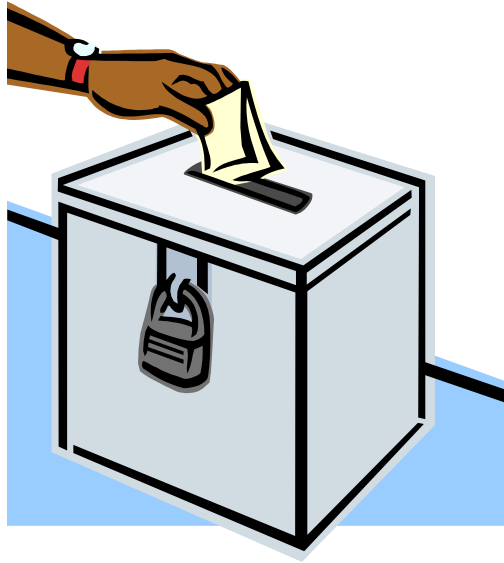


CANDIDATE PRIMER – BALLOT ACCESS

2022



**Presented
by:
Jean Kaczmarek
DuPage County Clerk
DuPage County Clerk's Election Division
January 4, 2022**



**Presenter:
Patrick K. Bond
Special Counsel**

**DUPAGE COUNTY CLERK'S ELECTION DIVISION
2022 GENERAL PRIMARY ELECTION PRIMER**

I. WELCOME

IN ORDER TO MAINTAIN THE INTEGRITY OF ELECTION PROCESS, THE ILLINOIS ELECTION CODE, 10 ILCS 5/1-1 *ET SEQ.*, PROVIDES THE PROCEDURES THAT EACH CANDIDATE MUST FOLLOW IN ORDER TO HAVE HIS OR HER NAME PLACED ON THE OFFICIAL BALLOT FOR ELECTED OFFICE.

THIS PRESENTATION IS DESIGNED TO ASSIST THE CANDIDATE IN COMPLYING WITH THE LEGAL REQUIREMENTS SET FORTH IN THE ELECTION CODE AND PROVIDES THE CANDIDATE WITH THE GENERAL INFORMATION ABOUT COMPLETING AND FILING THE PAPERS NECESSARY FOR PLACEMENT OF HIS OR HER NAME ON THE BALLOT OFFICIAL FOR THE JUNE 28, 2022, GENERAL PRIMARY ELECTION.

II. INTRODUCTION TO ELECTIONS AND ELECTION PROCEDURES

THE DUPAGE COUNTY CLERK'S OFFICE, ELECTION DIVISION (HEREINAFTER REFERRED TO AS THE "ELECTION DIVISION") OVERSEES THE CONDUCT OF ALL ELECTIONS HELD INVOLVING THE CANDIDATES ELECTED WITHIN DUPAGE COUNTY. ONE OF THE FUNCTIONS OF THE CLERK'S OFFICE IS TO PROTECT THE INTEGRITY OF THE ELECTORAL PROCESS BY ENSURING THAT ALL THE PROPER ELECTION PROCEDURES ARE FOLLOWED.

1. BASIC PURPOSE OF ELECTION PROCEDURES
2. GUARANTEEING THE RIGHT TO VOTE/ASSURING THE CONSENT OF THE GOVERNED
3. ELECTION SCHEDULE/CRITICAL DATES

THE INFORMATION CONTAINED IN THIS PACKET IS A COMPILATION OF THE ELECTION CODE, AND THE ELECTION DIVISION PROCEDURES AND THE ILLINOIS STATE BOARD OF ELECTION'S 2022 CANDIDATE'S GUIDE, WHICH IS AVAILABLE ON THE STATE BOARD'S WEBSITE, WWW.ELECTIONS.IL.GOV.

III. REQUIREMENTS FOR CANDIDATES FOR OFFICE

A. NOMINATION PAPERS

EACH CANDIDATE FOR OFFICE MUST FILE WITH THE APPROPRIATE ELECTION AUTHORITY, THE FOLLOWING DOCUMENTS, WHICH ARE COLLECTIVELY REFERRED TO AS THE **NOMINATION PAPERS**, ALL OF WHICH MUST BE FILED AT THE SAME TIME, WITH THE EXCEPTION OF THE RECEIPT FOR STATEMENT OF

ECONOMIC INTERESTS:

1. NOMINATING PETITIONS
2. STATEMENT OF CANDIDACY
3. RECEIPT FOR THE STATEMENT OF ECONOMIC INTERESTS (THE STATEMENT MUST BE FILED WITH THE COUNTY CLERK)
4. LOYALTY OATH (OPTIONAL)

THE ELECTION AUTHORITY HAS THE LEGAL OBLIGATION TO PERFORM A REVIEW OF THE NOMINATION PAPERS TO DETERMINE WHETHER THE NOMINATION PAPERS ARE IN "APPARENT CONFORMITY" WITH THE ELECTION CODE. AN APPARENT CONFORMITY DETERMINATION MUST BE MADE SOLELY ON THE INFORMATION ON THE FACE OF THE NOMINATING PAPERS.

THE ELECTION AUTHORITY HAS, THE LEGAL OBLIGATION AND DISCRETION NOT TO CERTIFY NOMINATION PAPERS THAT ARE NOT IN "APPARENT CONFORMITY" WITH THE REQUIREMENTS OF THE ELECTION CODE. IN WHICH CASE, THOSE NOMINATING PAPERS WILL BE REJECTED.

A NOTICE THAT THE NOMINATION PAPERS ARE NOT IN APPARENT CONFORMITY WITH THE ELECTION CODE WILL BE SENT TO THE CANDIDATE NOTIFYING THE CANDIDATE THAT HIS OR HER NAME WILL NOT APPEAR ON THE OFFICIAL BALLOT.

EACH OF THE ABOVE-REFERENCED DOCUMENTS THAT MAKE UP THE NOMINATION PAPERS IS FURTHER DESCRIBED BELOW.

1. NOMINATING PETITIONS

THE PURPOSE OF THE NOMINATING PETITION IS TO DEMONSTRATE THAT THE CANDIDATE HAS AT LEAST MINIMUM VOTER APPEAL. NOMINATING PETITIONS MUST CONTAIN THE SIGNATURES OF "QUALIFIED ELECTORS".

TO BE A QUALIFIED ELECTOR, THE INDIVIDUAL SIGNING THE NOMINATING PETITION MUST SIGN HIS OR HER NAME, ALONG WITH HIS OR HER ADDRESS. FURTHER, THE INDIVIDUAL SIGNING THE NOMINATING PETITION MUST BE A REGISTERED VOTER AT THE ADDRESS SO PROVIDED AND MUST BE REGISTERED TO VOTE WITHIN THE DISTRICT OR POLITICAL SUBDIVISION FOR WHICH THE CANDIDATE IS SEEKING OFFICE.

THE NOMINATING PETITIONS MUST BE UNIFORM IN SIZE AND CONSECUTIVELY NUMBERED.

THE ELECTION CODE, 10 ILCS 5/7-10, SETS FORTH THE REQUIREMENTS OF THE NOMINATING PETITIONS. A CANDIDATE MUST INCLUDE:

- 1) HIS OR HER NAME AS IT APPEARS ON THE STATEMENT OF CANDIDACY;
- 2) THE OFFICE SOUGHT;
- 3) THE POLITICAL PARTY OF THE CANDIDATE; AND
- 4) THE RESIDENTIAL ADDRESS OF THE CANDIDATE, WHERE THE CANDIDATE IS REGISTERED TO VOTE.

i. NAME OF CANDIDATE ON NOMINATING PETITION

THE CANDIDATE'S GIVEN NAME OR NAMES, INITIAL, NICKNAME BY WHICH THE CANDIDATE IS COMMONLY KNOWN, OR A COMBINATION THEREOF, MAY BE USED IN ADDITION TO THE CANDIDATE'S SURNAME NICKNAMES NOT COMMONLY USED ARE NOT RECOMMENDED AND CAN FORM A BASIS FOR A SUCCESSFUL CHALLENGE.

IF THE CANDIDATE HAS CHANGED HIS OR HER NAME WITHIN THREE (3) YEARS OF THE LAST FILING DATE FOR THE PETITION, THE NAME IN THE HEADING OF THE PETITION MUST BE FOLLOWED BY "FORMERLY KNOWN AS" AND ALL NAMES USED BY THE CANDIDATE DURING THAT THREE (3) YEAR PERIOD.

HOWEVER, A CANDIDATE IS NOT REQUIRED TO LIST FORMER NAMES IF THE NAME-CHANGE RESULTED FROM ADOPTION, MARRIAGE OR CIVIL UNION OR DIVORCE.

NO OTHER DESIGNATION SUCH AS A "POLITICAL SLOGAN", TITLE, DEGREE, PROFESSIONAL STATUS, OR SIMILAR INFORMATION MAY BE USED IN CONNECTION WITH THE CANDIDATE'S SURNAME. 10 ILCS 5/7-10.2, 7-17(B), 10-5.1, 16-3(E).

A "POLITICAL SLOGAN" IS DEFINED AS ANY WORD OR WORDS EXPRESSING OR CONNOTING A POSITION, OPINION OR BELIEF THAT THE CANDIDATE MAY ESPOUSE, INCLUDING BUT NOT LIMITED TO ANY WORD OR WORDS CONVEYING ANY MEANING OTHER THAN THAT OF THE PERSONAL IDENTITY OF THE CANDIDATE. A CANDIDATE MAY NOT USE A "POLITICAL SLOGAN" AS PART OF THE NAME ON THE BALLOT, NOTWITHSTANDING THAT THE POLITICAL SLOGAN MAY BE PART OF THE CANDIDATE'S NAME.

ii. *DESIGNATION OF OFFICE SOUGHT*

THE DESIGNATION OF THE OFFICE ON THE NOMINATING PETITION, TO BE LEGALLY SUFFICIENT, NEEDS TO INFORM THE SIGNERS OF THE PARTICULAR OFFICE SOUGHT. A CITATION TO THE STATUTE PROVIDING FOR THE OFFICE IS NOT REQUIRED. HOWEVER, MERELY NAMING THE OFFICE MAY NOT BE SUFFICIENT WHERE IT IS POSSIBLE THAT SIGNERS MAY BE CONFUSED.

THE FACT THAT THE OFFICE IS PROPERLY AND FULLY IDENTIFIED ON THE STATEMENT OF CANDIDACY IS INSUFFICIENT IF THE OFFICE IS NOT PROPERLY STATED ON THE NOMINATING PETITION.

iii. *NAMES OF MULTIPLE CANDIDATES*

THE NAME OF MORE THAN ONE CANDIDATE OF THE SAME POLITICAL PARTY FOR DIFFERENT OFFICES OF THE SAME POLITICAL SUBDIVISION OR DISTRICT MAY APPEAR ON THE SAME PETITION. HOWEVER, EACH CANDIDATE MUST SUBMIT HIS OR HER INDIVIDUAL STATEMENT OF CANDIDACY, RECEIPT FOR THE FILING OF THE STATEMENT OF ECONOMIC INTERESTS AND THE OPTIONAL LOYALTY OATH. IN THE CASE OF A NEW POLITICAL PARTY A COMPLETE SLATE OF CANDIDATES FOR EACH OFFICE TO BE ELECTED MUST BE SUBMITTED. 10 ILCS 5/7-10, 10-2, 10-5.

iv. *CIRCULATION OF NOMINATING PETITIONS*

THE NOMINATING PETITIONS MUST BE CIRCULATED BY AN INDIVIDUAL THAT IS EIGHTEEN (18) YEARS OR OLDER THAT IS A CITIZEN OF THE UNITED STATES, OR AN INDIVIDUAL IS SEVENTEEN (17) YEARS OF AGE AND QUALIFIED TO VOTE IN ILLINOIS. THE CIRCULATOR MUST PERSONALLY WITNESS ALL SIGNATURES GIVEN. 10 ILCS 5/7-10. THE CIRCULATOR NEED NOT BE A REGISTERED VOTER WITHIN THE DISTRICT OR POLITICAL SUBDIVISION IN WHICH THE CANDIDATE IS SEEKING TO BE ELECTED.

THE HEADING OF THE NOMINATING PETITION, WHICH INCLUDES INFORMATION RELATIVE TO THE ELECTION, THE CANDIDATE, THE OFFICE, POLITICAL PARTY, AND THE PLACE OF RESIDENCE OF THE CANDIDATE, MUST BE COMPLETED PRIOR TO THE CIRCULATION OF THE NOMINATING PETITION.

UPON COMPLETION OF THE CIRCULATION OF THE NOMINATING PETITIONS, THE CIRCULATOR IS REQUIRED TO CERTIFY, BEFORE A

NOTARY PUBLIC, THAT THE SIGNATURES ON THE NOMINATING PETITIONS WERE SIGNED IN HIS OR HER PRESENCE AND THAT THE SIGNATURES ARE GENUINE AND THAT, TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE, THE PERSON SO SIGNING WERE AT THE TIME OF SIGNING, DULY REGISTERED VOTERS OF THE POLITICAL SUBDIVISION OR DISTRICT FOR WHICH THE CANDIDATE SHALL BE NOMINATED.

NOMINATING PETITIONS MUST NOT BE CIRCULATED MORE THAN 90 DAYS PRECEDING THE LAST DAY FOR THE FILING OF THE PETITIONS. THE CIRCULATOR'S STATEMENT ON A CANDIDATE'S PETITION MUST SPECIFY EITHER THE DATES ON WHICH THE SHEETS WERE CIRCULATED, THE FIRST AND LAST DATES ON WHICH THE SHEET WAS CIRCULATED OR THAT NONE OF THE SIGNATURES ON THE SHEET WERE SIGNED MORE THAN 90 DAYS PRECEDING THAT LAST DAY FOR FILING OF THE PETITIONS. 10 ILCS 5/7-10, 10-4.

NOMINATING PETITIONS CIRCULATED FOR ESTABLISHED POLITICAL PARTY CANDIDATES AND NONPARTISAN CANDIDATES WHO ARE REQUIRED TO FILE FOR THE JUNE 28, 2022, GENERAL PRIMARY ELECTION MAY BE CIRCULATED STARTING:

JANUARY 13, 2022 (10 ILCS 5/2A-1.1b(b)(c); 7-10).

THE FILING PERIOD COMMENCES MARCH 7, 2022 AND

THE FILING PERIOD ENDS ON MARCH 14, 2022 (10 ILCS 5/2A-1.1b (c), 7-12 (1), 8-9 (1)) .

v. *FILING OF NOMINATING PETITIONS:*

THE ORIGINAL NOMINATING PETITIONS, WHICH HAVE BEEN SIGNED BY THE ELECTORS AND THE CIRCULATOR, MUST BE FILED WITH THE APPROPRIATE ELECTION AUTHORITY. PHOTOCOPIES OR DUPLICATES OF THE NOMINATING PETITIONS WILL NOT BE ACCEPTED.

2. A STATEMENT OF CANDIDACY

THE STATEMENT OF CANDIDACY REQUESTS THAT A CANDIDATE'S NAME BE PLACED ON THE OFFICIAL BALLOT. THE STATEMENT MUST BE SIGNED BY THE CANDIDATE, NOTARIZED BY A NOTARY PUBLIC AND INDICATE THE MANNER IN WHICH THE CANDIDATE'S NAME WILL APPEAR ON THE OFFICIAL BALLOT.

EACH CANDIDATE MUST COMPLETE AND FILE A STATEMENT OF CANDIDACY. THE STATEMENT OF CANDIDACY SHALL SET OUT THE NAME

OF THE CANDIDATE, AS IT WILL APPEAR ON THE OFFICIAL BALLOT; THE ADDRESS OF THE CANDIDATE; THE OFFICE FOR WHICH HE OR SHE IS A CANDIDATE; THE POLITICAL PARTY DESIGNATION AND A STATEMENT THAT HE OR SHE IS QUALIFIED FOR THE OFFICE SPECIFIED. THIS STATEMENT MUST ACCOMPANY THE NOMINATION PETITIONS.

3. STATEMENT OF ECONOMIC INTERESTS RECEIPT

THE STATEMENT OF ECONOMIC INTERESTS FOR EACH CANDIDATE, WHICH SETS FORTH, UNDER OATH, EACH CANDIDATE'S ECONOMIC INTERESTS IN DEALING WITH UNITS OF GOVERNMENT, MUST BE FILED IN PERSON (HARD COPY) WITH THE COUNTY CLERK'S OFFICE, WITHIN THE CALENDAR YEAR OF THE FILING OF THE NOMINATING PAPERS WITH THE COUNTY CLERK'S OFFICE.

A RECEIPT EVIDENCING THE FILING IS PROVIDED BY THE COUNTY CLERK AND MUST BE FILED WITH THE CANDIDATE'S NOMINATION PAPERS. 10 ILCS 5/7-10; 5 ILCS 420/4A-106. THE RECEIPT NEED NOT ACCOMPANY THE NOMINATION PAPERS, BUT MUST BE FILED PRIOR TO THE CLOSE OF THE FILING PERIOD.

4. A LOYALTY OATH (OPTIONAL)

THE LOYALTY OATH IS A SWORN STATEMENT BY THE CANDIDATE, WHICH AFFIRMS THAT THE CANDIDATE WILL UPHOLD THE LAWS OF THE UNITED STATES AND THE STATE OF ILLINOIS. WHILE THE FILING OF THIS OATH IS OPTIONAL, MOST CANDIDATES FILE SUCH AN OATH.

B. SUBMISSION OF NOMINATION PAPERS

THE FOLLOWING DOCUMENTS ARE TO BE ATTACHED TO THE NOMINATING PETITIONS:

- 1) STATEMENT OF CANDIDACY;
- 2) RECEIPT FOR THE FILING OF THE STATEMENT OF ECONOMIC INTERESTS (THE RECEIPT MAY BE FILED AT ANY TIME DURING THE FILING PERIOD AND WILL NOT CHANGE THE INITIAL DATE AND TIME OF FILING THE PETITION);
- 3) THE LOYALTY OATH, WHICH IS OPTIONAL;
- 4) ANY CERTIFICATIONS RELATED TO THE STRIKING OF SIGNATURES SHALL BE ATTACHED IMMEDIATELY FOLLOWING THE LAST PETITION PAGE AND NUMBERED CONSECUTIVELY BEGINNING WITH THE NUMBER "1." 10 ILCS 5/7-10, 10-3.

- 5) ANY OTHER DOCUMENTATION WHICH MAY BE REQUIRED TO QUALIFY FOR SAID OFFICE

THE STATEMENT OF CANDIDACY, THE RECEIPT FOR THE FILING OF THE ECONOMIC INTERESTS STATEMENT AND THE OPTIONAL LOYALTY OATH ARE NOT TO BE NUMBERED.

THE NOMINATION PETITIONS MUST BE CONSECUTIVELY NUMBERED AND ONCE FILED, SHALL NOT BE ALTERED OR SUPPLEMENTED.

HOWEVER, THE RECEIPT FOR THE FILING OF AN ECONOMIC INTERESTS STATEMENT MAY BE FILED NO LATER THAN 5:00 P.M. ON THE LAST DAY OF THE FILING PERIOD. 10 ILCS 5/7-10, 7-12, 10-4, 10-5.

C. SIMULTANEOUS FILINGS/LOTTERY

IN THE EVENT MORE THAN ONE CANDIDATE APPEARS AT THE OPENING OF THE FILING PERIOD OR DURING THE LAST DAY OF FILING, DURING THE LAST HOUR OF THE FILING DEADLINE, BETWEEN 4:00 P.M. AND 5:00 P.M., ON MARCH 14, 2022, THE BALLOT ORDER IS DETERMINED BY LOTTERY, WHICH THEN DETERMINES THE ORDER OF PLACEMENT ON THE OFFICIAL BALLOT. THIS LOTTERY SHALL BE OPEN TO THE PUBLIC AND SHALL BE CONDUCTED WITHIN NINE (9) DAYS OF THE CLOSE OF THE FILING PERIOD. NOTICE OF THE TIME AND PLACE OF THE LOTTERY MUST BE GIVEN TO EACH AFFECTED CANDIDATE, PARTY OFFICIALS AND TO ANY CIVIC GROUP ENTITLED TO HAVE A POLL WATCHER PRESENT AT THE LAST ELECTION.

D. LOCAL ELECTION OFFICIAL RESPONSIBILITY

1. OFFICE HOURS FOR FILING

THE OFFICE OF THE COUNTY CLERK HAS SET OFFICE HOURS FOR THE FILING OF NOMINATING PAPERS. THE CLERK'S OFFICE WILL REMAIN OPEN UNTIL 5:00 P.M. ON THE LAST DAY OF THE FILING PERIOD TO ACCEPT THE FILING OF THESE DOCUMENTS.

2. ACCEPTANCE OF NOMINATION PAPERS

UPON ACCEPTANCE OF THE NOMINATION PAPERS FOR FILING, THE CLERK'S OFFICE WILL ISSUE A RECEIPT TO THE INDIVIDUAL FILING THE NOMINATION PAPERS, AFFIXING THE TIME AND DATE OF FILING. AT THE TIME OF FILING, THE CLERK'S OFFICE WILL ALSO PROVIDE EACH CANDIDATE A NOTICE REGARDING CAMPAIGN FINANCING REQUIREMENTS, UNDER ILLINOIS LAW (FORM D-5).

IV. SIGNATURE REQUIREMENTS

THE ILLINOIS ELECTION CODE PROVIDES THE FORMULA FOR THE REQUISITE NUMBER OF SIGNATURES FOR EACH PARTICULAR OFFICE. THE ELECTIONS DIVISION, CANNOT PROVIDE LEGAL ADVICE AND, THEREFORE, DOES NOT ASSIST CANDIDATES IN THE CALCULATION OF THE SIGNATURE REQUIREMENT FOR THE VARIOUS OFFICES TO BE VOTED ON IN THE UPCOMING ELECTION CYCLE. THE SIGNATURE REQUIREMENTS FOR EACH SPECIFIC OFFICE ARE AVAILABLE ON THE COUNTY CLERK'S WEBSITE AT <HTTPS://WWW.DUPAGECO.ORG/ELECTION/>.

V. CALENDAR OF CRITICAL DATES

- | | |
|---------------------|---|
| 1. January 13, 2022 | First day to Circulate Established Party Nominating Papers (90 days prior to the last day of Filing.) |
| 2. March 7, 2022 | First day to file Established Party Candidate Nomination Papers |
| 3. March 14, 2022 | Last day to file Established Party Candidate Nomination Papers |
| 4. March 21, 2022 | Last day to file Objections to Nominating Papers |
| 5. June 28, 2022 | General Primary Election |
| 6. November 8, 2022 | General Election |

VI. OBJECTION PROCESS

ONCE THE NOMINATION PETITIONS ARE FILED, BALLOT ACCESS IS NOT GUARANTEED. THE NOMINATION PAPERS ARE SUBJECT TO THE SCRUTINY OF THE OBJECTION PROCESS.

A. CONVENING THE ELECTORAL BOARD

1. REQUIREMENTS FOR FILING NOMINATION PAPERS

NOMINATION PETITIONS FILED BY CANDIDATES MUST BE MADE AVAILABLE FOR PUBLIC VIEW, SHOULD A REQUEST BE MADE. INDIVIDUALS WISHING TO FILE AN OBJECTION MAY DO SO BY FILING SAID OBJECTION WITH THE CLERK'S OFFICE, WITHIN FIVE (5) BUSINESS DAYS FOLLOWING THE CLOSE OF THE FILING PERIOD.

2. ACCEPTANCE OF OBJECTIONS/NOTIFICATION OF ELECTORAL BOARD

AS WITH NOMINATION PAPERS, THE CLERK'S OFFICE WILL NOTE THE DATE AND HOUR OF RECEIPT OF THE OBJECTION AND, NO LATER THAN 12:00 NOON ON THE NEXT BUSINESS DAY, TRANSMIT A COPY OF THE OBJECTION BY REGISTERED MAIL OR RECEIPTED PERSONAL DELIVERY, THE ORIGINAL NOMINATION PAPERS, AND THE OBJECTIONS MADE THERETO, TO THE CHAIRMAN OF THE ELECTORAL BOARD. A COPY OF THE OBJECTION MUST ALSO BE SENT TO THE CANDIDATE WHOSE NOMINATION HAS BEEN CHALLENGED.

3. REQUIREMENTS OF ELECTORAL BOARD

THE CHAIRMAN OF THE ELECTORAL BOARD MUST THEN SEND A CALL BY REGISTERED OR CERTIFIED MAIL AND BY PERSONAL SERVICE BY THE SHERIFF TO THE MEMBERS OF THE ELECTORAL BOARD, THE CANDIDATE, AND THE OBJECTOR, SETTING FORTH THE DAY, HOUR AND PLACE AT WHICH THE ELECTORAL BOARD SHALL MEET TO HEAR THE OBJECTION. THE MEETING SHALL BE HELD NOT LESS THAN THREE (3) NOR MORE THAN FIVE (5) DAYS AFTER RECEIPT OF THE DOCUMENTS BY THE CHAIRMAN OF THE ELECTORAL BOARD.

B. ORGANIZING THE ELECTORAL BOARD

ON THE FIRST DATE OF THE MEETING, THE ELECTORAL BOARD SHALL ADOPT RULES OF PROCEDURE FOR THE INTRODUCTION OF EVIDENCE AND THE PRESENTATION OF ARGUMENTS AND MAY, IN ITS DISCRETION, ALLOW FOR THE FILING OF BRIEFS BY THE PARTIES OR BY OTHER INTERESTED PERSONS.

DUE TO THE POSSIBILITY OF JUDICIAL REVIEW, THE ELECTORAL BOARD WILL ENGAGE A CERTIFIED SHORTHAND REPORTER TO ENSURE THAT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS IS AVAILABLE. MEETINGS OF THE ELECTORAL BOARD ARE SUBJECT TO THE ILLINOIS OPEN MEETINGS ACT, WHICH REQUIRES PUBLIC NOTICE OF THE DATE, TIME AND LOCATION OF EACH MEETING, AND THAT THE PUBLIC BE ALLOWED TO ATTEND ALL MEETINGS OF THE BOARD. ELECTORAL BOARD MEMBERS MAY MEET IN CLOSED EXECUTIVE SESSION TO OBTAIN LEGAL ADVICE; HOWEVER NO FINAL ACTION CAN OCCUR IN A CLOSED SESSION.

1. THE HEARING PROCESS

THE HEARINGS SHALL BE TO DETERMINE WHETHER THE NOMINATION PAPERS: 1) ARE IN PROPER FORM; 2) WERE TIMELY AND PROPERLY FILED; AND 3) ARE GENUINE AND ACCURATE; AND ARE OTHERWISE IN COMPLIANCE WITH THE ELECTION CODE.

DURING THE HEARING, THE ELECTORAL BOARD SHALL HAVE THE POWER TO ISSUE SUBPOENAS AND TO PLACE WITNESSES UNDER OATH, FOR EXAMINATION IN SUPPORT OF, OR IN OPPOSITION TO, THE OBJECTION FILED.

AT THE CONCLUSION OF THE HEARING, THE ELECTORAL BOARD MUST SET FORTH ITS FINDINGS IN WRITING AND MUST STATE, IN WRITING, WHICH, IF ANY, OF THE OBJECTIONS IT HAS SUSTAINED.

2. JUDICIAL REVIEW

A CANDIDATE OR OBJECTOR AGGRIEVE BY THE DECISION OF THE ELECTORAL BOARD MAY SEEK JUDICIAL REVIEW OF THE DECISION IN THE CIRCUIT COURT. A PARTY SEEKING JUDICIAL REVIEW MUST FILE A PETITION WITH THE CLERK OF THE COURT WITHIN FIVE (5) DAYS AFTER THE DECISION OF THE ELECTORAL BOARD.

THE PETITION SHALL SET FORTH A SHORT STATEMENT OF THE REASONS WHY THE DECISION OF THE ELECTORAL BOARD SHOULD BE REVERSED. A COPY OF THE PETITION MUST BE SERVED ON THE ELECTORAL BOARD, A NECESSARY PARTY TO THE PROCEEDING; AND ON THE OPPOSING PARTY BY CERTIFIED OR REGISTERED MAIL. NO ANSWER TO THE PETITION NEED BE FILED, BUT THE ELECTORAL BOARD SHALL CAUSE THE RECORD OF PROCEEDINGS BEFORE THE ELECTORAL BOARD TO BE FILED WITH THE CLERK OF THE CIRCUIT COURT ON OR BEFORE THE DATE OF THE HEARING ON THE PETITION OR AS ORDERED BY THE COURT. THE COURT MUST HOLD A HEARING ON THE OBJECTION WITHIN THIRTY (30) DAYS AFTER THE FILING OF THE PETITION, AND MUST TIMELY RULE. 10 ILCS 5/10-10.1.

3. TRANSMISSION OF THE RULING

IF NO PETITION FOR RELIEF IS FILED, AT THE CONCLUSION OF THE TIME FOR JUDICIAL REVIEW OF ITS OPINION, THE ELECTORAL BOARD MUST TRANSMIT BY REGISTERED MAIL, A CERTIFIED COPY OF ITS RULING, TOGETHER WITH THE ORIGINAL NOMINATION PAPERS, AND THE ORIGINAL OBJECTOR'S PETITION TO THE APPROPRIATE ELECTION AUTHORITY WHICH MUST ABIDE BY THE BOARD'S RULING. IN THE EVENT OF A COURT RULING, THE COURT RULING WILL PREVAIL. 10 ILCS 5/10-9.

C. DISQUALIFICATION OF MEMBERS

IN THE EVENT ANY MEMBER OF THE ELECTORAL BOARD IS A CANDIDATE FOR OFFICE WITH RELATION TO WHICH THE OBJECTOR'S PETITION IS FILED, SAID MEMBER WILL NOT BE ELIGIBLE TO SERVE, AND THE PLACE WILL BE FILLED AS PROVIDED FOR BY LAW.

VII. OBJECTIONS - GENERALLY

PROPERLY FILED NOMINATING PAPERS WILL BE CONSIDERED LEGALLY VALID UNLESS CHALLENGED THROUGH THE FILING OF AN OBJECTION. 10 ILCS 5/10-8.

A. QUALIFICATIONS OF THE OBJECTOR

THE ONLY QUALIFICATION FOR AN INDIVIDUAL TO BE A LEGAL OBJECTOR IS THAT THE OBJECTOR LIVE IN THE POLITICAL SUBDIVISION OR DISTRICT IN WHICH THE CANDIDATE SEEKS ELECTIVE OFFICE. 10 ILCS 5/10-8.

B. CONTENTS OF THE OBJECTION

THE OBJECTION MUST BE IN WRITING, GIVE THE OBJECTOR'S NAME AND RESIDENCE ADDRESS, SHALL SET FORTH FULLY THE NATURE OF THE OBJECTIONS TO THE NOMINATION PAPERS, SHALL STATE THE INTEREST OF THE OBJECTOR, AND THE RELIEF REQUESTED. (I.E. THAT THE NAME OF THE CANDIDATE NOT APPEAR ON THE OFFICIAL BALLOT) 10 ILCS 5/10-8.

REQUIRING THE NAME AND ADDRESS OF THE OBJECTOR ALLOWS A DETERMINATION AS TO WHETHER THE OBJECTOR IS QUALIFIED, I.E., A REGISTERED VOTER FROM THE APPROPRIATE POLITICAL SUBDIVISION OR DISTRICT.

VIII. COMMONLY ENCOUNTERED OBJECTIONS

A. TO THE CANDIDATE

1. CANDIDATE'S NAME

THE ELECTION CODE ALLOWS A CANDIDATE TO IDENTIFY THEMSELVES BY THEIR GIVEN NAME, INITIALS AND NICKNAMES. WHILE IT IS BEST TO HAVE THE SAME NAME APPEAR ON ALL NOMINATION PAPERS, THIS SOMETIMES DOES NOT OCCUR. THE NOMINATION PAPERS WILL STAND, UNLESS THERE IS CLEAR CONFUSION OVER THE IDENTITY OF THE CANDIDATE OR WHETHER AN IMPROPER TITLE IS USED.

2. FAILURE TO DESIGNATE OFFICE SOUGHT

THE ELECTION CODE PROVIDES THAT A CANDIDATE MUST SET FORTH THE OFFICE SOUGHT. WHILE FAILURE TO DO SUCH IS A DEFECT, IT IS NOT NECESSARILY A FATAL FLAW, AS ILLINOIS CASE LAW HAS HELD THAT NOMINATING PETITIONS WILL BE VALID IF THERE IS NO BASIS FOR CONFUSION IN THE NOMINATING OFFICE SOUGHT. FOR EXAMPLE, THE OFFICE IS NOT CONTAINED IN, OR DOES NOT TECHNICALLY FULLY IDENTIFY SAID OFFICE, ON THE STATEMENT OF CANDIDACY, BUT THE OFFICE SOUGHT IS PROPERLY DESIGNATED IN THE NOMINATING PETITION, THE OBJECTION WOULD LIKELY BE OVERRULED.

3. STATEMENT OF ECONOMIC INTERESTS

AN ELECTORAL BOARD CAN HEAR A CHALLENGE TO THE PROPER FILING OF AN ECONOMIC INTEREST STATEMENT; HOWEVER, ANY QUESTION AS TO THE CONTENTS OF SAID STATEMENT OR WHETHER THE STATEMENT IS TRUTHFUL CAN ONLY BE BROUGHT AS AN ORIGINAL ACTION IN THE CIRCUIT COURT.

B. TO THE NOMINATING PAPERS

1. OBJECTIONS TO THE CIRCULATOR

THE ELECTION CODE REQUIRES THAT EACH NOMINATION PAPER BE SIGNED BY AN INDIVIDUAL WHO ATTESTS THAT HE OR SHE HAS CIRCULATED THE PETITION FOR SIGNATURES.

A. PETITION NOT SIGNED IN CIRCULATOR'S PRESENCE

ILLINOIS REQUIRES AN AFFIDAVIT BY THE CIRCULATOR THAT THE SIGNATURES WERE NOT ON THE PAGE WERE MADE IN THE CIRCULATOR'S PRESENCE. THE TERM "PRESENCE" HAS BEEN

BROADLY INTERPRETED BY ILLINOIS COURTS TO MEAN IN THE "GENERAL VICINITY OF THE PERSON SIGNING THE PETITION."

B. CIRCULATOR'S AFFIDAVIT INCOMPLETE

The Election Code sets forth the requirements of the Circulator's Affidavit. 10 ILCS 5/7-10 and 5/10-4.

Name	Office	Address
		Street, City, State, Zip

State of Illinois)
) ss.
 County of _____)

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

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

C. QUALIFICATIONS OF CIRCULATOR (REGISTRATION/RESIDENCE)

ILLINOIS LAW COINCIDES WITH FEDERAL COURT DECISIONS, WHICH HELD THAT A CIRCULATOR MUST ONLY BE 18 YEARS OLD AND A CITIZEN OF THE UNITED STATES. THE CIRCULATOR NEED NOT BE A REGISTERED VOTER OR RESIDE IN THE POLITICAL SUBDIVISION OR DISTRICT IN WHICH THE CANDIDATE IS SEEKING ELECTIVE OFFICE.

D. NOTARIZATION OF CIRCULATOR'S AFFIDAVIT

THE ELECTION CODE REQUIRES THAT THE CIRCULATOR MUST APPEAR BEFORE A NOTARY PUBLIC TO SIGN THE OATH AND AFFIRMATION. FAILURE TO AFFIX A NOTARY SEAL, OR FAILURE TO INCLUDE THE DATE OF NOTARIZATION, MAY INVALIDATE THE NOMINATION PAPERS.

2. OBJECTION TO THE NOMINATING PETITIONS

a. PETITION SIGNATURES

SIGNATURE CHALLENGES ARE A COMMON OBJECTION TO THE SIGNATURES CONTAINED ON NOMINATION PETITIONS IN AN ATTEMPT TO INVALIDATE THE NOMINATION PETITION, BASED ON IT CONTAINING AN INSUFFICIENT NUMBER OF SIGNATURES. SOME COMMON SIGNATURE OBJECTIONS ARE AS FOLLOWS:

b. SIGNATURE DEFECTS

1. SIGNING IN PROPER PERSON

THE ELECTION CODE REQUIRES THAT SIGNERS SIGN THE NOMINATION PETITION, "IN THEIR OWN PROPER PERSONS ONLY." THEREFORE, IF AN OBJECTOR CAN PROVE THAT A SIGNATURE IS NOT ACTUALLY THAT OF THE PERSON IT PURPORTS TO BE, THE OBJECTION IS VALID. THE VALIDITY OF SIGNATURES IS ESTABLISHED BY A COMPARISON OF THE NOMINATION PETITION TO THE VOTER REGISTRATION RECORDS MAINTAINED BY THE CLERK'S OFFICE OR THE APPROPRIATE ELECTION AUTHORITY, BY WHAT IS TERMED A "BINDER CHECK" OR "RECORDS CHECK."

3. PRINTED SIGNATURES

THE MOST COMMON OBJECTION TO SIGNATURES IS THAT AN INDIVIDUAL HAS PRINTED, RATHER THAN SIGNED, HIS OR HER NAME TO THE NOMINATION PAPERS. THERE IS NO PROHIBITION AGAINST A VOTER PRINTING RATHER THAN SIGNING. PRINTED NAMES HAVE BEEN UPHELD AS VALID, PROVIDED THE PRINTED SIGNATURE IS "IN THE SIGNER'S OWN PROPER PERSON".

4. NON-MATCHING, ILLEGIBLE SIGNATURE

A SECOND COMMON OBJECTION IS THAT THE SIGNATURE ON THE NOMINATION PETITION DOES NOT MATCH THAT OF THE OFFICIAL VOTER RECORDS. THIS IS OFTEN THE CASE WHERE THE SIGNER HAS CHANGED THEIR SIGNATURE OR A SPOUSE OR FAMILY MEMBER HAS SIGNED FOR ANOTHER MEMBER OF THE FAMILY. THE LAW IS CLEAR THAT EACH SIGNER MUST SIGN IN HIS OR HER OWN INDIVIDUAL CAPACITY. IF A NAME HAS BEEN SIGNED BY SOMEONE OTHER THAN THE REGISTERED VOTER, IT WILL BE STRICKEN.

ILLEGIBLE SIGNATURES CAN BE CHALLENGED AS WELL. THE ELECTORAL BOARD, GENERALLY THROUGH A SIGNATURE COMPARISON, MUST DETERMINE WHETHER THE SIGNATURE ON THE NOMINATION PETITION IS THAT OF THE SIGNER.

5. REGISTRATION OF SIGNER

THE ELECTION CODE REQUIRES THAT PETITION SIGNATORS BE REGISTERED VOTERS; THEREFORE, IF A PETITION IS SIGNED BY AN INDIVIDUAL WHO IS NOT REGISTERED, THE SIGNATURE IS INVALID. 10 ILCS 5/7-10.

6. REGISTRATION AT ADDRESS SHOWN

THE ELECTION CODE REQUIRES THAT ANY PERSON SIGNING A NOMINATION PETITION BE AN ELIGIBLE VOTER. THIS MEANS THAT SAID INDIVIDUAL IS NOT ONLY QUALIFIED TO, BUT ALSO REGISTERED TO, VOTE AND THAT THEY ARE REGISTERED AT THE ADDRESS GIVEN. FAILURE TO DO SO COULD LEAD TO DISQUALIFICATION OF THE SPECIFIC SIGNATURE. 10 ILCS 5/10-3-1.2.

7. MISSING OR INCOMPLETE ADDRESSES

THE ELECTION CODE REQUIRES AN ADDRESS FOR EACH PETITION SIGNER. 10 ILCS 5/7-10. HOWEVER, ILLINOIS LAW PROVIDES FOR THE USE OF STANDARD ABBREVIATIONS AND DITTO MARKS, SO LONG AS IT IS CLEAR AS TO THE ADDRESS REFERRED. MOREOVER, CASE LAW HAS HELD THAT A SIGNATURE WILL NOT BE INVALID FOR MISSING INFORMATION IF THE MISSING INFORMATION CAN BE GLEANED FROM ELSEWHERE ON THE PETITION. GENERALLY, THE ADDRESS MUST PROVIDE ENOUGH INFORMATION TO VERIFY THE VOTER REGISTRATION OF THE SIGNER.

8. FAILURE TO NUMBER PETITION SHEETS

FAILURE TO CONSECUTIVELY NUMBER NOMINATION PETITION SHEETS HAS BEEN DEEMED FATAL IN SOME CASES. HOWEVER, WHERE NUMBERING OCCURS ON SOME, BUT NOT ALL, THE COURTS HAVE HELD THERE TO BE "SUBSTANTIAL COMPLIANCE" WITH THE ELECTION CODE AND ALLOWED THE NOMINATION PETITIONS TO STAND.

C. WRITE-IN CANDIDATES

FOR THE GENERAL PRIMARY AND GENERAL ELECTION, A WRITE-IN CANDIDATE MUST FILE A NOTARIZED "DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE" NO LATER THAN 61 DAYS PRIOR TO THE ELECTION. HOWEVER,

WHENEVER AN OBJECTION TO A CANDIDATE'S NOMINATING PAPERS OR PETITIONS FOR ANY OFFICE IS SUSTAINED AFTER THE 61ST DAY BEFORE THE ELECTION, THE CANDIDATE MAY FILE A NOTARIZED DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR THAT OFFICE WITH THE PROPER ELECTION AUTHORITY NO LATER THAN 7 DAYS PRIOR TO THE ELECTION. THE DECLARATION MUST BE FILED WITH THE PROPER ELECTION AUTHORITY OR AUTHORITIES IN THOSE JURISDICTIONS IN WHICH HE OR SHE IS SEEKING TO BE A WRITE-IN CANDIDATE [10 ILCS 5/17-16.1].

IX. WITHDRAWAL OF CANDIDATES

ANY PERSON WHOSE NAME HAS BEEN PRESENTED AS A CANDIDATE MAY CAUSE HIS OR HER NAME TO BE WITHDRAWN FROM ANY NOMINATION BY MAKING SUCH REQUEST IN WRITING, SINGED BY THE CANDIDATE, AND DULY ACKNOWLEDGED BEFORE A NOTARY, AND PRESENTED TO THE APPROPRIATE ELECTION AUTHORITY, NOT LATER THAN THE DATE OF CERTIFICATION OF BALLOT. IN THIS EVENT, THE CANDIDATE'S NAME SHALL NOT BE PRINTED ON THE OFFICIAL BALLOT.

X. CANVASS OF ELECTION RESULTS

THE ELECTION DIVISION HAS UP TO 14 DAYS AFTER THE ELECTION TO PROCESS PROVISIONAL BALLOTS AND 7 DAYS THEREAFTER TO PROCLAIM THE OFFICIAL ELECTION RESULTS.

XI. QUESTION AND ANSWER SESSION

- **THE DUPAGE COUNTY CLERK'S OFFICE, ELECTION DIVISION CANDIDATE PRIMER, AND THE INFORMATION CONTAINED HEREIN, IS NOT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE. THE ELECTION DIVISION RECOMMENDS THAT ALL PROSPECTIVE CANDIDATES CONSULT WITH COMPETENT LEGAL COUNSEL WHEN PREPARING THEIR NOMINATING PAPERS.**