

January 13, 2017

To the Election Board:

I write this paper with great optimism in the hopes that you will consider my acceptance on the ballot for the April 4, 2017 election. Thank you for giving me an opportunity in this forum to express my desire and thoughts on being a valid candidate for this position.

Growing up in DuPage County, I have been blessed to not only attend the best public schools, but to have had the opportunity to be a student at the College of DuPage. Having the College of DuPage as part of my educational foundation has helped me to continue my learning goals and attain a master's degree in Education as well as an MBA in four concentrations including management and organizational development. Candidates who are running for the position of College of DuPage Trustee must understand the needs of an educational institution in order to help it grow, expand, and succeed. What better qualifications can ensure an understanding of this than a candidate that has knowledge in education, management, and organizational development? The goal of the election process is to attract qualified candidates to run for office and to give our citizens the freedom of choice at the voting booth.

The argument by the Objector states again that the candidate did not specify the term of candidacy for which the elected board term of the office was sought. At the hearing on Tuesday, January 10, 2017, this objection was in fact overruled because the original receipt stating the name of the office sought and the two year term was given by the office of the Electoral Board and was presented to the Electoral Board at the hearing and was duly noted and accepted by all parties.

The argument by the Objectors seems to be that a candidate should not be allowed to run for office if he/she did not bind and number pages when submitting their petition. The objector states:

we believe there is an additional purpose for the numbering requirement, aside from aiding in identification. By having the papers bound and numbered, it prevents tampering, thereby preserving not only the integrity of the petitions submitted, but also the election process in general. (But see Williams, 35 Ill.App.3d at 535,341 N.E.2d 394.) The petitions submitted in the case at bar were not numbered in any form or manner.

There would have been no way to effectively ascertain whether additional pages were later inserted or whether original pages were missing. Thus, not all of the purposes for the numbering requirement were satisfied.

I would like to state that the pages were bound in the petition submitted. Therefore there is no fear of tampering here and any reasonable person can easily count and identify eight pages. The issue here boils down to, should the lack of numbering eight pages disqualify a candidate from participating in the electoral process?

I think we need step back and take a broader perspective here. What was considered the norm before needs to be questioned now to see whether it is still appropriate and valid. Both Objectors cite the Code and various caselaw to this point. However, rules evolve with time and the spirit of the code and specific fact pattern need to be taken into consideration when rendering a decision. (Thankfully this perspective was embraced on multiple occasions before, just as when women were finally given the ability to vote).

I ask you to search for the true meaning of substantial compliance. The Election Code is intended to ensure the integrity of elections and prevent fraud. They are not intended to deter qualified candidates from running for office. A reasonable person will agree that failing to number an eight page document does not compromise the integrity of this election. As argued in the *DePaul Journal of Social Justice, Spring 2013*:

Illinois courts agree that "access to a place on the ballot is a substantial right not lightly to be denied, and they parse the meaning of "substantial compliance "with the Election Code case by case, careful not to trample upon the exercise of the right through "unreasonable, frivolous, or unnecessary limiting requirements." Courts agree that countering fraud and maintaining the integrity of the election process are the legislature's intent behind the requirements for the nomination and petition processes to counter fraud and maintain the integrity of the election process. *93 Williams v. Butler, 341 N.E.2d 394, (Ill. App. Ct. 1976)*

Also taken from the *DePaul Journal of Social Justice, Spring 2013*:

The majority of challenges to candidate petitions are based on technical errors in the candidate petition such as a lack of page numbers and printed signatures that do not bear evidence of fraud. The Election Code does not reveal with what precision compliance with the code would be assured.^{10 1} The documents received pursuant to the CAC FOIA

requests indicate that municipal electoral boards use their discretion inconsistently. For example, when the Mount Prospect electoral board was presented with two separate objections both alleging that the candidate petitions contained no page numbers, the board came to two very different conclusions. **The first, in 1997, resulted in the electoral board ruling that missing page numbers is "merely a technical violation" of the petition requirements and would not prevent the candidate from appearing on the ballot.** The second objection, from 2009, resulted in the electoral board ruling that missing page numbers was fatal to the candidate's petitions. **This inconsistency occurred despite the 1989 appellate decision in Jones v. Dodendorfi** which held in part that consecutively numbering the pages of a petition is mandatory under the Election Code and a complete lack of page numbers is fatal to the petition.¹⁰² CAC's research also revealed several examples of inconsistent decision making between municipalities.

The text above shows that there is a lack of consistency in the decisions that are rendered, hence pointing towards a case-by-case analysis. This was also mentioned in the objector's document in Appendix A where it states:

Consequently, many observers had thought that pagination was merely technical and a directory provision. Yet as with so many other provisions of the Election Code, the issue has proven to be problematic as no simple rule of law currently purports to cover all situations. Instead, a "sliding scale" of compliance, within various fact-specific scenarios, has emerged, leading inevitably to case-by-case adjudications.

The decision lies with you, the Electoral Board, to decide what is fair and just given the facts and circumstances.

I am sure the Objector would agree that oversights are inevitable. In the objection document prepared by the Objector and brought to the hearing on Tuesday, January 10, 2017, it states, "Lacking both actual noncompliance with a mandatory requirement, and constructive reduction of countable signatures to zero, **the objectors entire petition must be overruled.**" Furthermore, if we look at the word choice in the phrase "the objectors entire petition must be overruled" we notice the word "objectors". In this situation, the entire objection would be overruled and therefore there would be no case. This would indeed be a fatal flaw.

The entire outcome of the decision would change completely based on the objector's use of the word "objectors" in the paragraph in which he states to overrule his submission. However, in the hearing on Tuesday, January 10, 2017, the Objector was allowed to edit paperwork that was already previously submitted. The Election Code states that objectors must submit their objection within five business days of the last day of the petition filing. If this is the case, then why was

the Objector allowed to edit his submitted paperwork after the deadline and why was the candidate not allowed to add page numbers after the deadline? Surely page numbers do not weigh as heavily, as they do not have a bearing on the substance of the material. However, the words on the document submitted to the Electoral Board by the Objector were completely altered in intent .

In this case, the Objector made a substantial error and his paperwork should have been deemed invalid. Mistakes are bound to happen and individuals should be allowed to correct them, just as the Objector was allowed to with his petition.

Furthermore, the ramifications of not being placed on the ballot are more severe to the election than not numbering pages. The two year term seat is being sought by two individuals. If one name is withdrawn, due to a technical oversight, then there would only be one person running for that office. In this case, it would not be a true “running for office” but instead would be an uncontested election. Therefore this would result in an automatic placement without the procedural of a true democratic process. Not having a true democratic process, because of a technical oversight, takes away the liberty of choice from our citizens. Ensuring the democratic process is more important than ensuring pagination in a bound document consisting of eight pages.

The decision is in your hands, the Electoral Board. Therefore I humbly request that you consider these facts when rendering your decision. I thank you for your time and for giving me the opportunity to present my thoughts to your board.

Sincerely,

Husna T. Ghani