

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OF OBJECTIONS TO NEW POLITICAL PARTY AND  
INDEPENDENT CANDIDATES SEEKING TO APPEAR ON THE BALLOT FOR THE  
NOVEMBER 5, 2024, GENERAL ELECTION**

Joseph Mullen Duffy and	)	
Zach Koutsky	)	
Petitioners-Objectors,	)	
	)	Case No. 24-SOEB GE-508
vs.	)	
	)	
Robert F. Kennedy, Jr. and	)	
Nicole Shanahan,	)	
Respondents-Candidates.	)	

**RECOMMENDATION**

TO: Joseph Mullen Duffy  
and Zach Koutsky  
c/o Ross D. Secler  
and Priscilla E. Centeno  
Odelson, Murphey, Frazier  
& McGrath, Ltd.  
3318 W. 95th Street  
Evergreen Park, IL 60805  
[elections@omfmlaw.com](mailto:elections@omfmlaw.com)

and

Joseph Mullen Duffy  
and Zach Koutsky  
c/o Steven M. Laduzinsky  
216 S. Jefferson Street, Suite 301  
Chicago, IL 60661  
[admin@laduzinsky.com](mailto:admin@laduzinsky.com)

General Counsel  
Illinois State Board of Elections  
[GeneralCounsel@elections.il.gov](mailto:GeneralCounsel@elections.il.gov)

Robert F. Kennedy, Jr.  
and Nicole Shanahan  
c/o Christopher D. Kruger  
Attorney at Law  
2022 Dodge Avenue  
Evanston, IL 60201  
[chris@kruger-law.com](mailto:chris@kruger-law.com)

and

Robert F. Kennedy, Jr.  
and Nicole Shanahan  
c/o Andrew Finko  
Attorney at Law  
875 N. Michigan Ave. #3100  
Chicago, IL 60611  
[Finkolaw@Fastmail.FM](mailto:Finkolaw@Fastmail.FM)

This matter coming on for recommendation on Objectors' Petition in this matter and the Hearing Officer states as follows:

### **PROCEDURAL HISTORY**

This matter commenced when Joseph Mullen Duffy and Zach Koutsky (hereinafter "Objectors") filed an "Objectors' Petition" with the State Board of Elections on July 1, 2024. Objectors' Petition ask that the names of **Robert F. Kennedy Jr.** and **Nicole Shanahan** (hereinafter "Candidates"), as candidates for the offices of President of the United States and Vice-President of the United States, respectively, not be printed upon the official ballot as Independent Candidates for the General Election to be held on November 5, 2024.

### **Objectors' Petition**

Objectors' Petition makes the following objections, upon information and belief, to the Nomination Papers of **Robert F. Kennedy Jr.** ("Candidate Kennedy") and **Nicole Shanahan** ("Candidate Shanahan") for the following reasons:

1. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names. (¶6).
2. The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons and said signatures are not genuine signatures of registered voters at the addresses shown opposite their names and are forgeries. (¶7).
3. The Nomination Papers contain petition sheets with the names of persons for whom addresses are stated that are not in the State of Illinois, where the Candidates are seeking to appear on the ballot, and such signatures are not valid. (¶8).
4. The Nomination Papers contain the names of persons for whom the signer's address is missing or incomplete. (¶9).
5. The Nomination Papers contain the names of persons who have signed the Nomination Papers more than one time. (¶10).
6. The Nomination Papers contain numerous sheets where the page number is not consecutively ordered or where a page number is duplicated, in violation of the Election Code. (¶12).
7. The Nomination Papers contain petition sheets that bear a circulator's affidavit which is not signed by the circulator, in violation of the Illinois Election Code, and every signature on such sheets is invalid. (¶15).
8. The Nomination Papers contain Petition Sheets that bear a circulator's affidavit that is false because it is signed by a Circulator who does not reside at the address given, and every signature on such sheet is invalid. (¶16).

9. The Nomination Papers contain petition sheets that bear a circulator's affidavit on which the circulator's address is incomplete and not provided in accordance with the mandatory provisions of the Illinois Election Code, and every signature on such sheets is invalid. (§17).
10. The Nomination Papers contain petition sheets that bear a circulator's affidavit which is not signed by the circulator in the circulator's own proper person, and such signatures are not genuine and are forgeries, and every signature on such sheets is invalid. (§18).
11. The Nomination Papers contain petition sheets that bear a circulator's affidavit on which the circulator did not personally appear before the Notary Public to subscribe or acknowledge his/her signature as a circulator in the presence of said Notary Public, and every signature on such sheets is invalid. (§19).
12. The Nomination Papers contain petition sheets that bear a circulator's affidavit which is not properly sworn to before a Notary Public or other appropriate officer authorized to administer oaths in this State in the proper form, and every signature on such sheets is invalid. (§20).
13. The Nomination Papers contain petition sheets that bear a circulator's affidavit that is false in that the purported circulator did not circulate said sheets, and every signature is invalid. (§21).
14. The Nomination Papers contain petition sheets that bear a circulator's affidavit on which the circulator did not swear before the purported Notary on specific notarized sheets, and thus every signature is invalid. (§22).
15. The Nomination Papers contain petition sheets that bear a circulator's affidavit on which the named circulator previously circulated petition sheets for a candidate of another political party within the current election cycle in violation of mandatory provisions of the Election Code and case law in place to protect the integrity of the electoral process. (§23). This allegation is made with specific reference to the petition sheets circulated by at least the following individuals:
  - a. Daniel Cox
  - b. Kenny Howard
  - c. Lonnie Horne
  - d. Mary Henton
  - e. Renea Williams
  - f. Richard Osorino
  - g. Alexander Colden
  - h. Byron Taylor
  - i. Chris McMorrow
  - j. Colin Aiken
  - k. Christina Preston

- l. Danzell Thompkins
  - m. Dwaitta Bogan
  - n. Elmer Lopez
  - o. Jacob Peters
  - p. James Jackson
  - q. Jason Antis
  - r. Jennifer Kline
  - s. John Damon
  - t. Jordan Evans
  - u. Lorenzo Lee Avery Jr.
  - v. Lynell Hardiman
  - w. Marcus Carter
  - x. Rebecca Freeze
  - y. Ryan Mazurkiewicz
  - z. Tiondre Robertson
16. The Nomination Papers contain petition sheets circulated and/or notarized by individuals whose petition sheets demonstrate a pattern of fraud, false swearing, and contemptuous disregard of the Election Code to such a degree that every signature on every petition sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process. (§24). The following circulators, and all signatures submitted by them, and the following notaries public, and all petition sheets notarized by them are challenged for the reasons set forth in the petition including the following reasons:
- a. Arman Wilson was not the true circulator of the petition signature sheets he purports to have circulated, did not witness the signatures that appear on his petition signature sheets, and was not present at the time such signatures were purportedly made on his petition signature sheets, in violation of the Election Code. On certain petition signature sheets, said alleged circulator's signature is not genuine and was not signed by the alleged circulator in his own proper person. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.a.).
  - b. Betty Garrison was not the true circulator of the petition signature sheets she purports to have circulated, did not witness the signatures that appear on her petition signature sheets, and was not present at the time such signatures were purportedly made on her petition signature sheets, in violation of the Election Code. On certain petition signature sheets, said alleged circulator's signature is not genuine and was not signed by the alleged circulator in her own proper person. Several signatures were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged. The petition sheets circulated by said purported circulator being

in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.b.).

- c. Blake Hallom or Hallam was not the true circulator of the petition signature sheets he purports to have circulated, did not witness the signatures that appear on his petition signature sheets, and was not present at the time such signatures were purportedly made on his petition signature sheets, in violation of the Election Code. On certain petition signature sheets, said alleged circulator's signature is not genuine and was not signed by the alleged circulator in his own proper person. In fact, said circulator provides multiple variations and spelling of his own last name and his own purported address. Furthermore, on numerous occasions, said circulator did not personally appear before the Notary Public to swear to and sign the circulator affidavit. Finally, several signatures were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.c.).
- d. Bruce Sawyer's petition sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different petition sheets. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the petition sheet by the person who is named therein, all in violation of the Election Code. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.d.).
- e. Christian Lester was not the true circulator of the petition signature sheets he purports to have circulated, did not witness the signatures that appear on his petition signature sheets, and was not present at the time such signatures were purportedly made on his petition signature sheets, in violation of the Election Code. On certain petition signature sheets, said alleged circulator's signature is not genuine and was not signed by the alleged circulator in his own proper person. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.e.).
- f. Christine Preston's petition sheets contain numerous signatures that were not placed on the petition sheets by the voters in their own proper person but were signed by

another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different petition sheets. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of her sheets, nearly every single purported voter is not registered, and said signatures were not placed on the petition sheet by the person who is named therein, all in violation of the Election Code. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.f.).

- g. Colston Longstreth's petition sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the petition sheet by the person who is named therein, all in violation of the Election Code. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.g.).
- h. Justin Shannon's petition sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different petition sheets. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the petition sheet by the person who is named therein, all in violation of the Election Code. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.h.).
- i. Sara Fuquay's petition sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's petition sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different petition sheets. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of her sheets, nearly every single purported voter is not registered, and said

signatures were not placed on the petition sheet by the person who is named therein, all in violation of the Election Code. The petition sheets circulated by said purported circulator being in violation of the statutes in such cases made and provided, each and every one of said petition sheets should be stricken. (§24.i.).

- j. Darva Watkins (Notary Public): Darva Watkins purportedly notarized numerous petition sheets for alleged circulators who did not personally appear before her to swear their oath and Darva Watkins did not adhere to Section 6-102 of the Illinois Notary Public Act, 312/1-101, *et seq.*, all of which is in flagrant violation of and disregard for the Election Code, in such a manner that the integrity of the electoral process is impacted, and as such, each of the sheets that she has notarized must be invalidated. Pursuant to the rule set forth in *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469 (1980) and *Cunningham v. Schaefflein*, 969 Ill. App. 3d 861 (2012), each of the petition signature sheets purportedly notarized by Darva Watkins must be stricken. (§24.j.).
  - k. Qiana K. Cage (Notary Public): Qiana K. Cage purportedly notarized numerous petition sheets for alleged circulators who did not personally appear before her to swear their oath and Qiana K. Cage did not adhere to Section 6-102 of the Illinois Notary Public Act, 312/1-101 *et seq.*, all of which is in flagrant violation of and disregard for the Election Code, in such a manner that the integrity of the electoral process is impacted, and as such, each of the sheets that she has notarized must be invalidated. Pursuant to the rule set forth in *Bowe v. Chicago Electoral Board*, 79 Ill. 2d 469 (1980) and *Cunningham v. Schaefflein*, 969 Ill. App. 3d 861 (2012), each of the petition signature sheets purportedly notarized by Qiana K. Cage must be stricken. (§24.k.).
17. Petition sheets number 4879 and 4880 are the same sheet and contain exactly the same signatures on the same lines. Pursuant to the Election Code duplicate photocopies of petition sheets are not allowed. Furthermore, each sheet contains an original notarized statement of the circulator, Vanessa M. Egger, which is false and perjurious. Therefore, because Vanessa M. Egger has falsely sworn that the signatures on the petition sheets are genuine and signed in her presence when, for a photocopy, there are not, Petition Sheet numbers 4879 and 4880, and all sheets purportedly circulated and sworn to by Vanessa M. Egger should be stricken in their entirety. (§25).
18. In his Statement of Candidacy, Candidate Kennedy states, under sworn oath, that he resides at “84 Croton Lake Road” in Katonah, Westchester County, New York 10536. In the heading of each petition sheet, Candidate’s address, as presented to any petition signers, is stated as being “84 Croton Lake Road, Katonah, NY 10536.” However, Candidate Kennedy is was not at the time of signing his Statement of Candidacy, and has never been, a resident at the address of “84 Croton Lake Road, Katonah, NY 10536” as shown on either his Statement of Candidacy or otherwise throughout his Nomination Papers. Therefore, the Statement of Candidacy is false and perjurious, and the Candidate’s false swearing renders his Statement of Candidacy, and each petition sheet bearing a false residence address, invalid and void. (§ 28).

19. Furthermore, although not named on the petition sheets, a violation of Section 10-4 of the Election Code within itself, the Nomination Papers include a Statement of Candidacy for Nicole Shanahan as a candidate for Vice President of the United States, who resides in the State of California. On information and belief, Candidate Kennedy is not a resident of New York and is, in fact, a resident of the State of California with his wife and family and has been for years. (¶ 29).

20. Amendment XII to the United States Constitution states:

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, ***one of whom, at least, shall not be an inhabitant of the same state with themselves***; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for a Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; ...”

U.S. CONST. amend. XII (emphasis added); *see also* in U.S. CONST. art. II, § 1, cl. 3. (¶30).

21. Thus, the Candidates are prohibited by the Constitution from receiving electoral college votes from their mutual home state of California because the Constitution prohibits electors from casting ballots for both a candidate for President and Vice-President from the same state. The effect of the falsehood regarding Candidate Kennedy’s residence is detrimental to the Candidates’ joint effort and their attempt to be eligible for electoral college votes from every state in the Union. (¶ 31).

22. As such, not only has Candidate Kennedy falsely and perjurally sworn to a false address on his Statement of Candidacy but has also attempted to defraud his petition signers by claiming a false residence on every page of the petition. Candidate Kennedy has attempted to defraud the electoral process and violate the Constitution of the United States by perjurally asserting residency in a state apart from his Vice-Presidential running-mate and, therefore, nefariously attempting to remain eligible for California’s electoral vote. Said conduct constitutes a flagrant disregard for the electoral process and the mandatory requirements of the Election Code and the United States Constitution. (¶32).

23. Candidates filed Nomination Papers as "independent" candidates to appear on the ballot in Illinois at the November 5, 2024, General Election. However, Candidates, and specifically Candidate Kennedy, has previously affiliated with and has attempted to become a candidate for the office of President of the United States at the November 5, 2024, General Election as a member of *inter alia*, the Democratic Party, the “We the People Party,” as well as other established and new political parties throughout the Country. Candidates’ impermissible party-switching, within an election cycle, is prohibited by law. (¶ 35).

24. On or about April 5, 2023, Defendant Kennedy filed a Statement of Candidacy with the Federal Elections Commission, declaring that he intended to seek the nomination of the Democratic Party for the office of President of the United States at the “2024 election(s).” Candidate Kennedy electronically signed that Statement of Candidacy stating, “*I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.*”<sup>1</sup> Candidate Kennedy subsequently conceded defeat in the Democratic Party Primary and nomination process.<sup>2</sup> (¶39).
25. On information and belief, Candidate Kennedy is a registered and qualified voter of the *Democratic Party* in the State of New York. (¶40).
26. On information and belief, Candidate Kennedy has previously sought or is actively seeking the nomination, and support of multiple, other political parties, and has declared affiliation with said parties, prior to signing his Statement of Candidacy in Illinois as a purported independent candidate, to wit, with investigation continuing:
- a. The “American Independent Party” and the “We the People Party” in the State of California;
  - b. The “We the People Party” in the State of Hawaii;
  - c. The “Natural Law Party” in the State of Michigan;
  - d. The “Reform Party” in the State of Florida;
  - e. The “Alliance Party” in the State of South Carolina;
  - f. The “Independent Party of Delaware” in the State of Delaware;
  - g. The “We the People Party” in the State of Montana;
  - h. The “We the People Party” in the State of Vermont;
  - i. The “We the People Party” in the State of Pennsylvania;
  - j. The “We the People Party” in the State of North Dakota;
  - k. The “We the People Party” in the State of New Hampshire;
  - l. The “We the People Party” in the State of Maine; and
  - m. The “We the People Party” in the State of North Carolina. (¶41).
27. On information and belief, Candidate Shanahan has affiliated with the same political parties as Candidate Kennedy in her effort to be Vice-President of the United States and she declared said affiliations prior to signing her Statement of Candidacy in Illinois as a purported independent candidate. (¶42).
28. Candidate Shanahan filed *no* petition signatures. She only filed a Statement of Candidacy, there is no mention of her name or address on any of the petition signature sheets. This is a clear violation of the Illinois Election Code. Further, the petition sheets purport to nominate Electors on behalf of candidates for “President and Vice President” but there is no name or address of a Vice-Presidential candidate appearing anywhere on the petition sheets. (¶46).

---

<sup>1</sup> See <https://docquery.fec.gov/cgi-bin/forms/P40011793/1696043/>

<sup>2</sup> See <https://www.nytimes.com/2023/10/09/us/politics/robert-f-kennedy-jr-independent.html>

### **Board Staff Records Examination**

On Friday, July 12, 2024, a multi- day Records Examination was initiated wherein the line and sheet objections directed to voters set forth in Paragraphs 5 through 11 of Objectors’ Petition were reviewed. Board Staff in the Springfield and Chicago Board Offices reviewed the 33,614-line objections.

After completion of the entire Records Examination without consideration of the remaining pending objections, Candidates had 43,040 valid signatures (18,040 valid signatures over the required signature amount of 25,000).

### **Parties’ Rule 9 Motions**

On July 25, 2024. Objectors filed their Rule 9 Motion, making non-Rule 9 related disclosures and arguments and disclosing the retention of their handwriting expert Kevin Kulbacki, including submission of his original report and reserving the right to have him opine on petition sheets and line numbers to be identified in the future. As ordered by the Hearing Officer, Objectors provided a supplemental expert report and a timely notification they were not taking exception to the individual Board Staff rulings pursuant to Rule 9.

On July 25, 2024, Candidates filed their Rule 9 Motion, making non-Rule 9 related disclosures and arguments, eight affidavits of individuals that included them attesting to the validity of their signatures (none of these eight individuals actually had sustained signature objections – so there was no change to the Records Examination totals) and disclosed the retention of two rebuttal handwriting experts.

The Rule 9 Motions filed by the Parties did not change the result totals from the Board Staff’s Records Examination.

### **Candidates’ Motion to Dismiss Objectors’ Petition**

On July 14, 2024, Candidates filed a Motion to Dismiss Objectors’ Petition “pursuant to 735 ILCS 5/2-619(a)(9) due to (a) Electoral Board’s lack of jurisdiction over the nomination papers and Objectors’ lack of standing, or in the alternative, (b) Objectors’ failure to state legally cognizable objections that would invalidate Candidates’ nomination papers.” In support of the foregoing, the Candidates allege, *inter alia*, that the Electoral Board lacks jurisdiction over Electors because Objectors have failed to name them; Paragraphs 23 and 24 of Objectors’ Petition do not adhere to Illinois pleading standards; the status of a candidate being independent is inconsequential; it is beyond the authority of the Electoral Board to render an opinion as to candidate addresses; and one photocopied sheet from a circulator does not support the removal of all sheets from the circulator.

On July 18, 2024, Objectors filed a Response to Candidates’ Motion to Dismiss Objectors’ Petition, wherein Objectors “request[ed] that Candidates’ Motion to Dismiss be denied and this matter should proceed to an evidentiary hearing after the Records Examination concludes as provided by the Rules of Procedure.” In their Response, Objectors’ respond to and contest

Candidates' alleged bases for dismissal, including disputing Candidates' claims regarding the scope of the Electoral Board's jurisdiction; arguing Candidates misunderstand certain arguments raised by Objectors' Petition; and stating it is appropriate to remove all sheets from a circulator when it has been demonstrated that said circulator has committed fraud – through photocopying or otherwise.

On July 20, 2024, Candidates filed a Motion to Reply in Support of their Motion to Dismiss. Again, Candidates assert the Electoral Board lacks jurisdiction over the parties and their Nomination Papers. Candidates assert there is no authority in either the Objectors' Petition or in the Election Code that supports the denial of the voters' Constitutional right to assemble and nominate the Electors of their choice. Candidates reassert their position that Illinois' dual circulation law is inapplicable to Presidential and Vice-Presidential candidates. Candidates also reassert that the dual circulation law is not applicable to individuals that reside outside of the State. Candidates further assert that Objectors' Petition Paragraph 24 neither sets forth any facts specific to certain Circulators nor states the specific sheets for each alleged action. Candidates then address the assertions made against the Illinois Notaries Public by stating no Illinois decision has stricken all pages based upon erroneous notarization procedures. Candidates again assert the Election Code contains no requirement that a pledged Vice-Presidential candidate is required to submit Petition signatures for their nomination. Lastly, Candidates argue the issues of Candidate Kennedy's residence and Statement of Candidacy are not properly before the Electoral Board.

#### **Objectors' Motion to Allow Handwriting Expert Access to Voter Records**

On July 10, 2024, Objectors filed a Motion to Allow Handwriting Expert Access to Voter Registration Records seeking to be provided copies of certain voter registration records (with signature exemplars intact) for their expert's remote examination outside of the State Board of Elections' Springfield Office or, alternatively, for their handwriting expert to be allowed to conduct an examination of the records at the Chicago Office of the State Board of Elections.

On July 11, 2024, Candidates filed a Response in Opposition to Objectors' Request objecting to the Motion in which they asserted there is no legal basis for Objectors to be provided copies for remote access to the requested voter records and granting such a request would raise security concerns. Candidates' Response does not address Objectors' request for review of the records in the Chicago Office, rather than the Springfield Office, of the State Board of Elections.

On July 12, 2024, the Hearing Officer entered an Order deny Objectors' Motion as there is no legal basis to provide the requested relief sought by Objectors. The Order stated that if Objectors' handwriting expert wanted access to the voter records, he must do so by viewing the same "on a computer screen at the Springfield office of the State Board of Elections, during normal business hours". See 10 ILCS 5/1A-25.

#### **Objectors' Motion for Issuance of Subpoenas**

On July 11, 2024, Objectors timely filed their Motion for Issuance of Subpoenas (including proposed riders) pursuant to Rule 8 of the Rules of Procedure, requesting the issuance of personal appearance Subpoenas and *Subpoenas Duces Tecum*. They sought the personal appearance of 35

circulators. They asserted at least twenty-five petition circulators previously circulated petition sheets for a candidate of another political party within the current election cycle in violation of the Election Code. They also alleged that there appears to be at least nine petition circulators who were not the true circulators of the petitions. Finally, they asserted at least two Notaries Public did not personally witness circulators sign and swear their respective circulator affidavits. They also requested the issuance of two *Subpoenas Duces Tecum* to the Illinois Secretary of State. They asserted the request was reasonable in that the information expected to be elicited from the subpoenaed individuals is relevant to the issues raised; the subpoenaed individuals have personal knowledge of the relevant facts, and the information expected to be elicited is not cumulative.

On July 13, 2024, Candidates filed a Response in Opposition to Objectors' Request for Subpoenas asserting the request should be denied as the pending Motion to Dismiss seeks dismissal of the majority of the Objection; the Electoral Board has limited jurisdiction within Illinois; the Subpoenas for circulators are unduly burdensome and outweigh any potential benefit or information that is sought; no subpoena witness fees were offered or tendered in the subpoenas submitted; there were missing requests in the Motion or missing Subpoenas in violation of Rule 8; the Subpoenas for circulator testimony are not germane or necessary; the Subpoenas for boilerplate allegations in Paragraph 24 are not supported; the shotgun notary objections are unsupported factually or legally; and the Subpoenas to the Illinois Secretary of State are overly broad and not germane.

On July 14, 2024 the Hearing Officer prepared a Recommendation Relating to Objectors' Subpoena Request, recommending the granting of Objectors' request with proposed partial denials, modifications, and limitations for the issuance of Subpoenas to the twenty-six (26) circulators identified in Paragraph 6 of their Motion to compel their personal appearance at an evidentiary hearing or at an evidence deposition (at Objectors' option) and for the production of documents; for the issuance of Subpoenas to seven (7) of the nine (9) circulators identified in Paragraph 7 of their Motion to compel their personal appearance at the evidentiary hearing or at an evidence deposition (at Objectors' option) and for the production of documents; for the issuance of Subpoenas to two (2) Notaries Public identified in paragraph 8 of their Motion to compel their personal appearance at the evidentiary hearing or at an evidence deposition (at Objectors' option) and for the production of documents; and for the issuance of Subpoenas Duces Tecum to the Illinois Secretary of State. The application of Rule 8(c) of the Rules of Procedure adopted by the State Board of Elections regarding noncompliance with Subpoenas should only apply to Subpoenas issued to individuals located within the State of Illinois and any associated filing requested pursuant to Rule 8(c) would be to file an action in an Illinois Circuit Court and has no application to filing any action in any circuit court located outside of the State of Illinois. Objectors should be responsible for proper service and the payment of all costs associated with the issuance of the Subpoenas, service of the Subpoenas, enforcement of the Subpoenas, and costs associated with production of the documents to comply with the Subpoenas, and the round-trip cost of mileage for each witness from the witness' place of residence to the hearing location or the location of the deposition. Objectors' request for the issuance of Subpoenas to two (2) of the nine (9) circulators identified in Paragraph 7 of their Motion to compel their personal appearance at the evidentiary hearing or at an evidence deposition (at Objectors' option) was denied.

By email dated July 15, 2024, the General Counsel advised the Parties the Chair and Vice Chair had considered the Hearing Officer's Recommendation Relating to Objectors' Subpoena

Motion dated July 14, 2024 (“Recommendation”), as well as the parties’ briefing. The Recommendation was adopted in full. The Chair and Vice Chair share the Hearing Officer’s concern that trial subpoenas to out-of-state residents may not be enforceable. The Parties were also advised that the Board cannot seek court enforcement of Board trial subpoenas to out-of-state witnesses. The Parties were further advised that if Objectors chose, they could opt for issuance of deposition subpoenas to out-of-state witnesses in lieu of trial subpoenas, as deposition subpoenas may be enforceable under the Uniform Interstate Depositions and Discovery Act (735 ILC 35/1 *et. seq.*), depending on the laws of a witness’s home state. The Chair and Vice Chair encouraged the parties to permit testimony of out-of-state witnesses via video conference. Objectors were directed to provide modified draft subpoenas conforming to the ruling.

### **Candidates’ Objection to Discovery & Depositions**

On July 21, 2024, Candidates filed Objections to Discovery & Depositions, arguing the Electoral Board is limited to the issuance of subpoenas for attendance or for document production, the coded goes on to confirm that subpoenas can be enforced for “an order of court requiring such person to attend and testify and forthwith produce books and papers before the electoral board.” There is no authority for remote testimony or deposition. Candidates also argued that the Election Code does not contain a provision that extends the authority of the Electoral Board to engage in discovery, whether through interrogatories, depositions or requests for production of documents. Moreover, Candidates argued that if the Electoral Board finds it has authority to allow discovery and/or depositions, then Objectors have waived their right to request amended or supplemental subpoenas, as the Electoral Board’s Rules set the deadline for subpoenas on July 11, 2024. Candidates also asserted constitutional violations.

On July 23, 2024, Objectors filed their response to Candidates Objection to Discovery and Depositions, stating they timely filed an Objectors’ Petition with several legal and factual objections. The Electoral Board adopted its Rules of Procedure on July 9, 2024, during the case management conference setting deadlines for certain preliminary motions and ordered a Records Examination. That Rule 4(a)(2) adopted by this Electoral Board had authority to regulate and conduct proceedings as recognized by the principles of administrative law and the provision of these rules. That Rule 4(a)(7) provided the Electoral Board can issue subpoenas and rule on objections, and Rule 8(a)(1) stated any party desiring the issuance of subpoenas shall submit a written request to the Hearing Officer. Such a request for subpoena may seek the attendance of witnesses at a deposition (for evidentiary purposes). The authority for deposition subpoenas falls within the scope of the Electoral Board, all deposition subpoenas are for the purposes of entering evidence which show the fraudulent signatures. Objectors stated there is minimal burden; the delay and “prejudice” is due to the Candidates’ own tactics and conduct, and that it is disingenuous for Candidates to now complain about “delays” or logistical hardship where Candidates were the ones engaging in dilatory tactics and refusing to engage in any meaningful discussions to “prove” facts. Objectors requested Candidates’ Motion be denied and stricken for the failure to comply with the Electoral Board’s rules and failure to file the Motion in a timely manner. Candidates were given the deadline of July 21, 2024, at 1:00 p.m. to file objections regarding the deposition subpoenas, but Candidates submitted their Motion on July 21 at 4:54 pm. Candidates also continually presented the same argument to the Motion as filed on July 25, 2024. Candidate’s arguments include the near entirety of Candidates’ defense.

On July 24, 2024, the Hearing Officer entered an Order denying Candidates' Objections to Discovery and Depositions finding the Board has authority to issue the subpoenas requested by Objectors, Objectors' subpoena requests are not barred by waiver or laches, and the alleged Due Process and Equal Protection violations go the merits of Candidates' arguments that are still in dispute.

### **Candidates' Motion for Board Ruling Pursuant to Rule 7(c)(3)**

On July 21, 2024, Candidates filed a Motion pursuant to Rule 7(c)(3) seeking to have their pending Motion to Dismiss, presented to the Chair, and for a determination to be made by the Board regarding the jurisdiction of the Board to preside over the Objection prior to a hearing on the merits of the pending Objection. The Motion argued the pledged candidates will not be voted for by Illinois voters, Objectors do not have standing to challenge pledged Candidates, since it is the Illinois voters who will be on the Illinois ballot- only Electors will be elected; this Board lacks personal jurisdiction over Electors for whom Illinois voters will be voting; all allegations in the Objectors' petition are moot since Objectors could not obtain the relief requested by removing pledged Candidates, the independent Electors would still appear on the ballot; and Objectors signature challenges were sustained, as there are still more than 25,000 valid signatures

On July 22, 2024, Objectors filed their Response in Opposition to Candidates' Motion for Board Ruling Pursuant to Rule 7(c)(3). Objectors argued the case was ready for a full hearing on the merits, besides the signature related objection. There was no reason to further delay and bifurcate this matter based exclusively on Candidates' novel claim that they are not actual candidates seeking ballot access for the General Election. Rule 7(c)(2) of the Rules of Procedure stated the Board will decide all dispositive motions upon receipt of the recommendation of the Hearing Officer as this is common practice of the Electoral Board and Candidates should not be allowed to dictate the process. Objection hearings are expedited proceedings that require prompt resolutions of all issues in one decision of the Board.

On July 22, 2024, Candidates' Reply in Support of Motion for Board Ruling Pursuant to Rule 7(c)(3) was filed stating that Objectors did not address the fact that they named the wrong parties. Candidates requested the Board take action to rule upon their Motion to Dismiss because the Objection was legally and factually flawed and it would not result in the removal of the Electors. Electors are the candidates that will be voted upon. Candidates are merely listed on the ballot as a representation of a vote for the "entire list or set of electors."

By email dated Monday July 22, 2024, from General Counsel, the Chair denied Candidates' Motion for Board Ruling Pursuant to Rule 7(c)(3) as the Chair was persuaded by Objectors' Response, particularly that granting Candidates' request could delay the proceeding that is almost ready for a full hearing. These are expedited proceedings, and the Chair would not seek to convene a special meeting of the Board.

### **Parties' Initial Status Report**

The Parties were unable to meet and confer to formulate and simplify the factual issues, through stipulation, narrative statements, statements of the case; to formulate and simplify the legal issues to be presented by the respective Parties; to prepare for or have exchanged, proposed exhibits, tangible evidence, and witness lists; and to stipulate, if possible, to any of the proposed

exhibits or tangible evidence. As a result, Objectors and Candidates filed separate reports rather than one joint report.

On July 22, 2024, Objectors filed their status report simplifying the disputed facts, identifying the factual issues and legal issues, providing an initial witness list and exhibit list and reserving their rights regarding 119 signatures to be reviewed by Board Staff (these 119 lines are including in the Records Examination totals set forth in this Recommendation).

On July 21, 2024, Candidates filed their status report indicating there were no stipulations or agreements between the parties. They restated arguments set forth in their pending Motion to Dismiss, including subject matter jurisdiction, personal jurisdiction, Section 10-4 not being applicable to federal candidates and to electors for President, Section 10-4 not applying to out-of-state circulator activity; no residency requirements for President can be added by a state, there is no requirement to identify pledged candidates, and Illinois election law cannot extend to out of state activity. They reference Candidate Kennedy's affidavit filed in the *Cartwright v. Kennedy* case pending in New York.

#### **Objectors' Motion for Leave to File Requests to Admit Facts Pursuant to Illinois Supreme Court Rule 216**

On July 25, 2024, Objectors filed a Motion for Leave to File Requests to Admit to Candidates given Candidates unwillingness to agree or stipulate to even basic facts, to prevent undue delay, and to assist in making a clear record.

On July 26, 2024, Candidates filed a Response opposing Objectors' request, asserting the lack of statutory authority under the Election Code for written discovery, the limited scope of the Board's authority, and arguing due process and equal protection concerns.

On July 29, 2024, the Hearing Officer entered an Order denying Objectors' Motion for Leave to Issue Requests to Admit ruling the Board does not have the authority to grant the request and granting the request would be incompatible with the expedited hearing process.

#### **Objectors' Notice to Produce Candidate Kennedy for Personal Appearance**

On July 29, 2024, Objectors filed their Illinois Supreme Court Rule 237 Notice to Produce Candidate Kennedy requesting he be commanded to appear personally at the Evidentiary Hearing in this matter and to produce various documents, including his driver's licenses, lease agreements, utility bills, tax bills, mortgage loan statements, bank statements, credit card statements, automobile loan statements, travel records, and voter registration cards.

On July 30, 2024, Candidates opposed Objectors' Rule 237 Notice to Produce raising various issues and arguments including the argument the Board does not have the authority to issue discovery to an out-of-state resident.

On August 1, 20234, the Hearing Officer entered an Order compelling the personal appearance of Candidate Kennedy to testify at the Evidentiary Hearing in this matter but denied the request to command Candidate Kennedy to produce documents.

**Candidates’ Motion to Strike and Dismiss Paragraph 23(j) and Enjoin  
Deposition of Colin Aiken**

On August 1, 2024, Candidates filed their Motion to Strike and Dismiss Paragraph 23(j) of Objectors’ Petition and to enjoin Deposition of Colin Aiken. Said motion argues that because Paragraph 23(j) of Objectors’ Petition references two separate names – “Colin Aiken” and “Alexander Colden” – with no facts alleged to tie the two names together, the paragraph is “incoherent and incapable of being responded to”. Consequently, Candidates prayed in their Motion that the Hearing Officer strike and dismiss Paragraph 23(j) of Objectors’ Petition and enjoin the deposition of Colin Aiken.

On August 2, 2024, Objectors filed their Response Opposing Candidates’ Motion to Strike and Dismiss Paragraph 23(j) and Enjoin Deposition of Colin Aiken, which argues that the Candidates’ Motion (in the absence of leave) was filed nearly three (3) weeks after the Hearing Officer’s previously stated July 14, 2024, deadline for any preliminary motions, including motions to strike and dismiss.

**Objectors’ Motion to Enforce Subpoenas Pursuant to Rule 8(c)**

On August 2, 2024, Objectors filed a Motion to Enforce Subpoenas issued by the Board to compel the appearance of Colin Aiken and Elmer Lopez at depositions. The Subpoenas were served on both out-of-state individuals and both individuals confirmed their Zoom depositions.

On August 3, 2024, Candidates filed their Response in Opposition to the Motion to Enforce, asserting the Objectors’ petition was not filed in good faith and lacked legal support; Objectors failed to support their Motion with notarized affidavits as required; no affidavits of service were attached, and there was no sworn testimony or proof of the witness fee payment; Objectors did not comply with Illinois Code of Civil Procedure for serving subpoenas; and there was no statutory authority allowing the Board to enforce subpoenas beyond Illinois's territory or to initiate litigation outside the state.

At the Evidentiary Hearing the Parties were advised by the Hearing Officer on the record Objectors’ Motion to Enforce was being denied by the Board for three reasons: (1) there is not enough time to have an enforcement action filed and served on the parties; (2) Objectors failed to comply with the requirements of Rule 8(c); and (3) the Illinois Attorney General declined to take action to enforce the subpoenas. (see August 9, 2024 Hearing Transcripts Page 910, Line 18).

**Telephonic Case Management History**

On July 9, 2024, an initial Case Management Conference was conducted. At that time, the Parties were provided with an initial Case Management Order that included a copy of the Rules of Procedure and Appendices wherein the parties were ordered, *inter alia*, to meet and confer for the purpose of presenting a status report to the Hearing Officer on or before Thursday, July 18, 2024.

On July 18, 2024, at approximately 4:50 PM CST, counsel for the Parties contacted the Hearing Officer via an unscheduled phone call regarding the status of completing and submitting

a status report in compliance with the Hearing Officer's deadline. The Hearing Officer entertained said phone call and made numerous holdings regarding several scheduling issues and setting deadlines. Candidates' counsel made an oral Motion to have their pending Motion to Dismiss heard prior to the merits and have it presented to the Board for consideration prior to the Recommendation on the merits of the Objection. The Hearing Officer referred counsel to Rule 7(c) of the Rules of Procedure and advised Candidates that it would be very unlikely that such a request would be granted, but if they wanted the Chair to entertain such a request, a formal motion would have to be filed for the Chair's consideration consistent with Rule 7(c)(3). The foregoing was outlined in an email sent by the Hearing Officer to counsel subsequent to the call, on July 18, 2024, at approximately 6:15 PM CST.

On July 25, 2024, at approximately 5:30 PM CST, a second Case Management Conference was held that lasted approximately one hour and forty-three minutes. During said conference, Candidates' counsel indicated the paid circulators were not within Candidates' control, and therefore, could not be voluntarily produced for deposition. Also, during the conference, the Parties agreed to specific times and dates for the scheduling of certain depositions. Candidates and Objectors both filed Rule 9 Motions that were reviewed and discussed. Objectors also provided a "Preliminary Report of Findings" containing the opinions of their handwriting expert. Candidates objected to Objectors' Preliminary Report. Objectors were ordered to submit a supplemental expert report and to advise the Hearing Officer as to their position regarding any challenges to individual voter signatures made by Board staff at the records examination.

On July 29, 2024, at approximately 5:00 PM CST, a third Case Management Conference took place for approximately one hour and forty minutes, wherein among other things, the locations, times, and dates of the Evidentiary Hearing were set. Objectors indicated they would not be making any Rule 9 exceptions to the Board staff rulings on individual signature objections made at the records examination. It was also decided at the conference that the eight Rule 9 exceptions made by Candidates to the Board staff rulings on individual signature objections would be handled at the Evidentiary Hearing, and that no separate Rule 9 Hearing was going to be held. Deadlines were set for Objectors' handwriting expert's opinions and exhibits to be produced and for the Parties to file their Pre-Hearing Statements. During the conference, Candidate's counsel made an oral motion seeking to have the Hearing Officer order Objectors to pay the cost for all deposition transcripts – which was denied by the Hearing Officer, who ordered that deposition costs were to be borne by the respective party seeking a transcript of any given deposition and that the scope of each deposition was to be limited to the allegations set forth in Objectors' Petition as to the particular deponent.

On August 1, 2024, at approximately 6:00 PM CST, a fourth Case Management Conference took place for approximately fifty-three minutes. During the conference, deadlines were set for Objectors to respond to Candidates' then-recently filed Motion to Strike and Dismiss Paragraph 23(j) and to Enjoin the Deposition of Colin Aiken and for Objectors to file their Rule 8(c) Request for the Board to file an action in circuit court seeking enforcement of the served subpoenas.

On August 4, 2024, at approximately 3:30 PM CST, a fifth Case Management Conference took place for approximately fifty-nine minutes, wherein among other things, Objectors' counsel requested Candidate Kennedy appear at the scheduled Evidentiary Hearing on August 6, 2024. At

that time, Candidates' counsel advised that Candidate Kennedy had a trial in New York during the week of August 6, 2024, and was thus unable to attend the upcoming Evidentiary Hearing in this matter. Further, Candidates' counsel indicated that he had been unable to confirm if Candidate Kennedy would be appearing at all in these proceedings, as requested by Objectors pursuant to their Illinois Supreme Court Rule 237(b) Notice. Objectors were ordered to prepare and provide anticipated witness and exhibit lists. Candidates' counsel was ordered to identify which of the two disclosed handwriting experts he will present at the Evidentiary Hearing. Objectors' counsel was ordered to provide a tentative witness schedule.

On August 5, 2024, at approximately 5:30 PM CST, a sixth Case Management Conference took place for approximately nineteen minutes in which, *inter alia*, Candidates' counsel advised that he was still not able to confirm whether Candidate Kennedy would be appearing at the Evidentiary Hearing. Candidates' counsel further advised that he had not yet had the opportunity to evaluate the request to stipulate to the foundation of any of Objectors' proposed exhibits. Deadlines were set for witness disclosures.

### **Parties Pre-Trial Memos**

On Monday August 5, 2024, the Parties filed their respective Pre-Trial Memos. Objectors set forth their Objection Petition basis, anticipated evidence, legal authorities, and arguments for challenging the Nomination Papers at issue because: the submitted Nomination Papers do not contain the sufficient number of valid voter signatures, Candidates are not legally "independent" candidates under Illinois law, Candidate Kennedy swore on his Statement of Candidacy to reside at an address where he does not live, certain circulators were barred from circulating because of the dual circulation prohibitions, circulators and/or notaries publicly engaged in a pattern and practice of fraud, and Candidate Shanahan does not have any petition signatures. They also address the challenge to the Board's jurisdiction.

Candidates filed their Pre-Trial Memo in which they incorporated their Motion to Dismiss. Additionally, they argued the Illinois Election Code only applies to Illinois residents, the Board is limited to the specific allegations set forth in Objectors' Petition, Section 10-4 has no application to elections in other state or circulators in other states, Section 10-4 is a prior restraint disguised as a ballot access regulation, fraud allegations must be proved by clear and convincing evidence, a notary public is not subject to fraud allegations, Objectors lack standing or legal authority to challenge qualification for the office of the President of the United States, and a Vice President candidate does not need to submit signatures.

### **Evidentiary Hearing**

A six (6) day Evidentiary Hearing was held in this matter commencing on Tuesday, August 6, 2024, and continuing until Friday August 9, 2024. The Evidentiary Hearing resumed on Wednesday, August 14, 2024, and again on Friday, August 16, 2024, when evidence was closed. Objectors presented live testimony by notary public Quina K. McCray (subpoenaed), circulator Renea Williams (subpoenaed), and their retained handwriting expert Kevin Kulbacki. Candidates presented live rebuttal testimony from circulator Vanessa Eggers; Team Kennedy Volunteer Coordinator for the State of Illinois, Robert Lytle; and their handwriting expert Warren Spencer.

Both parties presented exhibits that were admitted, including, but not limited to affidavits, a sworn statement, and transcripts of sworn trial testimony.

### **Qiana McCray Cage Testimony Summary**

On August 7, 2024, Qiana McCray (f/n/a Qiana Cage - name change due to marriage), an Illinois Notary Public, pursuant to a Subpoena appeared in person to testify at the Evidentiary Hearing. Mrs. McCray notarized petitions using her then name Qiana Kimberly Cage. She became an Illinois notary public in approximately June of 2020 and works as a full-time notary public.

She has previously notarized petition sheets for Democrat and Republican party candidates in the State of Illinois. Mrs. McCray was shown an Illinois 2024 primary petition sheet for Republican Ron DeSantis for President signed by Kenny Howard, which she notarized. (Objectors' Exhibit 25a). Mrs. McCray was also shown an Illinois 2024 primary petition sheet for Republican Nikki Haley for President signed by Richard Osorino, which she notarized. (Objectors' Exhibit 29a).

Mrs. McCray stated any petition sheets for Candidate Kennedy that contained her notary stamp were completed by her. She was contacted by Trent Pool to notarize the Candidate Kennedy petition sheets. Mrs. McCray set forth the process she used to notarize the Candidate Kennedy sheets. She would meet the circulators at a scheduled time and place. When she notarized Candidate Kennedy's petition sheets she was the only notary present. Mrs. McCray stated she would have a table where one person would sit in front of her, she would take care of one person at a time, as they would sit in front of her, showing their identification, and then signing all documents. McCray confirmed when a circulator would present themselves to her, she would request identification to make sure that they were the person actually signing, they would show her identification, go down the sheet where they were supposed to sign, sign the document in front of her, she would also make sure that their name and address matched their identification, and she would then notarize the sheet. It was her practice that the portion she was notarizing was filled out by the circulator in front of her and she would write in the individual's name where it said, "signed and sworn to by", and then put in the date; then she would notarize it. Once she finished notarizing, she would give the petitions back and she does not recall where they went after she notarized the documents.

She stated she did not know the people personally whose signatures she was notarizing. Mrs. McCray stated she did not keep any records as to the person appearing before her when she was notarizing these petition sheets. Mrs. McCray stated no supervisors or coordinators brought in petition sheets for her to notarize when the petition circulator was not present. She never notarized any petitions without the person being in front of her with their identification. She confirmed if her signature and notary stamp appeared on a petition sheet, that person personally appeared in front of her. Mrs. McCray stated that she never notarized a petition sheet for Kennedy that had the information in the circulator's affidavit filled out before they got to her table.

Mrs. McCray was paid for notarizing, by time not by notarial act. She thinks she was paid approximately \$300.00 per day, but she couldn't remember the exact number of days she worked- possibly once or twice a week for an average of three to four hours each time.

Blake Hallom petitions were reviewed. Mrs. McCray stated he provided his driver's license to her as his identification. In discussing Mr. Hallom, Mrs. McCray testified that Mr. Hallom would

present himself to her, and he would present the document to her, she would verify his identification, and he would sign the documents in front of her as the circulator. She did not keep any record of the number of sheets she notarized for Mr. Hallom.

Petition sheets circulated by Colston Longstreth which bear Mrs. McCray's notary stamp were reviewed and she stated her signature was on the notary line, but the additional signature underneath her signature and the notary line was not her signature. Mrs. McCray did not recognize the signature as Darva Watkins. She indicated she was not related to Darva Watkins, never worked with a Darva Watkins, and did not know her.

Approximately 279 petition sheets circulated by Sara Fuquay were reviewed by Mrs. McCray and two of those sheets were not notarized by Mrs. McCray (two sheets were notarized by Darva Watkins). Mrs. McCray stated she did not know Ms. Fuquay and met her for the first time working on Candidate Kennedy's campaign.

Mrs. McCray stated Jacob Peters presented an ID or a driver's license. She confirmed she saw the alteration to the name, address, city, state, and county of the circulator on his petition sheet. She stated those alterations were made in front of her, but she did not recall why they were altered. She looked at another petition sheet wherein she agreed Jacob Peters' name was crossed out and Richard Osorino's name appeared, and there was a signature in the circulator box, and she was the notary notarizing that the person that came before her was Richard Osorino and he signed his signature.

Arman Wilson's petition sheets were reviewed. Specifically, Mrs. McCray stated it was her testimony that the individual who appeared before her to sign petition sheet 1092 is the same individual that signed petition sheet 1088. Mrs. McCray confirmed and was very clear that when someone was signing petition sheets in front of her, there was no other circulator present at the same table signing and that whenever she notarized signatures for circulators there was only one circulator at the table signing the petition sheets.

Mrs. McCray confirmed in looking through various petition sheets containing her notary jurat on the screen, she recognized her name, her signature as written on there as her handwriting, and she stamped the documents using her Illinois notary stamp. Mrs. McCray never lent her notary stamp to anyone in relation to the Kennedy campaign.

The Hearing Officer finds, based upon his observation of her testimony and demeanor, that Mrs. McCray was a reliable, credible, and truthful witness as to the process she utilized in notarizing petition sheets for Candidate Kennedy, taking into consideration any possible conflicts and inconsistencies in her testimony.

### **Rena Williams Testimony Summary**

On August 8, 2024, Rena Williams, a circulator, pursuant to Subpoena appeared in person to testify at the Evidentiary Hearing. Ms. Williams stated she became involved in circulating petitions for Candidate Kennedy's campaign through Kimberley Deon, who went through Ms. Darva. She wasn't sure of Ms. Darva's last name, when asked if it was Darva Watkins, she only knew her as Darva the notary. Ms. Williams stated it was her understanding that she would be paid \$25.00 per signature, which was later changed to \$7.00 per signature. However, Ms. Williams stated she didn't get paid.

Ms. Williams was asked to review Objectors' Exhibit 114 and the page numbers on each petition sheet: 8401, 8403, 8404, 8405, 8406, and 8407. Ms. Williams stated she turned in three sheets once and then she turned in another four sheets the next time. Ms. Williams confirmed she turned in her sheets both times at McDonalds on 47<sup>th</sup> and Michigan, King Drive.

Ms. Williams explained that they were all signing their papers at the bottom; they were all tallying their papers and signing their papers, and Ms. Watkins was notarizing them. Ms. Williams confirmed only one person was notarizing. Ms. Williams was asked how the signing was done and she said it was "confusing". Ms. Williams was asked whether when she was signing these pages, if she was sitting in front of Ms. Watkins, she stated that after she signed her paper, she would pass it to Ms. Watkins and she would notarize it. Ms. Williams stated she was sitting where Ms. Watkins could see her sign. Ms. Williams explained she would sign her petitions and give them to Ms. Watkins, but she did not know what other people did.

Ms. Williams was asked what she observed on the two times that she went to McDonalds, and she confirmed she saw Ms. Watkins signing and stamping and they were all overwhelmed because it was so unorganized and confusing. Ms. Williams confirmed that Ms. Watkins was the only notary there. Kim Deon was checking to make sure that all the signatures were there, and the notary was there.

Ms. Williams stated two people came with her, namely, her boyfriend, Walter Rogers, and granddaughter, Jasmine Hampton. Ms. Williams stated that when she went with her friend, Walter, Ms. Watkins was in the area, but she took him to her to sign his paper, as he only had one sheet with about three or four signatures. Ms. Williams had to also help her granddaughter the same way she helped Walter. Ms. Williams stated there were six people sitting at the table with her, and she stated they were there filling out their sheets, signing their sheets, but Ms. Watkins was not at the table, rather she was in the vicinity to the back of her. Ms. Williams stated she did not know the other people that were present.

Ms. Williams said the second time she was at McDonalds, she had an attitude because she still hadn't been paid from the first time. Ms. Williams testified Ms. Watkins was to the back left of her the second time. Ms. Williams stated she saw people signing their sheets, but Ms. Watkins was not at the table, and she didn't know where Ms. Watkins was when she signed her sheets, Ms. Watkins was usually behind her, but not at the table- but it was more confusing than the first time. Ms. Williams turned around and gave her sheets to Ms. Watkins. Ms. Williams was asked if she physically signed her petition sheets in front of Ms. Watkins, and she stated she thinks she did, but she stated she was getting confused and nervous, and she wasn't sure now. She knows she signed her seven sheets, but Ms. Watkins told her she only had signed three. Ms. Williams said it was chaotic, and she was getting all confused and didn't know.

Ms. Williams was shown a petition sheet for Carlos Gonzalez, State Senator for the First Legislative District for the State of Illinois Republican Party, and Ms. Williams acknowledged the sheet was for the election to be held on November 5, 2024. Ms. Williams testified that the Gonzalez petitions were given to her by Ms. Watkins when she gave her the Kennedy petitions. Ms. Watkins also gave Ms. Williams petitions for a couple of other legislative districts, which made it confusing. Ms. Williams confirmed that the petitions for candidate Mr. Gonzalez were being circulated at the same time she was circulating the petitions for Candidate Kennedy. Ms. Williams did not circulate petitions for the Democratic Party in the last year.

Ms. Williams confirmed that she gave Ms. Watkins her W-9s, her driver's license, and her social security number. Ms. Williams showed Ms. Watkins her driver's license, but she was not sure if anyone else did. Ms. Williams knew she and Jasmine showed their IDs. Ms. Williams said Walter did not have a valid ID. Walter is Ms. Williams' boyfriend, and they live together and that is how she knew Walter's ID was not updated and had expired. Walter has a voter registration card.

The Hearing Officer finds, based upon his observation of her testimony and demeanor that Ms. Williams was **not** a reliable, credible, and truthful witness, as to the process of having her petitions sheets notarized and her observations of the process others used in having their petition sheets notarized. During her testimony, she provided conflicting and varied testimony, and she stated she was nervous, confused and didn't know.

### **Expert Kevin P. Kulbacki Testimony Summary**

On August 8, 2024, Forensic Document Examiner, Kevin P. Kulbacki, MSFS, D-ABFDS was called as an expert witness by Objectors and was qualified as an expert without objection. Over the course of three (3) days – August 8, 9, and 14 – Mr. Kulbacki testified regarding his Supplemental Report of August 2, 2024 (Objectors' Exhibit 143) (the "Kulbacki Report"), and his opinion as to the authorship of various Petition Sheets for the Candidates. As part of Mr. Kulbacki's testimony, he explained the differences between his original Report (Exhibit 142) and the supplement report by stating, "Everything is carried over [from the original report to the supplemental report], it's just extra detail that is found in that supplement." Consequently, Mr. Kulbacki advised the Hearing Officer that he need not consider Exhibit 142 as part of his recommendation, as it had been fully supplanted by Exhibit 143.

In the Kulbacki Report he opines that:

- i. "[i]t is **probable** that common writers signed multiple voters on the [Candidate Kennedy] Petitions" and "the patterns of common writers, in some instances, were consistent with round table signing. These findings were identified on petitions associated with the following circulators: a. Christine Preston, b. Colston Longstreth, c. Justin Shannon, d. Bruce Sawyers, e. Sara Fuquay, f. Betty Garrison, and g. Blake Hallam." Ex. 143, at 4 (emphasis added by Objectors).
- ii. "An intercomparison of circulator Arman Wilson's signatures resulted in the conclusion that it is highly probable that more than one individual signed as Arman Wilson." Ex. 143, at 5.
- iii. "An intercomparison of circulator Betty Garrison's signatures resulted in the conclusion that it is highly probable that two individuals signed as Betty Garrison." Ex. 143, at 5.
- iv. "All the three-hundred twenty-one (321) Independent Candidate Petitions of circulator Arman Wilson were notarized by the same notary, Qiana Cage. The notarization dates of these Independent Candidate Petitions were compared to the findings of more than one individual signing as Arman Wilson. This review revealed that the evidence indicates that, in some instances, more than one

individual, signing as Arman Wilson, was notarized by Qiana Cage on the same day.” Ex. 143, at 6.

- v. “All the fifty-four (54) Independent Candidate Petitions of circulator Betty Garrison were notarized by the same notary, Darva Watkins. Accordingly, the evidence indicates that two individuals, signing as Betty Garrison, were notarized by Darva Watkins.” Ex. 143, at 6.
- vi. That it was “highly probable” that the signatures appearing on Candidate Kennedy’s petitions for circulators Alex Colden, Lorenzo Lee Avery, Jr., Jordan Evans, Kenny Howard, Rochard O’Sorino, Colin Aiken, Danzell Thompkins, Elmer Lopez, Jacob Peters, Jason Antis, John Damon, Ryan Mazurkeiwicz, Tiondra Robertson, Daniel Cox, Lonnie Horne, Mary Henton, Marcus Carter, Byron Taylor, Chris McMorro, Dawitta Bogan, Jennifer Kline, Rebecca Freeze, Lynell Hardiman, Renea Williams, Christina Preston, were written by the same person for their respective petition sheets for other political party candidates as alleged in Paragraph 23 of the Objectors’ Petition. *See* Ex. 143, at 6-9.

Attached to the Kulbacki Report were a series of “Demonstrative Illustrations”, which were “prepared to allow a more convenient means of the results noted”. Early in his testimony, Mr. Kulbacki stated that his opinions, as stated in the Kulbacki Report, continued to accurately reflect his overall opinions in this matter. Mr. Kulbacki was thoroughly examined by counsel as to the specifics regarding his findings and opinions rendered in the Kulbacki Report.

Mr. Kulbacki testified that he was admittedly limited in his examination of the signatures due to not having access to the original documents, “[b]ecause the evidence in this case was all digital”. Despite this restriction, Mr. Kulbacki testified that he has spent “probably about 160-170 hours” examining signatures in this case, including “approximately ten hours” on the comparisons of Betty Garrison, Arman Wilson, and the comparison of the individual circulator’s signatures throughout the pieces that they circulated. Indeed, Mr. Kulbacki stated that “[t]he vast majority of time that [he] spent on this case – well over a hundred hours – was spent specifically \* \* \* in looking at circulator sheets to determine whether or not there was any level of common authorship amongst those lines.” On cross examination, Mr. Kulbacki indicated that he was being paid \$600.00 per hour for his services as a forensic document examiner (he charges the Chicago Board of Elections \$300 per hour). Mr. Kulbacki then testified that his contract for the work on this matter was with Clear Choice Action, Incorporated.

The Hearing Officer finds, based upon his observation of his testimony and demeanor, that Mr. Kulbacki was a credible and truthful witness. However, the Hearing Officer does not agree with all of the ultimate opinions and conclusions reached by Mr. Kulbacki as will be discussed herein.

### **Colston D. Longstreth Deposition Summary**

On August 1, 2024, the deposition of Colston D. Longstreth, a circulator, was taken. The transcript was admitted as Objectors Exhibit 92. In his deposition Longstreth testified that he was involved in gathering signatures of voters in Illinois for Candidate Kennedy and he had been

involved in the petition business on and off for the past five years or six years (Pg. 7). He was not involved in any other campaigns in 2024 and was invited to be involved in Illinois by Brandon Woods (Pgs. 7 and 8). Longstreth physically came to Illinois, although he could not give exact dates other than about five or six months ago and he was here probably in Illinois for two or three months (Pgs. 8 and 9).

Once collected, he would give his gathered petitions to Brandon Woods (Pg. 9. Longstreth would present the notary with his government issued ID, and she would notarize his petitions, Woods would get the petitions, and Longstreth would receive payment (Pg. 13). Longstreth filled out his name, address, city or zip code, county, and state, which was all done at the same time he was about to sign his petition sheet, all in the presence of a notary; and it had to be done in front of the notary or the entire page was considered invalid (Pg. 30). Longstreth believed he appeared in front of only one notary - Ms. Cage (n/k/a McCray) (Pg. 31).

He was being paid by signature (Pg. 14). Longstreth was being paid \$7 per signature, \$3.50 up front and \$3.50 upon completion of validation of each signature- which is a common practice in the petition industry (Pgs. 14 and 44). The payor's name on the check he received for his Candidate Kennedy circulation work was Wayside Help, LLC. (Pg. 38). Longstreth verified there would be someone there looking line by line to verify his petition signatures (Pg. 15). He did not know how Mr. Woods determined validity. (Pg. 15).

Longstreth reviewed 101 petition sheets to confirm each one had his signature on it (Pg. 16). Longstreth initially stated the signatures on petition sheets 4032, 4033, 4084, 4094, 4098, and 4100 did not look like his signatures. (Pgs. 19, 24, and 25). However, he then backed away from his initial statements and stated the following:

**“Q.:** Okay. With regard to the petition sheets you’ve identified, 4032, 4033, 4084, 4094, 4098, and 4100, do you know how those documents ended up with your purported signature on there?

**A.:** I’m not sure, and **I’m not denying that it’s not my signature.** We had quite a few late nights, and it is totally possible that I just slopped it on there just to get through with declarations. It can be quite a tedious process to get through 10, 15, 20 pages at a time.”

(Pg. 29/16-24; Pg.30/1)

Longstreth was looking at the petition sheets he was asked to verify on his phone, and he agreed that it could be that those signatures that looked sloppy or different could have been something that he wrote but at this point he was not able to see it clear enough. (Pg. 33).

The Hearing Officer finds, based upon his review of the deposition transcript, that Mr. Longstreth’s was not a reliable or credible witness as to whether his signature appeared on Kennedy circulator petition sheets 4032, 4033, 4084, 4094, 4098, and 4100. During his testimony, he provided conflicting and varied testimony when he was reviewing these petition sheets on his cell phone during his deposition.

### **Rebecca R. Freeze Deposition Summary**

On August 5, 2024, the deposition of Rebecca R. Freeze, a circulator, was taken. The transcript was admitted as Objectors Exhibit 155. In her deposition, Freeze testified that she circulated petitions for Robert F. Kennedy in Illinois (Pg. 7). She did not recall how many petition sheets she circulated, but it was more than one. (Pg. 8). She received a couple of days of training as she had never circulated petitions before. (Pgs. 8 and 9). Freeze did not remember who hired her, but she indicated the director was Dustin Forster. (Pg. 11). She started on May 5, 2024, and finished circulating petition sheets in the middle of May but couldn't recall the exact date (Pg. 11). Freeze testified that when she was done circulating in Illinois, she did get them all signed and notarized. (Pg. 13/19-22). Freeze also testified that "we" had different notaries (Pg. 14/1). She was never hired by the candidates themselves or a political party to circulate petitions. (Pg. 16). Freeze testified the only petition sheets she circulated in Illinois were for Robert F. Kennedy (Pg. 19).

### **Vanessa Egger Testimony Summary**

On August 16, 2024, Vanessa Egger, a volunteer circulator, appeared in person to testify at the Evidentiary Hearing as one of Candidates' rebuttal witnesses. Ms. Egger was a volunteer for Team Kennedy, and she was not a paid circulator. She never worked with paid circulators on the Kennedy campaign.

Ms. Egger stated that for her Team Kennedy training she watched a video and she pulled some information off the internet. Ms. Egger testified that she learned about how to circulate a petition in Illinois by the video and a handout / circulator instruction sheet provided by Team Kennedy. She was advised by Team Kennedy the sole purpose of circulating petitions was to place the names of Robert F. Kennedy, Jr. and Nicole Shanahan on the 2024 Illinois General Election Ballot as candidates for the Office of President and Vice-President of the United States.

Ms. Egger stated when circulating, she would ask people if they knew Candidate Kennedy was running for President, and after giving their response, she would explain for him to have a chance for people to vote for him signatures needed to be collected to get Candidate Kennedy on the ballot. Ms. Egger collected signatures on approximately 60 Illinois petition sheets.

Ms. Egger confirmed a notary was with her on each date she signed her petition sheets, and the notary asked her for identification, her driver's license, and she produced it. Ms. Egger made m copies of her petition sheets for her own sake and a copy must have gotten mixed in with her original petition sheets, since there were a lot of pages, as it was just a mistake that happened. Ms. Egger stated by no means did she intend to submit photocopies of her petition sheets. She thought they were all original ink signatures and was surprised she had turned in a copy. She believed she was turning in all original ink signatures, and she was sorry.

The Hearing Officer finds, based upon his observation of her testimony and demeanor, that Ms. Egger was a reliable, credible, and truthful witness.

Vanessa Egger Affidavit Dated July 15, 2024

Candidates submitted the Affidavit of Vanessa Egger dated July 15, 2024, as Candidates' Exhibit 711. The Affidavit states, Egger was not a paid, professional circulator, but rather a supporter of the Candidate and a Campaign volunteer. Egger collected signatures on approximately 65-70 sheets. Egger attempted to keep track of her petition sheets by photocopying her sheets. She agreed that while it is accurate that Sheets 4879 & 4880 are the same document, she submitted both sheets as an honest, inadvertent mistake. She inadvertently turned in the one photocopy and she had no intent to defraud or mislead the Election Board or anyone else. Egger regrets the error.

### **Robert Lytle Testimony Summary**

On August 16, 2024, Robert Lytle, a volunteer coordinator for the Kennedy Campaign for the State of Illinois, testified at the Evidentiary Hearing via Zoom as one of Candidates' rebuttal witnesses. Mr. Lytle acted in his capacity with the Kennedy Campaign from mid-March through July 1, 2024. His duties were primarily to find volunteers to conduct petitioning exercises through the State. Mr. Lytle approximated he coordinated over 100 volunteers, which were identified to assist in gathering petitions for Candidate Kennedy. Mr. Lytle stated he did not have any responsibility for paid circulators.

Mr. Lytle stated the training or instruction provided to circulators consisted of meeting in-person and training over Zoom. Brief training was also conducted whenever there were specific petitioning events. Mr. Lytle stated there were additional videos available at the Team Kennedy website to talk about circulation and some are still available. Two documents were reviewed and discussed by Mr. Lytle- Candidates Exhibits 701 and 702.

Mr. Lytle explained Candidates' Exhibit 701 was the circulator instructions provided by the Kennedy Campaign's ballot access team, and that it is still available on the Kennedy '24 website. He read paragraph 4 of the circulator's instructions out loud that stated in part: "The sole purpose of this petition is to place the names of Robert F. Kennedy, Jr. and Nicole Shannon the 2024 Illinois general election ballot as candidates for the Office of President and Vice-President of the United States." Mr. Lytle stated that he personally provided these instructions to volunteers by personally handing them or electronically providing them.

Mr. Lytle explained and reviewed a document produced by several volunteers in consultation with the Kennedy Campaign to provide additional guidance for people who hadn't done petitions much before (Candidates' Exhibit 702) This additional guidance document was discussed during a regular volunteer meeting with Team Kennedy representatives present, and it was presented as part of the training. The material in the additional guidance document was disseminated to circulators. This document was maintained on the file sharing systems; any discussions regarding this document "we" had included Team Kennedy; and no one from Team Kennedy ever sent any communications that it was incorrect. Certain paragraphs of this document were identified and he read them into the record, including paragraphs 2a (dual circulator prohibition), 4d ("voters cannot sign on behalf of anyone else, even a spouse of family member"), 6 ("sole purpose of petition is to place the name of Robert F. Kennedy Jr. on the Illinois General Election Ballot), 12b ("At this point, we are not trying to convince people to vote for Bobby, we are trying to convince them to help put him on the ballot", "another choice . . . on the ballot", and

(“trying to get another candidate on the ballot”), and 12c (“this is just to get RFK Jr. on the ballot, so the voters have another choice in November”).

The Hearing Officer finds, based upon his observation of his testimony and demeanor, that Mr. Lytle was a reliable, credible and truthful witness.

### **Affidavits of Petition Circulator – Betty Garrison**

Betty Garrison was served with a subpoena to appear at the Evidentiary Hearing in this matter but she never presented for live testimony. Instead, because of her failures to appear, Objectors provided an affidavit as Objectors’ Exhibit 156 and Candidates provided a sworn statement as Candidates’ Exhibit 72. These two sworn statements are contradictory.

#### **Garrison Affidavit Dated August 13, 2024.**

On August 13, 2024, the Affidavit of Betty Garrison, petition circulator, was filed. Garrison affirmed and certified she **Did** circulate, and she Did sign the petition sheets numbered: 6070, 6113, 6114, 6115, 6117, 6118, 6119, 6120, 6121, 8859, 6063, 6064, 6066, 6067, 6069, 6071, 6072, 6073, and 6074, as listed in paragraph 6 of exhibit one to the Affidavit. (Pg. 2/8)

Garrison also affirmed and certified in numbered Paragraph 9 of the Affidavit she **Did Not** circulate or sign petition sheets numbered: 6075, 6076, 6077, 6078, 6079, 6080, 6081, 6082, 6083, 6084, 6085, 6086, 6087, 6088, 6089, 6090, 6091, 6092, 6094, 6095, 6096, 6097, 6098, 6099, 5918, 6100, 6101, 6102, 6103, 6104, 6105, 6106, 6107, 6111, and 6112, as listed in paragraph 6 of exhibit one to the Affidavit. (Pg. 2/9)

Garrison further affirmed and certified in numbered Paragraph 10 of the Affidavit she was engaged to circulate petitions for Candidate Kennedy by a woman who she did not personally know; she met the woman one time in April 2024 and was given petitions for Robert F. Kennedy, Jr. to circulate. Garrison would circulate petitions at public locations like Walmart or outside the courthouse in Markham, Illinois. Garrison circulated petition sheets on one day in April 2024; and completed circulating the petition sheets within the same day. Garrison affirmed and certified when the petition sheets had full signatures, she met the woman who engaged her and gave her the petition sheets; Garrison signed the bottom of each petition sheet circulated. (Pg. 2/10)

Garrison affirmed and certified in numbered Paragraph 12 of the Affidavit at no point did anybody ask for her identification. (Pg.3/12)

Garrison affirmed and certified in numbered Paragraph 13 of the Affidavit when she dropped off the completed petition sheets, they were not notarized, that she did not sign the bottom of the petition sheets before a notary public, that she does not know what a notary public is, that she did not witness any notary public sign or stamp the bottom of the petition sheets, and to her knowledge there was not a notary public present when she dropped off the completed petition sheets, and she had no reason to believe that a notary public was present; nobody was present when she signed the bottom of the petition sheets on the one day in April 2024 (Pg.3/13).

Garrison affirmed and certified in numbered Paragraph 14 of the Affidavit that she did not know where the petition sheets that she turned in were taken, but that they were not notarized in her presence upon dropping them off (Pg. 3/14).

Garrison affirmed and certified in numbered Paragraph 15 of the Affidavit that once she dropped off the completed petitions, she never saw them again; that she never personally struck or “blacked out” any petition signature or line; that she did not personally initial any striking or “blacked out” on any of her completed petition sheets (Pg. 3/15).

Garrison affirmed and certified in numbered Paragraph 16 of the Affidavit she did not sign any petition sheet for Robert F. Kennedy, Jr. in front of or in the presence of a notary public; that she did not personally know the person who took the completed petition sheets from her; that she did not provide nor was she asked to provide any personal identification; that she had no reason to believe that the person who took the completed petition sheets from her was a notary public; and that she had already signed the bottom of the petition sheets when she dropped them off and they were not notarized (Pg. 3/16)

#### **Garrison Sworn Statement Dated August 14, 2024.**

Candidates provided a sworn statement of Betty Garrison dated August 14, 2024, to attempt to clarify Betty Garrison Affidavit of August 13, 2024. The sworn statement was notarized by Qiana K. McCray (f/n/a cage), a notary whose actions have been questioned in this matter (Ms. McCray did not notarize Betty Garrison’s petition sheets). The sworn statement is quoted in full as follows:

“Hello, I am Betty Garrison. I am 89 years young, and I wanted to ensure that I clarify that I indeed Did circulate all sheets and signed in front of a notary.

Also, after several conversations with the other attorney, who never clarified which attorney he was, I clearly stated that I signed all sheets.

I explained to that attorney that I was unable to come to downtown Chicago to testify in person. He stated that would send an attorney to have me sign an affidavit that he typed up before I even spoke to him or reviewed petitions to attest to the fact that every single petition was completed and signed by me. I spoke extensively with the two people who came to my home about why some of the signatures looked slightly different. I explained that some were signed as I was standing and after being out working the entire day and that was the reason for some of the differences.

I signed the typed up Affidavit because the lawyer told me that the affidavit attested to what I was saying. After a day or so, I got a call from the other attorney stating that I signed the wrong Affidavit and that I would need to sign a new one. I was not given time to read as I was told that it was just a small correction.

When I looked at the Affidavit on August 13, 2024, I realized that it was wrong, and was not what I told the lawyer, Steve, and the two representatives he sent to my home.

The typed Affidavit is wrong in Par. #9, #10, #12, #13, #14, #15 and #16.

I would like to straighten out the record and let everyone know the truth!”

The Hearing Officer finds, based upon his review of the conflicting sworn statements that Ms. Garrison was **not** a reliable or credible witness.

### **Warren Spencer Testimony**

On August 8, 2024, prior to his testimony, Objectors challenged Mr. Spencer’s qualifications as an expert witness and he was questioned as to his CV and qualifications including his experience, education, board certifications, provision of prior testimony, prior qualifications from state and federal courts, and prior findings of being unqualified in an arbitration. After hearing testimony and being advised that Mr. Spencer was qualified to present expert testimony in both state and federal courts, the Hearing Officer deemed Mr. Spencer qualified.

On August 16, 2024, Warren Spencer was called as an expert witness by Candidates for the purpose of calling into question the weight and credibility that the Hearing Officer is to place on Mr. Kulbacki’s testimony and Report. On direct examination, Mr. Spencer testified that after reviewing Objectors’ Exhibit 143 in his office, he was in general disagreement with Mr. Kulbacki’s conclusions as to the commonality of authorship of most of the voter signatures in question (Kulbacki Report Appendix A) and he disagreed that there was more than one signor for circulator, Betty Garrison (Kulbacki Report Appendix, C). Mr. Spencer testified as to the basis for his opinions regarding the disputed signatures. However, Mr. Spencer also indicated that he agreed or somewhat agreed with some of Mr. Kulbacki’s conclusions. Lines 3 and 4 of Sheet 4099 (page 14 of 71 in the Kulbacki Report) Mr. Spencer opined to be “suspicious”, and possibly stemming from a single author acting on behalf of their spouse. Regarding lines 1 and 2 on Sheet 3001 (page 24 of 71 in the Kulbacki Report), Mr. Spencer also classified as being “suspicious”, and specifically stated that it’s “possible we have one writer”. As to Sheet 7379 or 7397 (page 25 of 71 in the Kulbacki Report), Mr. Spencer indicated, “I don’t believe we have nine individual writers for Box 1 through 9, but we don’t have one writer; I’m certain of that.” Additionally, with respect to lines 6 and 7 on Sheet 3051 (page 28 of 71 in the Kulbacki Report), Mr. Spencer indicated that he thinks there was only one author.

Mr. Spencer also stated his belief that the following lines were “suspicious” (or some other descriptor), but he could not render an opinion about them one way or another: lines 1 and 2 of Sheet 4099 (page 14 of 71 in the Kulbacki Report); lines 1 and 8 of Sheet 5701 (page 16 of 71 in the Kulbacki Report); the totality of Sheet 382 (page 21 of 71 in the Kulbacki Report); the entirety of Sheet 382 (page 22 of 71 in the Kulbacki Report); the entirety of Sheet 2754 (page 26 of 71 in the Kulbacki Report), specifically stating that it is “just a bunch of scratching”; lines 4 and 5 of Sheet 2755 (page 27 of 71 in the Kulbacki Report); lines 9 and 10 of Sheet 3051 (page 28 of 71 in the Kulbacki Report); lines 1 and 2 of Sheet 754 (38 of 71 in the Kulbacki Report); lines 5, 6, and 7 of Sheet 781 (page 38 of 71 in the Kulbacki Report); lines 1 and 2 of Sheet 4002 (page 48 of 71 in the Kulbacki Report); and lines 1 and 2 of Sheet 4034 (page 50 of 71 in the Kulbacki Report).

He further testified he believed there was one signor for the Betty Garrison signatures, although the first signature of Betty Garrison underneath “category 2” on page 57 of 71 in the Kulbacki Report “bothered [him] a little bit.”

On cross examination, Mr. Spencer stated that he did not look at the actual Petition Sheets in a laboratory setting. Mr. Spencer stated that he did not use a magnifying glass but was aided by a transparent protractor that cost “less than five dollars”. Mr. Spencer also stated that he did not possess a master’s degree or a doctorate degree, nor was he in the process of attending school to acquire either. Mr. Spencer testified that he looked at the reduced PDF petition sheets attached to the disputed report. Later when asked Mr. Spencer revealed he was paid \$250.00 per hour and spent an estimated 14 -15 hours reviewing the disputed signatures.

Early on in Mr. Spencer’s testimony, Mr. Laduzinsky objected to Mr. Spencer’s apparent use of notes to assist him. The notes were marked as Exhibit 725. The Hearing Officer admonished Mr. Spencer not to testify directly off of Exhibit 725. After the initial break was taken, a second objection was made by Mr. Laduzinsky as to Mr. Spencer’s use of “handwritten pencil words and Post-It notes” to assist in his testimony. These were marked as Exhibit 726 and it was agreed that they would be produced after the hearing. Exhibits 725 and 726 were ultimately admitted into evidence over the objection of Mr. Laduzinsky, especially because the Hearing Officer stated that he would rather “have more than less” under the expedited and unique circumstances of the proceedings.

The Hearing Officer finds, based upon his observation of his testimony and demeanor, that Mr. Spencer was a credible and truthful witness. However, the Hearing Officer does not agree with all the ultimate opinions and conclusions reached by Mr. Spencer.

### **Candidate Robert F. Kennedy, Jr.**

Objectors issued a Rule 237 Request to Produce Candidate Kennedy for his personal appearance to testify at the Evidentiary Hearing in this matter. Despite numerous attempts to accommodate Candidate Kennedy’s schedule and being provided the option to appear by Zoom, Candidate Kennedy refused to appear. During the same time period as this proceeding was being conducted, a trial was also being held in the State of New York Supreme Court County of Albany to determine “whether the address Kennedy listed on the nominating petition as his “place of residence”, i.e.. 84 Croton Lake Road, Katonah, New York, is his true place of residence.” *Cartwright v. Kennedy*, No. 906349-24 (N.Y. Sup. Ct., August 13, 2024) at 2. (Opinion is attached as Exhibit A). Candidates submitted an affidavit executed by Candidate Kennedy in this matter, that had also been submitted in the pending New York case to support their argument Kennedy’s address was properly stated. (Candidates’ Exhibit 721).

The transcripts of the New York trial in the *Cartwright v. Kennedy* case, including the sworn testimony of Candidate Kennedy, are contained in Objectors’ Exhibits 153 and 154. As stated by the New York court: “Based upon the clear and convincing credible evidence presented in this case, the Court finds that the 84 Croton Road address listed on the nominating petitions was not Kennedy’s bona fide and legitimate residence, but merely a ‘sham’ address that he assumed . . . .” *Cartwright v. Kennedy*, at 30. The *Cartwright v. Kennedy* trial testimony and evidence as set forth in the trial transcripts (Objectors’ Exhibits 153 and 1540) and the court’s opinion have been reviewed and considered by the Hearing Officer.

## **Evidentiary Hearing Exhibits**

Objectors moved to introduce voluminous exhibits consisting of approximately 162 numbered exhibits, many of which had multiple subparts. Because of the volume of the exhibits presented by Objectors they were submitted electronically to the State Board. Attached as Exhibit B is Objectors' eleven-page Exhibit List. Exhibit 32d was not admitted as there was no testimony from Objectors' handwriting expert regarding James Jackson's signature on the Pennsylvania petitions in question. Exhibits 159, 160, 161, and 162 are presented as rebuttal exhibits and were also not admitted as Candidates' Exhibits 718 and 724 were not admitted. If Candidates' Exhibits 718 and 724 are later deemed to have been omitted in error from these proceedings, then Objectors Exhibits 159 through 162 should also then be admitted. All the remaining Exhibits submitted by Objectors were admitted.

Candidates moved to introduce 24 exhibits. These exhibits were presented electronically to the State Board. Attached as Exhibit C is Candidates' Exhibit List. Exhibit 717 consists of invoices to the Chicago Board of Elections Commissioner from Mr. Kulbacki's company. The stated purpose of the exhibit was to establish the rate of \$300 per hour being charged to the Chicago Board, which had already been established by Mr. Kulbacki's live testimony. Exhibit 717 was excluded as redundant. Exhibits 718 and 724 relating to Clear Choice Pac were also not admitted as irrelevant. All the remaining Exhibits submitted by Candidates were admitted.

The Parties tendered the excluded exhibits for completeness of the record if a reviewing court or body determines the exhibits should not have been excluded.

## **ANALYSIS**

Objectors make numerous objections relating to the Candidates and their Nomination Papers. Objectors' Petition has organized their objections in a categorical manner. The first set of objections, encompassing paragraphs 5-12, are dedicated to Petition Signature Objections. The second set of objections, encompassing paragraphs 13-26, are dedicated to Notary and Circulator Objections. The third and final set of objections, encompassing paragraphs 24-47, are dedicated to objections made to the Candidates and their Nomination Papers.

In response to the Objectors' Petition, the Candidates, on July 14, 2024, filed their Motion to Dismiss. The Objectors' Response to Candidates' Motion to Dismiss was filed on July 18, 2024. In response, Candidates filed their Motion to Reply in Support of Motion to Dismiss Objectors' Petition on July 20, 2024.

### **I. CANDIDATES' MOTION TO DISMISS OBJECTORS' PETITION**

Candidates filed their Motion to Dismiss Objectors' Petition on July 14, 2024. In their Motion, Candidates raised the following arguments: (1) the Electoral Board lacks jurisdiction over the Electors because Objectors have failed to name them, (2) Objectors fail to state a legally and factually supportable objection in paragraph 23, (3) Objectors fail to fully state the nature of their objection in paragraph 24, (4) Objectors' argument as to whether Candidate Kennedy is a true independent is legally unsupportable, (5) the Vice-Presidential Candidate is not required to submit Petition Sheets in order to be placed on the ballot, (6) Objectors' allegations relating to Candidate's address are undefined, unsupported, and beyond the authority of the Electoral Board, and (7)

Objectors' claim that one photocopied sheet supports the removal of all sheets submitted by Circulator Nicole Eggers is not warranted.

The Hearing Officer, after reading and carefully considering the Motion to Dismiss Objectors' Petition, Objectors Response to the Candidates' Motion to Dismiss, and the Candidates Reply in support of Candidates' Motion to Dismiss, makes the following recommendations regarding each of the issue raised:

**A. The Electoral Board Has Jurisdiction Over the Case and the Parties.**

On July 14, 2024, Candidates filed a Motion to Dismiss the entirety of Objectors' Petition for lack of jurisdiction. In the alternative, Candidates' Motion to Dismiss seeks to strike and dismiss specific paragraphs of Objectors' petition. As detailed in the analysis that follows, based on the statutory scheme for hearing upon objections to candidates' nomination papers as governed by Article 10 and contextualized by the entirety of Election Code – the Electoral Board properly has jurisdiction over Objectors' Petition. Second, the whole of Candidates' nomination papers identify an intent for Candidates Kennedy and Shanahan's names be placed on the 2024 General Election ballot and that their petitions be considered coterminously with the Electors' candidacies to satisfy all of the requirements of Article 10 of the Election Code. For these two reasons, this Hearing Officer recommends Candidates' Motion to Dismiss on jurisdictional bases be denied. **The Electoral Board has Jurisdiction over Objectors' Petition.**

An electoral board is viewed as an administrative agency. *Kozel v. State Board of Elections*, 126 Ill.2d 58, 68 (1988). “As an administrative agency established by statute, an electoral board may exercise only the powers conferred upon it by the legislature.” Jurisdiction for administrative agencies is specific and unique to that agency, or here, the Electoral Board, with the Illinois Supreme Court specifically holding:

[I]n administrative law, the term “jurisdiction” has three aspects: (1) personal jurisdiction – the agency’s authority over the parties and intervenors involved in the proceedings, (2) subject matter jurisdiction – the agency’s power “to hear and determine causes of the general class of cases to which the particular case belongs, and (3) an agency’s scope of authority under the statutes.

*Business and Professional People for Public Interest v. Illinois Commerce Comm’n*, 136 Ill.2d 192, 243 (1989) (internal citations omitted). The determination of the Electoral Board’s jurisdiction, subject matter, personal, and otherwise, therefore rests with the originating statute – here, Article 10 of the Election Code the nomination papers themselves.

As the Illinois Supreme Court holds, the first aspect of jurisdiction is personal jurisdiction over the parties involved in the proceedings. Here, Objectors did not name the Electors as parties in their objection petition, but instead only named Candidates Kennedy and Shanahan. As Electors were not named as parties in Objectors' petition, they were not served in this matter. Candidates would have us believe that by failing to name the Electors, Objectors have abdicated jurisdiction over this entire matter. In so arguing, Candidates advocate for a narrow, strict interpretation of Section 10-3 of the Election Code, based solely on the language “offices in this State” as used therein. In relevant part, Section 10-3 states: “[n]omination of independent candidates (not

candidates of any political party), for any office to be filled by the voters of the State at large may...file nomination papers...”. 10 ILCS 5/10-3. Candidates then rely on Section 2A-1.2(a)’s designation of offices to be elected in even numbered years to underscore their contention that the only “true” candidates elected are Electors of President and Vice President of the United States. 10 ILCS 5/2A-1.2(a)(1).

In response, Objectors contend personal jurisdiction over Candidates Kennedy and Shanahan exists because Section 10-1 governs “candidates for public offices whose names shall be placed on the ballot...” and Section 21-1 of the Election Code which provides “[t]he names of the candidates of...electors...of President and Vice President shall not be printed on the official ballot. ... in lieu of names of the candidates for such Electors ... there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice-President.” 10 ILCS 5/10-1 and 21-1(b). In so arguing, Objectors advocate for personal jurisdiction stemming from a literal interpretation of ballot access as including those individuals seeking to have their names printed on the ballot. In support of their argument, Objectors cite the U.S. Supreme Court’s explanation of the interaction between Electors for President and Vice President and the popular vote in *Chiafalo v. Washington*. In *Chiafalo*, the Supreme Court’s syllabus opens “[w]hen Americans cast ballots for presidential candidates, their votes actually go toward selecting members of the Electoral College, whom each State appoints based on popular returns.” *Chiafalo v. Washington*, 591 U.S. 578, 578 (2020). The *Chiafalo* Court goes on to write, and is quoted by Objectors, “[a]fter the popular vote [is] counted, States appoint[] the electors chosen by the party whose presidential nominee ha[s] won statewide, again expecting that they would vote for that candidate in the Electoral College.” *Id.* at 584. Objectors further argue that this schema, as recognized as ubiquitous and permissible by the U.S. Supreme Court, is codified in Illinois by the Uniform Faithful Presidential Electors Act and plainly shows the General Assembly’s intent that Electors cast their votes for the Presidential Candidate that won the popular vote in the State. 10 ILCS 22/5-1.

Jurisdiction over Candidates’ nomination papers is a matter of statutory construction.

The primary rule of statutory construction is to ascertain and give effect to the intention of the legislature. The best evidence of legislative intent is the language used in the statute itself, which must be given its plain and ordinary meaning. The statute should be evaluated as a whole, with each provision construed in connection with every other section.

*Cinkus v. Village of Stickney Municipal Officers Electoral Bd.*, 228 Ill.2d 200, 217 (2008) (internal citations omitted). Moreover, a guiding principle of statutory construction is the presumption that “the legislature did not intend an absurd result, and ... interpretation of a statute must not render other statutory provisions meaningless.” *Sbarra-Hagee v. Lake County Electoral Bd.*, 2022 IL App (2d) 220193, ¶14.

Here, under these principles, Candidates’ arguments are not compelling as they require that the Electoral Board ignore that Candidates Kennedy and Shanahan affirmatively filed statements of candidacy with the State Board of Elections. These statements of candidacy include the explicit statements that they are candidates for the offices of President of the United States and Vice

President of the United States, respectively, and an affirmative request that Candidate Kennedy’s and Candidate Shanahan’s “name be printed upon the official ballot for election to such office.”<sup>3</sup>

Further, Candidates’ argument requires the Electoral Board to read an exception into Sections 10-1(a), 10-3, 10-4, and 10-5 of the Election Code for candidates for President and Vice President of the United States that simply does not appear in the statutory language. Each of these provisions contains procedural filing requirements for all candidates filing under Article 10 of the Election Code, but do not contain any qualifying language exempting particular types of candidates or the offices they seek. 10 ILCS 5/10-1(a), 10-3, 10-4, and 10-5.

Indeed, the General Assembly recognizes unique characteristics of the offices of Governor and Lieutenant Governor by requiring “a joint petition including one candidate for each of those offices must be filed.” 10 ILCS 5/10-3. Likewise, the General Assembly also recognizes the unique characteristics of the offices of Electors of President and Vice President of the United States by (1) allowing Electors to add the names of Candidates for President and Vice-President ... to the party name or appellation” on petition sheets and further by exempting electors from the requirement to file statements of candidacy. 10 ILCS 5/10-5. These Sections of the Code acknowledge that while candidates are discussed throughout Article 10, there are instances where the General Assembly establishes requirements for certain offices, allows for additional information for certain offices, and exempts other offices from certain requirements. If the General Assembly intended to exempt candidates for President and Vice President of the United States from the statement of candidacy requirement, and thus exempt them from jurisdiction of the Electoral Board born from objections to those documents, they would have done so. It is not the purview of this Hearing Officer to add statutory language which simply does not exist.

Moreover, while the language of Section 21-1(b) of the Election Code (10 ILCS 5/21-1(b)) is not singularly determinative for either party’s argument for or against the Electoral Board’s jurisdiction over the matter, that this Section explicitly states “the names of electors for President and Vice President shall not be printed on the ballot” and instead states that candidates for President and Vice President shall be printed “in lieu” thereof, Candidates’ reliance on this Section for the purpose of lack jurisdiction is not compelling. If this Board were to adopt Candidates’ argument that there is no jurisdiction over Candidates Kennedy and Shanahan because they are not the true candidates to be elected under Section 2A-1.1, it would render these specific provisions Section 21-1(b) of the Election Code superfluous – and the principles of statutory construction noted in *Sbarra-Hagee* will not allow such. *Sbarra-Hagee v. Lake County Electoral Bd.*, 2022 IL App (2d) 220193, ¶14.

The second and third aspects of jurisdiction are subject matter jurisdiction – the Electoral Board’s power to “hear and determine causes of the general class of cases to which the particular case belongs” and “the scope of authority” under the originating statute. *Business and ProceSSIONAL People for Public Interest*, 136 Ill. 2d 192, 243 (1989). It is well-settled that the “General Assembly may vest original jurisdiction in an administrative agency...when it enacts a comprehensive statutory scheme that creates rights and duties that have no counterpart in common law or equity.” *Zahn v. North American Power & Gas, LLC*, 2016 IL 120526, ¶14, citing *J & J Ventures Gaming, LLC*, 2016 IL 119870, ¶23. The Illinois Supreme Court has held that the General

---

<sup>3</sup> See Statement of Candidacy for an Independent at [https://www.elections.il.gov/agencyforms/3%20Statement%20of%20Candidacy%20Forms/Statement%20of%20Candidacy%20\(Independent\)%20P-1B.pdf](https://www.elections.il.gov/agencyforms/3%20Statement%20of%20Candidacy%20Forms/Statement%20of%20Candidacy%20(Independent)%20P-1B.pdf) (last visited on August 21, 2024).

Assembly “has vested the electoral boards, and not the courts, with original jurisdiction to hear” objections to nomination papers. *Cinkus v. Village of Stickney Municipal Officers Electoral Bd.*, 228 Ill.2d 200, 209 (2008). This jurisdiction stems from the provisions of Sections 10-8 through 10-10.1 of the Election Code. *Id.* and 10 ILCS 5/10-8 through 10/10.1. However, Candidate argues that the absence of language within Article 10, and specifically the absence of an assignment of authority to an electoral board within Section 10-9 over objections to nomination papers for President and Vice President of the United States, support their contention that the Electoral Board does not have jurisdiction over objections to nomination papers of candidates for President and Vice President of the United States.

Section 10-9 of the Election Code designates electoral boards with “the purpose of hearing and passing upon the objector’s petition described in Section 10-8.” 10 ILCS 5/10-9. Section 10-8 of the Election Code describes objector’s petitions referenced in Section 10-9 of the Election Code by providing: “Any legal voter of the political subdivision or district in which the candidate ... is to be voted on ... having objections to any ... nomination papers or petitions filed, shall file an objector’s petition...”. 10 ILCS 5/10-8. The question, then, is whether this absence of language is an expression of the General Assembly’s intent to divest electoral boards from authority over nomination papers filed for Candidates for U.S. President and Vice President, or whether that authority may be gleaned from an analysis of the whole of the Election Code. Notably, the Illinois Supreme Court advises that when engaging in statutory construction, “the court may consider the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute in one way or another.” (*J & J Ventures Gaming, LLC v. Wild, Inc.*, 2016 IL 119870, ¶25 (internal citations omitted).

A recognized purpose of the Election Code is to protect the integrity of elections. *Siegel v. Lake County Officers Electoral Bd.*, 385 Ill.App.3d 452, 460 (2d Dist. 2008). Article 10 of the Election Code establishes a statutory scheme for enforcing this integrity by affording “any legal voter” the ability to object “to any nomination papers or petitions filed” and then for an electoral board to adjudicate that objection. 10 ILCS 5/10-8. Given that the statutory language of Article 10 contemplates candidates for President and Vice President of the United States filing statements of candidacy and, here, Candidates Kennedy and Shanahan actually filed statements of candidacy – the most reasonable conclusion looking at the whole of Article 10 is that the Electoral Board would be vested with original jurisdiction to hear and pass upon objections to those filings.

Moreover, an agency may be bound by its custom and practice. In *Briscoe v. Kusper*, the U.S. Seventh Circuit Court of Appeals held:

[a]n agency may be bound by its own established custom and practice as well as by its formal regulations. The [City of Chicago] Board [of Election Commissioners] may not deviate from such prior rules of decision on the applicability of a fundamental directive without announcing in advance its change in policy. This is especially true where, as here, fundamental, constitutionally protected liberties are adversely affected, and those interested require certain knowledge of what is expected of them by the state.”

435 F.2d 1046, 1055 (7th Cir. 1970). The Electoral Board has regularly heard and ruled on objections to the nomination papers of candidates for President and Vice President of the United States (*See e.g. Anderson v. Trump*, 24 SOEBGP 517 (January 30, 2024), *see also Nader v. Illinois*

*State Board of Elections*, 354 Ill.App.2d 335 (1st Dist. 2004), and *see also Nader v. Keith*, 385 F.3d 729 (7th Cir. 2004). The Electoral Board has a long history of hearing and passing upon objections to Presidential and Vice-Presidential candidates' nomination papers and the nomination papers of Electors of President and Vice President. It is the Board's long held custom and practice to interpret Article 10's scheme to include U.S. Presidential and Vice-Presidential candidates' nomination papers filed with the State Board of Elections. To determine at this juncture that the Electoral Board does not have the authority to do such without previously advising the interested parties (here, any voter of the political subdivision as described in Section 10-8) of this shift in custom and practice would, in the opinion of the Hearing Officer, thwart Sections 10-8 and 10-9's intent to further the integrity of the election process in Illinois. While it is noteworthy that the *Nader* decisions involved pleadings that also named the Electors, here Candidates have failed to produce evidence or argument that negates the filings of Candidates Kennedy and Shanahan that would compel the Electoral Board to ignore objections filed against those documents in spite of its statutory authority to do so.

Finally, Candidates have argued and sought to dismiss Objectors petition on the basis that the Electors are necessary parties to this action such that the Electoral Board's jurisdiction is stripped from Candidate Kennedy and Shanahan's averred candidacies for President and Vice President of the United States. Illinois courts have traditionally required joinder of necessary parties to an action that affects the rights and interests of the absent parties. *Feen v. Ray*, 109 Ill.2d 339, 345 (1985). Even necessary parties need not be joined, however, where a party before the court effectively represents their interest. *Klingel v. Kehrer*, 81 Ill. App. 3d 431, 440-41 (1980). It is undisputed that Objectors have not named the 19 named Electors as parties to this proceeding. However, Candidates have not cited to any case law supporting that their absence as parties somehow negates the filings Candidate Kennedy and Shanahan provided as a part of the nomination papers, nor have they suggested they cannot effectively represent electors' interest in keeping Candidates on the ballot. Candidates have not offered a basis for the Electoral Board to make such a determination in light of the filings received by the Electoral Board and subject to the authority of the Electoral Board under the statutory language of Sections 10-8 and 10-9 of the Election Code (designating electoral boards with "the purpose of hearing and passing upon the objector's petition described in Section 10-8" and Section 10-8's provision that "[a]ny legal voter of the political subdivision or district in which the candidate ... is to be voted on ... having objections to any ... nomination papers or petitions filed, shall file an objector's petition...". 10 ILCS 5/10-8 and 10-9. In absence thereof, this Hearing Officer recommends that Candidates Motion to Dismiss on this basis be **denied**.

#### **B. Objectors' Petition Paragraph 23 States a Legally and Factually Supportable Objection.**

Candidates move to dismiss Paragraph 23 of Objectors' petition for two bases: (1) dual-circulation prohibitions do not apply to Electors of President and Vice-President of the United States, and (2) Section 10-4's dual circulation prohibition is "an unenforceable, de facto 'sore loser' prohibition".

Candidates' first argument fails because Section 10-4 contains no exemption for circulators of petition sheets seeking to nominate candidates for Electors of President and Vice President (or candidates for any federal office), nor for circulators who previously circulated petitions outside

the State of Illinois. The plain language of Section 10-4 of the Election Code’s dual circulator prohibition is unambiguous: “Provided, further, that no person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election...” 10 ILCS 5/10-4. Candidates have offered no citations in support of their contention that the dual-circulation provision is inapplicable to these nomination papers, nor have they offered any construction of the statute as written that would foreclose application of Section 10-4 in the manner alleged in Paragraph 23. The Illinois Supreme Court recently acknowledged the policy role of the dual-circulation provision in preventing voter confusion in *Elam v. Mun. Officers Electoral Bd. for Village of Riverdale*, 2021 IL 127080, ¶29. The Board cannot read unwritten exceptions into Section 10-4, and this basis of Candidates’ Motion to Dismiss should be **denied**.

Candidates then seek to dismiss Paragraph 23 of Objectors’ petition because, they argue, Section 10-4 of the Election Code extends sore loser laws against candidates for the office of President of the United States to circulators and that extension amounts to an extra-constitutional state requirement to the office of President of the United States. Candidates seemingly allege Section 10-4’s dual-circulation provision is invalid or an unconstitutional infringement on either petition circulators, candidates for Electors of President and Vice President, or candidates for President, this request falls beyond the jurisdiction of the Electoral Board. *Delgado v. Bd. Of Election Com’rs of City of Chicago*, 224 Ill.2d 481, 485 (Ill. 2007) (holding “Administrative agencies such as the Election Board have no authority to declare a statute unconstitutional or even to question its validity.”) For these reasons, it is recommended that Candidates’ Motion to Dismiss paragraph 23 of Objectors’ petition be **denied** and the matter be determined on the merits.

### **C. Objectors’ Petition Paragraph 24 Fully States the Nature of the Objection.**

Notwithstanding Candidates jurisdictional arguments, Candidates move to dismiss Paragraph 24 of Objection Petition on the basis that this paragraph fails to “state fully the nature of the objection sufficient to place Candidate on notice of what, specifically, Objectors are accusing Candidates of doing that is contrary to the Election Code.” Paragraph 24 of Objectors’ petition alleges “a pattern of fraud, false swearing and contemptuous disregard of the Election Code...” Obj. Petition, ¶24, p. 12-18. This Board’s Adopted Rules of Procedure specifically address pleading standard required by providing:

“To make a valid claim of a pattern of fraud, an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. In addition, the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.”

(Adopted Rules of Procedure, B-1). Moreover, the First Appellate District provided an example of a sufficient pleading for a pattern of fraud in *Muldrow v. Barron*:

where the allegations of fraud and false swearing [included,] in part, that the nomination papers (1) “contain the names of persons who did not sign said papers in their own persons, and said signatures [were] not genuine and [were] forgeries,” (2) include the affidavits of six identified circulators that were “false and constitute[d] a false swearing because the purported circulator did not actually obtain, solicit or witness the affixing of voters’ signatures,” and (3) “demonstrate a pattern of fraud and disregard of the Election Code containing a high percentage of not registered, not genuine signatures, out of district, incomplete addresses and duplicate signatures, to such a degree that every sheet circulated by said individuals [was] invalid, and should be invalidated in order to protect the integrity of the electoral process.” Attached to the petition was an appendix supporting the objector's allegations.

*Muldrow v. Barron*, 2021 IL App (1st) 210248, ¶28 and footnote 6. Here, Paragraph 24 is read by this Hearing Officer as containing the following five of objections:

- (1) Certain purported circulators submitted petition sheets that contain signatures that were not placed on the petition sheet(s) by the voters in their own proper person but were signed by other individuals;
- (2) Numerous signatures on certain, purported circulators’ petition sheets appear to ne not genuine and such signatures appear to have been forged and written in the same hand;
- (3) Petition sheets were submitted where the petition signers did not sign in the presence of the purported circulator;
- (4) The purported circulator was not the true circulator of the petition sheet; and
- (5) Petition sheets were notarized for alleged circulators who did not personally appear before the notary and swear or affirm their oath.

Paragraph 24 goes on to list 11 subparagraphs containing identified individual circulators, the petition sheets they purport to have circulated, and specific allegations of their conduct in violation of the Election Code. For example, 24(a) alleges “Arman Wilson was not the true circulator of the petition signature sheets he purports to have circulated, did not witness the signatures that appear on his petition signature sheets, and was not present at the time such signatures where purportedly made on his petition signature sheets, in violation of the Election Code. On certain petition signature sheets, the alleged circulator’s signature is not genuine and was not signed by the purported circulator in her own proper person.” The paragraph goes onto identify petition pages circulated thereby. The following 10 subparagraphs of Paragraph 24 follow the same pleading pattern. (Obj. Petition, pp. 12-18).

It is the opinion of this Hearing Officer that the allegations within Paragraph 24 contain sufficient specificity to satisfy the requirements of Section 10-10 of the Election Code, of the Adopted Rules of Procedure, and are sufficiently similar to the objection petition upheld in

*Muldrow v. Barron*. As such, Candidate’s Motion to Dismiss Paragraph 24 of Objectors’ Petition is recommended to be **denied**.

**D. Objectors’ Petition Paragraphs 35-44, Regarding Candidates’ Status as an Independent, is Not Legally Supportable and Should Be Dismissed.**

Candidates next argue Paragraphs 35-44 of Objectors’ Petition should be dismissed as legally unsupportable. Paragraphs 35-44 of Objectors’ Petition contains three objections, each grouped for specific analysis below. Consistent with well accepted jurisprudence that motions to dismiss should be granted only if, when viewing all well-pled facts as true and drawing all reasonable inferences in favor of the non-moving party, there is no genuine basis for relief under law. *Dewan v. Ford Motor Co.*, 363 Ill App. 3d 365, 368 (1<sup>st</sup> Dist. 2005); *Quinn v. Bd. Of Election Commissioners for the City of Chicago Electoral Bd.*, 2018 IL App (1st) 182087, ¶16.

Paragraphs 37-44 object to Candidates classification as independent candidates under the provisions of Section 10-3 of the Election Code and argue that their affiliations with other political parties acts as a bar to their placement on the Illinois General Election ballot under Section 7-43 of the Election Code’s prohibition against party switching.

The first consideration, alleged in Paragraph 30 of Objectors Petition, is whether Candidate Kennedy’s statement of candidacy with the Federal Election Commission (“FEC”), identifying himself as a Democratic Party candidate for the 2024 election(s) is within the meaning of statement of candidacy as contained within Section 7-43 of the Election Code. This determination is a matter of statutory construction and, as such, the best source of a definition is the statute itself. Here, Section 1-3 of the Election Code defines a “petition” of candidacy, “as used in Sections 7-10 and 7-10.1 [of the Election Code]”, as “consist[ing] of a statement of candidacy, candidate’s statement containing oath, and sheets containing signatures of qualified primary electors bound together.” Further, Section 10-5 of the Election Code, governing the nomination of new party and independent candidates, references the “oath required by Section 7-10.1 of this Act [as well as] a statement of candidacy for each of the candidates named therein.” 10 ILCS 5/10-5. As such, it is well within reason that the General Assembly intended the statements of candidacy as contained within Section 1-3, 7-10, 7-10.1, and 10-5 to share a consistent meaning with one another. It is with the filing of this document, as defined by Section 1-3, that an established party, new political party, or independent person becomes a candidate for office within the State of Illinois and by thereby filing, that person affirms an oath that they meet the qualifications for office as identified therein.

On the other hand, the FEC statement of candidacy is required to be filed with the FEC within 15 days of a person becoming a candidate for federal office. 11 CFR § 101.1. By filing the FEC’s statement of candidacy, the filer registers their candidacy, designates a depository, and acknowledges federal campaign finance reporting requirements of contributions and expenditures. *Id.* Filing an FEC statement of candidacy does not convey any rights, acknowledgments, duties upon that candidate within the State of Illinois. Nothing in federal or state law provides that a candidate cannot remain on an Illinois ballot for federal office if they do not file an FEC statement of candidacy. In contrast, however, a candidate who does not file a statement of candidacy under the Illinois Election Code cannot be placed on an Illinois ballot. *See e.g.* 10 ILCS 5/10-5, *Goodman*

*v. Ward*, 241 Ill.2d 398 (2011), and *North v. Hinkle*, 295 Ill.App.3d 84 (2nd Dist. 1998). As noted above, Section 10-5 of the Election Code contains a cross-reference to another provision, Section 7-10.1, and if the General Assembly intended for *any* statement of candidacy to raise to this level, they could have expanded the references to accomplish such. Finally, the FEC was created in 1974, years after the Election Code provisions mandating candidates file statements of candidacy have been acknowledged by reviewing courts *See e.g. Coles v. Holzman*, 55 Ill. App. 2d 93, 95 (1964), citing Ill. Rev. Stat., 1963, ch. 46, sec. 7-10, a predecessor statute to the currently codified version of Section 7-10 of the Election Code, 10 ILCS 5/7-10. Surely, the General Assembly could not have intended the definitions of statement of candidacy appearing within the Election Code to include a document from an agency that was not yet in existence.

The second consideration of Paragraph 40 of Objectors' Petition is whether Candidate Kennedy's alleged status as a registered Democrat is a similar party affiliation that would bar his candidacy under Section 7-43. Even taking the facts alleged here most favorable to Objectors, there is no party registration in the State of Illinois. There are three generally accepted ways to affiliate oneself with a political party in the State of Illinois: to sign the nomination petition of an established party candidate, to file a statement of candidacy swearing qualifications (including a party affiliation or lack thereof) or voting a partisan ballot in a general primary election. 10 ILCS 5/5-30, 10 ILCS 5/7-43(a), 10 ILCS 5/10-5, and, *see e.g. Fleming v. State Bd. of Elections*, 40 Ill.App.3d 695 (4th Dist. 1976) and *Cullerton v. Du Page County Officers Electoral Bd.*, 384 Ill.App.3d 989 (1st Dist. 2008). Kennedy's registration as a Democrat in New York State, or elsewhere, is beyond that for consideration of partisan affiliation within the State of Illinois. As such, with regard to this Paragraph of Objectors' Petition, Candidates' Motion to Dismiss is recommended to be **granted**.

The third consideration of Paragraphs 41-42 of Objectors' Petition is whether both Candidates' affiliation, by previously or actively seeking nomination with the political parties enumerated in Paragraph 41 bar Candidates' certification to the Illinois general election ballot under Section 7-43 of the Election Code or disqualify their affirmations as independent candidates.

Section 10-3 of the Election Code provides: "nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers ..." 10 ILCS 5/10-3. In *Dean v. Smith*, 2017 IL App (1st) 17404, the court recognized this parenthetical as a definition of independent candidates as those who are "not candidates of any party." Section 10-2 provides expressly that "the term 'political party', as hereinafter used in this Article 10, shall mean any 'established political party', as hereinafter defined and shall also mean any political group which shall hereafter undertake to form an established political party in the manner provided for in this Article 10..." 10 ILCS 5/10-2. Section 10-2 goes on to define "established political party" as "a political party which, at the last general election for State and county officers, polled for its candidate for Governor more than 5% of the entire vote cast for Governor...as to the State and as to any district or political subdivision thereof." *Id.* For the 2024 election cycle, there are two established statewide political parties in Illinois: Republican and Democratic. Objectors do not claim that the parties listed in Paragraph 41 of their Objection Petition are established political parties in the State, nor have they provided any evidence that these parties have taken any affirmative action under Article 10 to become a new political party in the State of Illinois. As such, while Candidates may have affiliated with other,

new political parties in other states, in their bid for President and Vice President of the United States -- absent action within the State of Illinois, those parties do not rise to the definition of political party as contemplated within Article 10 of the Election Code. For these reasons, it is recommended that Candidates' Motion to Dismiss Paragraphs 35-44 of Objectors' Petition be **granted**.

#### **E. Objectors' Petition Paragraphs 45-47 Should Be Determined on Its Merits.**

Candidates move to dismiss paragraphs 45-47 of Objectors' Petition on the basis that the "actual named candidates on the nomination papers at issues are the Electors shown therein – not [Candidate Kennedy or Candidate] Shanahan." (MTD, p. 16). "Nomination papers" as used by Candidates in their motion is not defined, nor is the term explicitly defined in Article 10 of the Election Code. However, Section 1-3(12) of the Election Code refers to petition sheets as also including the statement of candidacy and loyalty oath. 10 ILCS 5/1-2(12).

Moreover, the terms "petition for nomination," "nominating papers," and "petition sheets" are generally used synonymously within the Election Code. *See* 10 ILCS 5/7-10, 10-4, and 10-6. Absent more specificity, nomination papers will generally refer to that collection of documents filed when seeking office, including a statement of candidacy, nomination petition sheets, receipt of filing a statement of economic interest, and other statutorily required forms. *See* State Board of Elections' 2024 Candidate's Guide for Presidential Preference, Delegates & Alternate Delegates, p. 2, last amended December 19, 2023, and available at [elections.il.gov](https://elections.il.gov). Candidate Shanahan's own filing of a Statement of Candidacy belies Candidates arguments that she is not a named candidate within the nomination papers. Moreover, Candidates' arguments discussing the nomination of Vice-Presidential candidates by established parties are not persuasive, as those candidates' selection is expressly governed by an Article 7 of the Election Code separate and apart that which Candidate Shanahan, Candidate Kennedy, and their Electors filed their nomination papers. 10 ILCS 5/7-1(a) and 7-9. As such, it is recommended that Candidates' Motion to Dismiss Paragraphs 45-47 of Objectors' Petition be **denied** and these objections are best determined on the merits..

#### **F. Objectors' Petition Paragraphs 27-34 Regarding Candidate Kennedy's False Address are Not "Undefined," "Unsupported," and Not Beyond the Authority of the Electoral Board.**

Candidates move to dismiss Paragraphs 27-34 of Objectors' Petition for three reasons: (1) addresses of Presidential and Vice-Presidential candidates are irrelevant under the Illinois Election Code, (2) the allegations within these Paragraphs are not properly pled, and (3) Candidates argue these Paragraphs attempt to impose an additional residence requirement that is inappropriate and beyond the scope of authority of the Elections Board. For the reasons that follow, Candidates' Motion to Dismiss Paragraphs 27-34 is recommended **denied** and these objections are best determined on the merits.

##### **1. Candidate' Name and Address are optional, not mandatory.**

Candidates contend the only relevant inquiry is to the addresses of the Electors for President and Vice President of the United States. This contention, and thus their Motion to

Dismiss for the same basis, neglects to account for Candidate Kennedy's own Statement of Candidacy, completed and sworn to by Mr. Kennedy and filed with the State Board of Elections. This statement of candidacy specifically identifies Robert Kennedy, Jr. as a candidate for the office of President of the United States. Logic cannot allow a candidate to avail themselves to the benefits of the nomination paper filing process without also being subject to the requirements of the Election Code.

Even accepting Candidates' assertions that the Election Code does not require the Electors to identify the name of the candidate to whom they've pledged their votes as true, here, these Candidates for Electors for President and Vice President of the United States have done so. As part of their Nomination Papers, Candidates have filed 8,946 petition sheets which all contain the language "[t]he following Illinois residents are candidates for the office of Electors of President and Vice President of the United States pledged to the above-named candidate," with Robert F. Kennedy, Jr., named above as candidate for office of President of the United States. Further, Candidate Kennedy filed a Statement of Candidacy with the State Board of Elections on June 24, 2024, swearing or affirming he resides as 84 Croton Lake Road in Katonah, New York. As these documents have been filed by and in support of Candidate Kennedy as part of his Nomination Papers, the objections contained in Paragraphs 27-34 related to the contents of those documents are valid and should not be dismissed simply because they relate to Candidate Kennedy's address as appearing thereon instead of the Electors' addresses.

Candidates' arguments that Paragraphs 27-34 are an attempt to introduce an Illinois-specific residency requirement for presidential candidates are not compelling and contrary to the language of the Objectors' petition and, as such, it is recommended Candidates' Motion to Dismiss on this basis be **denied**.

#### Allegations are facially insufficient

Candidates also move to dismiss Paragraphs 27-34 of Objectors' Petition on the grounds that these Paragraphs are facially insufficient, offering no facts in support thereof. Section 10-8 of the Election Code identifies the pleading standards for objection petitions, requiring in relevant part, that objection petitions "state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question." (10 ILCS 5/10-8). Section 10-8 provides no further analysis, but in an unpublished opinion<sup>4</sup>, the First Appellate Court recognized that an allegation within an objection petition is not properly pled when it "does not provide the essential information the other party requires to defend against the accusation." (*Jeffers v. Cook County Officers Electoral Bd.*, 2022 IL App (1st) 220753-U, ¶33). The *Jeffers* opinion supports the general contention that Illinois is a fact-pleading jurisdiction, and complaints are "not required to set forth evidence in the complaint [though they] must allege sufficient facts to state a claim, not simply conclusions." (*Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429-430 (2006)).

Here, Paragraphs 27-34 allege Candidate Kennedy's Statement of Candidacy contains a false swearing because it contains an address in New York and alleges "Candidate Kennedy is not a resident of New York and is, in fact, a resident of the State of California with his wife and family

---

<sup>4</sup> Illinois Supreme Court Rule 23(e)(1) allows "a nonprecedential order entered under Rule 23(b) on or after January 1, 2021, to be cited for persuasive purposes.

and has been for years.” (Obj. Petition, ¶29, p. 19). The Hearing Officer recommends finding that Paragraphs 27-34 are properly plead, contain sufficient facts to state a claim and, therefore, Candidates’ Motion to Dismiss on this basis should be denied.

#### Objector arguments are beyond the scope of this electoral board

Candidates’ third basis for dismissal of these Paragraphs argues these objections are beyond the scope of the Electoral Board. It is recommended that Candidates’ Motion on this basis be **denied** as the scope of inquiry surrounding these allegations is limited to the truthfulness of the information contained within the Nomination Papers filed by Candidate Kennedy, specifically his Statement of Candidacy and the address appearing on the Nomination Petition Sheets. Section 10-10 expressly provides: “the electoral board shall take up the question as to whether or not the ... nomination papers or petitions are in proper form and whether or not they were filed ... under the conditions required by law, ... [and generally] whether or not...the nominating papers are valid...” 10 ILCS 5/10-10. Objectors’ citation to *Goodman v. Ward*, 241 Ill. 2d 398 (2011), for their contention that the objections of Paragraphs 27-34 are within the scope of the Electoral Board’s jurisdiction are compelling.

#### **G. Objectors’ Petition Paragraph 25 Should Be Determined on The Merits.**

Candidates move to dismiss Paragraph 25 of Objectors’ Petition on the basis that the relief requested is not supported by Illinois law. On the allegation of the inclusion of one photocopied petition sheet, Objectors allege an identified circulator has engaged in a pattern of fraud and seek to strike all Petitions circulated thereby.

Section 10-4 of the Election Code expressly prohibits fling photocopies or duplicates of petition sheets. 10 ILCS 5/10-4. Both Parties cite to *Mitchell v. Cook Cnty. Officers Electoral Bd.* in the Motion to Dismiss and Response to Motion to Dismiss. This dual reliance is evidence, minimally, that a question remains as to the breadth of sheet disqualification is proper under Illinois law. As such, it is recommended that this Paragraph **not be dismissed** and, instead, determined on the merits.

#### ***Conclusion***

In consideration of the Motion to Dismiss arguments discussed above, the Hearing Officer recommends **granting** the Motion to Dismiss regarding the status of Candidate Kennedy as an independent and to **deny** the remainder of the Motion to Dismiss.

## **II. PETITION SIGNATURE OBJECTIONS**

Objectors’ Petition makes several objections to the signatures found in the Candidates’ Nomination Petitions. Regarding the Petition signatures, the following objections have been made and are addressed below: (1) signer not registered at address shown; (2) signature not genuine signature of registered voter; (3) signer resides outside the State of Illinois; (4) signer’s address missing or incomplete; and (5) signer signed more than once. In addition to the aforementioned objections, Objectors raise “substantial compliance” concerns as to the numbering and binding of petitions as covered in 10 ILCS 5/10-4.

**A. The Nomination Papers Contain Petition Sheets with the Names of Persons Who are Not Registered Voters at the Addresses Shown Opposite their Respective Names.**

Objectors' Petition alleges that certain Nomination Papers contain Petition Sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names. Objectors have identified the specific Sheets in their Objection and Appendix-Recapitulation Sheets, under Column A.

The Hearing Officer recommends **adopting** the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024.

**B. The Nomination Papers Contain the Names of Persons Who Did Not Sign Said Papers in their Own Proper Persons and said Signatures are Not Genuine Signatures of Registered Voters at the Addresses Shown Opposite their Names and are Forgeries.**

Objectors' Petition alleges that certain Nomination Papers contain the names of persons who did not sign said papers in their own proper persons and said signatures are not genuine signatures of registered voters at the addresses shown opposite their names and are forgeries. Objectors have identified the specific Sheets in their Objection and Appendix-Recapitulation Sheets, under Column B.

The Hearing Officer recommends **adopting** the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024.

**C. The Nomination Papers Contain Petition Sheets with the Names of Persons for Whom Addresses are Stated that are Not in the State of Illinois.**

Objectors' Petition alleges that certain Nomination Papers contain Petition Sheets with the names of persons for whom addresses are stated that are not in the State of Illinois, and as such, those signatures are not valid. Objectors have identified the specific Sheets in their Objection and Appendix-Recapitulation Sheets, under Column C.

The Hearing Officer recommends **adopting** the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024.

**D. The Nomination Papers Contain the Names of Persons for Whom the Signer's Address is Missing or Incomplete.**

Objectors' Petition alleges that certain Nomination Papers contain the names of persons for whom the signer's address is missing or incomplete. Objectors have identified the specific Sheets in their Objection and Appendix-Recapitulation Sheets, under Column D.

The Hearing Officer recommends **adopting** the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024.

**E. The Nomination Papers Contain the Names of Persons Who Have Signed the Nomination Papers More than One Time.**

Objectors' Petition alleges that certain Nomination Papers contain the names of persons who have signed the Nomination Papers more than one time. Objectors have identified the specific Sheets in their Objection and Appendix-Recapitulation Sheets, under Column E.

The Hearing Officer recommends **adopting** the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024.

**F. The Nomination Papers Contain Numerous Sheets Where the Page Number is Not Consecutively Ordered or Where a Page Number is Duplicated.**

Paragraph 12 of Objectors' Petition alleges that Candidates' Petition Sheets are misnumbered in violation of Section 10-4 of the Election Code, which requires, in relevant part: "before being presented to the electoral board...the [petition] sheets shall be numbered consecutively." 10 ILCS 5/10-4. Courts have recognized that this pagination requirement "leaves no room for discretion," and filing wholly unnumbered petition sheets will render nomination papers invalid. *Wollan v. Jacoby*, 274 Ill.App.3d 388, 393 (1st Dist. 1995), and see *Hagen v. Stone*, 277 Ill.App.3d 388 (1st Dist. 1995). Yet, misnumbering of a portion of petition sheets may be deemed a technical deviation from Section 10-4's pagination requirement. *King v. Justice Party*, 284 Ill.App.3d 886 (1st Dist. 1996), and see e.g. *King v. Pincham*, No. 96-COEB-CO-01 (Cook Cnty. Electoral Board 1996). A nominating petition "may be read as one complete document in order to achieve substantial compliance with the statute." *Samuelson v. Cook Cnty. Officers Electoral Bd.*, 2012 IL App (1st) 120581, ¶36.

Here, Candidates filed Nomination Papers containing 8,946 Petition Sheets. Looking to the whole of these Petition Sheets, this Hearing Officer recommends finding that the majority of these sheets satisfy the pagination requirement of Section 10-4 of the Election Code. Further, it is recommended that deviations identified in Exhibit A to Objectors' Petition amount to more of a technical deviation than completely disregarding the pagination requirement. As such, the Hearing Officer recommends that the objection to Paragraph 12 be **overruled**.

***Conclusion***

In consideration of the objections made by the Objectors that were discussed above, the Hearing Officer recommends adopting the results of the records examination conducted by the staff of the State Board of Elections pursuant to the Board's Adopted Rules of Procedure on July 13, 2024, through July 18, 2024. As a result of the records examination, under Paragraphs 5-10 of Objectors' petition, Candidates filed 65,882 signatures, Objectors objected to 33,614 signatures

for the bases described in Paragraphs 6-10 of their Objection petition and as alleged on the Appendix-Recapitulation Sheets. Following the record exam, 22,842 signatures were struck from Candidates' petition pages – leaving Candidates with 43,040 valid signatures, which is 18,040 above the statutory minimum required by Section 10-3 of the Election Code.

### III. NOTARY AND CIRCULATOR OBJECTIONS

Objectors next make certain objections to the Nomination Papers that relate to the purported Circulators and Notaries. The following objections are made as to the specified Circulator of certain Nomination Papers: (1) Circulator did not sign petition; (2) Circulator does not reside at address shown; (3) Circulator's address is incomplete or missing; (4) Circulator's signature not genuine; (5) Circulator did not appear before notary; (6) sheet not notarized by a notary or appropriate officer; and (7) purported Circulator did not circulate sheet.

As to the objection made regarding the notaries public, objectors allege that the purported notary did not notarize the sheet. Objectors also make objections to certain Petition Sheets on the grounds that the purported circulator has circulated for another political party. This is the practice known as "dual circulation." Specifically, objectors name 26 individuals that have allegedly circulated for more than one political party in this election cycle.

The final objection made regarding circulators of certain Petition Sheets is that the Nomination Papers submitted by certain individuals demonstrate a pattern of fraud, false swearing, and contemptuous disregard of the Illinois Election Code. Specifically, Objectors name 11 individuals that have allegedly demonstrated a pattern and practice of fraud in their circulation efforts for the Candidates. Each of these objections are addressed below.

#### **A. The Nomination Papers Contain Petition Sheets that Bear a Circulator's Affidavit which is Not Signed by the Circulator.**

In Paragraph 15 of their Petition, Objectors allege that 6 Petition Sheets should be stricken in their entirety because they bear a circulator's affidavit that is not signed by the circulator. Specifically, pages 2,058, 2,215, 4,770, 5,997, 7,060, and 7,666 are identified under Column G of the recapitulation sheet, "circulator did not sign petition."

Section 10-4 of the Code (10 ILCS 5/10-4) requires that Petition Sheets include the notarized signature of the person who circulated the sheet. This is a mandatory requirement, as the requirement of a circulator's affidavit is one of the primary safeguards against fraudulent Petition Sheets. *Havens v. Miller*, 102 Ill. App. 3d 558, 568 (1st Dist. 1981). The Objectors have submitted no evidence concerning the allegation made in Objectors' Petition Paragraph 15 other than the Petition Sheets.

This Hearing Office must determine whether the subject Petition Sheets identified by Objectors comply with Section 10-4 on their face. *Nader v. Illinois State Bd. of Elections*, 354 Ill. App. 3d 335 (1st Dist. 2004).

The designated circulator's signature line is blank on pages 2,058, 2,215, 4,770, 5,997, and 7,666. Because these sheets fail to include a circulator signature as required by Section 10-4, it is recommended that Objectors' objection be sustained with respect to pages 2,058, 2,215, 4,770,

5,997, and 7,666. On page 7,060, the circulator's signature line contains the signature of Henry Timothy. Because Objectors have not submitted any evidence indicating that the circulator's signature on page 7,060 is not genuine, they have not overcome the presumption that this Petition Sheet is valid. Accordingly, it is recommended that Objectors' paragraph 15 objection be **overruled** with respect to page 7,060.

**B. The Nomination Papers Contain Petition Sheets that Bear a Circulator's Affidavit that is False Because it is Signed by a Circulator Who Does Not Reside at the Address Given.**

In Paragraph 16 of their Petition, Objectors allege that every signature on 38 Petition Sheets identified on the recapitulation sheet under Column H, "circulator does not reside at address shown," should be stricken because the circulator's affidavit on those pages was signed by a circulator who does not reside at the address given. Section 10-4 of the Election Code requires that "no signature shall be valid or counted" unless the requirements of the Section are met. 10 ILCS 5/10-4. Section 10-4 requires that Petition Sheets include the address of the person who circulated the sheet, and that the circulator attest to the accuracy of the statement under oath.

Circulator affidavit requirements under Section 10-4 are mandatory as one of the primary safeguards against fraudulent Nomination Petitions. *Havens*, 102 Ill. App. 3d at 568. The Objectors have submitted no evidence to support the allegation made in Objectors' Petition Paragraph 16 beyond the Petition Sheets and have not met their burden of proof. Accordingly, it is recommended that Objectors' objection be **overruled** with respect to Paragraph 16.

**C. The Nomination Papers Contain Petition Sheets that Bear a Circulator's Affidavit on Which the Circulator's Address is Incomplete and Not Provided in Accordance With the Mandatory Provisions of the Illinois Election Code.**

Objectors allege in Paragraph 17 of Objectors' Petition that the signatures on 40 Petition Sheets (identified in the recapitulation sheet under Column I) should be stricken in their entirety, because the circulator's address on each identified sheet is incomplete and not in compliance with Section 10-4 of the Election Code. 10 ILCS 5/10-4. That Section requires that the circulator's affidavit shall state the circulator's "street address or rural route number, as the case may be, as well as the county, city, village or town, and state. . . ." *Id.*

As previously explained, circulator affidavit requirements under Section 10-4 are mandatory. *Havens*, 102 Ill. App. 3d at 568. The total failure to provide a circulator address as part of the circulator's affidavit renders all signatures on the petition invalid. *Schumann v. Kumarich*, 102 Ill.App.3d 454, 457-58 (1st Dist. 1981). However, the Illinois Supreme Court has directed that electoral boards "tread cautiously when construing statutory language [restricting] the people's right to endorse and nominate the candidate of their choice." *Lucas v. Lakin*, 175 Ill.2d 166, 176 (1997).

Because the statute setting out requirements for the circulator's affidavit does not expressly require that the address on the petition match the address where the circulator is registered to vote, the Election Code "does not require that the address in the circulator's affidavit on a nominating petition . . . be identical to the address where the circulator is registered to vote." *Id.* at 176, 642. Further, a circulator who provides his or her address on one sheet need not provide the address on others – if the information within the petition gives the Board ready access to the circulator

such that the integrity of the electoral process is preserved, address information is in substantial compliance with the elements of Section 10-4 of the Election Code and satisfies the mandatory requirements of that Section. *Sakonyi v. Lindsey*, 261 Ill. App. 3d 821 (5th Dist. 1994). Indeed, “[s]ubstantial compliance can satisfy a mandatory provision of the Election Code . . . as even a mandatory provision does not require strict compliance.” *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶ 23.

Here, the Objectors have submitted no evidence beyond the Petition Sheets themselves to prove the allegation made in Objectors’ Petition Paragraph 17. Candidates have failed to submit any evidence as to substantial compliance and the Hearing Officer is not going to conduct an independent examination of the 8,946 Petition Sheets to establish substantial compliance.

The Board must evaluate the contested Petition Sheets in light of the substantial compliance and public policy considerations outlined in the above paragraph and make a determination whether the pages substantially comply with the Election Code on their face. Accordingly, this Hearing Officer has evaluated each of the page objections pursuant to these standards and made individual rulings thereon and recommends the report, as detailed in Exhibit E, should be **adopted** by the Board.

**D. The Nomination Papers Contain Petition Sheets that Bear a Circulator’s Affidavit Which is not Signed by the Circulator in the Circulator’s Own Proper Person, and Such Signatures are Not Genuine and are Forgeries.**

Objectors claim in Paragraph 18 of their petition that 804 Petition Sheets (identified in the recapitulation sheet under Column Q) should be stricken in their entirety, because the circulator’s signatures on those pages are forgeries.

Because Objectors have not submitted any evidence in support of the allegations made in Objectors’ Petition Paragraph 18, they have not met their burden of proof. Accordingly, Objectors’ objection should be **overruled** with respect to Paragraph 18.

**E. The Nomination Papers Contain Petition Sheets that Bear a Circulator’s Affidavit on Which the Circulator Did Not Personally Appear Before the Notary Public to Subscribe or Acknowledge His/Her Signature as a Circulator in the Presence of Said Notary Public.**

Objectors allege that 806 Petition Sheets each contain a circulator’s affidavit that was not subscribed to in the presence of a notary, and they request that the Board strike every signature on those pages.

Section 10-4 of the Election Code requires that the circulator’s statement be “sworn to before some officer authorized to administer oaths in this State.” 10 ILCS 5/10-4. This statutory requirement is a substantial and valid requirement that relates to the integrity of the political process. *Havens*, 102 Ill. App. 3d at 568. Nevertheless, courts have held that the requirement may be satisfied through substantial compliance. *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶ 23. Petition Sheets have been upheld when attested to by circulators who signed the sheets in the presence of notaries they mistakenly believed were valid notaries and accordingly believed they were subjecting themselves to the penalties of perjury – such a mistake does not put the

integrity of the political process in jeopardy. *Shipley v. Stephenson Cnty. Electoral Bd.*, 130 Ill. App. 3d 900 (2d Dist. 1985).

Similarly, in another case, the fact that the notarial *jurat* did not name the circulator did not detract from the efficacy of the certification, so the notarization was valid. *Cintuc, Inc. v. Kozubowski*, 230 Ill. App. 3d 969 (1st Dist. 1992). Conversely, in *Williams v. Butler*, 35 Ill. App. 3d 532, 537 (4th Dist. 1976), the court invalidated all signatures on pages with an attestation by circulators who later admitted to signing the attestation on the Petition Sheets outside the presence of a notary, because the “statutory provision is a reasonable regulation designed to preserve the integrity of the electoral process and noncompliance with it constitutes a valid objection.” *Id.* at 538. Further, the Illinois Supreme Court has held that a circulator who believes that he is signing the statement under oath, but does not physically appear before a notary, does not substantially comply with the statutory attestation requirements. *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469 (1980).<sup>[1]</sup>

Objectors offered testimony from Notary Qiana Cage. Based on the credibility and weight of her testimony, the Hearing Officer finds that Ms. Cage notarized the Petition Sheets in accordance with her obligation as a Notary Public and did not engage in conduct that thwarts the integrity of the election process. Objectors did not provide competent evidence for any named Notaries Public whose Petition Sheets were objected to on this basis. Unless the notary *jurat* contained a facial deficiency that was a material deviation from the *jurat* standards, the objections on this basis were overruled.

Accordingly, this Hearing Officer has evaluated each of the page objections pursuant to these standards and made individual rulings thereon and recommends the report, as detailed in Exhibit E, be **adopted** by the Board.

**F. The Nomination Papers Contain Petition Sheets that Bear a Circulator’s Affidavit Which is Not Properly Sworn to Before a Notary Public or Other Appropriate Officer Authorized to Administer Oaths in this State in the Proper Form.**

Objectors allege that three Petition Sheets have not been notarized by a notary or appropriate officer. Petition Sheet 1,008 lacks the notary’s signature in the *jurat* but is stamped with the seal of notary Qiana K. Gage. Petition Sheet 1,494 also lacks the notary’s signature in the

---

<sup>[1]</sup> [IICLE text, Section 1.92]:

The certification, signing, and oath requirement that the circulator of petition signature sheets appear before a notary or other duly qualified officer has been held to be mandatory because it relates to the integrity of the electoral process. This authentication provides a significant and primary safeguard against fraud by subjecting the circulator to the penalty of a perjury prosecution. *See, e.g., In re Petition To Form New Park District Coterminous with Village of Maywood, Illinois*, 182 Ill.App.3d 973, 538 N.E.2d 849, 131 Ill. Dec. 474 (1st Dist. 1989); *Shipley v. Stephenson County Electoral Board*, 130 Ill.App.3d 900, 474 N.E.2d 905, 910, 85 Ill.Dec. 945 (2d Dist. 1985); *Havens*, 102 Ill.App.3d 558; *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469, 404 N.E.2d 180, 38 Ill.Dec. 756 (1980); *Williams v. Butler*, 35 Ill.App.3d 532, 341 N.E.2d 394, 398 (4th Dist. 1976).

*jurat* contains the seal of notary Michelle D. Dordies. Petition sheet 2,278 only has the name of the circulator filled in the space for that information, but lacks the date, the notary's signature, or a notary's seal.

Section 10-4 requires that the circulator's statement be "sworn to before some officer authorized to administer oaths in this State." 10 ILCS 5/10-4. This requirement is mandatory. Nevertheless, a Petition Sheet containing errors related to notarization need not be stricken if the mistake does not put the integrity of the political process in jeopardy. *Shipley v. Stephenson Cnty. Electoral Bd.*, 130 Ill. App. 3d 900 (2d Dist. 1985). In *Shipley*, the court concluded that, because the circulator believed and acted as if under the belief that the circulator was under oath, the integrity of the political process had been preserved.

Neither party offered evidence of the understandings of beliefs of the circulator or notaries at the time the *jurat* was executed. Each of these three pages contain significant errors and inconsistencies in the *jurat*, and for these reasons, the Hearing Officer recommends that each of the objections be **sustained**.

**G. The Nomination Papers Contain Petition Sheets that Bear a Circulator's Affidavit that is False in that the Purported Circulator Did Not Circulate Said Sheets.**

Objectors allege that 1,406 Petition Sheets each contain a circulator's affidavit that falsely claims that the purported circulator was the individual who circulated the sheets, and they request that the Board strike every signature on those pages. The Board may refuse to count signatures witnessed by the circulator when there is evidence questioning the circulator's honesty. *Muldrow v. Barron*, 2021 IL App (1st) 210248, quoting *Harmon v. Town of Cicero Municipal Officers Electoral Bd.*, 371 Ill. App. 3d 1111 (1st Dist. 2007).

To these objections, relating to the following Circulators: Arman Wilson, Betty Garrison, Blake Hallom or Hallam, Bruce Sawyer, Christian Lester, Christine Preston, Colston Longstreth, Justin Shannon, and Sara Fuquay, see the detailed analysis contained in Section J herein.

For all other sheets circulated by unidentified circulators and objected to on this basis, as Objectors did not provide sufficient evidence to overcome the presumption of validity and those objections were overruled.

Accordingly, this Hearing Officer has evaluated each of the page objections pursuant to these standards and made individual rulings thereon and recommends the report, as detailed in Exhibit E, be **adopted** by the Board.

**H. The Nomination Papers Contain Petition Sheets that Bear a Circulator's Affidavit on Which the Circulator Did Not Swear Before the Purported Notary on Specific Notarized Sheets.**

Objectors' Petition alleges the Nomination Papers contain Petition Sheets that bear a Circulator's affidavit on which the Circulator did not swear before the purported Notary on specific notarized sheets. Objectors state that every signature on said Sheets is invalid, as is set forth in the Objection and Appendix-Recapitulation Sheets attached to Objectors' Petition and incorporated under the heading, Column M, "Purported Notary did not notarize sheet." However, after review, none of the recapitulation sheets mark Column M.

Section 10-8 of the Election Code states, “[t]he objector's petition \*\*\* shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question \*\*\*.” 10 ILCS 5/10-8. Further, “[t]he burden of proof in contesting nomination papers lies with the objector.” *Daniel v. Daly*, 2015 IL App (1st) 150544 (citing *Hagen v. Stone*, 277 Ill.App.3d 388, 390 (Ill. App. Ct. 1995)). Thus, because the Objector’s failed to identify, with specificity, any particular Petition Sheets under Column M and have not presented any evidence concerning this objection at the Hearing, it is recommended that their objection be **overruled** with respect to Objectors’ Petition Paragraph 22.

**I. Nomination Papers Circulated by Individual That Have Previously Circulated Petition Sheets Within the Current Election Cycle for a Candidate of Another Political Party, as Defined in the Election Code, Should Be Stricken in Their Entirety.**

Objectors’ Petition alleges the Nomination Papers contain Petition Sheets that bear a Circulator’s affidavit on which the named Circulator previously circulated Petition Sheets for a candidate of another political party within the current election cycle. Objectors state that every signature on said Sheets is invalid and should therefore be stricken. Objectors have included specific references to the alleged dual Circulators and have provided their associated Petition Sheets.

Candidates assert that the Illinois Election Code has no jurisdiction beyond the territory of Illinois and thus, the “dual circulation” provision has no applicability to the office of the United States President. Further, the Candidates argue that “[s]tates cannot add to federal requirements or ban independent Presidential candidates through ‘sore loser laws,’ ‘disaffiliation’ laws, or by other means, through the backdoor, by enacting ‘dual circulator’ prohibitions.” Motion to Dismiss at 6. Candidates assert that such provision infringes upon the voters’ First Amendment right to Freedom of Association.

Objectors counter Candidates by asserting that the Candidates wholly ignore the plain and unambiguous language of the Election Code. Specifically, that nowhere in the Code is there language that would indicate any limitation as argued by Candidates. Objectors cite to the holding in *Libertarian Party of Michigan v. Ruth Johnson* which held the sore loser statute did apply to the office of President of the United States and that such application did not violate the candidate’s First and Fourteenth Amendment rights under the United States Constitution. 714 F.3d 929 (6th Cir. 2013).

**1. The Plain and Unambiguous Language in 10 ILCS 5/10-4 Provides No Limitations.**

The next issue to be decided, as argued in Paragraph 23 of the Objection, is whether Section 10-4’s dual circulator provision applies to Candidates, whether it applies to out-of-state circulators as well as in-state circulators, and whether it applies to circulators who previously circulated petitions for political parties other than the Democratic Party and Republican Party. In relevant part, Section 10-4 of the Election Code reads:

[N]o person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such

candidates and parties with respect to the same political subdivision at the next consolidated election.

10 ILCS 5/10-4. When construing a statute, the most important consideration is what the text itself states. *In re Barker*, 768 F.2d 191, 194-95 (7th Cir. 1985). If the statutory language is unambiguous, the inquiry ends and the statute's plain meaning controls. *Barnhart v. Sigmon Coal Co., Inc.*, 534 U.S. 438, 439 (2002); *Barker*, 768 F.2d at 194-95.

Section 10-4 is unambiguous. An individual who circulates petitions for a candidate of a political party may not circulate petitions for an independent candidate at the ensuing primary or general election. Candidates make no argument that the text of Section 10-4's dual circulator provision expressly excludes petition circulation that occurred outside Illinois, instead arguing the dual circulator provision is inapplicable to the office of U.S. President based upon federal law and jurisdictional principles. Without any textual construction argument proffered for consideration, the job of the Board is to give effect to the intent of the legislature, the best indicator of which is the plain language of the statute.

Additionally, Candidates argue in their Closing Memorandum that Section 10-4 unambiguously does not apply to the offices of President and Vice President because these offices are not "to be voted upon at the next primary or general election." (Candidates Kennedy and Shanahans' Closing Memo, at 11-14). With respect to the primary, Candidates assert that "no government offices are filled or 'elected' at a primary. Political parties select their Delegates (as a political party position), but do not "elect" their Electors at a primary." *Id.* at 11. With respect to the general election, Candidates argue that the Presidency and Vice Presidency are not among the identified offices to be filled at the general election in 10 ILCS 5/2A-1.2(a). *Id.* Candidates state that it is electors for the office of President and Vice President, and not the candidates for those offices themselves, who Illinois voters vote on at the general election. *Id.* at 13. Candidates cite Section 7-11 of the Election Code as support for their ultimate position that "[Candidates] Kennedy and Shanahan are exempt from all Illinois election laws." *Id.* at 12-14 Section 7-11 of the Election Code states:

Provided, further, unless rules or policies of a national political party otherwise provide, the vote for President of the United States, as herein provided for, shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the state at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties.

10 ILCS 5/7-11.

Candidates' interpretation of Section 10-4 of the Election Code is mistaken. Undue focus is placed on whether candidates are *elected* at a primary when the relevant question, following the statutory language of Section 10-4 of the Election Code, is only whether a given candidate is to be *voted* upon. Section 10-4 of the Election Code is violated when individuals who circulated petitions for candidates of an established political party to be voted upon in the primary later circulate petitions for an independent candidate to be voted upon at the general election. Section 7-11 of the Election Code supports this interpretation, itself repeatedly using the word "vote" to describe the act an individual engages in when he or she selects a Presidential candidate in the primary election. That no government

offices are filled at the primary election is irrelevant; the key question is whether Presidential candidates are voted upon at the primary, and the answer is unmistakably “yes.”

Candidates’ argument that it is the electors who are the “true” candidates also fails. It is Candidate Kennedy’s and Candidate Shanahan’s whose names are sought to appear on the ballot, not their electors. The Petition Sheets circulated by the circulators at issue each state that the signers “petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the General Election to be held November 5, 2024.” Moreover, following the Uniform Faithful Presidential Electors Act becoming law on July 1, 2024, Presidential electors must vote for the Presidential candidate to whom they are pledged, eliminating whatever electoral distinction may have existed between elector and candidate. 10 ILCS 22/5-15, 5-25, 5-30. The record in this matter is void of arguments from Candidates as to why the Uniform Faithful Presidential Electors Act would not apply to Candidates Kennedy and Shanahan and their Electors. In summary, Candidates’ preferred interpretation of Section 10-4 of the Election Code is at odds with the statute’s plain meaning and effectively inserts text providing for an exemption for Presidential and Vice-Presidential candidates that does not exist.

## **2. The Electoral Board Has No Authority to Comment on Constitutional Arguments Presented By the Parties.**

As to the Candidate’s constitutional arguments, the Electoral Board has no authority to entertain. Section 10-10 of the Election Code limits the scope of the Board’s inquiry.

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and \*\*\* in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1.

10 ILCS 5/10-10. Further, the Illinois Supreme Court has clearly placed limitations on the Electoral Board and have previously found them to have exceeded their authority in conducting certain constitutional analyses. *See Goodman v. Ward*, 241 Ill.2d 398 (2011). Thus, this Hearing Officer shall not comment or consider the constitutional arguments set forth by the Parties.

## **3. Application of Illinois’ Dual Circulation Law**

Applying the law as previously stated, the Hearing Officer makes the following additional findings as to the allegations put forth in Paragraph 23 of the Objectors’ Petition:

**a. Daniel Cox**

Objectors allege Daniel Cox, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Mariyana T. Spyropolous and Clayton Harris, III, as Democratic Party candidates for Clerk of the Circuit Court of Cook County and Cook County State’s Attorney, respectively, at the 2024 general primary election. Objectors’ handwriting expert established there was a probability of commonality between Mr. Cox’s signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the Spyropolous and Harris petition sheets. The circulation activities of Daniel Cox falls within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(a) of Objectors’ Petition should be **stricken in their entirety**.

**b. Kenny Howard**

Objectors allege Kenny Howard, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Ron DeSantis as a Republican Party candidate for President of the United States at the 2024 general primary election. Objectors’ handwriting expert established there was a probability of commonality between Mr. Howard’s signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the DeSantis petition sheets. The circulation activities of Kenny Howard fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(b) of Objectors’ Petition should be **stricken in their entirety**.

**c. Lonnie Horne**

Objectors allege Lonnie Horne, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for a slate of Democratic Party candidates for Judge of the Circuit Court of Cook County (slate led by Corrine C. Heggie) at the 2024 general primary election. Objectors’ handwriting expert established there was a probability of commonality between Mr. Horne’s signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the Heggie petition sheets. The circulation activities of Lonnie Horne fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(c) of Objectors’ Petition should be **stricken in their entirety**.

**d. Mary Henton**

Objectors allege Mary Henton, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Judge of the Appellate Court, First Judicial District (slate led by Mary Lane Mikva) at the 2024 general primary election. Objectors’ handwriting expert established there was a probability of commonality between Ms. Henton’s signature as a circulator on Candidate Kennedy’s Petition Sheets and her signature as a circulator on the Mikva petition sheets. The circulation activities of Mary Henton fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(d) of Objectors’ Petition should be **stricken in their entirety**.

**e. Renea Williams**

Objectors allege Renea Williams, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Carlos A. Gonzalez, Republican Party candidate for State Senator in the 1<sup>st</sup> Legislative District of the State of Illinois at the 2024 general primary election. Objectors' handwriting expert established there was a probability of commonality between Ms. Williams' signature as a circulator on Candidate Kennedy's Petition Sheets and her signature as a circulator on the Gonzalez petition sheets. She also testified at the Evidentiary Hearing in this matter she passed both sets of petition sheets. The circulation activities of Renea Williams fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(e) of Objectors' Petition should be **stricken in their entirety**.

**f. Richard Osorino**

Objectors allege Richard Osorino, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Ron DeSantis and Nikki Haley as Republican Party candidates for President of the United States to appear on the Illinois ballot at the 2024 general primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Osorino's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the DeSantis and Haley petition sheets. The circulation activities of Richard Osorino fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(f) of Objectors' Petition should be **stricken in their entirety**.

**g. Alexander Colden**

Objectors allege Alexander Colden, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sandy Pensler, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Colden's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Pensler petition sheets. The circulation activities of Alexander Colden fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(g) of Objectors' Petition should be **stricken in their entirety**.

**h. Byron Taylor**

Objectors allege Byron Taylor, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for No Labels Wisconsin, a separate, new political party attempting to gain ballot access in the State of Wisconsin at the 2024 partisan primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Taylor's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the No Labels Wisconsin petition sheets. The Hearing Officer finds that the circulation activities of Byron Taylor do not fall within the statutory definition of a dual circulator since the No Labels Wisconsin party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(h) of Objectors' Petition be **overruled**.

**i. Chris McMorrow**

Objectors allege Chris McMorrow, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, “We The People” Party candidates for President and Vice President of the United States, respectively, for the 2024 election cycle in Pennsylvania. Objectors’ handwriting expert established there was a probability of commonality between Mr. McMorrow’s signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the “We The People” Party petition sheets. The circulation activities of Chris McMorrow do not fall within the statutory definition of a dual circulator since the “We The People” Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(i) of Objectors’ Petition be **overruled**.

**j. Colin Aiken**

Upon review of Objectors’ Petition paragraph 23(j), it was discovered that there are two people named, Colin Aiken and Alexander Colden. Colin’s name was listed as the heading for the paragraph while Alexander’s name was in the details surrounding the dual circulation allegations. Once discovered, Candidates, on August 1, 2024, filed their’ Motion to Strike 23(j) of Objectors’ Petition and to Enjoin Deposition of Colin Aiken. On August 2, 2024, Objectors filed Objectors’ Response Opposing Candidates’ Motion to Strike and Dismiss Paragraph 23(j) and Enjoin Deposition of Colin Aiken.

Candidates’ argued paragraph 23(j) is incoherent and incapable of being responded to as Objectors have failed to allege who “Alexander Colden” is what relationship Alexander has to Colin Aiken. Objectors argue Candidates’ motion is untimely as it was filed nearly three weeks after the deadline to file a Motion to Dismiss. Insufficient evidence was submitted to support the assertions set forth in Paragraph 23(j). The Hearing Officer, after carefully reviewing the Motion and Response and evidence submitted in this matter recommends Candidates’ Motion to Strike 23(j) of Objectors’ Petition and to Enjoin Deposition of Colin Aiken be **denied** as the Motion was untimely but recommends that the objection found in Paragraph 23(j) of Objectors’ Petition be **overruled**.

**k. Christina Preston**

Objectors allege Christina Preston, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, “We The People” Party candidates for President and Vice-President of the United States, respectively, for the 2024 election cycle in Pennsylvania. Objectors’ handwriting expert established there was a probability of commonality between Ms. Preston’s signature as a circulator on Candidate Kennedy’s Petition Sheets and her signature as a circulator on the “We The People” Party petition sheets. Additionally, the Hearing Officer gives little weight to the expert’s opinion as to this specific signature comparison (which is set forth below in more detail). The circulation activities of Christina Preston do not fall within the statutory definition of a dual circulator since the “We The People” Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(k) of Objectors’ Petition be **overruled**.

### **l. Danzell Thompkins**

Objectors allege Danzell Thompkins, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sherry O'Donnell, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Thompkins' signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the O'Donnell Party petition sheets. The circulation activities of Danzell Thompkins fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(l) of Objectors' Petition should be **stricken in their entirety**.

### **m. Dwaitta Bogan**

Objectors allege Dwaitta Bogan, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, "We The People" Party candidates for President and Vice-President of the United States, respectively, for the 2024 election cycle in Pennsylvania. Objectors' handwriting expert established there was a probability of commonality between Ms. Bogan's signature as a circulator on Candidate Kennedy's Petition Sheets and her signature as a circulator on the "We The People" Party petition sheets. The circulation activities of Dwaitta Bogan do not fall within the statutory definition of a dual circulator since the "We The People" Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(m) of Objectors' Petition be **overruled**.

### **n. Elmer Lopez**

Objectors allege that Elmer Lopez, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sherry O'Donnell, Republican Part candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Lopez's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the O'Donnell petition sheets. The circulation activities of Elmer Lopez fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(n) of Objectors' Petition should be **stricken in their entirety**.

### **o. Jacob Peters**

Objectors allege that Jacob Peters, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sherry O'Donnell, Republican Part candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Peters' signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the O'Donnell petition sheets. The circulation activities of Jacob Peters fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(o) of Objectors' Petition should be **stricken in their entirety**.

**p. James Jackson**

Objectors allege that James Jackson, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, “We The People” Party candidates for President and Vice-President of the United States, respectively, for the 2024 election cycle in Pennsylvania. There was no expert testimony opining as to the circulator’s signatures on each group of Petition Sheets having a probability of commonality. The circulation activities of James Jackson do not fall within the statutory definition of a dual circulator since the “We The People” Party is not a political party as defined in Article 10 of the Election Code. Additionally, insufficient evidence was presented by Objectors that connected the two different sets of petition sheets. As such, the Hearing Officer recommends that the objection found in Paragraph 23(p) of Objectors’ Petition be **overruled**.

**q. Jason Antis**

Objectors allege that Jason Antis, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, “We The People” Party candidates for President and Vice-President of the United States, respectively, for the 2024 election cycle in Pennsylvania. Objectors’ handwriting expert established there was a probability of commonality between Mr. Antis’ signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the “We The People” Party petition sheets. The circulation activities of Jason Antis do not fall within the statutory definition of a dual circulator since the “We The People” Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(q) of Objectors’ Petition be **overruled**.

**r. Jennifer Kline**

Objectors allege that Jennifer Kline, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, “We The People” Party candidates for President and Vice-President of the United States, respectively, for the 2024 election cycle in Pennsylvania. Objectors’ handwriting expert established there was a probability of commonality between Ms. Kline’s signature as a circulator on Candidate Kennedy’s Petition Sheets and her signature as a circulator on the “We The People” Party petition sheets. The circulation activities of Jennifer Kline do not fall within the statutory definition of a dual circulator since the “We The People” Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(r) of Objectors’ Petition be **overruled**.

**s. John Damon**

Objectors allege that John Damon, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sandy Pensler, Republican Part candidate for U.S. Senate in the State of Michigan at the 2024 Primary Election. Objectors’ handwriting expert established there was a probability of commonality between Mr. Damon’s signature as a circulator on Candidate Kennedy’s Petition Sheets and his signature as a circulator on the Pensler petition sheets. The circulation activities of John Damon fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(s) of Objectors’ Petition should be **stricken in their entirety**.

**t. Jordan Evans**

Objectors allege that Jordan Evans, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sherry O'Donnell, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Evan' signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the O'Donnell petition sheets. The circulation activities of Jordan Evans fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(t) of Objectors' Petition should be **stricken in their entirety**.

**u. Lorenzo Lee Avery Jr.**

Objectors allege that Lorenze Lee Avery Jr., in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Justin A. Amash, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Avery's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Amash petition sheets. The circulation activities of Lorenzo Lee Avery Jr. fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(u) of Objectors' Petition should be **stricken in their entirety**.

**v. Lynell Hardiman**

Objectors allege that Lynell Hardiman, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Justin A. Amash, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Hardiman's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Amash petition sheets. The circulation activities of Lynell Hardiman fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(v) of Objectors' Petition should be **stricken in their entirety**.

**w. Marcus Carter**

Objectors allege that Marcus Carter, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Sandy Pensler, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Carter's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Pensler petition sheets. The circulation activities of Marcus Carter fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(w) of Objectors' Petition should be **stricken in their entirety**.

**x. Rebecca Freeze**

Objectors allege that Rebecca Freeze, in addition to circulating Kennedy Petitions, also circulated Nomination Papers for Robert F. Kennedy Jr. and Nicole Shanahan, "We The People" Party candidates for President and Vice-President of the United States, respectively, for the 2024

election cycle in Pennsylvania. Objectors' handwriting expert established there was a probability of commonality between Ms. Freeze's signature as a circulator on Candidate Kennedy's Petition Sheets and her signature as a circulator on the "We The People" Party petition sheets. The circulation activities of Rebecca Freeze do not fall within the statutory definition of a dual circulator since the "We The People" Party is not a political party as defined in Article 10 of the Election Code. As such, the Hearing Officer recommends that the objection found in Paragraph 23(x) of Objectors' Petition be **overruled**.

**y. Ryan Mazurkiewicz**

Objectors allege that Ryan Mazurkiewicz, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Justin A. Amash, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Mazurkiewicz's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Amash petition sheets. The circulation activities of Ryan Mazurkiewicz fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(y) of Objectors' Petition should be **stricken in their entirety**.

**z. Tiondre Robertson**

Objectors allege that Tiondre Robertson, in addition to circulating Candidate Kennedy Petitions, also circulated Nomination Papers for Justin A. Amash, Republican Party candidate for U.S. Senate in the State of Michigan at the 2024 primary election. Objectors' handwriting expert established there was a probability of commonality between Mr. Robertson's signature as a circulator on Candidate Kennedy's Petition Sheets and his signature as a circulator on the Amash petition sheets. The circulation activities of Tiondre Robertson fall within the statutory definition of dual circulator and thus, the Hearing Officer recommends that all Petition Sheets, and signatures thereon, as listed in Paragraph 23(z) of Objectors' Petition should be **stricken in their entirety**.

**J. The Nomination Papers Contain Petition Sheets Circulated and/or Notarized by Individuals Whose Petition Sheets Demonstrate a Pattern of Fraud, False Swearing, and Contemptuous Disregard for the Election Code.**

Objectors allege that Candidates' Nomination Papers contain Petition Sheets that were circulated and/or notarized by individuals whose Petition Sheets demonstrates a pattern of fraud, false swearing, and contemptuous disregard for the Election Code to such a degree that every signature on every Petition Sheet purportedly circulated by said individuals should be found invalid. Objectors reason that such action should be taken in order to protect the integrity of the electoral process.

Objectors assert that such disregard of the Election Code was evidenced by certain purported circulators' submission of Petition Sheets that contain signatures that were not placed on the Petition Sheet or Sheets by the voters in their own proper person but were signed by other individual(s) and numerous signatures on said purported circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged and written in the same hand and exhibit evidence of one or a number of individuals simply printed voters' names or forged voters' signatures. Objectors further assert that Petition sheets were submitted where the Petition signers did not sign in the presences of the purported circulator and the purported Circulator was not the

true Circulator of the Petition Sheet; and Petition Sheets were notarized for alleged Circulators who did not personally appear before the notary and swear or affirm their oath.

The Board is “authorized to reasonably employ a common-sense approach in making a preliminary evaluation on the sufficiency of an objection.” *Daniel v. Daly*, 2015 IL App (1st) 150544, ¶ 29 (1st Dist. 2015). The objector carries the burden of proof in pattern of fraud cases of clear and convincing evidence. *Muldrow v. Barron*, 2021 IL App (1st) 210248. However, the trier of fact may draw a negative inference when a candidate fails to offer evidence countering well-founded allegations of fraud. *Daniel v. Daly*, 2015 IL App (1st) 150544; *Canter v. Cook Cnty. Officers Electoral Bd.*, 170 Ill.App.3d 364 (1st Dist. 1988).

Objectors’ Petition identifies 11 individuals for whom such allegations are brought against. The specifics for each identified individual are detailed and analyzed below.

### **1. Arman Wilson**

Objectors allege that Arman Wilson was not the true circulator of the Petition Sheets he purports to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on his Petition Sheets. Further, Objectors allege that on certain Petition Sheets, the alleged Circulator’s signature is not genuine and was not signed by the alleged Circulator in his or her own proper person. As such, Objectors ask that each and every one of Arman Wilson’s Petition Sheets be stricken.

Here, the Objectors have alleged Arman Wilson was not the true Circulator of the Petition Sheets he purported to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on his Petition Sheets. However, Objectors, bearing the burden of proof, have failed to provide any evidence that supports their assertions. The standard requires clear and convincing evidence in pattern of fraud cases. Such proof was not presented that relates to these allegations. As such, the Hearing Officer recommends that the Board **deny** the objections as to the aforementioned claims regarding Arman Wilson.

Objectors then allege that on certain Petition Sheets, Arman Wilson’s signature was not genuine and was in fact not signed by Arman Wilson in his own proper person. Objectors ask that each of certain Petition Sheets where Mr. Wilson’s signature was not signed in his proper person be stricken in their entirety.

On August 9, 2024, Objectors presented live testimony from expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS. On examination, Mr. Kulbacki stated that he had reviewed the 321 signatures for Circulator Arman Wilson. From that review, Mr. Kulbacki was able to identify three different categories of Arman Wilson’s signature. There were two distinct categories and a third category that shared common signature style, skill, and complexity characteristics that did not neatly fit into either of the two other categories. Mr. Kulbacki conceded that people have variations in their signature where some may be more text based while others are more stylistic (see Mr. Kulbacki’s analysis regarding Christine Preston). Mr. Kulbacki then testified that it was highly probable that more than one individual was signing as Arman Wilson. Mr. Kulbacki stated that he was able to make this assessment because there was not only a different signature style, but there was also a difference in skill. Candidates’ handwriting expert offered no opinions on this circulator.

Based upon Mr. Kulbacki's testimony, and Objector's Exhibit 143, the Hearing Officer reviewed all three hundred and twenty-one Petition Sheets that were purportedly circulated by Arman Wilson. While reviewing the Sheets, the Hearing Officer found 13 of the Sheets contained text-based signatures by Arman Wilson that, based on observation, Objectors' Exhibit 143 and expert witness testimony, appear not to have been signed by Arman Wilson. Those Petition Sheets were the following: 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1101, 1103, 1104, 1105, 1106, and 5887. All Petition Sheets were signed on April 18, 2024, and were notarized by Notary Public, Qiana K. Cage. Relying on both Mr. Kulbacki's expert testimony and report and on his own personal observations of the aforementioned Petition Sheets, the Hearing Officer recommends that the Board strike each one and every one of the 13 identified Petition Sheets.

The Hearing Officer finds it necessary to note, that the recommended removal of the thirteen Petition Sheets does not indicate, and should not presume, a pattern of fraud, false swearing, and contemptuous disregard of the Election Code. As stated, Arman Wilson purportedly circulated a total of 321 Petition Sheets. Striking thirteen of the 321 Petition Sheets, does not establish a pattern of fraud. Additionally, these petition sheets were notarized by Qiana Cage, who the Hearing Officer found credible and truthful as to the procedures she implemented in this case for notarizing petition sheets. There may be a multitude of other errors, omissions, or mistakes that could account for these thirteen petition sheets. Given the volume of petition sheets notarized by Qiana Cage in this matter (and the number circulated by Arman Wilson), these thirteen sheets don't rise to the level of establishing a pattern of fraud, false swearing to strike all of the remaining petition sheets circulated by Armon Wilson or notarized by Qiana Cage. Thus, the Hearing Officer recommends that the Board grants in part the objection as to the allegation that the Circulator's signatures are not genuine and were not signed by the alleged Circulator in his or her own proper person. In accordance it is recommended the following Petition Sheets **should be stricken in their entirety**: 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1101, 1103, 1104, 1105, 1106, and 5887.

## 2. Betty Garrison

Objectors allege Betty Garrison was not the true circulator of the Petition Sheets she purports to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on his Petition Sheets. Further, Objectors allege that on certain Petition Sheets, the alleged Circulator's signature is not genuine and was not signed by the alleged Circulator in his or her own proper person. Several signatures were not placed on the Petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged. As such, Objectors ask that each of Betty Garrison's Petition Sheets be stricken.

Here, the Objectors have alleged Betty Garrison was not the true Circulator of the Petition Sheets she purported to have circulated, did not witness the signatures that appear on her Petition Sheets, and was not present at the time such signatures were purportedly made on her Petition Sheets. However, Objectors, bearing the burden of proof, have failed to provide sufficient evidence that supports their assertion. The standard requires clear and convincing evidence in pattern of fraud cases. Such proof was not presented that relates to these allegations. As such, the Hearing Officer recommends that the Board **deny** the objections as to the aforementioned claims regarding Betty Garrison.

Objectors then allege that on certain Petition Sheets, Betty Garrison's signature was not genuine and was in fact not signed by Betty Garrison in her own proper person. Objectors ask that each of certain Petition Sheets where Betty Garrison's signature was not signed in his proper person be stricken in their entirety.

To support their assertion, Objectors submitted Exhibit 156 at the Hearing in this matter. Exhibit 156 was a signed affidavit by Betty Garrison, dated August 13, 2024. In the affidavit, Betty swore under oath that there were certain Petition Sheets for which she did **not** circulate. These Petition Sheet numbers include: 6075, 6076, 6077, 6078, 6079, 6080, 6081, 6082, 6083, 6084, 6085, 6086, 6087, 6088, 6089, 6090, 6092, 6094, 6095, 6096, 6097, 6098, 6099, 5918, 6100, 6101, 6102, 6103, 6104, 6105, 6106, 6107, 6111, and 6112.

Candidates, on August 16, 2024, submitted into evidence as Exhibit 723 a statement from Betty Garrison. The statement was subscribed to and sworn to by Betty Garrison on August 14<sup>th</sup>, 2024, in front of public notary Qiana McCray. The statement by Betty Garrison in Exhibit 723 stated that she reviewed the affidavit, Objectors' Exhibit 156, and realized that it was wrong and not what she had told.

The Hearing Officer admitted both the affidavit and the sworn statement into evidence. Since both documents are in conflict as to the sworn information provided within, the Hearing Officer gives no weight or credit to either the affidavit labeled Objectors' Exhibit 156, or the statement labeled Candidates' Exhibit 723.

On August 9, 2024, Objectors presented live testimony from expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS. In his testimony, Mr. Kulbacki states that he had reviewed the 54 signatures for Circulator Betty Garrison. From that review, Mr. Kulbacki was able to identify two different categories of Betty Garrison's signature. Mr. Kulbacki then testified that it was highly probable that there were two different people signing purportedly as Betty Garrison. Candidates' handwriting expert, Warren Spencer, presented testimony disagreeing with Mr. Kulbacki's opinion and stated he thought there was only one purported signor.

Although the Hearing Officer in this matter found the expert witnesses to be well-qualified and credible, the Hearing Officer is not convinced that there are, in fact, two different people signing as Betty Garrison. This conclusion was reached after reviewing both sworn statements, hearing all the testimony presented relating to Betty Garrison, a careful review of Betty Garrison's signatures, and Objectors' Exhibit 143.

Thus, the Hearing Officer recommends that the Board **deny** the objections relating to Objectors' claims that on certain Petition Sheets, Betty Garrison's signature was not genuine and was in fact not signed by Betty Garrison in her own proper person.

The last objection asserted by Objectors regarding Betty Garrison is that several signatures were not placed on the Petition by voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged. Objectors ask that each and every one of Betty Garrison's Petition Sheets be stricken

The Hearing Officer, after listening to all the evidence presented and Objectors' Exhibit 143, finds Objectors have not met their burden of proof. Insufficient evidence was presented outside of a line-by-line analysis of the limited number of signatures attached to Objectors' Exhibit

143 from the two expert witnesses who testified. Given the volume of signatures submitted in this matter, such a small number of disputed signatures could not rise to the level of establishing fraud by clear and convincing evidence. Mr. Kulbacki testified that there was a probability of commonality between certain lines in Betty Garrison's Petition Sheets, however conflicting testimony was presented by Candidates' expert witness, Warren Spencer. Another factor taken into consideration are the limitations to the examinations. In his report (Objectors' Exhibit 143), Mr. Kulbacki lists several limitations that should be considered when reviewing the results. Limitation 3 lists the sampling of material as one such limitation.

Thus, the Hearing Officer recommends that the Board **deny** the objections relating to Objectors' claims that several signatures were not placed on the Petition by voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged.

### **3. Blake Hallom or Hallam**

Objectors allege that Blake Hallom (or Hallam) was not the true Circulator of the Petition Sheets he purports to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on this Petition Sheet. On certain Petition Sheets, the alleged Circulator's signature is not genuine and was not signed by the alleged Circulator in his own proper person. In fact, said Circulator provides multiple variations and spelling of his own last name and his own purported address. Furthermore, on numerous occasions, said Circulator did not personally appear before the Notary Public to swear to and sign the Circulator's affidavit. Finally, several signatures were not placed on the Petition by the voters in their own proper person, but were signed by another individual, and numerous signatures appear to have been forged. Objectors as that all Petition Sheets where Blake Hallom (or Hallam) is listed as the Circulator be stricken in their entirety.

Objectors have alleged Blake Hallom (or Hallam) was not the true Circulator of the Petition Sheets he purports to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on this Petition Sheet. However, Objectors, bearing the burden of proof, have failed to provide sufficient evidence that supports their assertion. The standard requires clear and convincing evidence in pattern of fraud cases. Such proof was not presented that relates to these allegations. As such, the Hearing Officer recommends that the Board **deny** the objections as to the aforementioned claims regarding Blake Hallom (or Hallam).

Objectors then allege that on certain Petition Sheets, Blake Hallom (or Hallam) signature was not genuine and was in fact not signed by Blake Hallom (or Hallam) in his own proper person. Objectors ask that each of certain Petition Sheets where Blake Hallom's (or Hallam) signature was not signed in his proper person be stricken in their entirety. Objectors claim that Blake Hallom (or Hallam) provided multiple variations and spellings of his own last name and his own purported address.

On August 9, 2024, Objectors presented live testimony from expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS. Mr. Kulbacki stated in his Supplemental Report (Objectors' Exhibit 143), that it was probable that common writers signed as multiple voters on the Independent Candidate Petitions. Mr. Kulbacki further stated that the patterns of common writers, in some

instances, were consistent with round tabling. In his report, Mr. Kulbacki named Blake Hallam as one of the Circulators associated with his findings.

The Hearing Officer, after listening to all evidence presented and reviewing Objectors' Exhibit 143, finds that Objectors have not met their burden of proof. Mr. Kulbacki testified that there was commonality between certain lines in Blake Hallom's (or Hallam's) Petition Sheets, however conflicting testimony was presented by Candidates' expert witness, Warren Spencer. Another factor taken into consideration are the limitations to the examinations. In his report (Objectors' Exhibit 143), Mr. Kulbacki lists several limitations that should be considered when reviewing the results. Limitation 3 lists the sampling of material as one such limitation.

Thus, the Hearing Officer recommends that the Board **deny** the objections relating to the objection that on certain Petition Sheets, Blake Hallom (or Hallam) signature was not genuine and was in fact not signed by Blake Hallom (or Hallam) in his own proper person.

Objectors then allege that on numerous occasions, said Circulator did not personally appear before the Notary Public to swear to and sign the Circulator's affidavit. Here, the Objectors have not met their burden of proof. Insufficient evidence was presented at the Hearing regarding this matter to prove that Blake Hallom (or Hallam) did not appear before the Notary Public to swear to and sign the Circulator's affidavit. As such, the Hearing Officer recommends that the Board **deny** this objection.

Finally, Objectors allege that several signatures were not placed on the Petition by the voters in their own proper person, but were signed by another individual, and numerous signatures appear to have been forged.

The Hearing Officer, after listening to all evidence presented and reviewing Objectors' Exhibit 143, finds that Objectors have not met their burden of proof. Insufficient evidence was presented outside of a line-by-line analysis from the two expert witnesses who testified. Another factor taken into consideration is the limitations to the examinations. In his report (Objectors' Exhibit 143), Mr. Kulbacki lists several limitations that should be considered when reviewing the results. Limitation 3 lists the sampling of material as one such limitation.

Thus, the Hearing Officer recommends that the Board **deny** the objection relating to allegations that several signatures were not placed on the Petition Sheets of Blake Hallom (or Hallam) by the voters in their own proper persons, but were signed by other individuals, and that numerous signatures appear to have been forged.

#### **4. Bruce Sawyers**

Objectors allege that Bruce Sawyers's Petition Sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged. In fact, on information and belief, said Circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different Petition Sheets. The petition Sheets also exhibit an extraordinarily high rate of improper signatures. On certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the Petition Sheet by the person who is named therein, all in violation

of the Election Code. The petition sheets circulated by said purported Circulator, Bruce Sawyers, being in violation of the statutes in such cases made and provided, each of said Petition Sheets should be stricken.

The Hearing Officer, after listening to all evidence presented and reviewing Objector's Exhibit 143, finds that Objectors have not met their burden of proof. Mr. Kulbacki testified that there was commonality between certain lines in Bruce Sawyer's Petition Sheets, however conflicting testimony was presented by Candidates' expert witness, Warren Spencer. Another factor taken into consideration are the limitations to the examinations. In his report (Objectors' Exhibit 143), Mr. Kulbacki lists several limitations that should be considered when reviewing the results. Limitation 3 lists the sampling of material as one such limitation.

Thus, the Hearing Officer recommends that the Board **deny** the objections made regarding Circulator Bruce Sawyer.

### **5. Christian Lester**

Objectors allege that Christian Lester was not the true Circulator of the Petition Sheets he purports to have circulated, did not witness the signatures that appear on his Petition Sheets, and was not present at the time such signatures were purportedly made on his Petition Sheets, in violation of the Election Code. On certain Petition Sheets, said alleged Circulator's signature is not genuine and was not signed by the alleged Circulator in his own proper person. The Petition Sheets circulated by said purported Circulator being in violation of the statutes in such cases made and provided, each of said Petition Sheets should be stricken.

Here, the Objectors have made several allegations about the Circulation activities of Christian Lester. However, the Objectors have provided insufficient evidence to support their assertions. A Hearing was held in this matter and evidence presented by the parties. However, the only evidence admitted relating to Christian Lester was Objectors' Exhibit 135 (Christian Lester's Candidate Kennedy Petitions). The parties' expert witnesses did not testify as to the allegations made against Christian Lester.

As such, the Hearing Officer recommends that the Board **deny** the objections made regarding Circulator Christian Lester.

### **6. Christine Preston**

Objectors allege Christine Preston's Petition Sheets contain numerous signatures that were not placed on the Petition Sheets by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged. In fact, on information and belief, said Circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different Petition Sheets. Said Petition Sheets also exhibit an extraordinarily high rate of improper signatures; on certain of her sheets, nearly every single purported voter is not registered, and said signatures were not placed on the Petition Sheet by the person who is named therein, all in violation of the Election Code. The Petition Sheets Circulated by said purported Circulator

being in violation of the statutes in such cases made and provided, each of said Petition Sheets should be stricken.

On August 9, 2024, Objectors presented live testimony from expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS. Mr. Kulbacki stated in his Supplemental Report (Objectors' Exhibit 143), that it was probable that common writers signed as multiple voters on the Independent Candidate Petitions. Mr. Kulbacki further stated that the patterns of common writers, in some instances, were consistent with round tabling. In his report, Mr. Kulbacki named Christine Preston as one of the Circulators associated with his findings.

The Hearing Officer, after listening to all evidence presented and reviewing Objectors' Exhibit 143, finds that Objectors have not met their burden of proof. Mr. Kulbacki testified that there was commonality between certain lines in Christine Preston Petition Sheets, however conflicting testimony was presented by Candidates' expert witness, Warren Spencer. Another factor taken into consideration are the limitations to the examinations. In his report (Objectors' Exhibit 143), Mr. Kulbacki lists several limitations that should be considered when reviewing the results. Limitation 3 lists the sampling of material as one such limitation.

As to the weight to be given to the expert's testimony, the Hearing Officer finds that little weight should be given. The Hearing Officer has reviewed Objectors' Exhibit 143 to review a signature comparison located in Appendix B. There, the Hearing Officer found Christine Preston's signature from one of Candidate Kennedy's Petitions Sheets that was being compared to a "We The People Campaign" Petition Sheet from Pennsylvania. Mr. Kulbacki stated it was probable that the two signatures of Christine Preston shared a common author. However, relying upon years of experience in reviewing signatures in past electoral board matters, the Hearing Officer concluded that the two signatures presented did not look to have the same, skill level, style, spacing, height, flow, combination of connecting strokes, and complexity causing him to have serious concerns as to them being the same author. Thus, although Mr. Kulbacki provided testimony that would support the notion that commonality in authorship likely exists on the Petition Sheets of Christine Preston, the Hearing Officer chooses to give his testimony little weight.

As to Objectors' allegations that Christine's Petition Sheets exhibit an extraordinarily high rate of improper signatures, the Hearing Officer finds the Objectors have failed to meet their burden. During the Hearings regarding this matter, insufficient evidence was presented by either the Objectors or by their expert witness, Mr. Kulbacki. Thus, Objectors have not proven the allegation by clear and convincing evidence.

Thus, the Hearing Officer recommends that the Board **deny** the objections as to the aforementioned claims regarding Christine Preston.

## **7. Colston Longstreth**

Objectors allege Colston Longstreth's Petition Sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged. Said Petition Sheets also exhibit an extraordinarily high rate of improper signatures; on certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the Petition Sheet by the person who is named therein, all in violation of the Election Code. The Petition Sheets Circulated

by said purported Circulator being in violation of the statutes in such cases made and provided, each of said Petition Sheets should be stricken.

During the Hearings that were held for this matter where Objectors expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS, testified. In his testimony, Mr. Kulbacki concluded, and stated in Objectors' Exhibit 143, that it is probable that common writers signed as multiple voters on the independent candidate petitions. The patterns of the common writers, in some instances, were consistent with round table signing. This finding was associated with Petitions associated with Colston Longstreth.

Colston Longstreth was deposed by Objectors on August 1, 2024. During the deposition, Colston was asked to review one hundred and one Petition Sheets to confirm each one that had his signature on it. While reviewing the Petition Sheets, Colston stated that there were six sheets where the signature that was purportedly his did not appear to be his signature. However, later in the deposition, Colston admitted that he's not denying that it was his signature on the six sheets earlier identified. Additionally, Colston Longstreth was reviewing the petition sheets on his cell phone. Thus, the Hearing Officer found the testimony to be inconclusive.

The Hearing Officer, after listening to all the evidence presented, reviewing Objector's Exhibit 143, and reviewing the deposition of Colton Longstreth, finds that the Objectors have failed to meet their burden of proof. The evidence presented does not meet the clear and convincing standard that is required by Objectors.

As to Objectors' allegations that Colston Longstreth's Petition Sheets exhibit an extraordinarily high rate of improper signatures, the hearing Officer finds the Objectors have failed to meet their burden. During the Hearings regarding this matter, insufficient evidence was presented by either the Objectors or by their expert witness, Mr. Kulbacki. Thus, Objectors have not proven the allegations by clear and convincing evidence.

Thus, the Hearing Officer recommends that the Board **deny** the objections as to the aforementioned claims regarding Colston Longstreth.

## **8. Justin Shannon**

Objectors allege Justin Shannon's Petition Sheets contain numerous signatures that were not placed on the petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said Circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different Petition Sheets. Said petition sheets also exhibit an extraordinarily high rate of improper signatures; on certain of his sheets, nearly every single purported voter is not registered, and said signatures were not placed on the Petition Sheet by the person who is named therein, all in violation of the Election Code. The Petition Sheets circulated by said purported Circulator being in violation of the statutes in such cases made and provided, each of said Petition Sheets should be stricken.

During the Hearings that were held for this matter where Objectors expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS, testified. In his testimony, Mr. Kulbacki concluded, and stated in Objectors' Exhibit 143, that it is probable that common writers signed as multiple voters on the Independent Candidate Petitions. The patterns of the common writers, in some instances, were consistent with round table signing. This finding was associated with Petitions associated with Justin Shannon.

Further, Mr. Kulbacki stated that he noticed many of Justin Shannon's sheets had a very similar basic hand-printing across the sheet, and because of that, it was very difficult for Mr. Kulbacki to ascertain authorship or identify the number of signers He testified there were suspicious patterns. This does not meet the Objectors burden of proof—clear and convincing evidence.

As to Objectors' allegations that Justin Shannon's Petition Sheets exhibiting an extraordinarily high rate of improper signatures, the Hearing Officer finds the Objectors have failed to meet their burden. During the Hearings regarding this matter, insufficient evidence was presented by either the Objectors or by their expert witness, Mr. Kulbacki. Thus, Objectors have not proven the allegation by clear and convincing evidence.

## **9. Sara Fuquay**

Objectors allege Sara Fuquay's Petition Sheets contain numerous signatures that were not placed on the Petition by the voters in their own proper person but were signed by another individual, and numerous signatures on said purported Circulator's Petition Sheets appear to be not genuine, and such signatures appear to have been forged; in fact, on information and belief, said Circulator submitted forged signatures of purported voters whose signatures appear elsewhere in the Nomination Papers and whose signatures are clearly made by a different person on different Petition Sheets. Said Petition Sheets also exhibit an extraordinarily high rate of improper signatures; on certain of her Sheets, nearly every single purported voter is not registered, and said signatures were not placed on the Petition Sheet by the person who is named therein, all in violation of the Election Code. The Petition Sheets circulated by said purported Circulator being in violation of the statutes in such cases made and provided, each of said petition sheets should be stricken.

During the Hearings that were held for this matter where Objectors expert witness, Kevin P. Kulbacki, MSFS, D-ABFDS, testified. In his testimony, Mr. Kulbacki concluded, and stated in Objectors' Exhibit 143, that it is probable that common writers signed as multiple voters on the Independent Candidate Petitions. The patterns of the common writers, in some instances, were consistent with round table signing. This finding was associated with Petitions associated with Sara Fuquay. Furthermore, Candidates expert witness also identified discrepancies in the signatures.

However, the Hearing officer finds that Objectors did not meet their burden of proof. The evidence Mr. Kulbacki presented was that the round table signing associated with Sara Fuquay's Petition was only probable. Candidates' expert, Spencer Warren, disagreed with some of Mr. Kulbacki's opinions, but also did agree with some of his opinions regarding several 'Jack and Jill'

type signatures, this does not support establishing a pattern and practice of fraud by clear and convincing evidence.

As to Objectors' allegations that Sara Fuquay's Petition Sheets exhibiting an extraordinarily high rate of improper signatures, the Hearing Officer finds the Objectors have failed to meet their burden. During the Hearings regarding this matter, insufficient evidence was presented by either the Objectors or by their expert witness, Mr. Kulbacki. Thus, Objectors have not proven the allegation by clear and convincing evidence.

#### **10. Darva Watkins**

Objectors allege Darva Watkins purportedly notarized numerous Petition Sheets for alleged Circulators who did not personally appear before her to swear their oath and Darva Watkins did not adhere to Section 6-102 of the Illinois Notary Public Act, 312/1-101, et seq., all of which is in flagrant violation of and disregard for the Election Code, in such a manner that the integrity of the electoral process is impacted, and as such, each of the Sheets that she has notarized must be invalidated. Pursuant to the rule set forth in *Bowe v. Chicago Electoral Bd.*, 79 Ill.2d 469 (1980) and *Cunningham v. Schaefflein*, 969 Ill. App. 3d 861 (2012), each of the Petition Sheets purportedly notarized by Darva Watkins must be stricken.

A Hearing was held regarding this matter. During which, insufficient evidence was submitted by Objectors to support their objection to the Petition Sheets notarized by Darva Watkins. There was evidence regarding the signatures of circulator Betty Garrison (Darva Watkins was the notary on these sheets) and the testimony of Renea Williams, all of which the Hearing Officer determined was not credible or was insufficient to satisfy the heightened standard of clear and convincing. This evidence is simply not enough. Thus, the Objectors have not met their burden of proof regarding their objection to Darva Watkins. As such, the Hearing Officer recommends that the Objections made regarding Darva Watkins be **denied**.

#### **11. Qiana K. Cage**

Objectors allege Qiana K. Cage purportedly notarized numerous Petition Sheets for alleged Circulators who did not personally appear before her to swear their oath and Qiana K. Cage did not adhere to Section 6-102 of the Illinois Notary Public Act, 312/1-101 et seq., all of which is in flagrant violation of and disregard for the Election Code, in such a manner that the integrity of the electoral process is impacted, and as such, each of the Sheets that she has notarized must be invalidated. Pursuant to the rule set forth in *Bowe v. Chicago Electoral Bd.*, 79 Ill.2d 469 (1980) and *Cunningham v. Schaefflein*, 969 Ill. App. 3d 861 (2012), each of the Petition Sheets purportedly notarized by Qiana K. Cage must be stricken.

On August 7, 2024, a Hearing was held regarding this matter. During the Hearing, Qiana Cage (now McCray) was called to testify by Objectors counsel. Mrs. McCray testified that it was her practice never to notarize any Petitions without the person being in front of her with their identification. After testimony was finished, the Hearing Officer found, based upon his observation

of her testimony and her demeanor, that Mrs. McCray was a reliable, credible, and truthful witness as to the process she utilized in notarizing Petition Sheets for Candidate Kennedy.

Thus, since insufficient other evidence was introduced to the contrary (see Armon Wilson section), the Hearing Officer finds that the Objectors failed to meet the burden of proof regarding the allegations made against Notary Public Qiana K. McCray (Cage). As such, the Hearing Officer recommends that the Board **deny** the objections as to the claims made against Qiana K. McCray (Cage).

### ***Conclusion***

In consideration of the objections presented by the Objectors in the allegations of pattern of fraud, false swearing, and contemptuous disregard of the Election Code, the Hearing Officer finds that the Objectors have failed to provide sufficient evidence to satisfy the clear and convincing evidentiary standard to prove the abovementioned allegations relating to pattern and practice of fraud. However, the Hearing Officer recommends the Board **strike in their entirety** the following Petition Sheets circulated by Arman Wilson: 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1101, 1103, 1104, 1105, 1106, and 5887. The Hearing Officer then recommends that the Board **deny** the other objections relating to the practice of fraud allegations.

#### **K. Petition Sheets Numbers 4879 and 4880 are the Same Sheet and Contain Exactly the Same Signatures on the Same Lines.**

Objectors' Petition Paragraph 25 alleges that Candidates' Petition Sheets numbers 4879 and 4880 are the same sheet. Their evidence to support this allegation is that both sheets contain the same signatures on the same lines. The allegation continues stating Circulator Vanessa M. Egger's signed statement of the circulator<sup>5</sup> on the duplicate (photocopied) Sheet is false and perjurious. Based on these allegations, Objectors request that Petition Sheet numbers 4879 and 4880, and all sheets purportedly circulated and sworn to by Vanessa M. Egger should be stricken in their entirety.

##### **1. Only the Photocopied Petition Sheet Should Be Stricken.**

Section 10-4 of the Code governs what all Article 10 Petitions for Nomination must adhere to. In relevant part, the Section states "All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulators, and not photocopies or duplicates of such sheets." 10 ILCS 5/10-4.

The Code is clear that only the original Petition Sheet is to be filed with the proper election officials. Of the two (2) Petition Sheets at issue—either Petition Sheet 4879 or Petition Sheet 4880—the photocopied sheet should be stricken in its entirety. The original sheet, assuming adherence to all other mandatory requirements stated in Act 5, Section 10-4, shall be valid.

---

<sup>5</sup> The circulator's statement is statutorily required for all Petition Sheets submitted to the proper Election authorities. The circulator's signature on the statement certifies that the signatures on the Petition Sheet are genuine. *See* 10 ILL. COMP. STAT. ANN. 5/10-4.

The Hearing Officer has personally reviewed both Petition Sheet 4879 and Petition Sheet 4880 at the Electoral Board's Springfield Office. Upon a careful review of the Sheets, it was determined that Petition Sheet 4880 was the original Petition Sheet, and that Petition Sheet 4879 was the copy. This determination was made by feeling the back side of the Petition Sheet where the Hearing Officer was able to feel the indentions made in the paper from the voters and circulator signing their name. Both Petition Sheets were reviewed in this manner and only Petition Sheet 4880 had any indentions from the signatory's pen. Furthermore, the Petition Sheet which was found to be the original, Petition Sheet 4880, was clearly weathered as one would expect of a sheet that has been signed and handled by multiple persons.

## **2. The Inadvertent Submission of the Photocopied Petition Sheet with the Signed Circulator's Statement Does Not Warrant the Striking in the Entirety of All Petition Sheets Purportedly Circulated by Vanessa M. Egger.**

All Petition Sheets contain an original notarized statement by the Circulator in which they swear that the signatures on the Petition Sheets are genuine and signed in the presence of the certifying Circulator. Objectors reason that Vanessa M. Egger's act of signing and swearing to the circulator's statement on the duplicate Petition Sheet was false and perjurious. They ask the Board to strike all Sheets circulated and sworn to by Vanessa M. Egger in their entirety.

The Code requires forfeiture of a signature(s) when the requirements of Section 10-4 are not satisfied. "Except as otherwise provided in this Code, no signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." 10 ILCS 5/10-4.

For the Board to strike all Sheets circulated and sworn to by Vanessa M. Egger in their entirety, Objectors must prove that any of the requirements in Section 10-4 have not been met. Objectors make no allegations in paragraph 25, other than the false swearing on one of the duplicate Petition Sheets, that suggests Vanessa M. Egger failed to satisfy any Section 10-4 requirements on any other Petition Sheets for which she circulated.

On August 16, 2024, Vanessa Egger testified under oath at the Hearing relating to this matter. During her testimony, Ms. Egger was presented with Exhibit 711, which was her signed affidavit. She confirmed that the signature on the document was in fact her signature, and that the affidavit is still true and correct. Ms. Egger further testified that she made copies of her completed Petition Sheets for her "own sake" and that she unfortunately submitted the photocopied sheet with the original sheet. When asked by Objector's Counsel, Mr. Laduzinsky, how the copy could have gotten into her petitions for the case, Ms. Egger replied that the signatures "were all in black ink" and that it was an honest mistake.

The Hearing Officer found Ms. Egger's testimony to be credible. Ms. Egger's testimony was both truthful and sincere. Ms. Egger was genuinely concerned about the error she made in submitting the photocopied sheet, and in no way indicated that her actions were nefarious.

Accordingly, the Hearing Officer recommends that the duplicate, photocopied Petition Sheet #4879 be stricken in its entirety, and recommends that the Board **overrule** the Objectors' request to strike all of Circulator Vanessa M. Egger's Petition Sheets.

## **IV. OBJECTIONS TO NOMINATION PAPERS AND CANDIDACIES**

Objectors' Petition makes several objections to the Nomination Papers and the Candidacies of Candidates. First, Objectors allege that Candidate Kennedy provided a false address on his Statement of Candidacy. The significance being that the Statement of Candidacy is signed under oath and as such, Objectors allege that such Statement of Candidacy is false and perjurious. Second, Objectors allege that the Candidates are not independent candidates as defined in Illinois Election Law. Lastly, Objectors allege that Candidate Shanahan's lack of Petition signatures in support of her candidacy warrants her removal from the Illinois ballot.

**A. Candidate Kennedy's Alleged False Statement of Residence in the Statement of Candidacy Has No Effect on the Validity of His Nomination Papers.**

Objectors claim that Candidate Kennedy's Statement of Candidacy is false and perjurious. In Candidate Kennedy's Statement of Candidacy, Candidate listed his residence as 84 Croton Lake Road in Katonah, Westchester County, New York 10536. However, Objectors believe that he is, in fact, a resident of the State of California, along with his Vice-Presidential running mate Nicole Shanahan. The New York address was then replicated and placed upon each Petition Sheet that was passed around by Circulators to collect the statutorily required number of signatures for a candidate to be placed upon the Illinois ballot as an independent candidate. Objectors assert that the placement of the allegedly false address renders his Statement of Candidacy, and each Petition Sheet bearing the allegedly false residence address within, invalid and void.

In furtherance of their argument, Objectors provide their opinion as to why they believe Candidate Kennedy has provided a false address. Objectors cite the 12<sup>th</sup> Amendment of the United States Constitution which provides the process how Electors vote for President and Vice-President. Objectors claim that Candidate Kennedy used his New York residence because had he placed his California residence in his Nomination Papers, the 12<sup>th</sup> Amendment would prevent Candidates from receiving electoral college votes from their alleged mutual home state of California.

Objectors believe that this alleged scheme, in its totality, attempted to defraud the electoral process and violates the Constitution of the United States by perjuringly asserting residency in a state apart from his Vice-Presidential running-mate, and, therefore, nefariously attempts to remain eligible for California's electoral vote. As such, Objectors assert that for these irregularities and conduct found within the Statement of Candidacy and Petition Sheets, the entirety of the Candidates' Nomination Papers are illegal and invalid in their entirety.

**1. Candidate Kennedy's False Sworn Statement as to His Address Did Not Thwart the Legislative Purposes of the Statement of Candidacy and Petition Sheets.**

Under Illinois law, the fatality of errors or omissions within Nomination Papers rests on whether those errors or omissions thwart the purpose of the Election Code or result in voter confusion. *See Samuelson v. Cook Cnty. Officers Electoral Bd.*, 2012 IL App (1st) 120581 and *Salgado v. Marquez*, 356 Ill.App.3d 1072 (2nd Dist. 2005). Thus, this inquiry will rest of whether Candidate Kennedy's swearing to the New York residence address on the Statement of Candidacy and the presence of the New York residence address thwarted the legislative purposes of the Statement of Candidacy and Petition Sheets such that it would warrant the consequence of

invalidating the nomination papers as a whole. Based upon the trial transcript of the New York case of *Cartwright v. Kennedy*, including the sworn testimony of Candidate Kennedy (Objectors' Exhibits 153 and 154), the *Cartwright* opinion; and the negative inference from Candidate Kennedy's failure to appear pursuant to the Illinois Supreme Court Rule 237 Notice of Parties to Appear,<sup>6</sup> the Hearing Officer finds Candidate Kennedy's statement as to his residence being in New York is false.

Section 10-4 of the Election Code requires: "all petitions for nomination under this Article 10 for candidates for public office in this State, shall ... contain...an appropriate heading, giving the information as to the name of candidate or candidate in whose behalf such petition is signed; the office; the party; and the place of residence...." 10 ILCS 5/10-4. Section 10-5 provides that nomination petitions pages may, "in the case of electors for President and Vice-President of the United States", have the names of candidates for President and Vice-President added to the party name or appellation. 10 ILCS 5/10-5. There are two recognized purposes for nomination petition pages: (1) "to expand the informed participation of members of the respective parties in their primary election" *Zapolsky v. Cook Cnty. Officers Electoral Bd.*, 296 Ill.App.3d 731, 734 (1st Dist. 1998) and (2) "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." *Heabler v. Mun. Officers Electoral Bd. of Village of Lakemoor*, 338 Ill.App.3d 1059, 1062 (2nd Dist. 1998). These purposes are not undermined by Candidate Kennedy's use of the New York address on his nomination petition pages and there cannot be voter confusion as to Candidate Kennedy's address within the whole of the nomination papers as the same address, false or otherwise, is used on all of the documents in the nomination papers.

## **2. The Nomination Petition Sheets Did Not Contain a False Swearing.**

Further, even accepting that the New York address is false, it cannot be said that the nomination petition pages contain a false swearing. The only swearing that appears on the petition page is the affirmation included within the circulator's affidavit which is unrelated to Candidate Kennedy's purported address. As such, even if deemed to be a false address, the nomination petition sheets cannot be reasonably encompassed in any sanction related to a false swearing to that address because these sheets contain no such swearing by Candidate Kennedy.

Section 10-5 requires: "...nomination papers...shall include as a part thereof ... a statement of candidacy for each of the candidates named therein, except for electors for President and Vice-President of the United States. Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for office specified...". 10 ILCS 5/10-5. The plain language of this Section only exempts candidates for the office of Electors from filing a statement of candidacy, not candidates for U.S. President. Candidates' arguments that Candidate Kennedy is not a true candidate is belied by fact that he filed a statement of candidacy with the State Board of Elections. This filing is a very compelling

---

<sup>6</sup> If a reviewing court accepts Candidates' argument the Electoral Board did not have the authority to compel the appearance of Candidate Kennedy pursuant to Illinois Supreme Court Rule 237, even without the negative inference from his failure to appear, there is sufficient evidence to establish his false swearing in the record.

indication that Candidate Kennedy believed he was required to do so under the provisions of Article 10.

The well-recognized purpose of the nomination papers as a whole is to provide “an orderly procedure whereby qualified persons seeking public office may enter primary elections.” *Lewis v. Dunne*, 63 Ill.2d 48, 52 (Ill. 1976). To this end, the purpose of a statement of candidacy is to “obtain a sworn STATEMENT from the candidate establishing his qualifications” to enter the office sought. *Salgado v. Marquez*, citing *Lewis*, 63 Ill.2d at 53 (1st Dist. 2005). While the facts of *Lewis* drew the Supreme Court to analyze the purpose of a statement of candidacy in primary elections, the court in *Salgado* recognized that analysis under Article 7 for nomination papers for general primary elections and under Article 10 for new party and independent candidates’ nomination papers would be the same where those Articles contain the same requirements. *Id.* at 1075. As *Salgado* notes, the *Lewis* court stated:

Nominating petitions and statements of candidacy each serve particular purposes in regard to the general purpose [of the Election Code]. ... While their sufficiency must be determined with reference to the particular function each was designed to accomplish, it was not intended that for all purposes they should be considered separate and apart as if the other did not exist.

*Id.* The purpose, then, of statements of candidacy is “to obtain a sworn statement from the candidate establishing his qualifications...for the office he seeks.” *Salgado* at 1076. For Candidate Kennedy, specifically, then the purpose of his nomination papers was to obtain a sworn statement that he is qualified for the office of U.S. President as an independent candidate. Notwithstanding Objectors’ arguments regarding Kennedy’s status as an independent candidate (detailed on pages 76-79 of this recommendation), Mr. Kennedy’s residence address is in New York in California does not affect his eligibility for the office of U.S. President as the only residence requirement for U.S. President is that they have lived in the United States for at least 14 years. U.S. Const. art. II, § 1, cl. 5. As such, that Candidate Kennedy may or may not reside at the New York address, alone, will not invalidate his statement of candidacy or his nomination papers because it does not affect his qualification for the office of President of the United States.

### **3. The Alleged False Statement or Perjurious Statement in Candidate’s Statement of Candidacy Would Not be Fatal to His Nomination Papers.**

However, this does not answer whether the act of knowingly filing a false and perjurious address, as alleged in Paragraph 32 of Objectors’ petition, would invalidate the statement of candidacy. Objectors allege the New York address was intentionally and purposely misidentified in lieu of Candidate Kennedy’s true address in California to avoid the impact of the Twelfth Amendment to the U.S. Constitution. Candidates’ arguments to this point were limited to the Board’s jurisdiction over the matter, including that Candidate Kennedy was not required to file a statement of candidacy, Illinois has no distinct residency requirements beyond those in the U.S. Constitution, and the matter is beyond the scope of the Board. Candidates did not offer any arguments that would preserve the sufficiency of Candidate Kennedy’s statement of candidacy in the face of evidence the statement was proven inaccurate or perjurious. For the reasons detailed

above, Candidates' arguments are not compelling and the merits of Objectors' objections and relief requests thus rest of the sufficiency of their arguments.

Objectors cite two electoral board cases to support the contention that a false or perjurious statement of candidacy is fatal to nomination papers even when a particular residency requirement is not a part of the office sought. While not precedential, these cases do shine a light on the matter. In *Arido*, the candidate was swearing qualifications under Section 8-8 of the Election Code, which does encompass residency qualifications distinct from those of U.S. President at issue here, and the false residence address on the statement of candidacy was outside of the political subdivision for the office sought by the Candidate. *Arido v. Wesa*, 15 SOEBGP 515. As such, *Arido* is not persuasive to this matter. However, the City of Chicago Electoral Board decisively ordered that a false address on a statement of candidacy is void even when the swearing to that office was not directly correlated with the office sought *Collier v. Robertson*, 99-EB-ALD-181, ¶ 15 (Chi. Electoral Bd., Feb. 2, 2024).

While the City of Chicago Electoral Board case certainly supports Objector's argument, the courts have only authorized a candidate's removal from the ballot if the falsity affects their eligibility to hold office. *See Goodman v. Ward*, 41 Ill.2d 407-408, 412-413; *Zurek v. Cook Cnty. Officers Electoral Bd.*, 2014 IL App (1st) 140446, ¶22, 7 N.E. 3d 249, discussing *Cullerton v. Du Page Cnty Officers Electoral Bd.*, 384 Ill. App. 3d 989 (2d Dist. 2008). Here, there is insufficient evidence that the false swearing within Candidate Kennedy's Statement of Candidacy affects his eligibility to hold office. As such, it is the Hearing Officer's recommendation that Paragraphs 27-34 be **overruled**.

## **B. Candidates Robert F. Kennedy Jr. and Candidate Nicole Shanahan are Independent Candidates Under Illinois Election Law.**

Objectors' Petition paragraphs 35-44 allege that Candidates are not legally independent candidates. To support their position, Objectors identify various actions taken by Candidates that suggests, to Objectors, that Candidates are candidates of a political party and as such, should be ineligible for placement on the Illinois general election ballot as independent candidates.

Among these actions, the following is asserted: (1) Candidate Kennedy's Statement of Candidacy filing with the Federal Election Commission ("FEC") identifying himself as a Democratic Party candidate for the 2024 election is within the meaning of Statement of Candidacy as contained within Section 7-43 of the Illinois Election Code; (2) on information and belief, Candidate Kennedy is a registered and qualified voter of the Democratic Party in the State of New York; and (3) both Candidates have previously sought and / or is actively seeking the nomination and support of multiple, other political parties, and has declared affiliation with said parties, all prior to signing his Statement of Candidacy in Illinois as a purported independent candidate. Each of these actions are discussed below.

### **1. Candidate Kennedy's Statement of Candidacy Filing with the Federal Election Commission, Identifying Himself as a Democratic Party Candidate, is Not Within the Meaning of Statement of Candidacy as Contained in Section 7-43 of the Illinois Election Code.**

Objectors' Petition paragraph 39 states on or about April 5, 2023, Candidate Kennedy filed a statement of candidacy with the Federal Elections Commission where he declared his intention

to seek the nomination of the Democratic Party for the office of President of the United States at the 2024 election. Objectors Petition ¶39.

The Statement of Candidacy was electrically signed by Candidate Kennedy which “certif[ied] that [Candidate Kennedy] ha[d] examined [the] Statement and to the best of [Candidate Kennedy’s] knowledge and belief it is true, correct and complete.” *Id.* Candidate Kennedy would later concede in the Democratic Party Primary and nomination process.<sup>7</sup> Objectors assert that this Statement of Candidacy is the same statement as used in Section 7-43 of the Illinois Election Code.

To determine whether the statement filed with the FEC by Candidate Kennedy is within the meaning of Statement of Candidacy as used in Section 7-43 of the Election Code, we must define the term. Section 1-3 of the Election Code states “‘Petition’ of candidacy as used in Sections 7-10 and 7-10.1 shall consist of a statement of candidacy, candidate’s statement containing oath, and sheets containing signatures of qualified primary electors bound together.” 10 ILCS 5/1-3 (12). Further, Section 10-5 of the Election Code, which governs the nomination of new parties and independent candidates, reference the “oath required by Section 7-10.1 of this Act [as well as] a statement of candidacy for each of the candidates named therein....” 10 ILCS 5/10-5.

When taken as a whole, it can be reasonably said that the General Assembly intended the Statements of Candidacy as contained within Sections 1-3, 7-10, 7-10.1, and 10-5, to share a consistent meaning with one another. It is with the filing of this Statement of Candidacy, as defined in Section 1-3, that an established party, new political party, or an independent individual becomes a candidate for office within the State of Illinois, and by filing, that person affirms an oath that they meet the qualifications for office as identified therein.

In contrast, the FEC Statement of Candidacy is required to be filed with the FEC within 15 days of a person becoming a candidate for federal office. *See* 11 C.F.R. § 101.1 (2019). By filing the FEC’s Statement of Candidacy, the filer registers their candidacy, designates a depository, and acknowledges federal campaign finance reporting requirements of contributions and expenditures. *Id.* The filing of the FEC Statement of Candidacy does not convey any rights, acknowledgments, or duties upon that candidate within the State of Illinois.

Nothing in federal or state law provides that a candidate cannot remain on an Illinois ballot for federal office if they do not file an FEC Statement of Candidacy. However, in Illinois, a candidate who does not file a Statement of Candidacy, as required by the Election Code, cannot be placed on the Illinois ballot. *See* 10 ILCS 5/10-5; *Goodman v. Ward*, 241 Ill.2d 398 (2011); and *North v. Hinkle*, 295 Ill.App.3d 84 (2nd Dist. 1998). It is important to note here that Section 10-5 of the Election Code contains a cross-reference to another provision—Section 7-10.1—and if the General Assembly intended for any Statement of Candidacy to rise to this level, they could have expanded the references to accomplish such intention.

Lastly, it should be noted that the FEC was created in 1974, years after the Election Code provisions mandating candidates file Statements of Candidacy have been acknowledged by reviewing courts. (*See e.g., Coles v. Holzman*, 55 Ill. App. 2d 93, 95 (1964), citing Ill. Rev. Stat., 1963, ch. 46, sec. 7-10, a predecessor statute to the currently codified version of Section 7-10 of the Election Code, 10 ILCS 5/7-10). Surely, the General Assembly could not have intended the

---

<sup>7</sup> Available at <https://docquery.fec.gov/cgi-bin/forms/P40011793/1696043/>

definitions of Statement of Candidacy appearing within the Election Code to include a document from an agency that was not yet in existence.

## **2. Illinois Law Provides Three Ways for an Individual to Affiliate with a Political Party.**

The second action taken by Candidate Kennedy that Objectors list in their Petition is that of Candidate Kennedy being a registered and qualified voter of the Democratic Party in the State of New York. Objectors Petition ¶¶40. The question that arises is whether Candidate Kennedy's alleged status as a registered Democrat in New York is a party affiliation that would bar his candidacy under Election Code Section 7-43.

In Illinois, there are three generally accepted ways for an individual to affiliate oneself with a political party: (1) sign the Nomination Petition of an established party candidate; (2) file a Statement of Candidacy swearing qualifications (including a party affiliation or lack thereof); or (3) voting a partisan ballot in a general primary election. *See* 10 ILCS 5/5-30, 5/7-43(a), 5/10-5; and *see e.g.*, *Fleming v. State Bd. of Elections*, 40 Ill.App.3d 695 (4th Dist. 1976); *Du Page Cnty. Officers Electoral Bd.*, 384 Ill.App.3d 989 (1st Dist. 2008).

Candidate Kennedy's alleged status as a registered Democrat in New York does not fall within one of the three statutorily stated avenues for which an individual may become affiliated with a political party. Thus, Illinois law is clear that Candidate Kennedy's registration as a Democrat in the State of New York—or anywhere else for that matter—is beyond consideration of partisan affiliation within the State of Illinois.

## **3. The Political Parties Listed in Objectors' Petition Paragraph 41 Are Not Political Parties as Defined in Illinois Election Law.**

The third action discussed in Objectors' Petition is the Candidates' affiliation, by previously or actively seeking the nomination and support of multiple other political parties as enumerated in Paragraph 41 of Objectors' Petition. Objectors Petition ¶¶40, 41. Here, the question that arises is whether the Candidates' affiliation with the aforementioned political parties will bar Candidates' certification to the general election ballot under Section 7-43 of the Election Code or disqualify their affirmations as independent candidates.

Section 10-3 of the Election Code provides “nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nominations papers\*\*\*.” 10 ILCS 5/10-3. In *Dean v. Smith*, the court recognized this parenthetical as a definition of independent candidates as those who are “not candidates of any party.” 2017 IL App (1st) 170404, ¶23.

To determine what constitutes a “political party,” we turn to Section 10-2 of the Election Code. Section 10-2 provides, “[t]he term ‘political party,’ as hereinafter used in this Article 10, shall mean any ‘established political party,’ as hereinafter defined and shall also mean any political group which shall hereafter undertake to form an established political party in the manner provided for in this Article 10\*\*\*\*.” 10 ILCS 5/10-2. Section 10-2 continues to identify what constitutes an “established political party” as applied for Article 10 purposes, “[a] political party which, at the last general election for State and county officers, polled for its candidate for Governor more than 5% of the entire vote cast for Governor...as to the State and as to any district or political subdivision thereof.” *Id.*

In the State of Illinois, there are two “established political parties” as defined in Section 10-2 of the Election Code. These two parties are the Republican Party and the Democratic Party. Paragraph 41 of Objectors’ Petition neither claims nor provides any evidence that the enumerated parties listed therein are “established political parties” in Illinois or that the parties have taken any affirmative action under Article 10 to become a new political party in Illinois. Thus, although Candidates, in their bid for the offices of President and Vice-President of the United States, may have affiliated with other, new political parties in other states, nothing in Objectors’ Petition indicates the named parties would qualify as an “established political party” under Illinois Election law.

For the reasons stated, the Hearing Officer recommends that the objections listed in Objectors’ Petition paragraphs 35-44 be **overruled**.

**C. Under Illinois Election Code, Candidate Shanahan Is Not Required to Submit Any Petition Signatures on Behalf of Her Candidacy.**

Objectors’ Petition Paragraph 46 states Candidate Nicole Shanahan filed a Statement of Candidacy but failed to submit any petition signatures in support of her nomination. Candidate Shanahan only filed a Statement of Candidacy, and there was no mention of her name or address on any of the Petition signature sheets. Objectors continue by stating the Petition Sheets submitted on behalf of the Candidates’ candidacy purport to nominate Electors on behalf of candidates for “President and Vice-President” but there is no name or address of a Vice-Presidential candidate appearing anywhere on the Petition Sheets. Objectors argue this is a clear violation of the Illinois Election Code and ask that Nicole Shanahan’s name be stricken and removed from the Illinois ballot.

In their Response to Candidates’ Motion to Dismiss Objectors’ Petition, Objectors state that although Candidate Shanahan chose to file a Statement of Candidacy, her name appears nowhere on any one of the 8,947 Petition Sheets that were submitted as part of the Nomination Papers. Object. Res. at 16. Objectors argue that because Candidate Shanahan seeks access to the ballot in Illinois as a purported independent candidate pursuant to Section 10-3 of the Election Code, she must comply with the mandatory procedural requirements set therein. *Id.* at 16, 17.

**1. Candidate Shanahan Was Not Required to Submit Any Petition Signatures on Behalf of Her Candidacy.**

The plain language as read in Section 10-3 of the Election Code, the only Section cited by Objectors for their contention, does not require that Vice-Presidential candidates’ names appear on the Nomination Petition pages. Section 10-3 states, in pertinent part:

Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding Statewide general election or 25,000 qualified voters of the State, whichever is less.

10 ILCS 5/10-3. If nomination of independent candidates for the office of President of the United States are to be made under the provisions of Section 10-3, then the **office** of President of the United States would be an **office to be filled by the voters of the State**. However, such is not the

case in the State of Illinois. This analysis is limited to the statutory section alleged in Objectors' Petition because they did not include any other statutory provision. Thus, the Hearing Officer's analysis is focused only on Section 10-3 of the Election Code.

Section 2A-1.2(a) of the Election Code designates 12 offices "to be filled in the appropriate even-numbered years" and does not specifically designate the office of Vice President of the United States as one of those offices. 10 ILCS 5/2A-1.2. Instead, Section 2A-1.2(a) of the Election Code designates "Elector of President and Vice-President of the United States" as the office to be filled, which is distinct from the candidate of Vice President of the United States. *Id.* Finally, Section 10-5 states "the names of candidates for President and Vice-President **may** be added" to the petitions for nomination. 10 ILCS 5/10-5 (not **must** be added as asserted by Objectors). Thus, the name of a Vice-Presidential candidate cannot be read into Section 10-3 of the Election Code such that the remedy sought by Objectors—removal of Candidate Shanahan's name—**cannot be granted**.

## **2. There is No Basis for Confusion in the Candidates Nomination Papers Which Would Warrant the Removal of Candidates from the Illinois Ballot.**

The next issue to address raised by Objectors is whether the language of the header of Candidate's Petition Sheets results in voter confusion such that Candidate Shanahan's name should not be certified to the General Election ballot.

It is well-settled that "nominating petitions should be free from a 'basis of confusion' as to the office for which they are filed." *Zaplosky v. Cook County Officers Electoral Bd.*, 296 Ill.App.3d 731, 734 (1st Dist. 1998). The First District Appellate Court held "that there is no basis for confusion when, as a whole, the nominating papers make it clear which office the candidate seeks. *Salgado v. Marquez*, 356 Ill.App.2d 1072,1077-1078 (1st Dist. 1998), citing *Heabler v. Municipal Officers Electoral Bd.*, 338 Ill.App.3d 1059,1061 (2nd Dist. 2003). There is a basis of confusion when there is "inconsistency between the office described in the statement of candidacy and the petition sheets" signed by voters. *Lewis v. Dunne*, 63 Ill.2d 48, 54 (Ill. 1976).

Here, the nomination papers as a whole contain: (1) a statement of candidacy signed by Robert F. Kennedy, Jr., identifying him as the candidate for President of the United States, (2) a Statement of Candidacy signed by Nicole Shanahan, identifying her as the candidate for the office of Vice President of the United States, and (3) Petition Sheets identifying 19 individuals as candidates for the offices of Electors of President and Vice President of the United States, pledged to the above named candidate. The "above named candidate" is Robert F. Kennedy, Jr., and the office identified is President of the United States.

It is noteworthy that Section 10-5 of the Election Code does not require candidates for electors for President and Vice President of the United States to file Statements of Candidacy. *See* 10 ILCS 5/10-3. Candidate Shanahan's absence from the Petition Sheets is not inconsistent with the Statement of Candidacy bearing her name. Rather the Statement of Candidacy serves as a document filling a gap in the information presented on the Petition Sheets. Candidate Shanahan's absence from the Petition Sheets is not a material violation of the Election Code but rather the name of the vice-presidential candidate pledged by the named Electors can be permissibly identified through viewing the Nomination Papers as a whole.

Thus, Objectors concern that Illinois voters may be confused by the nomination of Electors for both a Presidential and Vice-Presidential candidate without actually naming a Vice-Presidential candidate is not warranted. As such, objections raised in Objectors' Petition Paragraphs 45-47 should be **overruled**.

### CONCLUSION

It is recommended Candidates' Motion to Dismiss Objectors' Petition be **granted** regarding the status of Candidate Kennedy as an independent and to **deny** the remainder of the Motion to Dismiss as set forth herein.

After conducting the records examination and considering the objections recommended to be valid, the appropriate signatures have been stricken, which results in Candidates having a **total of 33,291 valid signatures** (8,286 signatures more than the statutory minimum of 25,000).

For the reasons set forth herein the remainder of the Objection is recommended to be overruled, and it is further recommended that **Robert F. Kennedy Jr.** and **Nicole Shanahan**, as candidates for the offices of President of the United States and Vice-President of the United States, respectively, **be placed** on the general election ballot as Independent Candidates for the General Election to be held on November 5, 2024.

**CERTIFICATE OF SERVICE**

I, David A Herman, an attorney, certify that I shall cause to be served a copy of the foregoing document, upon all counsel of record via email, on this Wednesday, August 21, 2024, as follows:

SOEB: General Counsel: [GeneralCounsel@elections.il.gov](mailto:GeneralCounsel@elections.il.gov)

Christopher Kruger: [Chris@kruger-law.com](mailto:Chris@kruger-law.com)

Andrew Finko: [Finkolaw@fastmail.FM](mailto:Finkolaw@fastmail.FM)

Laduzinsky & Associates: [Admin@laduzinsky.com](mailto:Admin@laduzinsky.com)

Odelson Murphey Frazier & McGrath: [Elections@omfmlaw.com](mailto:Elections@omfmlaw.com)

By: /s/ David A Herman  
HEARING OFFICER  
GIFFIN, WINNING, COHEN &  
BODEWES, P.C.  
900 Community Drive  
Springfield, Illinois 62703  
Phone: (217) 525-1571

David A. Herman, ARDC #6211060  
dherman@giffinwinning.com  
Giffin Winning Cohen & Bodewes, P.C.  
efile@giffinwinning.com  
900 Community Drive  
Springfield, IL 62703  
(217) 525-1571