

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 103rd
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Pat Devaney,)
)
Petitioner-Objector,)
)
v.)
)
Frank Calabrese,)
)
Respondent-Candidate.)

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JAN 14 2009
ELECTORAL BOARD

OBJECTOR'S PETITION

INTRODUCTION

Pat Devaney, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 5 Lincoln Court, Champaign, Illinois, 61821, in the 103rd Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 103rd Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Frank Calabrese as a candidate for the office of Representative in the General Assembly for the 103rd Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 4, 2008 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, political parties, as defined in Section 8-2 of the Illinois Election Code, nominate candidates for the Illinois General Assembly at the Primary Election. In the event that no candidate is nominated by such a political party at the Primary Election, a vacancy in nomination is created that may be filled within 60 days of the Primary Election pursuant to Sections 8-17 and 7-61 of the Election Code.

5. A vacancy in nomination may be filled by the appropriate Representative District Committee of the political party, consisting of the committeemen from the wards and townships with territory in the district (in Cook County) and the County Chairmen of counties with territory in the district (for all other counties).

6. Pursuant to Section 8-5 of the Code, a Representative Committee must meet and organize to elect a Chairmen and Secretary. "Immediately upon completion of organization, the chairman shall forward to the State Board of Elections the names and addresses of the chairman and secretary of the committee." *Id.*

7. The purported Nomination Papers assert that the Candidate is nominated to fill a vacancy in nomination arising from the failure of the Republican Party to nominate a candidate at the Primary Election. However, the Representative Committee of the Republican Party for the 103rd District has never filed a "Certificate of Organization" (or any other documentation) indicating that it has organized as required by the Illinois Election Code.

8. The failure to file a Certificate of Organization, or any other documentation demonstrating that the committee has properly organized, has deprived both the election authorities and the public of any information necessary to determine if the committee's purported action in filling the vacancy was authorized or otherwise permissible.

9. The Certificate of Organization or other evidence of organization is necessary because it provides election authorities and the public the information necessary to identify the names and addresses of the committee's officers, and allows verification that the vacancy was filled by the appropriate officials.

10. Due to the foregoing failure to file a Certificate of Organization, or other evidence of organization, the Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 103rd Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Frank Calabrese shall not appear and not be printed on the ballot for election to the office Representative in the General Assembly for the 103rd Representative District of the State of Illinois, to be voted for at the General Election to be held November 4, 2008.



OBJECTOR

Address:

Pat Devaney
5 Lincoln Court
Champaign, IL 61821

