objectors' Rule 9 Motion; iv) find that after the records examination and the Rule 9 Motions, the Candidate is 9 signatures short of meeting the minimum requirement to have his name placed on the ballot; and v) order that the name Joseph T. Letke, Jr. not be certified for the ballot as a candidate for the office of State Senator for the 15th Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Date: January 18, 2012



Kelly McCloskey Chert
Hearing Officer

⁶ In paragraph 2 of the affidavits, it does state: "I signed my name as indicated above . . ." However, the affidavit is ambiguous as to whether the affiant is referring to: a) his name; or b) the affixation on the top line as an exemplar of the affiant's signature. Moreover, in some situations, the name that was affixed at the top line was spelled differently than the affiant's notarized signature at the bottom of the affidavit as well as the name that appeared on the nomination papers. (Compare Exhibit A where the top line states "Jonnie" and the notarized line states "Johnnie" and Exhibit D (nomination page 189) where signature line 5 states "Johnnie"). With the exception of Ms. Scott's affidavit, the only affixation I found I could rely upon with a reasonable amount of certainty as an example of the voter's signature was the notarized signature at the bottom of the affidavit.

STATE SENATE DEMOCRATIC PRIMARY PETITION

We, the undersigned, members of and affiliated with the Democratic Party and qualified primary electors of the Democratic Party, in the Fifteenth (15th) Legislative District of the State of Illinois, do hereby petition that the following named person residing at the following specified address shall be a candidate of the Democratic Party for the nomination for the Office of STATE SENATOR, of the State of Illinois, for the 15th Legislative District to be voted for at the primary election to be held on March 20, 2012.

Joseph T. "Joe" Letke, Jr.

30 Nugent Street, Unit #430, Glenwood, IL 60425

SIGNATURE OF QUALIFIED PRIMARY ELECTOR	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY/STATE
1 <i>Tessa Walker</i>	964 E. 16 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
2 <i>Tasha D. Tyson</i>	1425 E. 15 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
3 <i>Grady Franklin</i>	1456 Woodlawn	FORD HEIGHTS, IL 60411	Cook, Illinois
4 <i>Shirley A. Kelly</i>	1421 E. 15 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
5 <i>Christie De</i>	900 E. 14 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
6 <i>Ellis Franklin</i>	1417 E. 15 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
7 <i>Willie Gibson</i>	1525 Demerits	FORD HEIGHTS, IL 60411	Cook, Illinois
8 <i>J. W. Wade</i>	979 E. 16 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois
9 <i>Mike Barnes</i>	1523 Greenwood	FORD HEIGHTS, IL 60411	Cook, Illinois
10 <i>Bambi Green</i>	909 E. 16 th St.	FORD HEIGHTS, IL 60411	Cook, Illinois

State of Illinois)
) SS. CIRCULATOR AFFIDAVIT
 County of Cook)

I, ELLIS FRANKLIN, JR. (Circulator) do hereby certify that I reside at 1456 WOODLAWN AVENUE
(Print Name of Circulator Here) (Address)

In the VILLAGE FORD HEIGHTS of ILLINOIS County of Cook, State of Illinois, ILLINOIS that I am 18 years of age or older, that I am
(City/Village) (Name of City or Village) (Zip Code)

a citizen of the United States, and that the signatures on this sheet were signed in my presence and are genuine, and none of the signatures on this sheet were signed more than 90 days preceding the last day for filing of the petitions and that to the best of my knowledge and belief that persons so signing were at the time of signing the petition qualified voters of the Democratic Party and for which the nomination is sought, in the political division in which the candidate is seeking nomination, and that their respective residences are correctly stated as above set forth.

[Signature]
 (Circulator's Signature)

Signed and sworn to (or affirmed) by ELLIS FRANKLIN, JR. before me, on 11/28/11
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
 (Notary Public)

Sheet No. 189

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OF OBJECTIONS
 TO THE NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
 OFFICE OF STATE SENATOR FOR THE 15TH LEGISLATIVE DISTRICT
 IN THE STATE OF ILLINOIS

DANTE MONTGOMERY AND)	
YASHIRA WILLIAMS,)	
)	
Objectors)	
)	
v.	)	No. 11 SOEB GP 520
)	
JOSEPH T. LETKE, JR.,)	
)	
Candidate)	

AFFIDAVIT

I, *Schmidle* (Print), being duly sworn, depose and state as follows:

1. I am a member of and affiliated with the Democratic Party and qualified primary elector of the Democratic Party in the Fifteenth (15th) Legislative District of the State of Illinois.

2. I signed my name as indicated above and listed my address opposite my name on the Petition of Joseph T. Letke, Jr., Candidate for the Office of State Senator for the 15th Legislative District of the State of Illinois, to be voted upon at the Primary Election to be held on March 20, 2012.

3. My name appeared on Sheet 189 and Line 5.

And further this affiant says not.

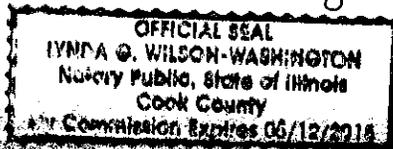
Schmidle
NAME

SUBSCRIBED AND SWORN to before me this 7th day of January, 2012.

I hereby certify that the above named person signed this Affidavit in my presence.

Lynda G. Wilson-Washington
NOTARY PUBLIC

Lynda G. Wilson-Washington



AFFIDAVIT

STATE OF ILLINIOS)
COUNTY OF COOK) ss

I, Anjeannette Scott, the Affiant, being first duly sworn and placed under oath under penalty of perjury hereby depose and state:

- 1. I am over 18 years of age, legally competent to give this Affidavit and have personal knowledge of the facts set forth in this Affidavit.
- 2. I am a resident and registered voter of the 15th Senatorial District in the State of Illinois.
- 3. At the time I signed the nomination petition for Joseph T. "Joe" Letke, Jr. as candidate for Illinois State Senate, 15th District, I was a registered voter at 578 Price Ave, Calumet City, IL in the 15th Senatorial District.
- 4. My signature appears on the nomination papers of Joseph T. "Joe" Letke, Jr. at **Sheet No.** 19, **Line No.** 8 as a candidate for election to the office of Illinois State Senator, 15th District.
- 5. I signed the nomination petition of Joseph T. "Joe" Letke, Jr. at the aforementioned sheet and line.
- 6. The signature contained on the election petition signed for Candidate Joseph T. "Joe" Letke, Jr., whether printed or in cursive, at the aforementioned sheet and line are genuinely my own and were affixed by me in my own proper person.
- 7. My signatures below are genuine and were affixed by me in my own proper person, whether printed or in cursive, on the date of this Affidavit:

Anjeannette Scott
Printed

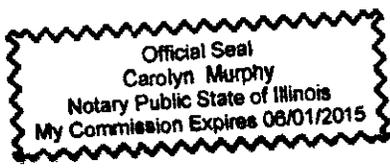
[Signature]
Cursive
- 8. That the purpose of this Affidavit is to establish and verify that Affiant is the same individual who signed the election petition sheet for Illinois State Senator Candidate Joseph T. "Joe" Letke, Jr. on the aforementioned sheet and line.
- 9. That the Affiant understands that falsification of this Affidavit is a criminal offense and will subject Affiant to prosecution to the fullest extent of the law.
- 10. I declare that the above statements are true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
Signature of Affiant:

Subscribed and sworn to before me by Carolyn Murphy on this 5th day of January, 2012.

Carolyn Murphy
Notary



Seal

24 PRECINCT
9 WARD
CHICAGO

Chicago Board of Election Commissioners

Legislative: 15 - Walking List

Active Only

		764	AUSTIN, GERALDINE	918	SIMMONS, MATTHEW	13234	HOLLINS, THERESA A	13274	WARD, STANI
		800	LEWIS, AMELIA L	920	ABRAMS, ROGER A	13234	RJDEAU, TAUREAN D	13288	COLLINS, BR
		800	WILLIAMS, BERNADETTE	920	GATEWOOD, SCHAKA AKL	13238	PHILLIPS, ARNETTA P		
643	CARTER, ANGELIQUE JOHNS	802	PAYTON, MARTAY D	920	WILLIAMS, JOYCE	13244	ARNOLD, KEITH JEROME		
643	CARTER, BRANDON J	802	SMITH, SHONNATE	934	MOORE, KENNETH	13246	ROBINSON, MARCHELLA		
643	ROBINSON, BARBARA ANN	804	NANCE-MOZEAKE, GWENDO	940	CLAY, COURTNEY	13248	MCNAIR, DEMETRIA L	13016	ELDER, DIMO
645	ROUNTREE, RENAE M	806	GILKEY, CATHERINE	946	HOUSE, JOVAN JAMES	13256	HARPER, AUDRY L	13017	SHANNON, SI
645	RYCE, JOSHUA T	808	EDWARDS, GEORGIA LEE	948	HUDSON, JERMAINE	13258	CHAN, MICHAEL V	13017	SHANNON, TA
647	MCKNIGHT, LAFREIDA	808	EDWARDS, ROSA	958	DAVIS, WILLIE L	13258	JACKSON, KIMBERLEY ANN	13017	WADE-SMITH
647	MCKNIGHT, TEMIKA SG	808	EDWARDS, SAMUEL	964	MONTGOMERY, GENEVA	13264	BUCKLEY, MICHELLE DENIS	13017	WILLIAMS, CH
649	CURTIS, GEORGIA M	812	COLLINS, MARILYN	968	INGRAM, DAVID	13274	JOHNSON, THEODORE III	13018	THREAT, ULY
651	PRYOR, SHIRLEY VERONICA	812	COLLINS, MAURICE E	970	DORTCH, PATRICIA A	13274	WADE, DIANA	13019	COLE, MARY I
653	MCDANIELS, JAMAE NAREE	812	MOORE, MONICKE L	1005	WILLIAMS, KESHA	13276	DAVIS, CHERYL L	13020	CONNOR, INE
657	CALHDUN, LIQUITA D	814	DICKERSON, RICHARD CHAF	1031	SMITH, WILLIAM H	13276	JACKSON, ROBERT	13022	SMITH, DEWA
661	HATCHER, CURTIS J	814	LAWRENCE, PHDEBIE O	1100	LEWIS, SIOBHAN S	13300	TUCKER, ROMONIA	13022	SMITH, SYLVIA
661	MCCOY, JOHNNIE M	816	MURDO, ANTHON D	1136	MAYWEATHER, JOSEPH BER	13300	WRIGHT, DAWENDA DENISE	13022	WILBURN, MA
661	MCCOY, JOHNNY	816	MURDO, NYEASHA Q SR			13306	JONES, ANOUA KENNETHA	13023	BRADD, TIARA
661	MCCOY, YOLANDA M	816	MURDO, TYRONE A			13314	WARD, SYLVIA JEAN	13023	CUMMINGS, T
663	JOHNSON, KARMEYA	818	SIMMONS, CHRISTINA TATI			13314	WILLIAMS, RICARDO D	13024	SPEARMAN, J
663	JOHNSON, RAHEAL RAMON	818	SIMMONS, CHRISTINE	1082	MEEKS, DASHAUNA	13314	WILLIAMS, TYREE R	13026	PARKER, DIAN
663	PACK, GABRIEL D	818	SIMMONS, CHRISTDPHER			13318	WOODS, CHRISTINA YOLANI	13027	WINDDM, KOL
665	CARTER, T CORRIE	822	BASS, DROWDRE J			13324	GRIMES, MIKE	13028	CONNORS, CH
665	PIGRUM-CARYER, YVETTE					13326	COUSEY, TATIANA L	13029	BDYD, CLAUD
701	COLEY, VONSEAL J			13029	QUEEN, ANTHONY	13328	FRJERSON, LATOSHA S	13029	HARRIS, CARC
+ 703	GRAVES, TROY A			13033	TATE, ANGELENA	13338	JEFFRIES, JAMESSETTA	13030	TAYLOR, SHIR
703	WEBSTER, ELNORA	701	DOTSON, NATALIE T	13035	JEMISON, CALVIN	13340	WALLACE, CHARLES ERIC	13031	CLARK, ANGE
703	WEBSTER, SHUNTA	703	DUNLAP, TOBY A	13035	JOHNSON, DEBBIE ANN	13342	COWANS, KISHA C	13031	FISHER, TAWA
705	HICKS, VIVIAN	707	MCFULSON, SHERESSE J	13037	HAMILTON, RUTH A JR	13346	CRUM, STEPHANIE L	13032	SIMMONS, GRI
707	MCGARY, WILKIN	708	HARRIS, JANISHA J	13037	PURVIS, JANENE M	13346	ERVIN, REGINALD D	13032	SIMMONS, VAJ
715	BLADES, CURTIS EUGENE	709	HARRIS, STEVEN L	13039	RANSOM, NICOLE R SR	13346	WATKINS, BYRAN	13033	NUTE, BERNIC
717	BRANDON, BARBARA A	+ 711	BERRY, DEBRA DENISE	13039	RANSOM, WILLIAM HENRY J	13346	WATKINS, LAZANE Y	13033	NUTE, ERICA
719	BELMONT, BARRY L	+ 711	JONES, DARNICE DESHAWN	13041	DALTON, CRYSTAL E	13358	HAKVEY, YVETTE MARIE	13034	ALLEN, IDA B
719	BELMONT, FLORENCE	+ 712	GARDNER, SAMUEL	13043	SPARKMAN, ERICA VANICE	13366	WEATHERSPOON, RAE ANTH	13034	GRIMES, KIMB
721	CAMPBELL, LAKESIA	712	JOHNSON, DWAYNE D	13043	WRIGHT, CHERI S	13368	MCREE, JARON J	13035	PETTIS, MICHA
721	HILL, TEON R	712	WALLS, BOBBY	13045	WARD, GEDRGE ANTONIO JF	13372	THOMPSON-JONES, EBONY C	13035	PETTIS, VERNI
723	BEAL, JOHNNIE M	714	BOOZER, LEANARD	13045	WARD, WANDA J	13376	BROWN, NYESHA D	13037	COBBINS, CYN
745	BEAL, CYNTHIA	+ 714	SOWELL, DONNA	13049	COLLINS, BRIAN E	13376	JONES, VALRIE J	13038	CHRISTIAN, JO
745	BEAL, TYRONE TYRELL	+ 715	EVANS, YVONNE EVETTE	13051	ELLEN, ROBERT E	13376	KENNEDY, MARTESE D	13039	BELL, THIFANY
745	BEAL, WILLIE D	716	MAYO, IDA NICOLE	13051	HOLDEN, IVETTE	13378	DIXON, MARCUS H	13040	WEBSTER, YOI
747	DOGAN, THERESA ANN	716	POINTER, TONIA MIRIA	13053	WARFRDR, ALICIA N	13378	WHITE, DONZEL D	13041	JOHNSON, SHE
749	FIELDS, APRIL T	718	GIBSON, COMNQUI J	13057	BROOKS, TRACY A	13378	WHITE, YASHMINDA M	13041	SPENCE, KYSH
751	WOODBURY, MAGGIE	718	GIBSON, DEBBIE DENISE	13057	PAYTON, DIANA	13382	BASS, DION DARNELL GREG	13041	SUTTON, NELL
753	JUNES, FLORA B	721	THOAMS, HAROLD	13057	PAYTON, WANDA	13382	HOLDEN, RUBY	13043	BEAL, ERICA
755	JACOBS, MARGUERITE FRAN	722	GODFREY, ALETHA L	13059	ASHLEY, REGINA A			13044	BLAIR, SUSIE
755	WILLIAMS, LEON M	722	HILLARD, ROCHELLE	13063	CAMPBELL, JEASHA V			13044	MACKEY, SUSI
755	WILLIAMS, MARGUERITE LE	723	HAMILTON, REGINALD	13063	CAMPBELL, VITTORIO			13045	BOOZER, LENA
757	WILLIAMS, OLLIE	723	THOMPSON, BALINDA	13063	FREEMAN, JOSHUA L	13337	PAYNE, KRAIG R	13045	JOHNSON, LATI
759	PARKER, ELGIN H	732	HOLLINS, TIFFANY	13069	HARRIS, LOTTIE M	13341	COOLEY, STEVEN E JR	13047	GILLOM, ANTH
759	PARKER, EMILY J	732	JONES, JOHNNY C	13069	JACKSON, LOTTIE M	13345	SALES, RYAN REGINA	13047	ROGERS, CORY
759	PARKER, HERBERT L	732	MORROW, PATRICIA	13073	BRANNON, JANET N	13347	CARTER-PENDELTON, CHER	13047	ROGERS, ROBBIN
759	PARKER, SHAWN	733	ALEXANDER-HARDY, YVETI	13075	MOORE, SHANTE	13351	CARTER, RAYLYN D	13047	ROGERS, TRAC
765	GARRETT, LENEARL JR	734	WALKER, WILLIE A	13077	BRITTDN, CACHET KIEV			13048	BLUNT, LAMON
765	LEE, KISHA R	736	HUDSDN, BERNICE	13079	WRIGHT, SAMUEL JOSEPH II			13048	BLUNT, MICHE
765	LEE, TERAN KEON	+ 739	HUDSDN, MICHELLE A	13079	WRIGHT, VIVIAN C			13048	GALLOWAY, AL
+ 801	WILLIAMS, INEZ M	739	SMITH, LEE P	13081	BULLICK, GENICE L	13016	JACKSON, RONNIE L SR	13049	WOODS, WAND
801	WILLIAMS, KIMBERLY ELAIR	740	LOGAN, VIRGIL DARNELL	13081	JONES, ANNIE R	13020	ENIS, LAMDN T STEPHEN	13052	AVERY, TASHIE
805	HALE, GALE	741	MCDONALD, JAMES K	13081	WILSON, JERMAINE I	13020	ENIS, DIANA R	13052	AVERY, TASHIE
805	HALE, LADONNA	744	LIGHTFOOT, TRINA	13083	MORRIS, LAKISHA M	13020	REID, DIANE	13052	LATIMORE, ANC
805	HALE, LEBRAN M III	745	MATTHEWS, KIM Y	13083	WARFORD, KAREN D	13022	MACK, NATASHA CHERIE	13052	WHITE, MICHA
809	CDUCH, LISA MARIE	747	SNEED, EDWARD L	13085	ALLEN, DAUNEA LEE JR	13022	MACK, SYLVIA JEAN	13052	WHITE, TERREN
809	FOX, JEREMY J	747	WHEELER, ESTHER L	13085	ALLEN, LA SOLE L	13024	WOODING, MELISSA L	13053	BENSON, KEQNI
811	ALEXANDER, RONNIE L	748	GRIER, TAMAR J	13085	LAMB, JANET	13026	BASS, ADELLA Y	13053	EDWARDS, KIM
811	WEBB, CHAVONNA M	748	ORD, LARRY D	13087	PARKER, RONSHUNDA LATA	13026	BASS, CHRISTINA A	13053	JOHNSON, KIRK
811	WEBB, DELORIE A	750	PENNINGTON, RACHEAL D	13087	PAYTON, TIA L	13026	PORTER, LINDA A	13053	SPAN, DELORIS
813	GREEN, ULYSSES W	+ 752	WATTS, LAURA N	13089	BEAL, KATHY LYNN	13028	MOSLEY, CAROL	13053	SPAN, TYRONE I
817	AUSTIN, LESLIE W	753	FIELDS, SYMONE L	13089	WRIGHT, AARON D	13028	ONKAL, ERIC T SR	13055	POE, RDSMARY
817	GRIMES, HERBERT A	753	LOCKE, QUETICA M	13095	GREEN, DTIS	+ 13030	JOHNSON, EDWARD MCKELI	13057	KERBY, CRYSTA
817	TINNEL, LEENTDYA J	+ 755	REED, GAYLE	13095	JEMISON, THERESA	13030	JOHNSON, MAY L	13057	KERBY, TOSHA I
819	HOLLOWAY, THERESA	755	REED, SHAWN	13097	AIRHART, LAYSHELLE	13030	THORNTON, DEVALE M JR	13058	YOUNG, DAPHN
819	HOLLOWAY, SHIRLENE A	900	HINTON, LEPRIS J	13099	MICKENS, RHONDA A	13030	THORNTON, FREDERICK	13058	YOUNG, DOMINI
821	FOGGEY, MAURICE A SR	916	BRADLEY, LOREAL S			13038	ALLEN, AMANDA D	13058	YOUNG, KERSH
823	SIMMS, MICHAEL	916	MICHEAUR, JEAL M			13038	COLLINS, VALENCIA E	13059	JACKSON, BREN
823	WALTON, KAREN D	939	ANDERSON, DEANDRE D			13040	CARTER, LEATIKA G	13059	JACKSON, TAMM
823	WALTON, SAMANTHA MICH	1127	SIMPSON, RAFELL R	13101	WISEMAN, MABLE	13042	JOHNSON, PATRINA	13059	NAUGLES, RICKI
		1147	COLEY, KEITH	+ 13102	BROWN, EVERETTE F	13044	ROGERS, DELORES	13062	BATTS, SHARHO
		1151	COLEMAN, KAREN	+ 13104	JACKSON, KAREN L	13046	RICHARDSON, BRENDA	13063	FLETCHER, DEVI
		1167	MURPHY EL, ULYSSES	+ 13106	DOHART, JOHN	13050	DOUGLAS, ELIZABETH A	13065	ALLEN, JACINTA
653	STRONG, MEKEDA			+ 13106	EAGLE, MELNEE M	13054	BENSON, KATIE	13065	ALLEN, SENA
717	LAWRENCE, DAVID B		E 133 PL	13106	MAXEY, TAMAIIKA S	13056	RENEE, KENYAETTA S	13067	JACKSON, BARB
		706	HOWARD, MATTIE M	13110	THORNTON, CLARENCE R	13058	GIPSON, GERALD	13067	JACKSON, SABRI
		709	BOONE, CARMELIA	13110	BELL, MICHELLE L	13058	TAYLOR, HOWARD	13067	NELSON, WILLIA
644	THOMPSON, ROMEANER MA	710	BAKER, CURTIS A	13114	MITCHELL, ALEX D	13058	TAYLOR, RAYMOND J	13069	OGLETREE, JEAN
644	THOMPSON, SHAKERIA L	714	HANSBRDUGH, LATASHA L	13118	MOORE-CLEMMONS, AMAN	13058	TAYLOR, RUTHIE	13069	OGLETREE, NAKI
644					RIDD, TINEVA ANN	13058			

3 PRECINCT
9 WARD
CHICAGO

Chicago Board of Election Commissioners

Legislative: 15 - Walking List

Active Only

		1064	CONWAY, TEAIRA M	13035	SULLIVAN, ARNITA J
		1065	COLEMAN, IRMA J	13035	SULLIVAN, MICHAEL L
		1065	MOBLEY, KALE	13036	LLOYD, JASON L
901	RDWSER, CAROLYN K	1070	LANDERS, KEITH	13040	BOYKIN, DEMETRA M
909	BOWERS, ALMA	1075	ISRAEL, DAVID BEN	13040	BOYKIN, MICHAEL E JR
911	KNIGHT, CHARLENE	1075	JDNES, TABITHA	13040	MCGOWAN, BRIDGETT S
911	KNIGHT, EARL	1108	ANDERSON, TAKEYA N	13040	MCGDWAN, MADREDA S
911	KNIGHT, LEROY A	1138	SIMMONS, MARCELLA	13041	JOHNSON, SHERICE R
913	DAVIS, JUANITA M			13042	FRANKLIN, DORETHA
917x	MAGEE, MARY LEE			13042	FRANKLIN, NICOLE J
921	JACKSON, MAURDELL D			13042	FULTON, FREDDIE L
921	MCGEE, JACQUELINE	1004	THOMPSON, ANGELA M	13042	SCOTT, JOHNNY JERMAINE
921	WILSON, JAHKALA THEODOI	1016	HARRIS, SANDRA F	13044	PAYTON, LACYDELL
933	HOPES, SHANTE DENISE	1024	JAMES, LESHERRJ LESHAWN	13045	WILLIAMS, CRYSTAL MARIE
935	CARSON, ANDREA LEVONN	1032	JOHNSDN, TDNY	13046	FORNORE, MAMIE C
935	HANMONS, PATRICIA A	1040	STANLEY, SAMMY L	13047	THORNTDN, TANEKA
935	HEARD, ANDREAUS	1042	JACKSON, JERUS A	13048	BYNUM, EYVETTE D
935	SMITH, STEPHANIE	1042	JACKSDN, LANE	13050	PHILLIPS, MARQUETTA M
935	SMITH, WILLIAM L	1042	PAYTDN, TERI A	13051	WILLIAMS, HDLLIS P
937	HICKMAN, SAMUEL	1050	CARTER, LISA M	13052	WILLIAMS, BENSDN L
941	ATKINS, ELAINE	1072	ALLEN, MARITA L	13052	WILLIAMS, DEANDRE L
945	BROWN, MARVALENE A			13052	WILLIAMS, EMMA
945	JOHNSON, DARIUS DAVON		S DREXEL AV	13056	KING, CANDACE S
945	THURMAN, LAMAR B			13056	KING, CARLOS
947	BLOCKER, ALLEN J	13019	BROWN, NADOLYN J	13058	CARTER, GLENIECIA R
947	WALTON, SHARONA E	13021	MOORE, ANTANIQUE	13858	CARTER, GLENN
949	PARKER, ROSETTA	13023	BRITTON, TYRONE LAMONT	13058	SIMS, THERESE L
953	TDOWNSON, SIETA	13023	CDNWAY, TINESA R	13060	JEFFERSON, YVONNE M
955	ABDULMATEEN, HANEFAH	13023	POLLARD, MARRINE	13062	HERRON, SHARON D
955	HARMON, CECELIA INEZ	13025	NEALON, ANNIE L	13062	KELLEY, DERRICK
1129	STDKES, ANDRE	13025	NEALDN, TANGELA PATRICI	13062	KELLEY, WILMA
1129	STOKES, PATRICIA	13027	JOHNSON, HORATIO J	13066	MONDEN, LAQUESHA JANEL
1131	WARD, JAMES K	13027	JOHNSON, ULONDIA	13066	MDNDEN, LATASHA SHANEI
1133	GDINS, NATHAN ALLEN JR	13027	JOHNSON, URSULA	13066	RUFUS, PAULINE
	E 130 ST	13029	MCINNIS, ANITA L	13068	WRIGHT, JENNIFER D
		13031	BOLER, SHIRLEY M	13072	BENSON, VERNISHA M
		13033	PDPE, CHERICE LATRICE	13072	HAMILTDN, FREDERICK RAY
640	CURTIS, IRVING C JR	13033	WYNN, COURTNEY D	13072	SIMMONS, CHIATA
1125	LEE, GAYNELL	13035	BROWN, JEANIE	13073	JONES, VERGIA R
		13035	BROWN, SHAWN K	13073	WARLICK, KEVIN
	E 131 ST	13035	DIGGS, STEVEN L	13074	DOLTON, CRYSTAL E
		13037	CURRY, WILLIE B JR	13074	HAYNES, CAROLYN M
900	BARBLEY, CYNTHIA CHANE	13039	STANDBERRY, HAROLD L	13074	LUMSEY, THOMAS R JR
900	BARBLEY, JEANETTE	13039	STANDBERRY, INEZ	13076	BROWN, LATONIA A
900	BARBLEY, LEVIE SR	13041	BUCHANAN, DARRIUS A	13078	STEPHENS, ANDREW
900	BARBLEY, STEPHANIE	13041	BUCHANAN, LUELLA	13078	STEPHENS, MARGARET
900	WASHINGTON, ANGELA R	13041	BUCHANAN, VARLESHA NAS	13080	THOMAS, LAWANDA G
902	DAVIS, SHARON L	13041	GRAY, DORIAN D	13082	ARMOUR, CERINA
904	KIZER, MICHAEL L	13041	TATE-GRAV, IESHA S	13084	DENNIE, FRANCES R
904	TRUITT, FOYA J	13043	TOLBERT, LISA A	13088	SMITH, SHAROD KEIRDN
908	HENRY, YDLANDA	13045	BATTLES, RAYMOND D	13088	SMITH, SHDRDN K
908	HOARD, WILLIAM	13047	WARREN, SHERINA S	13089	BARDNEY, ROCHELLE
912	DIXON, NORMA S	13047	WARREN, TUANDALAYA A	13098	TETTER, ROBERT J
912	DIXDN, QUEENA NORMA	13049	DAVIS, DARRELL	13094	LEGGETT, JOVAN W
912	DIXON, QUEERIA M	13051	HOLLINS, DEBORAH	13094	LEGGETT, LUEVINNE D
914	BROWN, LENARA	13051	HOLLINS, ERICA DENISE	13096	LEE, STANLEY SR
916	BANTON, ALONZO L	13851	SMITH, ERIC DESHAWN	13096	WHITE, BRENDA
916	STIFF, DONNY LEE	13053	ROBINSDN, MARCHELLA	13096	WHITE, KIMBERLY MICHELL
918	BANKS, SEAN A	13057	MCCALL, DEVDN L	13098	DIXON, BRUCE T
918	SIDNEY, MARSHA	13057	MCCALL, RISA L	13098	GORDON, JERITA C
920	HARRIS, JESSE E	13059	FRANKLIN, ANTHONY K	13098	GORDON, SHARITA
920	NELSON, TYRONE M	13059	MOBLEY, CHEMECCA L	13098	GDRDN, SHAUNA DENISE
922	JEFFERSON, MAURICE H	13063	MCNEAL, NATASHA M	13098	GORDON, STEPHEN J
922	JEFFERSON, MAURICE H JR	13063	MCNEAL, TANISHA N	13109	MDORE, DARCELL DENISE
922	WALLACE, VICTORIA	13063	NELSON, WILLIE	13109	NORMAN, MICHAEL
922	WELLS, VICTOR Q	13063	PERSEN, KIEL A	13111	JOHNSDN, KEITH A
934	LAWS, MARCELLUS EUGENE	13063	REED, JAMES A SR	13117	SIMS, RAYTHENA
934	LEMONS, LAVELLE ALICIA	13063	REED, JOHNNIE JR	13121	MONTGOMERY, JOHN I
936	BEAL, MELINDA E	13065	BURDI, LARRY	13121	SCDTT, DEBRA D
936	BEAL, MICHAEL	13065	NELSON-BURCH, JACQUELIN	13121	SCOTT, NICOLE DENISE
938	RAY, CURTIS	13067	JOHNSON, VANESSA	13137	ROBINSON, VANESSA R
938	RAY, DARLENE	13067	JOHNSON, VINCENT A	13137	SIMMONS, CHARLES
940	EDWARDS, LEOLA	13069	JOHNS, ANNETTE R	13139	WHEATLEY, ATINA DOMINGO
940	EDWARDS, PRESTDN C JR	13069	YOUNG, ANNETTE	13145	ADKINS, PHILLIP A
942	DAVIS, JERMICA MARIE	13071	MANSNDN, CHARLES E	13145	PHILLIPS, MICHELLE SR
942	DAVIS, MYRTLE E	13071	MCNEAL, FHADL A	13151	LDWMAN, STACY T
944	CAMERON, DENISE E	13073	BROWN, LASHONA C	13151	RDBINSDN, ARVELL
946	WATKINS, DELDRES E	13075	WAJIBUL, IKRIMIA	13203	EVANS, DAMITA T
946	WATKINS, EDWARD	13077	PATTERSON, TONY E	13221	GAINES, MONICA
946	WATKINS, LINDA C	13081	ANDERSON, DUANTE D	13221	TURNBO, MONICA
948	HALL, DARRYL ERIC	13081	ANDERSON, RHONDA PAULI	13223	WELLINGTON, VERNON
948	MARTIN, BENJAMIN B	13081	BURGIN, MICHAEL ANTHOI	13247	NELSON, PATRICIA A
948	THOMPSON, ANTHONY D	13083	YOUNG, GIA M	13249	WILLIAMS, MARQUEERITE L
948	THOMPSON, YVONNE	13083	YDUNG, RAVEN H		

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF STATE SENATOR FOR THE 15th
LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS**

Donte Montgomery and Yashika)	
Williams, Petitioner-Objectors,)	
)	
vs.	)	11 SOEBGP 520
)	
Joseph T. Letke, Jr.,)	
)	
Respondent-Candidate.)	

**CANDIDATE'S EXCEPTIONS TO HEARING OFFICER'S FINDINGS AND
RECOMMENDATIONS**

Now comes Joseph T. Letke, Jr., (hereinafter referred to as the "Candidate"), by and through his attorneys, and takes exception to the Hearing Officer's Findings and Recommendations. In support thereof, the Candidate states as follows:

BACKGROUND

The Candidate herein submitted 2,484 signatures in support of his candidacy for the Democratic nomination to the office of State Senator for the 15th Legislative District. After the records exam, it was determined by the State Board staff that the Candidate had 963 valid signatures, which is 37 fewer than the statutory minimum. Each of the parties presented and argued Rule 9 Motions. The Candidate presented 76 affidavits to rehabilitate genuineness of signature rulings, and a Chicago Board of Election Commissioners Poll Sheet to rehabilitate "not registered at address" rulings. (Rec., p. 3.)

After review of the evidence submitted, the Hearing Officer found that the Candidate had rehabilitated 17 signatures, leaving the Candidate with 980 valid signatures, only 20 signatures short of the statutory minimum. The Candidate respectfully takes exception with certain

erroneous determinations made by the Hearing Officer, reversal of which will bring the Candidate over the statutory minimum of 1,000 valid signatures.

A. The Hearing Officer Incorrectly Ruled That The Poll Sheet Did Not Provide Addresses For Any Of The Signatures Objected To On The Grounds Of "Not Registered At Address Shown."

The Hearing Officer correctly admitted into evidence the Chicago Board of Election Commissioners poll sheet dated November 17, 2011, which was offered by the Candidate to rehabilitate signatures that were stricken on the grounds that they were "not registered at address shown." (Rec., p. 13.) However, the Hearing Officer incorrectly found that the poll sheet did not provide addresses for any of the highlighted names on the exhibit, and therefore found that no signatures were rehabilitated. However, the poll sheet does indeed provide addresses for the signatures in question. The Sheet and Line Numbers, and corresponding addresses for those signatures are:

1. Sheet 32, Line 8 – 1064 E. 132nd, Chicago
2. Sheet 35, Line 1 – 13035 Champlane, Chicago
3. Sheet 35, Line 6 – 701 E. 132nd, Chicago
4. Sheet 35, Line 9 – 711 E. 132nd, Chicago
5. Sheet 36, Line 4 – 1322 S. Langley, Chicago
6. Sheet 36, Line 9 – 13279 S. Langley, Chicago
7. Sheet 37, Line 1 – 736 E. 133rd Street, Chicago
8. Sheet 38, Line 1 – 644 E. 133rd, Chicago
9. Sheet 38, Line 2 – 629 E. 131st, Chicago
10. Sheet 38, Line 7 – 13237 S. St. Lawrence, Chicago
11. Sheet 46, Line 9 – 13116 S. St. Lawrence, Chicago
12. Sheet 46, Line 10 – 13120 S. St. Lawrence, Chicago
13. Sheet 114, Line 4 – 13264 S. Corliss, Chicago

Thus, the 13 aforementioned signatures should rightly have been rehabilitated by the Candidate's Rule 9 Motion, and should be counted in favor of the Candidate.

B. The Hearing Officer Did Not Review All Of The Affidavits Submitted By The Candidate.

In her Findings and Recommendation, the Hearing Officer noted that she reviewed many of affidavits included with the Candidate's Rule 9 Motion, but the Candidate contends that she did not review all of the affidavits submitted by the Candidate. The Hearing Officer noted that she did not consider certain affidavits on the grounds that the objection to those signatures was sustained on other grounds. Those signatures were those found at:

Page 199, Line 8;
Page 214, Line 10; and
Page 224, Line 6.

However, it is not apparent from the Findings and Recommendation on what other grounds those signatures were ruled invalid, nor is it clear that those signatures were not rehabilitated by other matter included in the Candidate's Rule 9 Motion. Respectfully, the Candidate asks that a ruling be made with respect to these three signatures.

C. The Hearing Officer's Rulings As To The Signatures Sought To Be Rehabilitated By The Candidate's Affidavits Is Without Proper Basis.

The Hearing Officer properly admitted into evidence the affidavits submitted by the Candidate with his Rule 9 Motion in order to rehabilitate signatures that were stricken on the grounds that those signatures were not genuine. However, the Hearing Officer's rulings on the signatures contained in those affidavits is arbitrary and capricious.

Of the scores of affidavits submitted by the Candidate, the Hearing Officer accepted only 19, and rejected the others on the grounds that the signatures contained in the affidavits were not sufficiently similar to those set forth on the Candidate's petition sheets. (Rec., pp. 5-13.) However, the Hearing Officer does not provide any rationale for her findings as to those signatures, and therefore, her findings as to those signatures is arbitrary and without sufficient

basis. Notably, the Hearing Officer is not a handwriting expert, but nonetheless renders judgment as to whether signatures set forth on the Candidate's affidavits are from the same hand as those contained on the Candidate's petition sheets. Moreover, it appears that the Hearing Officer did not compare any of the signatures on the affidavits to the signatures of the subject voters on the State Board of Elections' registration records. In particular, the Candidate contends that the rulings on the following signatures were made in error:

1. Sheet 1, Line 5;
2. Sheet 12, Line 4;
3. Sheet 13, Line 7;
4. Sheet 51, Line 6;
5. Sheet 60, Line 5;
6. Sheet 61, Line 1;
7. Sheet 66, Line 6;
8. Sheet 67, Line 8;
9. Sheet 67, Line 9;
10. Sheet 68, Line 2;
11. Sheet 68, Line 3;
12. Sheet 68, line 4;
13. Sheet 68, Line 10;
14. Sheet 69, Line 8;
15. Sheet 69, Line 10;
16. Sheet 73, Line 9;
17. Sheet 74, Line 10;
18. Sheet 105, Line 6;
19. Sheet 105, Line 10;
20. Sheet 110, Line 3;
21. Sheet 110, Line 6;
22. Sheet 111, Line 5;
23. Sheet 111, Line 7;
24. Sheet 121, Line 5;
25. Sheet 129, Line 9
26. Sheet 139, Line 9;
27. Sheet 141, Line 4;
28. Sheet 155, Line 5;
29. Sheet 155, Line 9;
30. Sheet 156, Line 5;
31. Sheet 157, Line 1;
32. Sheet 171, Line 7;
33. Sheet 178, Line 5;
34. Sheet 187, Line 1;

35. Sheet 187, Line 2;
36. Sheet 187, Line 7;
37. Sheet 187, Line 9;
38. Sheet 188, Line 9;
39. Sheet 189, line 4;
40. Sheet 189, Line 5;
41. Sheet 189, Line 7;
42. Sheet 189, Line 9;
43. Sheet 190, line 7;
44. Sheet 191, Line 4;
45. Sheet 191, Line 5;
46. Sheet 194, Line 7;
47. Sheet 194, line 8;
48. Sheet 197, Line 3;
49. Sheet 201, Line 5;
50. Sheet 221, Line 10;
51. Sheet 225, line 1;
52. Sheet 230, line 4;
53. Sheet 234, Line 2;
54. Sheet 234, Line 6;
55. Sheet 245, Line 5;
56. Sheet 245, Line 6;
57. Sheet 253, Line 3; and
58. Sheet 258, Line 5.

The Candidate contests the Hearing Officer's rulings on the affidavits submitted in support of the signatures set forth above, and specifically respectfully requests that the Hearing Officer's findings with regard to the above referenced signatures be reversed, and counted in favor of the Candidate.

WHEREFORE, the Candidate, Joseph T. Letke, Jr., prays this Honorable Electoral Board grant the Candidate these Exceptions to the Hearing Officer's Findings and Recommendations.

Respectfully Submitted,

Joseph T. Letke, Jr.
Respondent-Candidate

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

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**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF STATE SENATOR FOR THE 15th
LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS**

Donte Montgomery and Yashika)	
Williams, Petitioner-Objectors,)	
)	
vs.	)	11 SOEBGP 520
)	
Joseph T. Letke, Jr.,)	
)	
Respondent-Candidate.)	

NOTICE OF FILING AND SERVICE

To: Kelly McCloskey Cherf, by email to kmc@hmltd.com
State Board of Elections by email to ssandyvoss@elections.il.gov
Steven Miller, by email to smillerlaw@comcast.net
Andy Finko, by email to green.attorney@yahoo.com

Please take notice that on January 16, 2012, prior to 5:00 P.M., the undersigned e-mailed to the individuals listed above the Candidate's Exceptions To The Hearing Officer's Findings And Recommendations, a copy of which is attached hereto and herewith served upon you.

/s/ John G. Fogarty, Jr. /s/

John G. Fogarty, Jr.

Proof of Service

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail to them at the above addresses prior to 5:00 p.m. on January 16, 2012.

/s/ John G. Fogarty, Jr. /s/

John G. Fogarty, Jr.

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
 FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
 THE NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF
 STATE SENATOR FOR THE 15TH
 LEGISLATIVE DISTRICT IN THE STATE OF ILLINOIS

DONTE MONTGOMERY.)	
)	
YASHIKA WILLIAMS.)	
)	
Petitioners-Objectors.)	
)	
v.	)	Case No. 11-SOEB-GP-520
)	
JOSEPH T. LETKE, JR..)	
)	
Respondent-Candidate.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

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

I. PRELIMINARY FACTS

The Candidate, Joseph T. Letke, Jr. (the "Candidate"), timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate for the office of State Senator for the 15th Legislative District of the State of Illinois to be voted for at the primary election on March 20, 2012.

On December 11, 2011, the Objectors, Donte Montgomery and Yashika Williams (the "Objectors"), timely filed a verified Objectors' Petition. In the Petition, the Objectors argue that the Candidate's Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 1000 signatures because they contain the following deficiencies: a) signatures that are not genuine; b) names and addresses of individuals who are not registered voters or not registered at the address that is listed; c) names of individuals who are not residents of the 15th Senate District in Illinois; d) names of persons for whom the addresses are missing or incomplete; e) names of persons who signed the petition more than once; and f) other deficiencies as indicated in the "other" column of the Appendix-Recapitulation including "cancelled," "inactive" and "printed." Attached to the Objector's Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on December 20, 2011. Andrew Finko appeared on behalf of the Objectors. Steven R. Miller appeared on behalf of the Candidate. The Candidate did not file a motion to strike or dismiss the Petition.

The Records Examination commenced and was completed on December 29, 2011. Both parties were present at the Records Examination. The Candidate needs 1,000 signatures to be on the ballot. On December 30, 2011, the parties were notified of the records examination results via an email from the hearing officer which attached a spreadsheet showing the results. The December 30, 2011 spreadsheet (Exhibit A) shows the following: a) the Candidate submitted 2,484 signatures; b) 1479 objections were sustained; c) 314 objections were overruled; d) leaving 1,005 valid signatures which is 5 more than the required number of signatures.

Soon after the notice of the December 30, 2011 results were served on the parties, it came to the Board's attention that there was an excel programming glitch with these results in that column E (number sustained) and column F (number overruled) did not include in their totals the rulings for the signatures founds in rows/cells 13-22 on the spreadsheet. Therefore an amended notice of the results set forth in a spreadsheet (Exhibit B) was served on the parties on January 3, 2012. This amended notice also reflected a change on row/cell 236. The January 3, 2012 spreadsheet shows the following: a) the Candidate submitted 2,484 signatures; b) 1521 objections were sustained; c) 346 objections were overruled; d) leaving 963 valid signatures which is 37 less than the required number of signatures.

A case management hearing was held telephonically on January 3, 2012. Counsel for both parties represented that they both would be filing Rule 9 Motions which under the Rules were due on January 6, 2012. Both parties were directed to exchange exhibits and witness lists for their case-in-chief by January 6, 2012 and were also directed to exchange exhibits and witness lists for their rebuttal by January 9, 2012. The evidentiary hearing was set for January 9, 2012.

On January 6, 2012, the Candidate, for her Rule 9 Motion, submitted the following forms of evidence for the purposes of rehabilitating the signatures that were stricken at the records exam:

1. Signed and notarized affidavits of signers of the Candidate's nomination papers. In the majority of the affidavits, the affiant states and/or provides: a) that he/she is a registered voter and a qualified Democratic Primary voter in the 15th Legislative District at a certain address; b) that he/she signed his/her name and listed his/her address on the Candidate's petition; c) the particular sheet and line number that the affiant signed; and d) in some of the affidavits, an exemplar of both his/her printed signature and handwritten signature;

2. Signed and notarized affidavits of circulators specifying the petition sheets that he/she circulated; and

3. Chicago Board of Elections Poll Sheets.

On January 6, 2012, the Objectors also filed a Rule 9 Motion. The motion does not include any exhibits or documents but refers generally to a handwriting expert who may testify at the evidentiary hearing.

On January 8, 2012, the Objectors filed Objectors' Rebuttal Evidence, Request for Subpoenas and Motion to Strike. In this pleading, the Objectors set forth the following:

1. They request subpoenas for: a) the appearance of the 4 notaries who notarized the Candidate's affidavits attached to the Candidate's Rule 9 Motion; and b) the circulator and notary on the copied petition page in the Candidate's nomination papers as well as Ken Menzel;

2. They argue a pattern of fraud under the line of cases that follow *Cantor v. Cook County Officers Electoral Board*, 170 Ill. App. 3d 364 (1st Dist. 1988) and *Fortas v. Dixon*, 122 Ill. App. 3d 697 (1st Dist. 1984) given the large number of signatures stricken during the records examination and the credibility issues raised by notaries notarizing all of the rehabilitation affidavits in one day;

3. They renew their objection to out of district voters raised in the Rule 9 Motions; and

4. They move to strike the submission of poll sheets by the Candidate.

On January 9, 2012, I served the parties with my recommendation on the Objectors' request for subpoenas whereby I denied the request for subpoenas for relevancy and timeliness reasons. A copy of the recommendation which specifically sets forth the basis for my recommendation is attached to this report.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Candidate's Rule 9 Motion

On the Candidate's Rule 9 Motion, he has the burden to demonstrate by the preponderance of the evidence that the records examiner's finding is wrong. For his case-in-chief, the Candidate sought to introduce into evidence the following: 1) the 76 affidavits of signers to the nomination papers for purposes of rehabilitation of the genuineness of signature rulings (Candidate's Group Exhibit 1);¹ and 2) a Chicago Board of Election Commissioners poll sheet dated November 17, 2011 for purposes of rehabilitation of "not registered at address" rulings (Candidate's Group Exhibit 2).

¹ The following affidavits, which were included in the Candidate's Rule 9 motion, were not considered as part of Candidate's Group Exhibit 1 because there was no objection to the corresponding signature: a) Clyde Luzar, Sheet 73/Line 9; b) Judith Luzar, Sheet 224/Line 10; and c) Robert Jefferson, Sheet 181/Line 4. The following affidavits also were not considered as part of Candidate's Group Exhibit 1 as there was another ruling on those signatures which was sustained (and for which insufficient evidence was provided to rehabilitate): a) Aletha Griffin, Sheet 199/Line 8; b) Ronda Evans, Sheet 214/Line 10; and c) Christopher Griffin, Sheet 224/Line 6.

Genuineness of Signature Rulings

The Objectors made several objections to the admission of the signers' affidavits into evidence. First, they objected to the admission of the affidavits for the same reason the Objectors' sought subpoenas for the notaries, *i.e.*, that the affidavits were not properly notarized as they were all notarized on the same date. For the reasons set forth in my recommendation to deny the request for subpoenas (see attached), this objection will be overruled. Second, the Objectors objected to the affidavits on the grounds that the affidavits fail to comply with Rule 191 of the Illinois Supreme Court Rules as they fail to allege specific facts as to the details of the affiant's signing. This is not a basis to disallow the affidavits into evidence, and therefore, this objection will be overruled. Third, the Objectors object on the grounds that the affidavits do not rehabilitate printed signatures because the affidavits do not provide a printed signature. Again, this objection is overruled as the hearing officer will review the affidavit and make a finding as to whether the signature (printed or handwritten) is rehabilitated. Finally the Objector objects to any signatures at the bottom of each affidavit which states: "I hereby certify that the above named person signed this Affidavit in my presence" followed by a blank space to which a signature appears to be affixed. This objection is not a basis for disallowing the affidavits but is an argument as to what the hearing officer should consider in determining whether the affidavit rehabilitates the signatures on the nomination papers. In general, all of the foregoing objections address the weight that should be given to the affidavits and not the admissibility of the affidavits. Therefore, it is my recommendation that the affidavits be admitted into evidence.

The Objector did not provide any evidence for his defense to Candidate's Rule 9 Motion but instead relied upon arguments set forth in the Objector's Rebuttal Evidence, Request for Subpoenas and Motion to Strike which is that none of the affidavits should be considered and additional petition pages should be stricken because there is a pattern of fraud based upon: 1) the fact that all the rehabilitation affidavits were notarized on the same day; and 2) that a notary notarized a copied page (page 237).

This pattern of fraud objection was never pled in the Objector's Petition. Appendix A of the Rules of Procedure Adopted by the State Board of Elections addresses pattern of fraud allegations as follows: "In order to be considered by the Board or the hearing examiner as a matter of right on the part of the objector, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion."

I recommend that the Board not consider the pattern of fraud argument by the Objector. In the pattern of fraud cases relied upon by the Objectors, there was an evidentiary hearing and evidence submitted to the Board in connection with the objector's specific petition, and it was this evidence which was submitted in connection with the objector's specific objections, to which the court found that the Board could not "close its eyes and ears" for purposes of striking signatures that were not otherwise objected to in the objection. In the instant case, there has been no evidence in the record or before the Board that demonstrate a pattern of fraud. The copied page, of which all of the signatures were stricken, and the same day notarizations, do not give

rise to a level of fraud allegation and therefore, I recommend that the Board not consider this argument for the purposes of the Objectors' defense.

After review of the nomination papers and the respective affidavits and upon consideration of each party's arguments regarding all of the evidence in the records, I submit the following recommendations:

A. *Shawn Mohan, Sheet 1/Line 5*: The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

B. *Vivian W. Baker., Sheet 1/Line 9*: The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

C. *Willie Cox, Sheet 12/Line 4*: The objection to the signature was sustained by the Board. The signature in the affidavit is not similar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

D. *Marilyn Collins, Sheet 13/Line 7*: The objection to the signature was sustained by the Board. The signature in the affidavit is not similar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

E. *Anjeannette Scott, Sheet 19/Line 8*: The objection to the signature was sustained by the Board. The printed signature in the affidavit is similar to the printed signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

F. *Karen Riney, Sheet 51/Line 6*: The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

G. *Melinda Benson, Sheet 60/Line 5*: The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

H. *Norma J. Hundley, Sheet 61/Line 1*: The objection to the signature was sustained by the Board. The signature in the affidavit is different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

I. *Brenda L. Cook, Sheet 65/Line 2:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

J. *Mae H. Davis, Sheet 65/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

K. *Freddie L. Walker, Sheet 65/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

L. *Katrice Gaines, Sheet 65/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

M. *Angie Kazez, Sheet 66/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

N. *Anthony Faunt, Jr., Sheet 66/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden in demonstrating the signature is genuine. **Objection sustained.**

O. *L D. Hopkins, Sheet 67/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

P. *Bernard Davis, Sheet 67/Line 8:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden in demonstrating the signature is genuine. **Objection sustained.**

Q. *Jennifer Jones, Sheet 67/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

R. *Dorothy Sanders, Sheet 68/Line 2:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

S. *Jerry Allen, Sheet 68/Line 3:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

T. *Freddie M. Allen, Sheet 68/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

U. *Karyn Hines, Sheet 68/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

V. *Doris Stone, Sheet 69/Line 8:* The objection to the signature was sustained by the Board. The signature in the affidavit is completely different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

W. *Janie Hannah, Sheet 69, Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

X. *Charles Jones, Sheet 73/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

Y. *Lynette Mayberry, Sheet 74/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

Z. *Charles Hartzol, Sheet 105/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

AA. *Tamika Ross, Sheet 105/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

BB. *Cecil Banks, Sheet 110/Line 3:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

CC. *Sequoya Love, Sheet 110/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

DD. *Catherine Harris, Sheet 111/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

EE. *Tommie Bonnette, Sheet 111/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is very different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

FF. *Juan O. Serrato Sr., Sheet 121/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is very different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

GG. *Bridgett Lloyd, Sheet 129/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

HH. *Helen McCoy, Sheet 134/Line 1:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

II. *Kevin Lindley, Sheet 135/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

JJ. *Valerie C. Waller, Sheet 135/Line 3:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

KK. *Kendal Robinson, Sheet 139/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

LL. *Bryant J. Tate, Sheet 141/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

MM. *Lash Glasper, Sheet 155/Line 5:* The objection to the signature was sustained by the Board. The printed signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

NN. *Diamon Glasper, Sheet 155/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

OO. *Brian Ferrell, Sheet 156/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

PP. *Taminka Randle, Sheet 157/Line 1:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

QQ. *Deborah Hayes, Sheet 171/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is completely different than the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

RR. *Margaret L. Lewandoski, Sheet 178/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

SS. *Jonnie Young, Sheet 185/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met her burden in demonstrating the signature is genuine. **Objection overruled.**

TT. *George Hines, Sheet 185/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. **Objection overruled.**

UU. *Jana Webster, Sheet 186/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection overruled.**

VV. *Marilyn Griffin, Sheet 186/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection overruled.**

WW. *Jimmy L. Rice, Sheet 187/Line 1:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

XX. *Howard Andrews, Sheet 187/Line 2:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

YY. *Sheryl L. Wiley, Sheet 187/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page and it appears that the first name is spelled differently in the nomination page and the affidavit. I do not believe the Candidate has met her burden in demonstrating the signature is genuine. **Objection sustained.**

ZZ. *Jarame O. Smith, Sheet 187/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

AAA. *Martha Batten, Sheet 188/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

BBB. *Berry McCary, Sheet 189/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

CCC. *Johnnie Cole, Sheet 189/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

DDD. *Willie Gibson, Sheet 189/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

EEE. *Nicole Barnes, Sheet 189/Line 9:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection overruled.**

FFF. *Unique Green, Sheet 189/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

GGG. *Tasha Brownlee, Sheet 190/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page and it appears that the first name is spelled differently in the nomination page and the affidavit. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

HHH. *Youlanda Boxley, Sheet 190/Line 8:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. **Objection sustained.**

III. *Micah Franklin, Sheet 191/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

JJJ. *Robert Jackson, Sheet 191/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

KKK. *Martin McDonald, Sheet 194/Line 7:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

LLL. *Amie Carroll, Sheet 194/Line 8:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

MMM. *Grove C. Shubert, Sheet 197/Line 3:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

NNN. *Rachel Maron, Sheet 201/Line 2:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

OOO. *Lorraine Harris, Sheet 201/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

PPP. *Frank Toler Jr., Sheet 221/Line 10:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

QQQ. *Wanda Moore, Sheet 225/ Line 1:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

RRR. *Jackie Hill, Sheet 230/Line 4:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

SSS. *Karen Foster, Sheet 234/Line 2:* The objection to the signature was sustained by the Board. The signature in the affidavit is similar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

TTT. *Nina Harris, Sheet 236/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

UUU. *William Blake, Sheet 245/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

VVV. *Verna S. Blake, Sheet 245/Line 6:* The objection to the signature was sustained by the Board. The signature in the affidavit is different than the printed signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

WWW. *Harold R. Harris, Sheet 253/Line 3:* The objection to the signature was sustained by the Board. The signature in the affidavit is dissimilar to the signature on the nomination page. I do not believe the Candidate has met his burden in demonstrating the signature is genuine. **Objection sustained.**

XXX. *Corey A. Rodgers, Sheet 258/Line 5:* The objection to the signature was sustained by the Board. The signature in the affidavit is not similar enough to the signature on the nomination page in order for the Candidate to meet his burden demonstrating the signature is genuine. **Objection sustained.**

Not Registered at Address Rulings

The Candidate introduced into evidence 3 pages of Chicago Board of Election Commissioners poll sheets dated November 17, 2011 (Candidate's Group Exhibit 2) for purposes of rehabilitating the "not registered at address" rulings. The Objector objected to the evidence as it is not certified, it is not the best evidence and the date does not prove the voter was at his/her address at the time of signing the petition. The poll sheet will be admitted into evidence. However, as the poll sheet does not provide addresses for any of the highlighted names on the exhibit, it does not rehabilitate a ruling of "not registered at address."

Summary of Findings and Recommendations for Candidate's Rule 9 Motion

In summary, I find that the Candidate met her burden of proof and rehabilitated 17 signatures. Therefore, he is still 20 signatures short of meeting the minimum requirement to have her name placed on the ballot.

The Objectors' Rule 9 Motion

At the evidentiary hearing, the Objectors did not introduce any evidence in support of their Rule 9 Motion. Instead, the Objectors relied upon the pattern of fraud argument set forth in their Rebuttal Evidence, Request for Subpoenas and Motion to Strike which is addressed above

and in my recommendation on the request for subpoenas (*supra* at p. 4). The Objectors also requested a ruling for its objections on pages 27 and 171 on the grounds that the notary did not include his/her stamp on those pages. Failure of the notary to properly affix his/her seal to a petition sheet is deemed to be a technical violation that does not invalidate the petition sheet. See generally *Young v. Cook County Officers Electoral Board, Circuit Court of Cook County*, January 24, 1990. Therefore, I recommend that the notary seal objection be overruled.

III. RECOMMENDATIONS

For the foregoing reasons, I recommend that the Board: i) grant in part and deny in part the Objectors' Petition; ii) grant in part and deny in part the Candidate's Rule 9 Motion; iii) deny the Objectors' Rule 9 Motion; iv) find that after the records examination and the Rule 9 Motions, the Candidate is 20 signatures short of meeting the minimum requirement to have her name placed on the ballot; and v) order that the name Joseph T. Letke, Jr. not be certified for the ballot as a candidate for the office of State Senator for the 15th Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Date: January 11, 2012



Kelly McCloskey Cherf
Hearing Officer

BEFORE THE DULY CONSITITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMNIATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE STATE SENATOR, 15TH LEGISLATIVE DISTRICT, STATE OF ILLINOIS

STATE OF ILLINOIS,)
)
Donte Montgomery,)
)
Yashika Williams)
)
 Petitioner-Objector,)
) ss.
 v.)
Joseph T. Letke, Jr,)
)
 Respondent-Candidate)

OBJECTOR'S PETITION

INTRODUCTION

Yashika Williams and Donte Montgomery, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector Yashika Williams resides at 14500 Clinton Street, in the City of Harvey, State of Illinois, 60426 and is a duly qualified, legal and registered voter at the address.
2. The Objector Donte Montgomery resides at 907 E. Miller Pl., in the City of Phoenix, State of Illinois, 60426 and is a duly qualified, legal and registered voter at the address.
3. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of Nomination/Election Papers for the office of State Senator, 15th Legislative District, State of Illinois, are properly compiled with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

The Objector makes the following objections to the purported Nomination /Election Papers ("Nomination Papers") of Joseph T. Letke, Jr as a candidate for the office of State Senator, 15th Legislative District, State of Illinois, to be voted for at the Primary Election

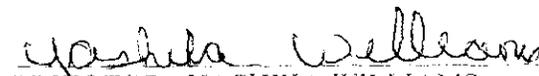
on March 20th, 2012 ("Election"). The Objector states that the Nomination/Election Papers are insufficient in fact and law for the following reasons.

1. Pursuant to State law, Nomination/Election Papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1,000 duly qualified, registered and legal voters of the State Senator, 15th Legislative District, State of Illinois, collected in the manner prescribed by law. In addition, Nomination/Election Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for the Illinois election code, and other wise executed in the form provided by law. The Nomination/Election Papers purport to contain the signatures of in excess of 1,000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
2. The Nomination/Election Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading Column a., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.
3. The Nomination/Election Papers contain petition sheets with the names of persons who are not registered voters, who signed the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column b., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.
4. The Nomination/Election Papers contain petition sheets with the names of persons for whom the addresses stated are not in the State Senator, 15th Legislative District, State of Illinois, and such persons are not registered voters in the State Senator, 15th Legislative District, State of Illinois,, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.
5. The Nomination/Election Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.
6. The Nomination/Election Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is

set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet Indicated," in violation of the Illinois Election Code.

7. The Nomination/Election Papers contain petition sheets with "Other" specified defects, and said defects invalidate the signatures, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column f., "Other," in violation of the Illinois Election Code.
8. The Nomination/Election Papers contain less than 1,000 validly collected signatures of qualified and duly registered legal voters of State Senator, 15th Legislative District, State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.
9. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objectors requests: a) a hearing on the objections set forth herein, b) an examination by the aforesaid Election Board of the official records relating to voters in the State Senator, 15th Legislative District, State of Illinois, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination/Election Papers are insufficient in the law and fact, and d) a ruling that the name of Joseph T. Letke, Jr shall not appear and not be printed on the ballot for election to the office of State Senator, 15th Legislative District, State of Illinois, to be voted on at the Primary Election to be held March 20th, 2012.


OBJECTOR: YASHIKA WILLIAMS

907 E. Miller Pl.
Phoenix, Illinois, 60426


OBJECTOR: DONTE MONTGOMERY
907 E. Miller Pl
Phoenix, Illinois, 60426

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, YASHIKA WILLIAMS, Begin first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Yashika Williams

Subscribed and sworn to before me

By YASHIKA WILLIAMS

This 12th day of December, 2011

Darva Watkins

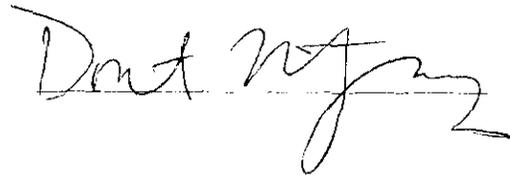
Notary Public



VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

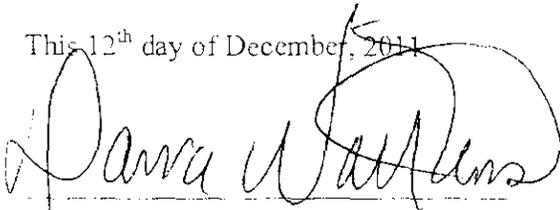
I, DONTE MONTGOMERY, Begin first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.



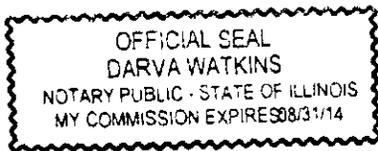
Subscribed and sworn to before me

By DONTE MONTGOMERY

This 12th day of December, 2011



Notary Public



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

DONTE MONTGOMERY,)	
YASHIKA WILLIAMS)	
)	
Petitioner-Objector,)	
vs.	)	No. 11 SOEB GP 520
)	
JOSEPH T. LETKE, JR.)	
)	
Respondent-Candidate.)	

Objector's Response Regarding Candidate's "Walking List"

NOW COME Objectors, YASHIKA WILLIAMS and DONTE MONTGOMERY (hereinafter "Objectors"), through their attorney, ANDREW FINKO and incorporate their Motion to Strike (which is part of Objectors' Rebuttal) on January 8, 2012, and request that Candidate's "walking lists" be stricken and disregarded.

1. Candidate claims that the three pages attached to his Rule 9 motion, which are not authenticated either through the Chicago Board of Election Commissioners, nor through a witness, are "poll sheets" and reflect registered voters.

2. However, the actual document provided is called "Walking List" and was not authenticated by any witness, nor was its relevance established.

3. Without a seal or certification from the Chicago Board of Election Commissioners, the "Walking List" could not be a self-authenticating document.

4. Illinois Rules of Evidence, Rule 901, requires that In order to be admissible, documents must be relevant, and authenticated – by a evidence or a witness qualified to do so.

5. Candidate has not offered a witness to authenticate the "Walking List." Furthermore, no witness, or other evidence was offered to explain how the list was prepared, what the data represents, how the accurate the is, and what the title "Walking List" means.

6. Objectors are aware that the Chicago Board of Election Commissioners does indeed publish a "*Printed Precinct Register*" also known as a "poll sheet" as identified at the top of the attached exemplar, Exhibit A (folded for sake of scanning/attachment with the top at one side, bottom at opposite side).

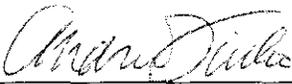
7. The document, called a "*Printed Precinct Register*," and published by the Chicago Board of Election Commissioners, is also self-authenticated pursuant to Rule 902 of the Illinois Rules of Evidence, through the certification of that document by the Board of Election Commissioners, as shown on Exhibit A.

8. Candidate's document is captioned "Walking List" not "Printed Precinct Register" and does not contain the certification of the Board of Election Commissioners. No information is before the Electoral Board to explain the content, accuracy or meaning of the data contained in a "Walking List."

9. Under the Illinois Rules of Evidence, Candidate's document was not authenticated (or explained) by any witness pursuant to Rule 901, nor was it self-authenticated pursuant to Rule 902.

WHEREFORE, Objectors respectfully request that the Candidate's "Walking List" exhibit be stricken and disregarded, since it was not authenticated, and furthermore, no evidence was provided to explain what a "Walking List" means, nor that its data corroborates with the Board of Election Commissioners' data of registered voters.

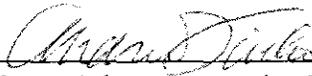
Respectfully Submitted,

by: 

Andrew Finko
P.O. Box 2249
Chicago, Illinois 60690-2249
Tel. (773) 480-0616
Fax. (773) 435-3266

Certificate of Service

The undersigned, an attorney, certifies that he served the above-shown Electoral Board, Hearing Examiner and attorney for Candidate, via electronic mail delivery to their respective email addresses, at or before 5:00 pm on January 10, 2012.

By: 
Andrew Finko, attorney for Objectors

Bromley v. Evans
12 SOEB GP 100

Candidate: Richard Evans

Office: Congress, 8th Dist.

Party: Republican

Objector: Gerald Bromley

Attorney For Objector: Jeffrey Jurgens

Attorney For Candidate: Pro se

Number of Signatures Required: Not less than 600

Number of Signatures Submitted: 859

Number of Signatures Objected to: 446

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," and "Signatures printed and not written." There is also an objection to invalid circulator oaths as the date of notarization is missing from the petition pages.

In addition, the Objector alleges that the Candidate has not set forth his residence in the Statement of Candidacy and petition sheets as is required under Section 7-10 of the Election Code because the Candidate lists two different addresses on his Statement of Candidacy. The Objector also alleges that upon information and belief, the Candidate is a registered voter in McHenry County which is further indication that his residence is not correctly set forth on his nominating papers.

The Objector also alleges that the nomination papers fail to comply with Section 7-10 because they are not of uniform size and contain other deficiencies and inconsistencies, including: (1) different and incorrect election dates on multiple petition sheets; (2) "Rich" as opposed to "Richard" on two sheets; (3) missing Congressional District on multiple sheets, (4) no residence on multiple sheets, no election, party or district on one sheet, (5) the use of three different forms throughout the nomination papers and (6) a inclusion of a petition sheet for Herman Cain.

Dispositive Motions: Objector's Motion for Default Due to Candidate's Failure to Appear, Objector's Subpoena Request, Candidate's Objection to the Timeline of Proceedings

Binder Check Necessary: Yes

Hearing Officer: Kelly Cherf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on January 13, 2012. The examiners ruled on objections to 446 signatures. 391 objections were sustained leaving 468 valid signatures, which is 132 signatures less than the required 600 minimum number of signatures.

The Hearing Officer recommends that the Objector's Motion for Default be denied because the Rules of Procedure do not provide for an order of default if the Candidate fails to appear.

The Hearing Officer finds that the Candidate failed to demonstrate good cause for why the records examination and the filing period for Rule 9 Motions should have been continued. Candidate was aware that an objection had been filed with regard to his nomination papers and received notice of the records examination. Candidate had the option to send representatives to the records examination if he could not attend himself, but chose not to do so. Because of the weekend and the Martin Luther King Holiday, the Candidate had six days to gather evidence for a Rule 9 Motion. Therefore, the Hearing Officer recommends that the objection regarding the timeline for the records examination and Rule 9 Motion be overruled.

As the Candidate has failed to submit any evidence to rehabilitate enough signatures to satisfy the minimum requirement, the Hearing Officer recommends that the objection be sustained solely on the basis of the findings from the records examination.

Accordingly, the Hearing Officer recommends that the Board: (1) deny the Objector's Motion for Default Due to the Candidate's Failure to Appear at the Initial Case Management Conference; (2) deny the Candidate's requests for continuances and overrule the Candidate's objections regarding the timeline of the proceedings; (3) find that the Candidate is 132 signatures short of meeting the minimum requirement to have his name placed on the ballot; (4) sustain the objections that were sustained by the records examiners at the records examination; and (5) order that the name Richard Evans not be certified for the ballot as a candidate for the office of Representative for the 8th Congressional District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION
TO THE OFFICE OF REPRESENTATIVE OF CONGRESS,
8TH CONGRESSIONAL DISTRICT IN THE STATE OF ILLINOIS

GERALD BROMLEY,)	
)	
Petitioner-Objector,)	
	)	No. 12-SOEB-GP-100
vs.)	
)	
RICHARD EVANS,)	
)	
Respondent-Candidate.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

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

I. PRELIMINARY FACTS

The Candidate, Richard Evans (the "Candidate"), timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate for the office of Representative for the 8th Congressional District of the State of Illinois to be voted for at the primary election on March 20, 2012.

On January 12, 2012, the Objector, Gerald Bromley (the "Objector"), timely filed a verified Objector's Petition. In the Petition, the Objector argues that the Candidate's Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 600 signatures because they contain the following deficiencies: a) signatures that are not genuine; b) names and addresses of individuals who are not registered voters or not registered at address that is listed; c) names of individuals who are not residents of the 8th Congressional District in Illinois; d) names of persons for whom the addresses are missing or incomplete; e) signatures of persons which are printed and not signed; and f) invalid circulator oaths as the date of notarization is missing. Attached to the Objector's Petition is an Appendix-Recapitulation.

In addition, the Objector alleges that the Candidate has not set forth his residence in the Statement of Candidacy and petition sheets as is required by the Election Code, because the Candidate lists two different addresses, namely: a) "346 Hill Street, No. 105 in Villa Park, Illinois" ("Villa Park Address") on his Statement of Candidacy, which also indicates he is not moving to that address until January 1, 2012; and b) "212 S. Main Street, Wheaton, Illinois" ("Wheaton Address"), an alleged commercial property, on his Statement of Candidacy and

Nominating Petitions. The Objector also alleges that upon information and belief, the Candidate is a registered voter in McHenry County which is further indication that his residence is not correctly set forth on his Nominating Papers.

The Objector further alleges that the Nomination Papers fail to comply with Section 7-10 of the Election Code as they are not of uniform size and contain other deficiencies and inconsistencies, including: a) different and incorrect election dates on 27 petition sheets; b) "Rich" as opposed to "Richard" on 2 petition sheets; c) a missing Congressional District on 2 petition sheets; d) no residence on 3 petition sheets; e) no election, party or district on 1 petition sheet; f) the petitions use 3 different forms; and g) 1 petition sheet is for Herman Cain.

An initial hearing and case management conference on this matter was held on January 9, 2012. Jeffrey Jurgens appeared on behalf of the Objector. The Candidate did not appear.

At the initial hearing, the Objector made an oral motion for default which I requested be submitted in writing. On January 10, 2012, the Objector filed a written motion for default. The Candidate did not file a response.

At the initial hearing, deadlines were set for the filing of briefs related to a motion to strike. On January 9, 2012, both parties were served with an initial case management order incorporating these dates. The Candidate did not file a motion to strike or dismiss.

On January 12, 2012, the Objector timely requested a subpoena for the following: a) a subpoena requiring Mr. Evans to provide testimony before a notary public in a deposition or before the hearing officer at a hearing, as well as the production of documents on matters related to his resident address; b) a subpoena for the DuPage County Election Commission for the voter registration records for Richard Evans, the voter registration records for any individual residing at the Wheaton Address, and voter registration records of any individual residing at the Villa Park Address; and c) a subpoena for the McHenry County Clerk for the voter registration records of Richard Evans who lives or has lived in Algonquin, Illinois. The Candidate did not file an objection to the request for subpoena in accordance with the timeline set forth in the Illinois State Board of Election Rules of Procedure.

As the subject matter covered in the subpoenas is relevant to the objections set forth in the Objector's Petition that the Candidate has not properly identified his residence in his Nomination Petition, and specifically his Statement of Candidacy, as required by the Election Code, I recommended that the Board grant all three requests for issuance of subpoenas. However, with regard to the subpoena on Mr. Evans, I recommended that the document request for income tax returns reflect that the tax returns be redacted as to income. At the Illinois Board of Elections meeting on January 17, 2012, over the objection of the Candidate, the Board voted to issue the subpoenas subject to the redactions on the Candidate's tax returns.

On January 11, 2012, both parties received notice regarding the date and place for the records examination. On the morning of January 13, 2012, the Candidate requested a continuance of the records examination because he had a cardiologist appointment and was in the process of obtaining counsel. Shortly after receiving this request, I denied the request for

continuance on the grounds that continuances are disfavored by the Board. I also advised the Candidate that his representatives may attend the records examination.

The Records Examination commenced and was completed on January 13, 2012. The Candidate needs 600 signatures to be on the ballot. The Candidate submitted 859 signatures. The examiners ruled on objections to 446 signatures. 391 objections were sustained leaving 468 valid signatures which is 132 signatures less than the required number of signatures.

On January 13, 2012, the parties received notice of the results of the records examination and were further advised that the notice commenced the three (3) business day period for filing the parties' Rule 9 Motions under the Illinois State Board of Elections Rules of Procedure. On January 13, 2012, the parties also received copies of the records examiners' marked recap sheets which shows the records examiners' rulings for each objection.

A case management hearing was held telephonically on January 18, 2012. A court reporter was present. As at least one party indicated that he may file a Rule 9 Motion, I reminded both parties that any Rule 9 Motion must be filed by January 19, 2012 at 5:00 p.m. (*i.e.*, three (3) business days from January 13, 2012 when the parties received notice of the results of the records examination). I further reminded the parties that all of their evidence must be filed with the Rule 9 Motion on January 19, 2012. An evidentiary hearing was set for January 24, 2012 for the objections in the Objector's Petition and any Rule 9 Motions that may be filed. A schedule was set for exchange of exhibits and witness lists for the parties' case-in-chief and defense/rebuttal.

On January 19, 2012, the Candidate advised the Board and the hearing officer, via an email, that: "We are interviewing Counsel and have hereby decided to preserve all remedies as offered by Rule 9 General. Further, as stated earlier, we object to the time line and the errors already made and disclosed by the State Board of Elections in both Springfield and in the Chicago office." A copy of the email is attached as Exhibit A. The Candidate did not submit any evidence to refute the staff findings on the objections which were sustained at the records examination.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Objector's Motion for Default for the Candidate's Failure to Appear at the Initial Hearing.

I recommend that the Objector's motion for default filed on January 10, 2012 be denied. Rules 1 and 2 of the Illinois State Board of Election Rules of Procedure do not provide for an order of default if a Candidate fails to appear, but instead state: "the failure to appear shall constitute acquiescence by such party as to any action taken at that hearing" See Rule 1 of the Illinois State Board of Election Rules of Procedures. Rule 2 states: "If a Candidate fails to appear at initial hearing, he/she will be bound by any decisions made by the Board, the General Counsel or the designated hearing examiner." I advised the parties of my recommendation at the January 18, 2012 case management conference.

The Candidate's Objection Regarding the Timeline of Proceedings

Rule 1 of the Illinois State Board of Elections of Procedure provide: "Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objections. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown."

The Candidate failed to demonstrate good cause for why the records examination should have been continued. By January 9, 2012, the Candidate was aware that the Objector's Petition was filed with regard to his Nominating Papers. On January 11, 2012, the Candidate received notice of the records examination. Assuming the Candidate was unable to attend the records examination on January 13, 2012, he had the option (and was advised of this option) to have his representatives attend the records examination if he could not attend. Therefore, I recommend that the objection regarding the timeline for the records examination be overruled.

To the extent the Candidate is objecting to the timeline regarding the filing of a Rule 9 Motion, I find that the Candidate has failed to demonstrate good cause for why the deadline for filing his Rule 9 Motion should be continued. On January 13, 2012, the Candidate was provided with notice of the records examination results. On January 13, 2012, the Candidate also received copies of the records examiner's marked recap sheets which show the rulings for each objection. Because of the weekend and the Martin Luther King Holiday, the Candidate had six (6) days in order to gather evidence for his Rule 9 Motion. I recommend that any objection by the Candidate regarding the timeline for the filing of the Rule 9 Motion be overruled.

The Objector's Petition

As noted above, after the records examination, the Candidate is 132 signatures short of the required minimum. The Candidate has the burden of going forward to rehabilitate these signatures by filing his evidence with his Rule 9 Motion according to the Illinois State Board of Elections Rules of Procedure. As the Candidate has failed to submit any evidence with a Rule 9 Motion, which was due on January 19, 2012, the records examiners' findings will not be overruled. There is no need to rule on the other objections set forth in the Objector's Petition, and there is no need for an evidentiary hearing on this matter. Therefore, I recommend that the objections set forth in the Objector's Petition which were sustained by the records examiner at the records examination be sustained.

III. RECOMMENDATIONS

For the foregoing reasons, I recommend that the Board: i) deny the Objector's motion for default for the Candidate's failure to appear at the initial case management conference; ii) deny the Candidate's requests for continuances and/or overrule the Candidate's objections regarding the timeline of this proceeding; iii) find that after the records examination, the Candidate is 132 signatures short of meeting the minimum requirement to have his name placed on the ballot; iv) sustain the objections in the Objector's Petition which were sustained by the records examiner at the records examination; and v) order that the name Richard Evans not be certified for the ballot

as a candidate for the office of State Senator for the 8th Congressional District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Date: January 20, 2012



Kelly McCloskey Cherf
Hearing Officer

From: Richard Evans cpa [mailto:evans8th@rocketmail.com]
Sent: Thursday, January 19, 2012 4:19 PM
To: Jeff R. Jurgens; John Fogarty
Cc: Kelly M. Cherf; Bernadette Harrington; Steve Sandvoss
Subject: Re: Bromley v. Evans, 12-SOEB-GP-100



Our review and the signature petitions and the objections raised has disclosed many errors and misinterpretations.

The signatures obtained at the doors of the homes of many signers were incorrectly marked as not in the District. This is an obvious error that was not noted at the document review.

Our signatures were compared with and were worked from the voting records as supplied error was repeated on nearly every page of the 75 petitions. This is not right.

As the DuPage voting records were the source of the signatures, these signatures obtained at the doors of these voters and citizens are truly valid. When the number of these signatures is added back to the total, the total exceeds 600.

We are interviewing Counsel and have hereby decided to preserve all remedies as offered by Rule 9. Further, as stated earlier, we object to the time line and the errors already made and disclosed by the State Board of Elections in both Springfield and in the Chicagoo office.

Regards,

Rich Evans on the ballot for US Congress as Richard Evans

Rich Evans CPA
Candidate for a Better Illinois
US Congress 8th District
250 E. St. Charles Road
Villa Park, IL 60181
www.wix.com/evans8th/4congress
224-356-0686

With your help I can win the primary and the general election on November 6th, 2012. Please consider contributing to the campaign so we can compete well and establish a working Congressman to represent the newly mapped 8th District.

--- On Thu, 1/19/12, Jeff R. Jurgens <jrjurgens@sorlinglaw.com> wrote:

From: Jeff R. Jurgens <jrjurgens@sorlinglaw.com>
Subject: Bromley v. Evans, 12-SOEB-GP-100
To: "Richard Evans cpa" <evans8th@rocketmail.com>
Cc: "Kelly M. Cherf" <kmc@hmltd.com>
Date: Thursday, January 19, 2012, 8:18 AM

I have not received the certified copies in the mail yet, but attached are the faxed copies of the documents from the McHenry County Clerk and the DuPage County Election Commission.

**SORLING
NORTHRUP**
ATTORNEYS

Jeffrey R. Jurgens

1 North Old State Capitol Plaza, Suite 200

P.O. Box 5131

Springfield, IL 62705

P: (217) 544-1144

F: (217) 522-3173

<http://www.sorlinglaw.com>

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BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION
TO THE OFFICE OF REPRESENTATIVE IN CONGRESS

GERALD BROMLEY,)
)
Petitioner-Objector,)
)
vs.) No.
)
RICHARD EVANS,)
)
Respondent-Candidate.)

STATE BOARD OF ELECTIONS
12 JAN -4, AM 11:11

VERIFIED OBJECTOR'S PETITION

INTRODUCTION

Gerald Bromley, hereinafter sometimes referred to as the "Objector," states as follows:

1. The Objector resides at 128 S. Staffire Drive, Schaumburg, Illinois, 60193, and is a duly qualified, legal and registered voter at that address within the 8th Congressional District.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in Congress, 8th Congressional District in the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of RICHARD EVANS (sometimes referred to herein as "Candidate") as a candidate for the office of Representative in Congress in the 8th Congressional District in the State of Illinois, ("office") to be voted at the General Primary Election on March 20, 2012 ("election"). The Objector states that the Nomination Papers are insufficient in fact and law for the reasons set forth herein. All references to the 8th Congressional District contained herein shall be to the newly-created Illinois 8th Congressional District pursuant to the Illinois Congressional Redistricting Act of 2011.

4. Pursuant to state law, nomination papers for the office of Representative in Congress for the 8th Congressional District, must contain the signatures of not fewer than 600 duly qualified, registered and legal voters of said district collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 600 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code. However, as set forth in this Objection, the Nomination Papers do not contain the requisite number of signatures of registered and legal voters of the 8th Congressional District and therefore Candidate's name cannot be printed on the ballot as a candidate for Representative in Congress for the 8th Congressional District.

5. As set forth herein, the Nomination Papers do not contain the minimum signatures required by state law and specific objections are made to signatures on the Nomination Papers as follows:

- (a) The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column A, "Signer's Signature Not Genuine," in violation of the Illinois Election Code.
- (b) The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column B, "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.
- (c) The Nomination Papers contain petition sheets with the names of persons who for whom addresses are stated which are not in the 8th Congressional District, and such persons are not registered voters within said District as required by the Illinois Election Code, namely Section 7-10, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column C, "Signer Resides Outside District," in violation of the Illinois Election Code.
- (d) The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

- (e) The Nomination Papers contain petition sheets with the "signatures" of persons which are not signed but are rather printed, and said signatures are not genuine as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column F, "Signer's Signature Printed And Not Written," in violation of the Illinois Election Code.
- (f) The Nomination Papers contain petitions sheets with invalid circulator oaths, in that the date of notarization is not set forth thereon, as set forth specifically in the Appendix-Recapitulation, which said oaths are not in compliance with the Election Code requiring said petition sheets to be invalidated and the signatures thereon not counted.

6. The Nomination Papers contain less than 600 validly collected signatures of qualified and duly registered legal voters of the 8th Congressional District, signed by such voters in their own proper person with proper addresses, far below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation, attached hereto and incorporated herein, which identifies invalid signatures that cannot be counted.

7. The Election Code, Section 7-10, requires the statement of candidacy and petition sheets contain the candidate's residence. However, Candidate lists two different addresses on his Statement of Candidacy and Nominating Petitions. Although Candidate swore under oath on December 22, 2011, on his Statement of Candidacy that he resides at 346 Hill Street, No. 105, in Villa Park, Illinois, a notation on the Statement of Candidacy indicates he is not moving to that address until January 1, 2012. In addition, upon information and believe, the other address listed on Candidate's Statement of Candidacy and Nominating Petitions, 212 S. Main Street, Wheaton, Illinois, is a commercial property and not a residence. Accordingly, Candidate has not set forth his residence as required by the Election Code and his name cannot be printed on the ballot.

8. The Illinois Election Code requires that the Candidate specify his place of residence on the petition sheets and Candidate instead lists a commercial property, requiring all said petition sheets be invalidated. Upon information and belief, Candidate is a registered voter in McHenry County, further indicating his residence is not correctly set forth on the Nominating Papers and that he is not registered to vote therein.

9. Candidate is required to list his place of residence on the Nominating Petition Sheets and on the Statement of Candidacy and since his residence is not correctly set forth therein, his Nomination Papers are invalid in their entirety.

10. The Illinois Election Code, Section 7-10, provides each sheet of the petition, other than the statement of candidacy, shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate, the office, the political party represented and place of residence, and the heading of each sheet shall be the same.

11. The heading of Candidate's petition sheets are not in compliance with Section 7-10 in that they are not the same and in fact contain many inconsistencies, as set forth below, and therefore said Nominating Papers must be invalidated. The inconsistencies include the following:

- (a) A different and incorrect election date is set forth on Petition Sheet Nos. 1, 2 4, 9, 10, 11, 19, 21, 22, 23, 24, 25, 26, 27, 30, 32, 36, 39, 44, 45, 48, 51, 52, 53, 55, 64 and 66
- (b) "Rich" as opposed to "Richard" Evans appears on Petition Sheet Nos. 5 and 65
- (c) The Congressional District that Candidate is seeking is not designated on Petition Sheet Nos. 39, 51 and 54.
- (d) The Candidate's residence is not designated on Petition Sheets Nos. 39, 51 and 52.
- (e) No election, party or district is designated on Petition Sheet No 54.
- (f) Candidate uses three different forms of the petitions.
- (g) Petition Sheet No. 75 is a petition sheet for Herman Cain for the office of President of the United States of America.

12. The heading on Candidate's petition sheets are not in compliance with Election Code and create substantial confusion to the voters regarding the election requiring his Nominating Papers to be invalidated.

13. The Illinois Election Code, Section 7-10, requires that the Candidate designate the office/district being sought. On Petition Sheet Nos. 39, 51 and 54 the district where Candidate is seeking office is not designated. Accordingly, said petition sheets, and all signatures thereon, are invalid.

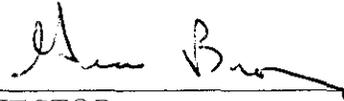
14. The Illinois Election Code, Section 7-10, requires that the Candidate list his residence on his petition sheets. Petition Sheet Nos. 39, 51 and 52 do not contain the Candidate's residence and therefore said petition sheets, and all signatures thereon, are invalid.

15. Petition Sheet No. 54 fails to set forth the political party for which the Candidate is seeking nomination, or the congressional district in violation of Section 7-10 of the Election Code. Accordingly, said petition sheet, and all signatures thereon, are invalid.

16. Petition Sheet No. 75 purports to contain signatures to nominate Herman Cain for the Republican Nomination to the office of President of the United States of America. Accordingly, the signatures on Petition Sheet No. 75 should be invalidated for Candidate.

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

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the 8th Congressional District, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Richard Evans shall not appear and be not printed on the ballot for election to the office of Representative in Congress for the 8th Congressional District in the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012.

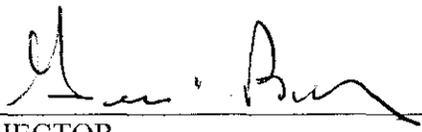


OBJECTOR

VERIFICATION

State of Illinois)
County of Cook) ss.

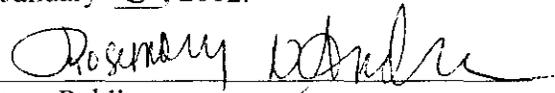
The undersigned, being first duly sworn, deposes and states that he is the Objector in the above Verified Objector's Petition, that he has read the contents thereof, and that the allegations therein are true to the best of the undersigned's knowledge and belief.



OBJECTOR

Subscribed and sworn to before me,
a Notary Public, by Gerald Bromley
on January 3, 2012.

NOTARY PUBLIC
BY DANDREA
Notary - 009 - State of Illinois
Exp. Date: 01/01/2012



Notary Public

Bromley v. Canfield
12 SOEB GP 101

Candidate: Robert Gregory Canfield

Office: Congress, 8th Dist.

Party: Republican

Objector: Gerald Bromley

Attorney For Objector: Jeffrey Jurgens

Attorney For Candidate: Pro se

Number of Signatures Required: Not less than 600

Number of Signatures Submitted: 640

Number of Signatures Objected to: 633

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," and "Signatures printed and not written."

Dispositive Motions: Candidate's Motion to Strike and Dismiss, Candidate's Supplemental Motion to Strike and Dismiss, Objector's Response to Candidate's Supplemental Motion to Strike and Dismiss, Candidate's "Pleading in Favor of Action," Candidate's "Oral Argument Summarization"

Binder Check Necessary: Yes

Hearing Officer: Kelly Cherf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on January 17, 2012. Both parties were present at the records exam. The examiners ruled on objections to 633 signatures. All of the objections were based on the signer residing outside of the district. 840 objections were sustained leaving 7 valid signatures, which is 593 signatures less than the required 600 minimum number of signatures.

Based upon the Candidate's representations in his "Pleading in Favor of Action," his statements at the case management hearing, and his "Oral Argument Summarization," the Hearing Officer further found that the Candidate is not a resident of the 8th District. The Candidate admitted that he resides in the 6th District and mistakenly believed it to be the 8th. The Candidate requested to be certified within the 6th District.

Under Section 7-10 of the Election Code, a candidate cannot alter or amend his petitions once filed; therefore, the Candidate may not change his nomination papers to reflect his desire to run for the office of Representative for the 6th District rather than the 8th District.

Accordingly, the Hearing Officer recommends that the Board: (1) deny the Candidate's initial Motion to Strike and Dismiss as well as deny the Supplemental Motion to Strike and Dismiss; (2) find that the Candidate is 593 signatures short of meeting the minimum signature requirement to have his name placed on the ballot; (3) sustain the objection; (4) deny the Candidate's request that he be certified for the ballot as a candidate for the office of Representative for the 6th Congressional District; and (5) order that the name Robert Canfield not be certified for the ballot as a candidate for the office of Representative for the 8th Congressional District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION
TO THE OFFICE OF REPRESENTATIVE OF CONGRESS,
8TH CONGRESSIONAL DISTRICT IN THE STATE OF ILLINOIS

GERALD BROMLEY,)	
)	
Petitioner-Objector,)	
	)	No. 12-SOEB-GP-101
vs.)	
)	
ROBERT GREGORY CANFIELD,)	
)	
Respondent-Candidate.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

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

I. PRELIMINARY FACTS

The Candidate, Robert Gregory Canfield (the "Candidate"), timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate for the office of Representative for the 8th Congressional District of the State of Illinois to be voted for at the primary election on March 20, 2012.

On January 12, 2012, the Objector, Gerald Bromley (the "Objector"), timely filed a verified Objectors' Petition. In the Petition, the Objector argues that the Candidate's Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 600 signatures because they contain the following deficiencies: a) signatures that are not genuine; b) names and addresses of individuals who are not registered voters or not registered at address that is listed; c) names of individuals who are not residents of the 8th Congressional District in Illinois; d) the names of persons for whom the addresses are missing or incomplete; and e) signatures of persons which are printed and not written. Attached to the Objector's Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on January 9, 2012. Jeffrey Jurgens appeared on behalf of the Objector. The Candidate appeared *pro se*.

At the initial hearing, the Candidate submitted a filing which alleges that the Objector does not have standing to file objections because he does not reside in the 8th District. On January 12, 2012, the Candidate filed a Supplemental Motion to Strike which contains the same argument as his initial filing. In response to the Candidate's January 12, 2012 filing and the

Supplemental Motion, the Objector submitted a Response whereby he argues that the Objector is a resident of the 8th District. Both parties attached maps to their pleadings. On January 13, 2012, the Candidate filed a "Pleading in Favor of Action" whereby he states: "Undisputedly, I reside in the now District 6 and collected my signatures in the now District 6"

The Records Examination commenced and was completed on January 17, 2012. Both parties were present at the Records Examination. The Candidate needs 600 signatures to be on the ballot. The Candidate submitted 640 signatures. The examiners ruled on objections to 633 signatures. All of the objections were for "outside district." All 633 objections were sustained leaving 7 valid signatures which is 593 signatures less than the required number of signatures.

A case management hearing was held on January 18, 2012. At the case management hearing, the Candidate admitted that he resides in District 6 and not District 8 and that all of the signatures which he collected were from signers in District 6 and not District 8. The Candidate confirmed that he would not be filing a Rule 9 Motion to rehabilitate the signatures for which an objection was sustained during the records examination.

On January 19, 2012, the Candidate filed an "Oral Argument Summarization" whereby he states that his nomination papers were timely filed but that "the title District 6 was thought to be the title District 8." The Candidate requests that he "represent the Republican Party of District 6 [sic] be on the March 20, 2012 primary ballot."

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Candidate's filing and supplemental motion to strike regarding the Objector's standing should be denied. It is clear from the maps and other evidence submitted with the Objector's Response that the Objector resides in the 8th District.

Moreover, based upon the Candidate's representations in the January 13, 2012 "Pleading in Favor of Action," the January 19, 2012 "Oral Argument Summarization," as well as his representations at the January 18, 2012 case management hearing, the Candidate is not a resident of the 8th District, and moreover, the signatures on his nomination papers are not from the 8th District. The results from the records examination provide further support for this conclusion as all of the 633 objections for "out of district" were sustained. Accordingly, I recommend that the objections set forth in the Objector's Petition be sustained.

At the January 18, 2012 hearing and in the Oral Argument Summarization, the Candidate requested that he be certified for the ballot as a candidate for the office of Representative for the 6th Congressional District of the State of Illinois to be voted for at the primary election on March 20, 2012. The Candidate's nomination papers were clearly filed for purposes of being certified on the ballot for the office of Representative for the 8th Congressional District of the State of Illinois. The only issue before me is whether the Candidate should be certified for the ballot as a candidate for the office of Representative for the 8th Congressional District – not the 6th Congressional District. In any event, 10 ILCS 5/7-10 states that, "[t]he petitions, when filed, shall not be withdrawn or added to. . . ." Under the Election Code, the Candidate cannot amend

his nomination papers to reflect his desire to run for the office of Representative for the 6th District.

III. RECOMMENDATIONS

For the foregoing reasons, I recommend that the Board: i) deny the Candidate's initial filing and supplemental motion to strike; ii) find that after the records examination, the Candidate is 593 signatures short of meeting the minimum requirement to have his name placed on the ballot; iii) sustain the objections in Objector's Petition; iv) deny the Candidate's request that he be certified for the ballot as a candidate for the office of Representative for the 6th Congressional District; and v) order that the name Robert Gregory Canfield not be certified for the ballot as a candidate for the office of Representative for the 8th Congressional District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Date: January 20, 2012



Kelly McCloskey Cherf
Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION
TO THE OFFICE OF REPRESENTATIVE IN CONGRESS

GERALD BROMLEY,)
)
Petitioner-Objector,)
)
vs.) No.
)
ROBERT GREGORY CANFIELD,)
)
Respondent-Candidate.)

STATE BOARD OF ELECTIONS
12 JAN -4 AM 11:13

VERIFIED OBJECTOR'S PETITION

INTRODUCTION

Gerald Bromley, hereinafter sometimes referred to as the "Objector," states as follows:

1. The Objector resides at 128 S. Staffire Drive, Schaumburg, Illinois, 60193, and is a duly qualified, legal and registered voter at that address within the 8th Congressional District.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in Congress, 8th Congressional District in the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of ROBERT GREGORY CANFIELD (sometimes referred to herein as "Candidate") as a candidate for the office of Representative in Congress in the 8th Congressional District in the State of Illinois, ("office") to be voted at the General Primary Election on March 20, 2012 ("election"). The Objector states that the Nomination Papers are insufficient in fact and law for the reasons set forth herein. All references to the 8th Congressional District contained herein shall be to the newly-created Illinois 8th Congressional District pursuant to the Illinois Congressional Redistricting Act of 2011.

4. Pursuant to state law, nomination papers for the office of Representative in Congress for the 8th Congressional District, must contain the signatures of not fewer than 600 duly qualified, registered and legal voters of said district collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 600 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code. However, as set forth in this Objection, the Nomination Papers do not contain the requisite number of signatures of registered and legal voters of the 8th Congressional District and Candidate's name therefore cannot be printed on the ballot as a candidate for Representative in Congress for the 8th Congressional District.

5. As set forth herein, the Nomination Papers do not contain the minimum signatures required by state law and specific objections are made to signatures on the Nomination Papers as follows:

- (a) The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column A, "Signer's Signature Not Genuine," in violation of the Illinois Election Code.
- (b) The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column B, "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.
- (c) The Nomination Papers contain petition sheets with the names of persons who for whom addresses are stated which are not in the 8th Congressional District, and such persons are not registered voters within said District as required by the Illinois Election Code, namely Section 7-10, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column C, "Signer Resides Outside District," in violation of the Illinois Election Code.
- (d) The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.

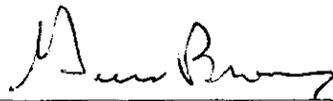
(e) The Nomination Papers contain petition sheets with the "signatures" of persons which are not signed but are rather printed, and said signatures are not genuine as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column F, "Signer's Signature Printed And Not Written," in violation of the Illinois Election Code.

6. The Nomination Papers contain less than 600 validly collected signatures of qualified and duly registered legal voters of the 8th Congressional District, signed by such voters in their own proper person with proper addresses, far below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation, attached hereto and incorporated herein, which identifies invalid signatures that cannot be counted.

7. The Nomination Papers contain a Certificate of Deletions deleting the signatures of approximately 100 signors of the Nominating Papers, which were properly deleted or are otherwise objected hereto as not being qualified or valid signatures, and said signatures must not be counted.

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

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the 8th Congressional District, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Robert Gregory Canfield shall not appear and be not printed on the ballot for election to the office of Representative in Congress for the 8th Congressional District in the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012.



OBJECTOR

BEFORE THE STATE BOARD OF ELECTIONS

In re: Friends of Sherman C. Jones

)
)
)
)

Committee ID: 22764

Motion To Settle Outstanding Civil Assessments

Friends of Sherman C. Jones, by and through its attorney, Richard K. Means, hereby moves to settle all outstanding civil assessments at 50% or such other amount the Board finds just and proper. In support thereof, the Committee alleges as follows:

1. That the officers of the Committee have, in the past, made several accounting and promptness in reporting errors resulting in presently due and owing civil assessments totaling \$11,352.00.
2. All errors are now corrected and the Committee has conferred with Board Staff and finds that Staff agrees that the Committee is now in full compliance with the Campaign Finance Act.
3. While the Committee does not presently have the expected settlement amount of \$5676.00 in its accounts, the Committee has hired a professional fundraiser and will have the funds when needed.

WHEREFORE, for the above reasons, the Committee moves that presently due and owing civil assessments be settled at 50% or such other amount the Board finds just and proper. .

Respectfully submitted,



Richard K. Means

January 19, 2012

Richard K. Means
 ARDC Attorney #01874098
 Cook County Attorney #27351
 24 hour 7 day contact information:
 Email: Rmeans@RichardMeans.com
 Web site: www.RichardMeans.com

806 Fair Oaks Avenue
 Oak Park, Illinois 60302
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
Illinois State Board of Elections)
Complainant(s),)
)
Vs.) 11 AJ 069
)
Friends of Sherman Jones)
Respondent(s).)

FINAL ORDER

TO: Friends of Sherman Jones
PO Box 6362
Broadview, IL 60155

ID # 22764

This matter coming to be heard this 20th day of December, 2011, as an appeal of the imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

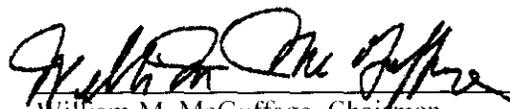
THE BOARD FINDS:

1. In case number 11 AJ 069, a \$1520.00 civil penalty was initially assessed against the Respondent for failing to file Schedule A-1's; appeal was taken from this assessment, and
2. The committee was previously assessed a penalty of \$100.00 for the delinquent filing of the June 2010 Semi-annual report (10 JS 213), a penalty of \$1100.00 for the delinquent filing of the November 2010 Pre-election report (11 MA 024), and a penalty of \$5000.00 for the delinquent filing of the December 2010 Semi-annual report (11 MA 024). These assessments were not appealed. The committee was also assessed, a penalty of \$5000.00 for violation of a Board Order (11 CD 012). All previously assessed penalties remain unpaid, and
3. The recommendation of the Hearing Officer, in which the General Counsel concurs, is that the appeal be denied for lack of an adequate defense, but that pursuant to section 9-10 of the Code, the assessment be reduced to \$152.00 (10% of the value of the delinquently reported contributions).

IT IS ORDERED:

1. That the recommendation of the Hearing Officer and the General Counsel is adopted and the appeal is DENIED; and
2. A civil penalty in the amount of \$152.00 is imposed and is now due and owing within 30 days of the effective date of this Order. The previously assessed penalties totaling \$11,200.00 remain unpaid and are past due, and
3. The Board will consider a settlement offer regarding the remaining penalties after the Campaign Disclosure staff have had a chance to review the amended filing by Respondent, and
4. The effective date of this Order is December 22, 2011, and
5. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 12/22/2011


William M. McGuffage, Chairman

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

Vs.

11 AJ 069

Friends of Sherman C Jones 22764
Respondent

REPORT OF HEARING EXAMINER

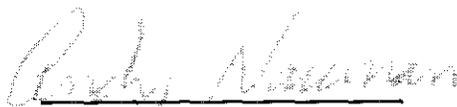
Appeal of Civil Penalty Assessment for Failure to File
A Schedule A-1 for the 2nd Quarter of 2011

This Committee received a \$1,040 contribution on 6/26/11 and a \$2,000 contribution on 6/17/11 but failed to report them on a Schedule A-1. Additionally, the Committee had previously been assessed a \$100 civil penalty (not appealed, not paid) for delinquently filing the June 2010 Semi-Annual Report; a \$1,100 civil penalty (not appealed, not paid) for delinquently filing a Pre-Election Report for the 2010 General Election; a \$5,000 civil penalty (not appealed, not paid) for delinquently filing the December 2010 Semi-Annual Report; a \$5,000 penalty for failure to comply with a Board Order. The total assessment is \$11,352.

The Respondent was represented by attorney Richard Means at the October 24 appeal hearing. Also in attendance was Matt Ames the candidate's top political aide.

Mr. Ames testified that Helen Brown is currently the treasurer of the Committee. She was the person who was responsible for filing the reports for the Committee. Mr. Ames believes that Ms. Brown was not aware of the law changes that went into effect in relation to the Schedule A-1 filings. Ms. Brown was suppose to testify at the appeal hearing, but she notified Mr. Ames on the morning of the hearing that she would not be able to attend do to a scheduling conflict with an appointment she had with her doctor. Mr. Ames indicated that it is the Committee's intention to replace Ms. Brown as treasurer to hopefully avoid any future violations. The Committee already has an idea of who they would like the next treasurer to be and that person has been trained on the electronic filing software. Mr. Means indicated that he as well is of the belief that Ms. Brown was not aware that the law changed as of January 1, 2011 in relation to Schedule A-1 filings. Mr. Ames also indicated that to his knowledge no one within the Committee was aware that the law changed so that a committee now has a year round filing obligation in regards to Schedule A-1 filings. Mr. Means indicated that Sherman Jones did not run during this period and this rather young committee was only aware of the Schedule A-1 period under the old law in that they only had to file contributions within the 30 days prior to the election. Mr. Means indicated that the Committee only has \$3,979.15 in the bank account as of the date of the hearing. The Committee acknowledges that they have penalties of \$11,200 in addition to the two fines they are appealing now. Mr. Means indicated that the Committee would like to offer the Board all of the funds they currently have of \$3,979.15 to the Board for a settlement of all penalties including any fines that could be assessed in relation to the two Schedule A-1 violations that are being appealed. Mr. Mean went on further to say that if the amount offered is not sufficient than the Committee would be willing to raise additional funds to settle everything. Mr. Means indicated that the Committee will do what it needs to do to make things the way they should be and that they would like to clear up all matters so they have no issues going forward.

I recommend the appeal be denied for lack of an adequate defense. The Committee should have known of the new A-1 reporting requirements; the Board sent mailings to all committees and additionally posted information on the Board website to notify and educate committees about the changes of the law. In addition, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$152. If these recommendations are accepted by the Board, the amount of \$11,352 will be due and owing. In relation to the settlement that is being offered I believe this is a matter only the Board can address. (As of 9/30/11, this Committee reported a funds available balance of \$2,588.79, which is less than the value they indicated they had at the time of the hearing of \$3,979.15.)



Andy Nauman – Hearing Officer

October 24, 2011