

CITY OF WEST CHICAGO MUNICIPAL OFFICERS' ELECTORAL BOARD

2 P.M. Tuesday, January 5, 2021

By Remote Participation due to the COVID-19 Pandemic and in Accordance with the Governor's Executive Order 2020-10

AGENDA

Pursuant to the updated Illinois Attorney General Guidance to Public Bodies on the Open Meetings Act during the COVID-19 Pandemic, dated July 2, 2020, the Chairperson and Members of the City of West Chicago Municipal Officers Electoral Board may participate in Public Meetings of the Electoral Board without being physically present, in compliance with the established conditions.

1. Convene Electoral Board - Tristan Moffet v. Daniel Czuba 2020 WCEB 01
2. Introduce Electoral Board Members
3. Adopt Electoral Board Rules
4. Establish Docket
5. Evidentiary Hearing/Schedule Hearing Date
6. Recess to Hearing Date (if necessary)
7. Adjourn Electoral Board

Zoom Meeting

Instructions: <https://us02web.zoom.us/j/88374046615?pwd=UDFvRDR5TXIHdzViaSt4b3RXU3hGZz09>

Meeting ID: 883 7404 6615

Passcode: 432440

One tap mobile

+13126266799,,88374046615#,,,,*432440# US (Chicago)

+19292056099,,88374046615#,,,,*432440# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 883 7404 6615

Passcode: 432440

I, Tristan Moffet, in the City of West Chicago, DuPage County, Illinois, filed an objection to the mayoral petitions of Daniel M. Czuba on ~~January~~^{December} 29, 2020, for the April 6, 2021, Consolidated Election.

2:55 pm

Tristan Moffet

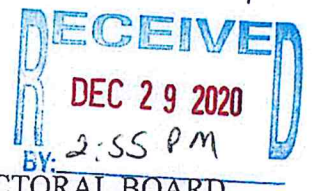
(Signature of Candidate)

Nancy M. Smith

Nancy M. Smith
City Clerk, Local Election Authority
City of West Chicago



COPY



STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS

BEFORE THE WEST CHICAGO MUNICIPAL OFFICERS ELECTORAL BOARD
DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING ON OBJECTIONS TO THE NOMINATING PAPERS
OF CANDIDATES FOR THE OFFICE OF Mayor

Tristan Moffet

Petitioner/Objector,

No. _____

v.

Respondent/Candidate.

VERIFIED OBJECTOR'S PETITION

NOW COMES the PETITIONER/OBJECTOR, Tristan Moffet (hereinafter referred to as the "OBJECTOR") pursuant to 10 ILCS 5/10-8, *et seq.*, and other applicable provisions of the Illinois Election Code, and files the instant Verified Objector's Petition challenging the Nominating Papers of RESPONDENT/CANDIDATE, Daniel Czuba (hereinafter referred to as "CANDIDATE"), Candidate for the Office of Mayor.

In support of this Petition, the OBJECTOR states as follows unto this Honorable Electoral Board:

1. The OBJECTOR resides at 850 High Ridge Dr., within the boundaries of the West Chicago
2. The OBJECTOR is a duly qualified, legal and registered voter, at the address stated above, as required by the Election Code. 10 ILCS 5/3-1.2.
3. The OBJECTOR'S interest in filing this Verified Objector's Petition is that of a

voter desirous that the laws governing the filing of nominating papers for the Office of Mayor (hereinafter referred to as the "OFFICE") are properly complied with and that only legally qualified candidates with the requisite statutory nominating papers (hereinafter referred to as "NOMINATING PAPERS") appear on the ballot for said OFFICE.

OBJECTIONS

4. The OBJECTOR makes objections to the purported NOMINATING PAPERS of CANDIDATE for said OFFICE to be voted upon at the Consolidated Election to be held on April 6, 2021 (hereinafter referred to as the "ELECTION"), as more fully set forth herein.

5. The OBJECTOR states that the NOMINATING PAPERS are insufficient in fact and law for the following reasons:

LIST REASONS - SEE ATTACHED

WHEREFORE, for all the foregoing reasons, the OBJECTOR, Tristan Moffet respectfully requests this Honorable Electoral Board to:

- (a) convene the Electoral Board for purposes of ruling on the Objection; and
- (b) to enter an order that the name of David Szuba not be Certified as a Candidate for the Office of Mayor for the City of West Chicago to be voted on at the April 6, 2021 Consolidated Election; and
- (c) for such further and other relief as deemed appropriate and just.

Respectfully submitted,

TRISTAN MOFFET
(Name of Petitioner)

VERIFICATION

TRISTAN Moffet, being duly sworn on oath, deposes and states that he/she is the Objector named herein; that he/she has read the foregoing Petition subscribed; and that the contents contained therein are true and correct.

Tristan Moffet

SUBSCRIBED and SWORN to before me
this 27 day of December, 2020

[Signature]
Notary Public



TRISTAN Moffet
(Name of Petitioner)
850 High Ridge DR.
(Address of Petitioner)
West Chicago, IL.
(City and State of Petitioner)
630-946-8504
(Phone Number of Petitioner)
temoffet@gmail.com
(E-mail address of Petitioner)

Daniel Czuba's Nominating Papers are insufficient for the following reason:

1. He is not a registered voter at the listed address of 465 E. Roosevelt Rd. in West Chicago, Ill. which is listed as the residence of Daniel Czuba on his nominating petitions, or anywhere else in the City of West Chicago as was verified at the DuPage Election Commission on 12/23/2020 at 1545 hrs. This was further verified through scrutinization of the West Chicago Registered Voting list.
2. He does not live in a building zoned for residential occupancy within the City limits of the City of West Chicago. The address listed on his nominating papers is zoned B2, commercial not residential. It is in fact an Office building, not a place of residence. According to the Election Commission on 12/23/2020 at 1545 hrs., no one can be registered as a voter at that address because it is not a residence within the City of West Chicago.
3. 65ILCS states; A person is not eligible for an elective municipal Office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election or appointment. Mr. Czuba has not met that requirement .
4. Following are problems with the candidate petition pages:
 1. The circulator of page one is unclear as there are two names there. Also signatures 8,9,10 all seem to be of the same handwriting. Which one is a signature? Two should be stricken.
 2. The circulator of page two is also unclear as there are two names there. Also, signatures 1 and 2 are in the unincorporated area and not within the City limits of West Chicago.
 3. The circulator of page three is also unclear as there are two names listed. Also, signatures 8 and 9 appear to be written by the same person. One should be stricken.
 4. The circulator of page four is also unclear as there are two names listed.
 5. The circulator of page five is also unclear as there are two names listed. Also, signatures 1,2,3,5,6,7,8 are all unincorporated addresses and not within City limits and therefore not valid.
 6. Again, page six has two names as circulator and is therefore unclear as to who circulated this page.
 7. Page seven has two names as circulator and therefore it is unclear as to who circulated this page. Also, Line 1 and 2 show residences as not in the City of West Chicago. Lines 6, 8, and 9 do not show a last name.
 8. On page eight, lines 2 and 7 are not addresses that are within the City limits of West Chicago.
 9. Again on page nine there are two names listed as circulator making it unclear as to who circulated the petition.
 10. On page 10 we have again two names listed in the circulator position and three different addresses listed on the line for circulators address. This makes it very unclear as to who circulated this petition page and therefore making all signatures on this page ineligible.
 11. Page 11 shows the circulator residing at an address not zoned residential and according to the DuPage Election Commission on December 23, 2020 is an address that cannot have a registered

voter residing at. Therefore, he cannot reside there and be a registered voter at that address. Furthermore the DuPage Election Commission does not show him as a registered voter there or anywhere else within the City of West Chicago. So, if this is not his residence, the place he lives at everyday and comes home to each day and sleeps and cooks meals there, then the address listed on the petition papers is not correct and I would think that would make any signatures collected on such pages null and void.

12. Page twelve shows the circulator residing at a residence not zoned residential but rather commercial or B2 and according to the DuPage Election Commission cannot be the residence shown for a registered voter. In that this circulator is also the candidate that in and of itself makes his candidacy ineligible. Furthermore, Illinois law states that Mr. Czuba would have to have lived there one year prior to the election in a regular normal nearly every day living situation, not for example, sleeping there one night a week. Lastly, living there because of the zoning would be in violation of the City Code in West Chicago for a whole year prior to the election. This would mean the Candidate for Mayor was violating the West Chicago City Code for one year prior to the election. That would make him ineligible to take the Oath of Office which calls for enforcing all ordinances of which he would have been violating the zoning ordinances for up to one full year and would in fact be violating that same ordinance at the exact same moment he was taking an oath to uphold and defend that ordinance if elected and living at that address.

12. Page twelve shows circulator who is also the candidate stating he resides at an address not zoned for residential use but rather is zoned B2 commercial in violation of city code/ordinance. This would make him ineligible to take an oath of Office as this Oath mandates that he must uphold and defend this same code/ordinance that he would be violating at the same moment as he took the Oath if elected.

13. The same statement indicated for page twelve of this petition pertains to page thirteen of this petition.

14. The same statement indicated for page twelve of this petition pertains to page fourteen of this petition.

15. The same statement for page twelve of this petition pertains to page fifteen of this petition.

16. Page sixteen of this petition shows 2 names for circulator which makes all signed on this page invalid.

17. Page seventeen of this petition shows 2 names for circulator which makes all signatures on this page invalid.

In Summation: Daniel Czuba is not a registered voter within the City of West Chicago as 65ILCS mandates and is therefore not eligible to be a candidate for Mayor of The City of West Chicago. This was confirmed by the DuPage Election Commission and a scrutinization of the voters list for The City of West Chicago. Furthermore, Daniel Czuba lists 465 E. Roosevelt Rd. as his address in West Chicago which is not zoned for residential use but rather is zoned B2 commercial and therefore a violation of the very city codes and ordinances he would have to take an oath to uphold and defend if elected. He in fact would be violating code/ordinance at the same exact moment of taking an oath to uphold and defend said code/ordinance if elected and living at that Roosevelt Rd. Address. This along with all

indicated problems listed specifically on his petition pages makes Daniel M. Czuba ineligible to be a candidate for Mayor of The City Of West Chicago

Attachments:

1. A receipt page from the DuPage Election Commission showing a \$5.00 expenditure for records. This receipt page demonstrates I was there on 12-23-2020 at approximately 1545 hrs. I went there to get voting records for Daniel Czuba from the Election Commission but because no voting records are kept for anyone stating residence at an address that is listed as not residential but rather commercial, they could not provide me with any. They did confirm that Daniel Czuba was not a registered voter in the City of West Chicago.
2. This is a page from the most recent registered voters list from West Chicago in alphabetical order showing no Daniel Czuba as a registered voter where it would appear had he been a registered voter in the City of West Chicago.



THE OFFICE OF JEAN KACZMAREK
DuPage County Clerk
421 North County Farm Road, Wheaton, IL 60187
(630) 407-5500

RECEIPT NUMBER:	202012230028	DATE:	12/23/2020
RECEIVED OF:	MOFFET, TRISTAN	CASHIER:	ECJRG
CASH RECEIVED:			
EC - MISCELLANEOUS	CERT	\$5.00	
TOTAL SERVICE FEE:		\$5.00	\$5.00

TRISTAN MOFFET

2.

West Chicago Ward 2	Winfield Tr	40009 W32J7Y2Y	130763 Winfield 009	Cusack Jr
West Chicago Ward 2	Winfield Tr	40009 532J7Y2Y	130758 Winfield 009	Cusack
West Chicago Ward 2	Winfield Tr	40009 K32J7Y2Y	130759 Winfield 009	Cusack
West Chicago Ward 2	Winfield Tr	40009 432J7Y2Y	130756 Winfield 009	Cusack
West Chicago Ward 2	Winfield Tr	40009 L32J7Y2Y	130761 Winfield 009	Cusack
West Chicago Ward 2	Winfield Tr	40009 732J7Y2Y	130762 Winfield 009	Cusack
West Chicago Ward 2	Winfield Tr	40009 J32J7Y2Y	130757 Winfield 009	Cusack
West Chicago Ward 5	Wayne Tow	10037 9L23782Y	1484051 Wayne 037	Cutrano
West Chicago Ward 5	Wayne Tow	10037 J5JRYR2Y	1518074 Wayne 037	Cutrano
West Chicago Ward 4	Winfield Tr	40037 KQ247Y2Y	138017 Winfield 037	Cvetko
West Chicago Ward 2	Winfield Tr	40001 832J7Y2Y	130767 Winfield 001	Czernik
West Chicago Ward 7	Wayne Tow	10048 LWRYRY2Y	78277 Wayne 048	Czerwinski
West Chicago Ward 4	Wayne Tow	10047 YL75Q52Y	798066 Wayne 047	Czosnowski
West Chicago Ward 4	Wayne Tow	10047 RQ6HLQ2Y	1313851 Wayne 047	Czosnowski
West Chicago Ward 5	Winfield Tr	40019 6Q247Y2Y	138018 Winfield 019	Czuhajewski
West Chicago Ward 7	Wayne Tow	10036 JH972Q2Y	1391720 Wayne 036	Czyzewski
West Chicago Ward 7	Wayne Tow	10036 K954K82Y	1385590 Wayne 036	Czyzewski
West Chicago Ward 1	Winfield Tr	40017 2K9JJY2Y	228230 Winfield 017	D Alessandro
West Chicago Ward 6	Winfield Tr	40035 57R8RY2Y	76931 Winfield 035	D Amico
West Chicago Ward 6	Winfield Tr	40035 LWWJ7Y2Y	128293 Winfield 035	D Aversa
West Chicago Ward 5	Winfield Tr	40019 LWR42Y2Y	999868 Winfield 019	D Onofrio
West Chicago Ward 5	Winfield Tr	40019 QWH3L92Y	1446000 Winfield 019	D Onofrio
West Chicago Ward 7	Wayne Tow	10035 3R58Q52Y	754487 Wayne 035	D Orazio
West Chicago Ward 4	Wayne Tow	10039 J56J2Y2Y	986059 Wayne 039	Dabu
West Chicago Ward 4	Wayne Tow	10039 W53JYW2Y	1176482 Wayne 039	Dabu
West Chicago Ward 4	Wayne Tow	10039 5H5QW62Y	1028533 Wayne 039	Dabu
West Chicago Ward 6	Winfield Tr	40011 359K692Y	1454660 Winfield 011	Daffron

Joseph	R	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
Frances	M	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
John	P	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
Caroline	T	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
Margaret	E	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
William	H	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
Elizabeth	A	622 S	Neltnor Blvd	622 S Neltn West Chica	60185	4.1E+08
Ethel		920	Wild Ginger Trl	920 Wild G West Chica	60185	1.34E+08
Joseph	J	920	Wild Ginger Trl	920 Wild G West Chica	60185	1.34E+08
R	P	749 E	Washington St	749 E Was West Chica	60185	4.03E+08
Christine	E	528 E	Blair St	528 E Blair West Chica	60185	4.1E+08
Roger		697	Tanager Ln	697 Tanagr West Chica	60185	1.27E+08
Diana		364	Laurel Ln	364 Laurel West Chica	60185	1.33E+08
Kenneth	A	364	Laurel Ln	364 Laurel West Chica	60185	1.33E+08
Joseph		770	Persimmon Dr	770 Persim West Chica	60185	4.03E+08
Arek		2855	Culver Ln	2855 Culve West Chica	60185	1.19E+08
Dorota		2855	Culver Ln	2855 Culve West Chica	60185	1.19E+08
David	P	360	Fremont St	360 Fremo West Chica	60185	4.04E+08
Susan	T	1607	Orchard Ct	1607 Orch West Chica	60185	4.15E+08
Nancy	J	1740	Brookwood Dr	1740 Brool West Chica	60185	4.22E+08
Michael		784	Pioneer Ct	784 Pione West Chica	60185	4.03E+08
Linda	Saenz	784	Pioneer Ct	784 Pione West Chica	60185	4.03E+08
Stella		2324	Alamance Dr	2324 Alam West Chica	60185	1.19E+08
Eloisa	M	239	Woodside Dr	239 Wood West Chica	60185	1.33E+08
Ralph		239	Woodside Dr	239 Wood West Chica	60185	1.33E+08
Emmanuel		239	Woodside Dr	239 Wood West Chica	60185	1.33E+08
Gina	Nicole	517	Carriage Dr Apt 2C	517 Carriaj West Chica	60185	4.15E+08

NULL	50 ##### West Chicæ Winfield Tr	40009
NULL	51 ##### West Chicæ Winfield Tr	40009
NULL	52 ##### West Chicæ Winfield Tr	40009
630-231-6	45 ##### West Chicæ Winfield Tr	40009
NULL	77 ##### West Chicæ Winfield Tr	40009
630-231-6	48 ##### West Chicæ Winfield Tr	40009
NULL	54 6/4/2015 West Chicæ Winfield Tr	40009
Ethel.cutra	45 ##### West Chicæ Wayne Tov	10037
NULL	59 ##### West Chicæ Wayne Tov	10037
NULL	77 ##### West Chicæ Winfield Tr	40037
NULL	68 ##### West Chicæ Winfield Tr	40001
NULL	68 3/9/1981 West Chicæ Wayne Tov	10048
NULL	55 ##### West Chicæ Wayne Tov	10047
(847)778-C	55 ##### West Chicæ Wayne Tov	10047
630-837-8	73 ##### West Chicæ Winfield Tr	40019
(773)918-5	38 ##### West Chicæ Wayne Tov	10036
arcade82@	41 ##### West Chicæ Wayne Tov	10036
dorotasob	44 1/8/2018 West Chicæ Winfield Tr	40017
(630)833-2	59 ##### West Chicæ Winfield Tr	40035
NULL	70 ##### West Chicæ Winfield Tr	40035
NULL	63 ##### West Chicæ Winfield Tr	40019
NULL	67 ##### West Chicæ Winfield Tr	40019
630-377-5	58 ##### West Chicæ Wayne Tov	10035
NULL	61 ##### West Chicæ Wayne Tov	10039
NULL	28 ##### West Chicæ Wayne Tov	10039
(630)483-C	58 ##### West Chicæ Wayne Tov	10039
NULL	31 ##### West Chicæ Winfield Tr	40011



WEST CHICAGO MUNICIPAL OFFICERS' ELECTORAL BOARD RULES OF PROCEDURE

The following Rules of Procedure shall be utilized by the West Chicago Municipal Officers' Electoral Board ("Electoral Board") for the Hearing and passing upon of Objections to Nominating Petitions.

RULE 1. Appearance.

Appearance by a Candidate or Objector at the Hearing on Objections shall be made remotely via the Zoom platform by a Candidate or Objector(s) or through legal Counsel who have timely filed an Appearance on behalf of either the Candidate or Objector(s). All Parties must provide the Board with a written Appearance including a mailing address, a telephone number or numbers and an e-mail address for notification to the Party of any matter requiring notice in these proceedings. The Parties shall be available for receipt of such notification during the course of these proceedings. Appearances and any filings should be emailed to City Clerk Nancy Smith at westchicago.cityclerk@hotmail.com.

Rule 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 Chairperson 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 by the Parties, at the Board's discretion. The Board may, on its own motion continue the matter, in its sole and exclusive discretion, for purposes of conducting Records Checks, issuing subpoenas, seeking legal briefs on the issues, or for any other reason the Board deems necessary.

If a Candidate or Counsel for the Candidate or PropONENT or Counsel for the Proponent of a question of public policy fails to appear on the date set for the Evidentiary Hearing, a Decision in the nature of a default judgment may be entered and the Objections contained in the Objector's Petition may be sustained, but only upon a default prove-up Hearing upon a Verified Objector's Petition, and only upon a determination by the Board that the Objector's Petition sets forth valid grounds for the removal of the Candidate's name or question of public policy from the Ballot.

If an Objector or Counsel for the Objector fails to appear for the Hearing, the Board may, in its sole discretion, dismiss the Objection.

RULE 3. Presentation of Case.

All Parties must be prepared to present their case at the time set by the Board for an Evidentiary Hearing, including the presentation of witness testimony, affidavits, documentary evidence and any and all legal arguments in support of or in opposition to, the Objection.

RULE 4. Electoral Board.

The Electoral Board shall conduct and preside over all Hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements and make a clear and complete record of the processing. The Board shall have all the powers necessary to conduct a fair and impartial Hearing including, but not limited to:

- (a) Administer oaths and affirmations;
- (b) Issue witness and/or record subpoenas, upon request and proper application by the Parties;
- (c) Regulate the course of Hearings, set the time and place for continued Hearings, set times for filing of documents, provide for the taking of testimony, and in general conduct the proceedings, all according to the recognized principles of administrative law and the provisions of these Rules;
- (d) Examine the witnesses and direct the witnesses to testify, limit repetitive testimony and set reasonable limits to the amount of time that each witness may testify;
- (e) Rule upon offers of proof and receive relevant evidence;
- (f) Direct Parties to appear and confer for the settlement or simplification of issues and otherwise conduct pre-hearing conferences;
- (g) Dispose of procedural requests or similar matters;
- (h) Require the Parties to prepare written briefs and proposed findings of fact and conclusions of law;
- (i) Consider and rule upon all motions presented in a manner and time the Board deems appropriate;
- (j) Consider such evidence as may be submitted including, but not limited to documentary evidence, affidavits and oral testimony;
- (k) Enter any order that further carries out the purpose of these Rules; and
- (l) Prepare a written record of its proceedings. A transcript of proceedings will be made by a Certified Court Reporter.

RULE 5. Notice of Filing and Service.

Unless otherwise specified by these Rules or permitted by the Board or a Hearing examiner, service may be made upon any Party of the proceeding by first filing the original of the document or papers to be served and an executed Proof of Service with the West Chicago City Clerk. The Parties are responsible for serving every other Party with any such papers, by e-mail transmission or personal service. A Proof of Service shall contain a verified statement that electronic notice or personal notice of the filing has been given to the Party. All documents to be presented to the Board are to be filed with West Chicago City Clerk Nancy Smith at westchicagocityclerk@hotmail.com.

RULE 6. Preliminary Motions – Timing.

Preliminary motions and Objections to an Objector's Petition, in the nature of a motion to strike or dismiss the Objections, will be heard first at an appropriate time as determined within the discretion of the Electoral Board. Such motions must be made in writing and filed with the Elections Division, as provided for herein, on the opposing Parties no later than 4:30 p.m. at least one (1) calendar day preceding the date set in the Call for the Electoral Board to meet to consider the Objection(s). A response, if any, must be made in writing and filed with the West Chicago City Clerk and served upon the Parties on the date set in the Call for the Electoral Board to meet, or such other times as the Electoral Board may determine. The Electoral Board, in its discretion, may entertain oral responses to any motion. The Electoral Board may consider any motion, without further presentation by the Parties. When determined by the Electoral Board, motions may be taken under consideration for further review and future ruling. If the Objections to an Objector's Petition are sustained, the Objector's Petition will be overruled and the validity of the Nomination Papers will be sustained. The Electoral Board may, in its discretion, reserve ruling on any preliminary motions and Objections pending further Hearing on Objections.

RULE 7. Records Check.

When requested and ordered, Nomination Papers and Objections shall be compared with the Voter Records by agents of the Electoral Board, acting under the direction and supervision of the Electoral Board. In comparing a signature based upon a filed Objection to determine whether to sustain or overrule the Objection, such agents will provide a report and recommendation to the Electoral Board in order for the Electoral Board to determine the validity of challenged signatures and/or challenged registrations.

RULE 8. Objections to Records Check – Timing.

Any Candidate(s) or Objector(s) may object to the comparison of the Voter Records. Such objections shall be filed with the Electoral Board indicating the specific name(s) objected to designating the sheet and line of the challenged Petition, the basis for said Objection; or in the case of Circulator, the sheet number, as well as the ground(s) for each such Objection, within twenty-four (24) hours after receipt of the Records Check. Said Objections to the Records Check will be considered as part of the Record before the Electoral Board. Any such Objections to the Records Check as to the comparison of the Nominating Papers to the Voter Records shall be considered by the Electoral Board only if a timely Objection has been made. Failure to object to the Records Check shall result in a waiver to introduce any additional evidence, affidavits or testimony relative to the issue of the Records Check.

RULE 9. General Considerations.

Except as otherwise provided in these Rules, the Electoral Board may consider all evidence relevant to the issues presented by the Objections including, but not limited to:

- (a) Objections to the Objector's Petition as well as all testimony, evidence, affidavits and factual and legal arguments therein; and
- (b) Objections if any, to the original Nominating Papers, as well as all testimony, evidence, affidavits and factual and legal arguments therein;
- (c) Affidavits, providing the Party seeking to introduce or utilize an affidavit must first disclose said affidavit to the opposing Party, at least 24 hours prior to the introduction of said affidavit to the Board. Further, in order to be considered by the Board, all affidavits must comport with the requirements of the Illinois Code of Civil Procedure, Supreme Court Rule 191.

Affidavits submitted shall:

- be made on the personal knowledge of the affiant;
- set forth with particularity the facts upon which the claim, counterclaim, or defense is based;
- have attached thereto sworn or certified copies of all papers documents upon which the affiant relies;
- not consist of conclusions but of facts admissible in evidence;
- affirmatively show that the affiant, if sworn as a witness, can testify competently thereto

If all of the facts to be shown are not within the personal knowledge of one person,

two or more affidavits shall be used.

RULE 10. Arguments.

All arguments of Counsel and evidence must be confined to the points raised by the Objections to the Objector's Petition, with respect to the Nominating Papers. The Objector and the Candidate shall be limited to fifteen (15) minutes each for the presentation of their case unless the Board, for good cause shown, extends the period of presentation. All oral arguments following the close of evidence shall be limited to five (5) minutes. Any Party who desires may submit arguments in writing; must do so at the Hearing. Cross-examination of witnesses will be permitted at the discretion of the Electoral Board. All arguments of Counsel and evidence should be confined to the points raised by the Objections.

RULE 11. Failure to Follow Directives.

Failure to adhere to these Rules or to a directive of the Board, or refusal to participate in the proceedings in good faith shall be a ground for dismissal of the Objector's Petition or appropriate sanction, as determined by the Electoral Board.

RULE 12. General Procedures.

For matters not covered herein, the Board will generally follow rules of practice, which prevail in the Eighteenth Judicial Circuit Court, Wheaton, Illinois, but because of the nature of these proceedings, the Board shall not be bound by such rules. The Board's Rules shall generally be in accordance with Roberts' Rules of Order, newly revised.

RULE 13. Sessions.

After the Electoral Board convenes, it will remain in session continuously until all Objections shall have been considered and ruled upon; provided, however, the Electoral Board may recess from time to time, as required.

RULE 14. Findings.

The Electoral Board shall state its findings in writing, noting the Objections, which have been sustained or overruled. The Electoral Board shall also state in writing whether the Candidate's name shall be printed upon the Official Ballot.

RULE 15. Review of Electoral Board Decision.

Any Party disagreeing with, or aggrieved by, the decision of the Electoral Board may exercise those rights available under the Election Code for Administrative Review.

RULE 16. Rules Provided to Parties.

Candidate(s) and Objector(s) will be provided with a copy of the proposed Rules to be approved and adopted by the West Chicago Municipal Officers' Electoral Board at the time of service of the Call Notice of the Hearing provided for herein.

Adopted this 5th day of January, 2021.

West Chicago Municipal Officers' Electoral Board

Chairperson, Lori Chassee

Electoral Board Member, James Beifuss

Electoral Board Member, Nancy Smith

ATTEST:

Electoral Board Secretary, Nancy Smith