

BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD OF
COLLEGE OF DUPAGE COMMUNITY COLLEGE DISTRICT 502

Edward Franckowiak,)
 Objector)
 v.)
)
Rafath Waheed)
 Respondent)

Objection

NOW COMES THE OBJECTOR, Edward Franckowiak, who resides at 28w563 Lester St., West Chicago IL 60185, a residence within College of DuPage Community College District 502, who states pursuant to 10 ILCS 5/8:

1. The Objector is a legal voter of College of DuPage Community College District 502.
2. The Objector’s interest in the matter is that of a citizen desirous of seeing that the laws governing the filing of nomination papers for public office are properly complied with and that only qualified candidates have their names appear on the ballot as candidates for public office.
3. On December 19, 2016 a group of papers was deposited with the Secretary of the Board of Trustees of College of DuPage Community College District 502. That group of papers consisted solely of
 - a. Seven petition signature sheets containing a total of 77 purportedly valid signatures of registered voters within the College of DuPage Community College District, with headings that not all
 - b. the same, proposing a person named “Rafath Waheed” said to reside at 6195 Hickory Dr., Lisle 60532 as a candidate for a full term as a member of the Board of Trustees of said Community College District.
 - b. A receipt for filing of a Statement of Economic Interests with the DuPage County Clerk on December 19, 2016 for the office of “Candidate for 6 year term College DuPage [sic] Board of Trustee [sic], position.”
 - c. There was NO Statement of Candidacy deposited.
4. 10 ILCS 5/10-4 mandates that “A petition, when presented or filed, shall not be withdrawn, altered, or added to....”

I. Jurisdictional Note

5. “Certificates of nomination and nomination papers, ... being filed as required by this [Election] Code, and being in apparent conformity with the provisions of this [10 ILCS 5] Act, shall be deemed to be valid unless objection thereto is duly made in writing” 10 ILCS 5/8.
6. A bunch of papers filed without a statement of candidacy lacks apparent conformity on its face, and the Secretary of the Community College District would be justified in refusing to certify the name of the purported candidate. North v. Hinkle, 692 N.E.2d 352, 295 Ill. App. 3d 84, 229 Ill. Dec. 579 (1998) (Because nomination papers were facially deficient, local election

official was under no obligation to certify plaintiffs' names for the ballot.)

7. Because within seven days after filing the staff at the office of the Secretary of the Community College District sent a routine written notice to the petitioner accepting

the petition (pursuant to 110 ILCS 805/3-7.10), the Secretary is estopped from now rejecting the petition based the lack of apparent conformity due to its facial deficiency, so this Electoral Board is the proper forum to now rule upon the issues presented.

II. Duplicate Pages of Signatures

8. "All petition sheets which are filed with the proper local elections officials, election authorities or the State Board of Elections shall be the original sheet which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets." 10 ILCS 5/10-4.
9. Pages number one and four are duplicates, containing 12 identical signatures on each page. The signatures on one of those pages must be removed from the count of presumably valid signatures, dropping the running count from 77 to 65.
10. It appears from the images available that one of those pages is a photo copy of the other one. Examination of the original pages will confirm that, laying a foundation for a pattern of fraud.
11. It appears that each of those pages was separately sworn to by the circulator and

notarized, laying a foundation for a pattern of false swearing.

12. Pages number two and three are duplicates, containing 12 identical signatures on each page. The signatures on one of those pages must be removed from the count of presumably valid signatures, dropping the running count from 65 to 53.
13. It appears from the images available that page two (which is in black and white) is a photocopy of page three (which is in color. Examination of the original pages will confirm that, laying a foundation for a pattern of fraud.
14. It appears that each of those pages was separately sworn to by the circulator and notarized, laying a foundation for a pattern of false swearing.

III. Signatories Living Outside District 502

15. Only registered voters living within the jurisdiction of County of DuPage Community College District 502 are eligible to sign the candidate's petition. Signatures from anyone not living with the jurisdiction must be ignored.
16. The Citizen Participation Institute (a non-partisan non-profit organization) possesses a database of every address in the state of Illinois and which electoral districts (including community college districts) each address is in. The database is compiled from records supplied by the

State Board of Elections, the Illinois Department of Revenue, and other official sources.

17. The addresses of all 13 signatories that showed Cook County as the county of their residence were checked against that database.
18. The three signatories on page/lines 5/10, 6/7, and 6/8 reside within the district of the City Colleges of Chicago.
19. The four signatories on page/lines 6/5, 6/6, 7/1, and 7/3 reside within the district of the Moraine Valley Community College.

- 20. The three signatories on page/lines 6/9, 6/10, and 7/4 reside within the district of Harper College.
- 21. The two signatories on page/lines 6/11 and 7/2 reside within the district of Prairie State Community College.
- 22. The one signatory on page/line 7/6 resides within the district of Oakton Community College.

- 23. Those 13 signatures must be removed from the count of presumably valid signatures, dropping the running signature count from 53 to 40, which is 10 signatures below the minimum of 50 required by 110 ILCS 805/3-7.10.
- 24. The candidate's name must not be printed upon the ballot, due to an insufficient quantity of qualified signatures.

IV. Signatories not Registered at the Addresses Shown

- 25. The three signatories listed at page/lines 4/8, 5/7, and 6/2 are not registered at the addresses shown beside their signatures
- 26. Those three signatures must be removed from the count of presumably valid signatures, dropping the running signature

- count from 40 to 37, being 13 fewer signatures than the minimum of 50.
- 27. The candidate's name must not be printed upon the ballot, due to an insufficient quantity of qualified signatures

V. No Statement of Candidacy

- 28. The Respondent has failed to fulfill the mandatory requirement of 10 ILCS 5/7-10 and 5/8-8 that an original signed Statement of Candidacy sworn under oath must be filed with the nomination papers. No Statement of Candidacy was tendered. The failure to comply with this mandatory requirement is a fatal defect. *Lewis v. Dunne*,

- 63 Ill.2d 48, 344 N.E.2d 443 (1976); *Serwinski v. Board of Election Commissioners of City of Chicago*, 156 Ill.App.3d 257, 509 N.E.2d 509, 108 Ill.Dec. 813 (1st Dist. 1987); *Hacker v. Adamcik*, No. 04-EB-WC-069 (Chicago Electoral Board 2004).
- 29. The Respondent has failed to fulfill a mandatory requirement, a fatal defect.

VI. Headings Not the Same

- 30. The headings of signature sheets numbered 1, 4, 5, 6, and 7 are for a community college district that elects its trustees at large and contain language different from the other pages.
- 31. The headings of signature sheets numbered 2 and 3 are for a community college district that elects its trustees from districts and contain language different from the other pages.

- 32. 10 ILCS 5/10-4 mandates that "... the heading of each sheet shall be the same."
- 33. The Respondent has failed to fulfill the mandatory requirement of 10 ILCS 5/10-4 that the headings of the signature sheets be the same. The failure to comply with this mandatory requirement is a fatal defect.

VII. No Township of Residence

- 34. The headings of signature sheets numbered 1, 4, 5, 6 and 7 omit the name of the

- civil township in which the Respondent lives.

35. 110 ILCS 805/3-7.10 requires the township of the candidate's residence to be listed.
36. The Respondent has failed to fulfill the mandatory requirement of 110 ILCS 805/3-7.10, and pages 1, 4, 5, 6, and 7 must be stricken.

37. The remaining pages, 2 and 3, contain 24 purportedly valid signatures, but even if all of those 24 signatures are valid, the Respondent would have less than the minimum of 50 voters that is required by 110 ILCS 805/3-7.10. The failure to comply with this mandatory requirement is a fatal defect.

VIII. Pattern of Fraud and False Swearing

38. Although the law does not look favorably upon *suo moto* actions, "when in the course of hearing objections to nominating papers, evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process." See *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 78 Ill.Dec. 496 (1st Dist. 1984), at 618.
39. In *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555, 557, 108 Ill.Dec. 859 (1st Dist. 1987), the appellate court carried the holding of the *Fortas* court a bit further and ruled that even if the clear "pattern of disregard for the

mandatory requirements of the Election Code" occurred without fraudulent intent, a board would be justified in looking beyond the allegations of the objector's petition and would likewise be compelled to take the appropriate action.

40. This Board should take note of apparent photocopying pages of signatures, and notarizing them, and adding them to a very thin group of other papers, adduced previously in this objection petition.
41. A finding by this Board of a pattern of fraud and false swearing, justifies striking the entire nominating petition of the candidate.

IX. Relief Sought

WHEREFORE THE OBJECTOR PRAYS

1. That the purported nomination papers of Rafath Waheed for the office of member of the board of trustees of College of DuPage Community College District 502 be declared by this Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois, and
2. That Rafath Walheed's name be stricken, and
3. That this Electoral Board enter its decision that the name of Rafath Walheed as a candidate for the office of member of the board of trustees of College of DuPage Community College District 502 BE NOT PRINTED on the official ballot at the Consolidated Election to be held on April 4, 2017.

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 West Chicago IL 60185
 (630) 336-8992
 Edward.Franckowiak@gmail.com

 Edward Franckowiak, (pro se), *Objector*

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Consent to Service by Email

Consent is given for service of the Call and other notices to be made by email with a follow-up confirming phone call, in lieu of service by registered or certified mail or sheriff, said communications to be to the email and telephone number shown below:

Edward Franckowiak, *pro se*
28w563 Lester St.
West Chicago IL 60185
(630) 336-8992
d. Edward.Franckowiak@gmail.com

Edward Franckowiak, *Objector*

