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McHENRY CTY. CIR. CLK.

ADMINISTRATIVE ORDER NO. 2016- 07

22nd JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

APPOINTMENT OF PUBLIC MEMBERS TO SERVE
ON THE NUNDA TOWNSHIP ELECTORAL BOARD

Having received written requests, copies of which are attached hereto, by email on December 5, 2016 and December 6, 2016 from Attorney Scott Puma of the law firm of Ancel, Glink, Diamond, Bush, DiCianni and Krafthefer, attorneys for Nunda Township, requesting pursuant to 10 ILCS 5/10-9(4) that the Chief Judge appoint public members to the Nunda Township Officers Electoral Board to consider objections to the nomination papers of candidates for the offices of Township Assessor, Township Trustee, Township Clerk, Township Highway Commissioner and Township Supervisor, at the April 4, 2017 Consolidated Election for the reason that members of the Electoral Board are disqualified from serving because of various conflicts and statutory disqualifications.

This Court having considered the request and having reviewed the statutory authority, 10 ILCS 5/10-9(4), finds that the appointment of public members of the Nunda Township Electoral Board is appropriate and required.

THEREFORE, IT IS ORDERED that the following shall serve as public members of the Nunda Township Electoral Board relative to the nomination petitions for candidates at the April 4, 2017 Consolidated Election to consider objections as set forth as follows:

1. Mark Dzemske (objector) v. Matthew Justin Franzke (candidate) 16 EB 1.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.
 - c. Hon. Joseph P. Condon (Ret.)
2. Jeanne Heger and Linda Clark (objectors) v. Karen Tynis (candidate) 16 EB 2.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.
 - c. Hon. Joseph P. Condon (Ret.)
3. Jeanne Heger and Linda Clark (objectors) v. Michael Lesperance (candidate) 16 EB 3.
 - a. Robert J. Wagner, Esq. Chair
 - b. Hon. Joseph P. Condon (Ret.)
4. Jeanne Heger and Linda Clark (objectors) v. Joni Smith (candidate) 16 EB 4.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.

5. Jeanne Heger and Linda Clark (objectors) v. Debra Heath (candidate) 16 EB 5.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.
 - c. Hon. Joseph P. Condon (Ret.)

6. Jeanne Heger and Linda Clark (objectors) v. Edward Dvorak (candidate) 16 EB 6.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.
 - c. Hon. Joseph P. Condon (Ret.)

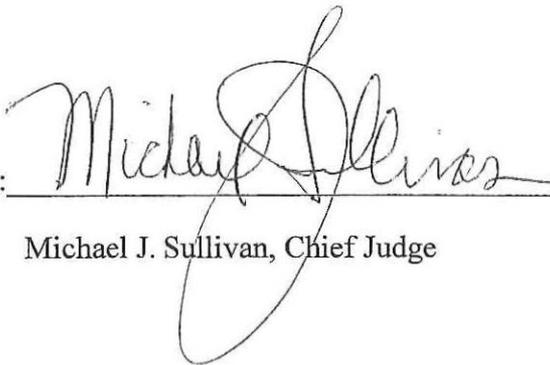
7. Jeanne Heger and Linda Clark (objectors) v. Kelvin "Lee" Jennings (candidate) 16 EB 7.
 - a. Robert J. Wagner, Esq. Chair
 - b. Hon. Joseph P. Condon (Ret.)

8. Jeanne Heger and Linda Clark (objectors) v. William Boltz (candidate) 16 EB 8.
 - a. Robert J. Wagner, Esq. Chair
 - b. David N. Stone, Esq.
 - c. Hon. Joseph P. Condon (Ret.)

9. Michael J. Walkup (objector) v. Kelvin "Lee" Jennings (candidate) 16 EB 9.
 - a. Robert J. Wagner, Esq. Chair
 - b. Hon. Joseph P. Condon (Ret.)

Dated: December 7, 2016.

Enter: _____



Michael J. Sullivan, Chief Judge



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December 5, 2016

Hon. Michael J. Sullivan
Chief Judge - Circuit Court of McHenry County
2200 N. Seminary
Woodstock, IL 60098

Re: Nunda Township Officers Electoral Board - Designation of Public Member

Dear Judge Sullivan:

Our law firm represents Nunda Township Officers. In that capacity, we are advising the Electoral Board with respect to its obligations related to the conduct of the electoral board hearings for nine (9) objections that have been filed to the nomination papers of eight (8) candidates for Township offices. We submit this request on behalf of the Nunda Township Officers Electoral Board for you to appoint three (3) public members to the Electoral Board.

As you may be aware, Section 10-9 of the Election Code, 10 ILCS 5/10-9(4), a copy of which I am enclosing for your reference, provides that the township officers' electoral board is comprised of the township supervisor, the township clerk and the longest-serving township trustee. Section 10-9 also provides that, "In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board."

In this instance, the first objection is to the petition of a candidate for Township Assessor, Matthew Justin Franzke which was filed by another candidate for Township Assessor, Mark Dzemske. The Township Supervisor circulated nomination petitions for Franzke. Therefore, he is disqualified from serving on the Electoral Board. The Township Clerk circulated nomination petitions for Dzemske. Therefore, the Clerk is also disqualified from serving on the Electoral Board. The two longest-serving trustees who would serve on the Electoral Board signed the petitions of either or both Dzemske and Franzke. Therefore, they are each also disqualified from serving on the Electoral Board.

We received the other eight (8) objections today and are currently reviewing them. However, we anticipate needing at least one public member to serve on the Electoral Boards relative to these objections and we may need three (3). As soon as we have reviewed all of the documentation, I will follow up with you on this. Please note that it appears that there is a commonality of issues relative to each of the objections.

Section 10-9 of the Illinois Election Code, 10 ILCS 5/10-9, provides that:

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHOFER, P.C.

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Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies.

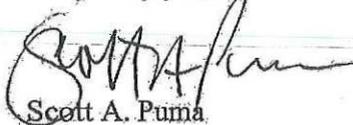
We therefore respectfully request that you designate three (3) public members to serve on the Electoral Board. You previously issued Administrative Order No. 2012-09 to designate public members to the Nunda Township Electoral Board relative to objections in 2012.

In addition, should you ever need to appoint public members to other electoral boards in McHenry County, several of our attorneys are versed in election law and able to assist if you are looking for people to perform this function.

Because the Election Code requires the Electoral Board requires the Chairman of the electoral board to convene the first meeting within three to five calendar days, we respectfully request that you respond to this request and issue an order designating public members as soon as possible so that we may begin sending out the proper notices. In addition, please designate a chairman relative to the objection of Dzemske to Franzke's nominating petition.

Kindly forward a copy of your order to me at spuma@ancelglink.com or by fax 847-247-7405. Thank you for your attention to this matter and if you would like to discuss this further, please do not hesitate to contact me at my direct number, 847-856-5422.

Very truly yours,



Scott A. Puma

Enclosure

(10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

Sec. 10-9. The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

1. The State Board of Elections will hear and pass

upon objections to the nominations of candidates for State offices, nominations of candidates for congressional or legislative offices that are in more than one county or are wholly located within a single county with a population of less than 3,000,000 and judicial offices of districts, subcircuits, or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected from more than one county, and petitions for proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

2. The county officers electoral board of a county

with a population of less than 3,000,000 to hear and pass upon objections to the nominations of candidates for county offices and judicial offices of a district, subcircuit, or circuit coterminous with or less than a county, for any school district offices, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio. If a school district is located in 2 or more counties, the county officers electoral board of the county in which the principal office of the school district is located shall hear and pass upon objections to nominations of candidates for school district office in that school district.

2.5. The county officers electoral board of a

county with a population of 3,000,000 or more to hear and pass upon objections to the

nominations of candidates for county offices, candidates for congressional and legislative offices if the district is wholly within a county with a population of 3,000,000 or more, unless the district is wholly or partially within the jurisdiction of a municipal board of election commissioners, and judicial offices of a district, subcircuit, or circuit coterminous with or less than a county, for any school district offices, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's Attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that, in any county which has established a county board of election commissioners, that board shall constitute the county officers electoral board ex-officio. If a school district is located in 2 or more counties, the county officers electoral board of the county in which the principal office of the school district is located shall hear and pass upon objections to nominations of candidates for school district office in that school district.

3. The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.

4. The township officers electoral board to pass upon objections to the nominations of township officers shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chairman.

5. The education officers electoral board to hear and

pass upon objections to the nominations of candidates for offices in community college districts shall be composed of the presiding officer of the community college district board, who shall be the chairman, the secretary of the community college district board and the eligible elected community college board member who has the longest term of continuous service as a board member.

6. In all cases, however, where the Congressional, Legislative, or Representative district is wholly or partially within the jurisdiction of a single municipal board of election commissioners in Cook County and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

For special districts situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections. For purposes of this Section, "special districts" means all political subdivisions other than counties, municipalities, townships and school and community college districts.

In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

a. In the county officers electoral board by the

county treasurer, and if he or she is ineligible to serve, by the sheriff of the county.

b. In the municipal officers electoral board by the

eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.

c. In the township officers electoral board by the

eligible elected town trustee who has had the second longest term of continuous service as a town trustee.

d. In the education officers electoral board by the eligible elected community college district board member who has had the second longest term of continuous service as a board member.

In the event that the chairman of the electoral board is ineligible to act because of the fact that he or she is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen under the provisions of this Section shall be the chairman; In this case, the officer or board with whom the objector's petition is filed, shall transmit the certificate of nomination or nomination papers as the case may be, and the objector's petition to the substitute chairman of the electoral board.

When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge.



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December 6, 2016

Hon. Michael J. Sullivan
Chief Judge - Circuit Court of McHenry County
2200 N. Seminary
Woodstock, IL 60098

Re: Nunda Township Officers Electoral Board - Designation of Public Members

Dear Judge Sullivan:

Following up on our telephone conversation about Nunda Township, I am writing to identify all of the candidates and objectors and the total number of public members needed relative to each objection so that you can appoint public members. A total of 9 objections have been filed. Each objection is set forth below in the order it was filed with the number of public members which are needed.

1. Mark Dzemske (objector) v. Matthew Justin Franzke (candidate) 16 EB 1.
 - a. The position is Nunda Township Assessor.
 - b. Dzemske is represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are two Republican candidates for assessor in the primary, Dzemske and Franzke.
 - d. All three of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint three (3) public members and designate one of them as the chair.

2. Jeanne Heger and Linda Clark (objectors) v. Karen Tynis (candidate) 16 EB 2.
 - a. The position is Nunda Township Trustee.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are a total of seven (7) Republican candidates for trustee in the primary, Karen Tynis, Debra Heath, Edward Dvorak, William Boltz, Mike Shorten, Robert Parrish and Tim Parrish.
 - d. All three of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint three (3) public members and designate one of them as the chair.

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3. Jeanne Heger and Linda Clark (objectors) v. Michael Lesperance (candidate) 16 EB 3.
 - a. The position is Nunda Township Highway Commissioner.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are a total of two (2) candidates for highway commissioner in the primary, Michael Lesperance and Eric Dowd.
 - d. Two (2) of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint two (2) public members and designate one of them as the chair.

4. Jeanne Heger and Linda Clark (objectors) v. Joni Smith (candidate) 16 EB 4.
 - a. The position is Nunda Township Clerk.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. Smith is the only candidate for clerk in the primary.
 - d. One (1) of the statutory members of the Electoral Board is disqualified.
 - e. Please appoint two (2) public member and designate that person as the chair.

5. Jeanne Heger and Linda Clark (objectors) v. Debra Heath (candidate) 16 EB 5.
 - a. The position is Nunda Township Trustee.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are a total of seven (7) Republican candidates for trustee in the primary, Karen Tynis, Debra Heath, Edward Dvorak, William Boltz, Mike Shorten, Robert Parrish and Tim Parrish.
 - d. All three of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint three (3) public members and designate one of them as the chair.

6. Jeanne Heger and Linda Clark (objectors) v. Edward Dvorak (candidate) 16 EB 6.
 - a. The position is Nunda Township Trustee.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.

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- c. There are a total of seven (7) Republican candidates for trustee in the primary, Karen Tynis, Debra Heath, Edward Dvorak, William Boltz, Mike Shorten, Robert Parrish and Tim Parrish.
 - d. All three of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint three (3) public members and designate one of them as the chair.
7. Jeanne Heger and Linda Clark (objectors) v. Kelvin "Lee" Jennings (candidate) 16 EB 7.
 - a. The position is Nunda Township Supervisor.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are a total of three (3) candidates for supervisor in the primary, Kelvin "Lee" Jennings, Michael Walkup and Cate Williams.
 - d. Two (2) of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint two (2) public members and designate one of them as the chair.
8. Jeanne Heger and Linda Clark (objectors) v. William Boltz (candidate) 16 EB 8.
 - a. The position is Nunda Township Trustee.
 - b. Heger and Clark are represented by Patrick Coen of Zanck, Coen, Wright and Saladin.
 - c. There are a total of seven (7) Republican candidates for trustee in the primary, Karen Tynis, Debra Heath, Edward Dvorak, William Boltz, Mike Shorten, Robert Parrish and Tim Parrish.
 - d. All three of the statutory members of the Electoral Board are disqualified.
 - e. Please appoint three (3) public members and designate one of them as the chair.
9. Michael J. Walkup (objector) v. Kelvin "Lee" Jennings (candidate) 16 EB 9.
 - a. The position is Nunda Township Supervisor.
 - b. Walkup is representing himself as the objector.
 - c. There are a total of three (3) candidates for supervisor in the primary, Kelvin "Lee" Jennings, Michael Walkup and Cate Williams.
 - d. Two (2) of the statutory members of the Electoral Board are disqualified.

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- e. Please appoint two (2) public members and designate one of them as the chair.

As we discussed, I will be providing a draft Administrative Order to you to assist in completing it. Further, I will work with the public member(s) that you appoint as the chair in order to comply with the stringent requirements of the Election Code. I have spoken with Pat Coen and we have discussed that I am in the process of asking you to appoint public members. I also explained the process to Mike Walkup when I coincidentally saw him at Nunda Township when he was filing his objection.

Thank you for your attention to this matter and if you would like to discuss this further, please do not hesitate to contact me at my direct number, 847-856-5422 and my cell number is 847-710-1076.

Very truly yours,



Scott A. Puma