# STATE BOARD OF ELECTIONS
# STATE OF ILLINOIS

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BOARD MEMBERS
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

## AGENDA

**STATE BOARD OF ELECTIONS**
**SPECIAL BOARD MEETING**
**Sitting as the Duly Authorized**
**State Officers Electoral Board**
**Monday, May 3, 2010**
**3:30 a.m.**

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

1. Call State Board of Elections to order.

2. Recess as the State Board of Elections and convene as the State Officers Electoral Board.

3. Call cases and accept appearances - objections to resolutions to fill vacancies in nomination for the November 2, 2010 General Election;
   a. *Pollard v. Warner*, 10SOEBGE100;
   b. *Marquardt v. Grissoffi*, 10SOEBGE101;
   c. *Kvernes v. Schorfheide*, 10SOEBGE102;
   d. *Fowler v. Campbell*, 10SOEBGE103;
   e. *Jenkins v. Wojcik*, 10SOEBGE500.

4. Approve the Rules of Procedure for the State Officers Electoral Board.

5. Authorize the General Counsel to appoint Hearing Examiners as required.

6. Other business.

7. Recess as the State Officers Electoral Board until the call of the Chairman.

8. Reconvene as the State Board of Elections.

9. Other business.

10. Executive session (if necessary).

11. Adjourn until Monday, May 17, 2010 at 10:30 a.m. or until call of the Chairman, whichever occurs first.

# RULES OF PROCEDURE

## ADOPTED BY THE STATE BOARD OF ELECTIONS 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 NOVEMBER 2nd, 2010 GENERAL ELECTION

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/28-4, 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 officer, (other than the Initial ~~meeting~~ 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 during the day and at least until 7:00 P.M (or as otherwise directed by the Board or hearing officer) 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 or by fax or by e-mail at the number(s) or address 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, ~~number 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.

## 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 Officer) 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 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 Hearing Examiner to keep parties informed of upcoming events, parties shall be responsible for periodically checking ~~with~~ the Board's website, with the Board's staff or the Board's ~~the~~ 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 ~~in~~ 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. The Chairman of the Board, a member of the Board designated by the Chairman or 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 ~~parties~~ party or its counsel (unless otherwise agreed by such requesting party or their counsel, and the hearing officer or Board). The Board or its duly appointed 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;

(e) 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. 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, (c) to prepare an outline of all the evidence, issues and argument 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 officer's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits 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 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 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. 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

At the request of any party, the ~~Chairman~~ Board or the Hearing Examiner may issue subpoenas requiring the attendance of witnesses at a deposition (evidentiary or discovery) or hearing and subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. Subpoenas and subpoenas *duces tecum* shall be issued in substantially the same manner as provided in the Illinois Code of Civil Procedure. ~~The decision of the Chairman or Hearing Examiner to issue or not to issue a subpoena may be overruled by a vote of five concurring members of the Board.~~ The request for subpoena shall be forwarded to the Chairman of the Board, who in his or her discretion, may approve, deny or submit to the full Board for its consideration.

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~~, printouts of those records~~ and the ~~clerk's~~ 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. By order of the General Counsel or his designee, a watcher may be ordered removed from the records examination proceedings for any conduct that disrupts the orderly conduct of the proceedings. 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". ~~A photocopy of the petition sheets containing the rulings of the staff shall be made available to each party upon request as soon as practicable following completion of the record's examination.~~ 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.

The parties will be given an opportunity to ~~address~~ present all objections to staff findings properly made ~~and noted to the Board or to the hearing examiner~~ 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 officer 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. ~~after the completion of the records examination.~~ unless extended by the hearing officer or Board. If any extension is given to the candidate or objector to rehabilitate or strike any signature at any time including the final hearing by the Board then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended, even if it means a continuation of the final hearing.

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~~.

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.)

## 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 officer 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 officer.

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## 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 3rd Day of MAY, 2010

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

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# 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 however, 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 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 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 on the grounds that the address is not located in the state of Illinois, and 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.

**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~~ any 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. Invalid 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, 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 and/or rural route number, 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.

**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 petitions being invalidated. However, for purposes of determining the total number of valid signatures, the Board will not consider any signatures 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 Directed Verdict or other similar motion (MDV)**

Must be filed no later than 5 pm on the second business day following the date of the Initial Meeting of the Board, unless extended by the Board or hearing officer.

**Objector's Response to Candidate's MTSD**
**Candidate's Response to Objector's MDV**

Must be filed no later than 5 pm on the second business day following the due date of the Candidate's MTSD or Objector's MDV.

**Candidate's Reply to Objector's Response to Candidate's MTSD**
**Objector's Reply to Candidate's Response to Objector's MDV**

Must be filed no later than 5 pm on the second business day following the due date of the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MDV.

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**

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141 TTY: 217/782-1518
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100 West Randolph, Suite 14-100
Chicago, Illinois 60601
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Fax: 312/814-6485

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Wanda L. Rednour, Vice Chairman
Patrick A. Brady
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Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

# MEMORANDUM

**TO:** Chairman Bryan A. Schneider
Vice Chairman Wanda L. Rednour
Members of the Board
Executive Director Dan White

**From:** Steve Sandvoss, General Counsel

**Re:** Appointment of Hearing Officers

**Date:** April 27, 2010

I have selected the following persons to serve as hearing officers for the five objections filed with the State Board of Elections following the filing period for candidates that have been appointed to fill vacancies in nomination at the November 2, 2010 General Election and propose the following cases be assigned to them for hearing.

**Kelly McCloskey Cherf -**
10SOEBGE101 – Roger C. Marquardt V Victoria F. Grissoffi
10SOEBGE500 – Ralph D. Jenkins V Adam Wojcik

**David Herman -**
10SOEBGE100 – Randy D. Pollard V John Warner
10SOEBGE102 – Anton Kvernes V Brent Schorfheide
10SOEBGE103 – James Fowler V Rick Campbell

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

Sincerely

Steven S. Sandvoss
General Counsel

SSS/trl