

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 COUNTY BOARD MEMBER IN DISTRICT 2  
DU PAGE COUNTY, ILLINOIS

IN RE: THE MATTER OF THE OBJECTION )  
OF BOB CEDDIA and TOM NAPLES )  
OBJECTORS, TO THE NOMINATION PAPERS )  
OF MAX J. HAVLICK, CANDIDATE FOR THE ) Docket No. 2014 G-02  
OFFICE OF COUNTY BOARD MEMBER, )  
DISTRICT 2 IN DU PAGE COUNTY )

**DU PAGE COUNTY OFFICERS' ELECTORAL BOARD DECISION**

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

**PREFATORY REMARKS**

Pursuant to the Election Code, 10 ILCS 5/1-1 *et seq.* and in accordance with the County Officers' Electoral Board Rules of Procedure duly promulgated, approved, implemented and adopted on June 27, 2014, as required by the DuPage County Election Commission (hereinafter referred to as the "COMMISSION"), the COMMISSION was duly constituted, convened and sitting in its capacity as the DuPage County Officers' Electoral Board (hereinafter referred to as the "ELECTORAL BOARD") for the hearing and passing upon Objections to Nominating Papers.

On June 27, 2014, the ELECTORAL BOARD conducted the hearing upon the Verified Objector's Petition (hereinafter referred to as the "PETITION") filed by Bob Ceddia and Tom Naples (hereinafter referred to as "OBJECTORS"), to the Nominating Papers of Max J. Havlick (hereinafter referred to as the "CANDIDATE"), Candidate for the Office of County Board

Member in District 2 (hereinafter referred to as the "OFFICE"), to be voted upon at the General Election to be held November 4, 2014 (hereinafter referred to as the "ELECTION").

Within the timeframe set forth by statute, the CANDIDATE filed with the COMMISSION, Nominating Papers for the OFFICE to be voted on at the ELECTION. See Exhibit "A," attached hereto and incorporated herein by reference. The PETITION was timely filed with the COMMISSION on June 9, 2014. See Exhibit "B," attached hereto and incorporated herein by reference.

A Call Notice for Hearing was issued on June 11, 2014, by Cathy Terrill, Chairperson of the ELECTORAL BOARD. See Exhibit "C," attached hereto and incorporated herein by reference. The Call Notice was issued and served upon the OBJECTORS and the CANDIDATE, by certified mail, in accordance with the Election Code, 10 ILCS 5/10-10, as evidenced by a return receipt as required. See Exhibit "D," attached hereto and incorporated herein by reference. The CANDIDATE and the OBJECTORS were also served by the DuPage County Sheriff's Office, in accordance with the Election Code. See Exhibit "E," attached hereto and incorporated herein by reference. An Appearance was filed by Counsel for the OBJECTORS on June 13, 2014. See Exhibit "F," attached hereto and incorporated herein by reference. The CANDIDATE did not file an appearance, and did not appear at Hearing. The official signature requirement for the OFFICE is a minimum of one hundred seventy five (175). See Exhibit "H," attached hereto and incorporated herein by reference.

### **PROCEEDINGS**

The OBJECTORS challenge the CANDIDATE'S Nominating Papers on the grounds that the CANDIDATE'S Nominating Papers contain less than the minimum required number of valid signatures to be placed on the Ballot for the OFFICE. Specifically, the OBJECTORS allege that

the CANDIDATE has filed nineteen (19) petition signature sheets containing a total of one hundred forty (140) signatures of alleged duly qualified, legal and registered voters of County Board District 2, less than the minimum number required by law.

### **LEGAL ANALYSIS OF ISSUES PRESENTED**

#### **WHETHER THE CANDIDATE'S NOMINATING PETITIONS CONTAIN THE REQUISITE NUMBER OF VALID SIGNATURES REQUIRED BY LAW**

Candidate eligibility and ballot access is favored under Illinois law. *See Maksym v. Board of Election Commissioners of Cook County*, 242 Ill. 2d 303, 950 N.E.2d 1051, 1069 (2011); *Lucas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637 (1997) (“We are mindful of the need to tread cautiously when construing statutory language which restricts the people’s right to endorse and nominate the candidate of their choice.”) However, a nomination petition that, on its face, lacks the number of signatures required for ballot access is not in conformity with the Election Code. *Druck v. Illinois State Bd. of Elections*, 387 Ill.App.3d 144, 155, 899 N.E.2d 437, 447 (1st Dist. 2008). The signature requirement is a mandatory requirement of the Election Code. *See Brisco v. Kusper*, 435 F.2d 1046, 1054 (7th Cir. 1970); *Merz v. Volberding*, 94 Ill. App. 3d 1111, 419 N.E.2d 628 (1st Dist. 1981). The *Briscoe* court held that the “purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters.” *Id.* Failure to comply with mandatory provisions of the Election Code requires the removal of a CANDIDATE’S name from the ballot. *Bowe v. Board of Election Commissioners of the City of Chicago*, 614 F.2d 1147 (7th Cir. 1980); *see also Fortes 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). Therefore, a candidate shall not be placed on the ballot when their nomination petition lacks the requisite

minimum number of signatures required for the office sought.

In this matter, the CANDIDATE is required to obtain a minimum of one hundred seventy five (175) valid signatures for the OFFICE. The OBJECTORS contend that the CANDIDATE'S Nominating Papers contain nineteen (19) sheets, containing a total of one hundred forty (140) signatures. See Exhibits "A" and "B". The ELECTORAL BOARD viewed the Nominating Papers, and agreed as to the number of sheets and signatures. OBJECTORS additionally allege that the Nominating Papers contained the signatures of persons who are not duly qualified, registered and legal voters at the address indicated; signatures of those who did not sign in their own proper persons; signatures of individuals of whom the COMMISSION does not have a record and signatures of various individuals who voted in the Republican Primary Election on March 18, 2014, and are, therefore, alleged to be ineligible to sign the CANDIDATE'S Nominating Papers. *See* Exhibit "B."

A records check conducted by COMMISSION Staff indicated that the CANDIDATE filed Nominating Papers containing one hundred forty (140) signatures, and based on their review recommended sustaining objections to twenty-seven (27) signatures. *See* Exhibit "H." Predicated upon the ELECTORAL BOARD adoption of the Staff records reviews the finding that the CANDIDATE'S Nominating Papers did not on their face contain the requisite minimum number of signatures, the CANDIDATE is not eligible to have his name included on the Official Ballot for the OFFICE.

### **CONCLUSION**

Based upon the ruling made herein, it is the decision of the ELECTORAL BOARD, in regard to the objection filed against the Candidacy of Max J. Havlick for the Office of County Board Member, District 2, that the OBJECTION is hereby sustained.

Accordingly, the name of Max J. Havlick shall not be printed on the Official Ballot as a Candidate for the Office of County Board Member in District 2, for the General Election to be held on November 4, 2014.

**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 timeframe set forth in Section 10-10.1 of Illinois the Election Code. 10 ILCS 5/10-10.1.

DU PAGE COUNTY OFFICERS' ELECTORAL  
BOARD

/s/ Cathy Terrill  
CATHY TERRILL, CHAIRPERSON

/s/ Christopher Hage  
CHRISTOPHER HAGE, MEMBER

/s/ Art Ludwig  
ART LUDWIG, MEMBER

Dated: July 10, 2014

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