

STATE OF ILLINOIS)
) BEFORE THE MCLEAN COUNTY OFFICERS
) ELECTORAL BOARD
COUNTY OF MCLEAN)

JILL BLAIR Objector,

v.

ANNETTE FELLOWS, Candidate

)
)
)
) 2022-01
)
)
)

SHAYNA WATCHINSKI, Objector,

v.

VICKI SCHULTZ, Candidate.

)
)
)
) 2022-02
)
)
)

ANNA DARROW, Objector,

v.

CATHERINE METSKER, Candidate.

)
)
)
) 2022-03
)
)
)

CARA MCMORRIS, Objector,

v.

HANNAH BLUMENSHINE, Candidate.

)
)
)
) 2022-04
)
)
)

SARAH BREEDEN, Objector,

v.

HANNAH BLUMENSHINE, Candidate.

)
)
)
) 2022-05
)
)
)

SARAH BREEDEN, Objector,)
)
 v.) 2022-06
)
 JOHN D. MCINTYRE, Candidate.)
)

CARA MCMORRIS, Objector,)
)
 v.) 2022-07
)
 JOHN D. MCINTYRE, Candidate.)
)

DECISION

YOU ARE HEREBY NOTIFIED that the McLean County Officers Electoral Board, comprised of McLean County Clerk Kathy Michael, McLean County Circuit Clerk, Don Eyerhart, and Assistant States Attorney May Koll, assembled under Illinois law in Response to a Call issued by Kathy Michael, Chair of the Electoral Board, for the purpose of hearing and passing upon the Verified Objector's Petition of Jill Blair, Shayna Watchinski, Anna Darrow, Cara McMorris and Sarah Breedon directed toward the Nominating Petitions of Candidates for the Office of McLean County Board Member of Annette Fellows (District 9), Vicki Schultz (District 8), Catherine Metsker (District 1), Hannah Blumenshine,(District 5) and John D. McIntyre (District 5), respectively, the Board having convened on Monday, March 28, 2022, and again on Friday, April 1, 2022, in the McLean County Law & Justice Center, Room 503 in the City of Bloomington, State of Illinois, and having heard the objections and evidence presented, and having reviewed the law on these matters, hereby finds:

1. The said McLean County Electoral Board has been legally constituted pursuant to the laws of the State of Illinois, specifically 10 ILCS 5/10-9 (2.5); and
2. Objections to the nominating petitions of the candidates identified herein were duly and timely filed; and
3. A Call to the hearing on said objections was properly issued and timely served upon the members of the Electoral Board, the Objectors and the candidates by mail and by personal service as provided by statute; and
4. A public hearing on these objections commenced on March 28, 2022, and was recessed to April 1, 2022, when the hearing was concluded; and

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, their parliamentarian/hearing officer, each individual Objector with their attorney, Greg Moredock, and each Candidate appearing *pro se*, with exception of Mr. McIntyre who appeared with his attorney, James Ginzkey; and
6. The Board finds that it is uncontested that all Candidates against whom these objections were raised filed nominating papers without sequentially numbering any of the pages of petitions included in the documents, but that the nominating papers filed by each Candidate was otherwise properly completed and timely filed; and
7. The Board further finds that the only issue raised by each of the Petitioners/Objectors, and the only issue addressed by the evidence and testimony presented, was a failure by the Candidates to number the individual pages of the petitions attached to the nominating papers; and
8. The Objectors have agreed that the legal issue presented in each case is identical, the legal arguments are the same, and that they have consented to a single Decision addressing all cases, and waived any objection that they may have a right a separate Decisions in each matter; and
9. The Board has considered the testimony presented by the witness and the legal authority submitted on behalf of the Objectors and the Candidates; and
10. At the conclusion of the hearings on all Objections, the Board conducted deliberations in an Open Meeting, ultimately announcing its decision to overrule the objections in the open hearing, relying on the legal authority recited in open hearing and the cases outlined in this Decision; and
11. The Board finds the decision in *Stevenson v. Cty. Officers Electoral Bd.*, 58 Ill. App. 3d 24, 26, 373 N.E.2d 1043, 1044 (3rd Dist. 1978), to be compelling in that it found that nominating papers containing 48 pages of unnumbered petitions “is not of such a size as would present a serious problem of page identification”; and
12. The Board further relied on the *Stevenson* decision where the court found that the failure to number the pages did not impose an undue burden, and that “the failure to number the pages was a technical violation” that did not prohibit the electoral board from allowing the candidate on the ballot; and
13. The Board finds the decision in *Akin v. Smith*, 2013 IL App (1st) 130441, ¶ 3, 989 N.E.2d 715, 717, to be compelling, specifically that in finding nominating papers to be in strict compliance with the law, the court in *Akin* specifically listed the mandatory provisions of the code and did not include page numbering in its list; and
14. The Board also finds compelling the Decision of *Reynolds v. Champaign Cty. Officers Electoral Bd.*, 377 Ill. App. 3d 1164, 425, 884 N.E.2d 1175, 1178 (4th Dist. 2008), where

the court focused its analysis on the limited number of pages and the absence of a “claim of possible voter confusion, tampering, or fraud” in overruling objections; and

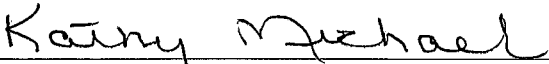
15. The Board also found significant that there has been no subsequent decision from the 4th District Appellate Court either explaining or clarifying its position on this issue since *Reynolds*, and
16. Given the clear absence of consensus among the various appellate districts, and the recognized authority that “*the Electoral Board's interpretation of the Code is entitled to some deference, as it is the entity charged with interpreting the Election Code,*” *Akin v. Smith*, above; and
17. The Board also agrees with many of the cases that advance a clear preference that absent any evidence of fraud, tampering, unfair or dishonest conduct, and where there is clearly no risk of confusion, but rather only a simple, technical error, the selection of candidates should be left to the voters to decide.
18. After a brief recess to memorialize its decision, this written Decision was reviewed and executed by all members of the Board, and distributed to the Objectors, the Candidates and their respective counsel.


IT IS THEREFORE ORDERED that:


- A. The objections of Jill Blair to the nominating petition of Annette Fellows, is hereby overruled and said petition is hereby declared valid and the name of Annette Fellows, candidate for election to the office of McLean County Board District 9, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022; and
- B. The objections of Shana Watchinski to the nominating petition of Vicki Schultz, is hereby overruled and said petition is hereby declared valid and the name of Vicki Schultz, candidate for election to the office of McLean County Board District 8, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022; and
- C. The objection of Anna Darrow to the nominating petition of Catherine Metsker is hereby overruled and said petition is hereby declared valid and the name of Catherine Metsker, candidate for election to the office of McLean County Board District 1, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022; and
- D. The objection of Cara McMorris to the nominating petition of Hannah Blumenshine is hereby overruled and said petition is hereby declared valid and the name of Hannah Blumenshine, candidate for election to the office of McLean County Board District 5, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022; and
- E. The objection of Sarah Breeden to the nominating petition of Hannah Blumenshine is hereby overruled and said petition is hereby declared valid and the name of Hannah Blumenshine, candidate for election to the office of McLean County Board District 5,

shall be printed on the ballot for the Primary Elections to be held on June 28, 2022;
and

- F. The objection of Sarah Breeden to the nominating petition of John D. McIntyre is hereby overruled and said petition is hereby declared valid and the name of John D. McIntyre, candidate for election to the office of McLean County Board District 5, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022;
and
- G. The objection of Cara McMorris to the nominating petition of John D. McIntyre is hereby overruled and said petition is hereby declared valid and the name of John D. McIntyre, candidate for election to the office of McLean County Board District 5, shall be printed on the ballot for the Primary Elections to be held on June 28, 2022.


KATHY MICHAEL, Chairman
McLean County Officers Electoral Board,
McLean County Clerk


MARY KOLL, Member,
McLean County Officers Electoral Board
Assistant State's Attorney


DON EVERHART, Member
McLean County Officers Electoral Board
McLean County Circuit Clerk

Entered: April 1, 2022

CERTIFICATE OF SERVICE

I, Kathy Michael, do hereby certify that a true and accurate copy of the foregoing Decision of the McLean County Officers Electoral Board, was delivered to the following individuals or their counsel by hand delivery or by depositing a copy in the United States Mail, postage fully paid, and addressed to the following persons:

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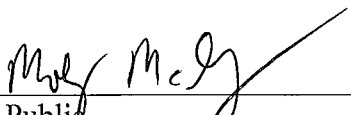
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Kathy Michael, Chairman
McLean County Officers Electoral Board

Subscribed and sworn to before me this 1st day of April, 2022


Notary Public

