

BEFORE THE DULY CONSTITUTED
DU PAGE COUNTY OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO PETITIONS
FOR CANDIDATES FOR THE OFFICE OF TRUSTEE,
CAROL STREAM FIRE PROTECTION DISTRICT, DU PAGE COUNTY, ILLINOIS

IN RE: THE MATTER OF THE OBJECTION)	
OF KEITH LAUG, OBJECTOR, TO)	
THE NOMINATION PAPERS OF DELDON)	
MILLER OF 1324 HEATHER COURT,)	
ADDISON, ILLINOIS, AS CANDIDATE FOR)	DOCKET No. 2013 C-7
THE OFFICE OF TRUSTEE CAROL STREAM)	
FIRE PROTECTION DISTRICT TO BE)	
VOTED ON THE APRIL 9, 2013)	
CONSOLIDATED GENERAL ELECTION)	

COUNTY OFFICERS' ELECTORAL BOARD DECISION

NOW COMES the County Officers' Electoral Board, consisting of Cathy Terrill, Chair; Art Ludwig, Member; and Christopher Hage, Member, organized and existing pursuant to law, and states as follows:

PREFATORY REMARKS

The County Officers' Electoral Board (hereinafter referred to as the "ELECTORAL BOARD"), pursuant to the Election Code, 10 ILCS 5/10-9, *et seq.*, and in accordance with the County Officers' Electoral Board Rules of Procedure (hereinafter referred to as the "RULES"), which were duly promulgated, approved, implemented and adopted on January 4, 2013, convened for the hearing and passing upon objections to Nomination Papers filed with the Carol Stream Fire Protection District.

The ELECTORAL BOARD convened for the purposes of hearing and passing upon the Verified Objector's Petition (hereinafter referred to as the "PETITION") filed by Keith Laug, (hereinafter referred to as the "OBJECTOR"), to the Nominating Papers of Deldon Miller, (hereinafter referred to as the "CANDIDATE"), Candidate for the Office of Trustee of the Carol Stream Fire Protection District (hereinafter referred to as the "OFFICE"), to be voted upon at the Consolidated General Election to be held April 9, 2013, (hereinafter referred to as the "ELECTION").

Within the time frame set forth by statute, the CANDIDATE filed with the Local Election Official for the Carol Stream Fire Protection District, Nominating Papers for the OFFICE to be voted on at the ELECTION. A copy of the Nominating Papers is attached hereto and incorporated herein by reference as Exhibit "A." Objection to the Nominating Papers were timely filed with the Local Election Official for the Carol Stream Fire Protection District on December 27, 2012, who in turn filed the with the DuPage County Election Commission on December 28, 2012, as required by law. A copy of the filing of the Objection with the DuPage County Election Commission is attached hereto and incorporated herein by reference as Exhibit "B."

A Call Notice for Hearing was issued on December 31, 2012 by Cathy Terrill, Chair of the ELECTORAL BOARD. A copy of the Call Notice is attached hereto and incorporated herein by reference as Exhibit "C." The Call Notice was issued and served upon the OBJECTOR and the CANDIDATE, by certified mail, in accordance with the Election Code, 10 ILCS 5/10-10, as evidenced by the Certified Mail Receipts to both CANDIDATE and OBJECTOR, attached hereto and incorporated herein by reference as Exhibit "D." The CANDIDATE and the OBJECTOR were also served by the DuPage County Sheriff's Office, in accordance with the Election Code. A copy of the proof of service to both CANDIDATE and OBJECTOR is attached hereto and incorporated herein by reference as Exhibit "E." The CANDIDATE did not appear. The OBJECTOR appeared and filed a written Appearance. A copy of the Appearance is attached hereto and incorporated herein by reference as Exhibit "F."

On January 4, 2013, the ELECTORAL BOARD convened the Hearing on the Objection at 3:45 p.m., which Hearing was held before the full and legally constituted ELECTORAL BOARD in accordance with the Election Code, 10 ILCS 5/10-9(2), and the laws of the State of Illinois for hearing and passing on the objections to the CANDIDATE for said OFFICE. Notice of such Hearing was given in conformance with provisions of the Election Code and the Illinois Open Meetings Act.

PROCEEDINGS

The OBJECTOR filed a written challenge in which he alleged that the CANDIDATE failed to consecutively number his Nominating Petitions in accordance with the Election Code. The OBJECTOR was provided a copy of the RULES, along with the Call Notice of the ELECTORAL BOARD Hearing. Additionally, the OBJECTOR appeared and participated in two (2) earlier ELECTORAL BOARD Hearings wherein he acknowledged receipt of the Call Notice, which included the RULES.

When the matter was called to Hearing, the OBJECTOR, who was also present for the adoption of the RULES, was not, however, present to prosecute his Objection at the time of the commencement of the instant proceedings. Prior to the commencement of the Hearing, the ELECTORAL BOARD advised the OBJECTOR it would accommodate any scheduling conflicts or concerns he might have by advancing the Hearing before the other scheduled Hearings on the ELECTORAL BOARD's DOCKET. The OBJECTOR made no motion for a continuance, as provided for in the RULES, nor did he advise any representative of the Election Commission or the ELECTORAL BOARD of his departure. The ELECTORAL BOARD directed that a search be made of the Election Commission Office for the OBJECTOR. The OBJECTOR could not be located and the ELECTORAL BOARD commenced the Hearing.

The duly promulgated and adopted RULES provide, in pertinent part, as follows:

2. HEARING DATE/CONTINUANCES

On the date set in the Call Notice for the initial hearing of the Electoral Board, both the objector and the candidate, personally or by counsel, will be required to appear, unless the parties are advised to the contrary in the Notice sent by the Chairman of the Board setting the date for the initial meeting, to present their cases. There will be no continuance or resetting, except for good cause shown, at the Board's discretion. If a candidate fails to appear for the hearing, a default judgment shall be entered and the objections contained in the Objector's Petition shall be confessed against the candidate only upon a determination by the Board that the Objector's Petition sets forth valid grounds for the removal of the candidate's name from the ballot. If an objector fails to appear for the hearing, the Board may, in its sole discretion, default the objector and dismiss the objection. The Board may, in its sole discretion, require a showing of proof on the validity of any objection. The Board has the sole discretion to grant or deny a motion to withdraw an objection or objections. (Emphasis added).

The ELECTORAL BOARD called the proceeding, and waited a period of time for the OBJECTOR to appear. The OBJECTOR having failed to appear to prosecute his OBJECTION, the ELECTORAL BOARD voted unanimously to default the OBJECTOR and to dismiss the OBJECTION, with prejudice.

REVIEW OF ELECTORAL BOARD DECISION

Any party seeking to review the decision and determination of the ELECTORAL BOARD shall do so in accordance with the provisions and time frame set forth in the Election Code, 10 ILCS 5/1-1, *et seq.*, and other pertinent statutory provisions by filing a petition for judicial review within five (5) days from the date of this order with the Clerk of the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois.

DU PAGE COUNTY OFFICERS' ELECTORAL BOARD,
SITTING IN ITS CAPACITY TO HEAR AND PASS ON
OBJECTIONS IN THE CAROL STREAM FIRE
PROTECTION DISTRICT

/s/ Cathy Terrill
CATHY TERRILL, CHAIR

/s/ Art Ludwig
ART LUDWIG, MEMBER

/s/ Christopher Hage
CHRISTOPHER HAGE, MEMBER

Dated: January 9, 2013

Prepared by:

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