

STATE OF ILLINOIS)
) ss.
COUNTY OF EDGAR)

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF WATER DISTRICT TRUSTEE IN THE
CLARK/EDGAR RURAL WATER DISTRICT
IN THE STATE OF ILLINOIS**

IN THE MATTER OF THE OBJECTION)
OF KIRK ALLEN and JOHN KRAFT)
TO THE)
NOMINATING)
PETITIONS OF DAVID SPRIGG, AS A)
CANDIDATE FOR ELECTION)
FOR THE OFFICE)
OF WATER DISTRICT TRUSTEE IN THE CLARK/EDGAR)
RURAL WATER DISTRICT IN THE STATE OF ILLINOIS)
TO BE VOTED ON AT)
THE APRIL 9, 2013 ELECTION)

**VERIFIED OBJECTOR’S PETITION OF
KIRK ALLEN and
JOHN KRAFT
TO THE NOMINATING PETITIONS OF DAVID SPRIGG**

NOW COMES Kirk Allen and John Kraft, hereinafter referred to as the “Objectors,” and respectfully represent that your Objectors make the following objections to the nominating petition of David Sprigg as a candidate for election to the office of Water District Trustee in the Clark/Edgar Rural Water District in the State of Illinois, and files the same herewith, and states that the nominating petition is insufficient in law and in fact for the following reasons:

1. Objector Allen resides at 3894 Coach Road, Kansas, County of Edgar, located in the State of Illinois, zip code 61933, within the legal boundaries of the Clark/Edgar Rural Water District; that Objector Kraft resides at 7060 Illinois Highway 1, Paris, County of Edgar, located in the State of Illinois, zip code 61944, within the legal boundaries of the Clark/Edgar Rural Water District; that Objectors are duly qualified, registered, and legal voters at their respective addresses; that Objectors’ interest in filing the following objections is that of citizens desirous of seeing to it that the laws governing the filing of nominating petitions in the April 9, 2013 Consolidated election for election to the office of Water District Trustee of the Clark/Edgar Rural Water District in the State of Illinois are properly complied with, and that only qualified candidates have their names appear on the April 9, 2013 Consolidated Election ballot as candidates for that office.

2. There is a pattern of fraud and false swearing on the part of the circulator Joe Keys. As an example Page 7, Lines 8-9 are not genuine and not signed by the individuals in their own proper person and appear to actually have been added to the page by the signer of line 7 on page 7. In fact 27 of the 66 names collected by Keys are highlighted on Appendix A as residing outside of the boundaries of the Clark/Edgar

Water District, are not genuine, and/or are not signed by individuals in their own proper person. Not properly witnessing the signatures on the petition, knowingly allowing individuals to place names on the petition that are not compliant with the requirements of the office running for, and swearing a false notarial oath, can result in a conviction of perjury (see 10 ILCS 5/29-10: Class 3 felony) upon the circulator and/or a conviction of disregarding the election code (see 10 ILCS 5/29-12: Class A Misdemeanor) (People v. McCulloch App. 2 Dist. 2010). All the signatures collected by Keys should be stricken from the petition leaving Sprigg with less than the minimum required for placement on the April 9, 2013 ballot.

3. Mr. Sprigg turned in names on his petitions. According to the attached form (marked Appendix A), Sprigg has names that should be stricken because they are either not genuine and/or not signed by the individual in their own proper person. As well, Sprigg has names that are of individuals who do not reside within the legal boundaries of the Clark/Edgar Rural Water District. The combined total of these names that should be stricken is . This brings the total number of remaining signatures to . That number is below the required minimum of . There are not enough legally valid signatures remaining to qualify Mr. Sprigg for the ballot (even if some of Mr. Keys petition signatures are allowed to be counted).

4. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided. Violation of a mandatory requirement of the Election Code renders the petition fatally defective. Bolger v. Electoral Board of City of McHenry, 210 Ill.App.3d 958, 569 N.E.2d 628, 155 Ill.Dec. 447 (2d Dist. 1991); Powell v. East St. Louis Electoral Board, 337 Ill.App.3d 334, 785 N.E.2d 1014, 271 Ill.Dec. 820 (5th Dist. 2003). The nomination papers and petitions are, therefore, not in compliance with the statutes in such cases made and provided.

CONCLUSION

WHEREFORE, your Objector prays that the purported nomination papers and nominating petitions of David Sprigg as a candidate for election to the office of Water District Trustee in the Clark/Edgar Rural Water District in the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of David Sprigg as a candidate of the election to the office of Water District Trustee in the Clark/Edgar Rural Water District in the State of Illinois NOT BE PRINTED on the OFFICIAL BALLOT for the the Consolidated Election to be held on April 9, 2013.

_____ Date: _____

Objector Kirk Allen
3894 Coach Road, Kansas, IL 61933

_____ Date: _____

Objector John Kraft
7060 Illinois Highway 1, Paris, IL 61944

VERIFICATION

The undersigned as Objectors, first being duly sworn on oath, now deposes and say that they have read this VERIFIED OBJECTOR’S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

_____	Date: _____	_____	Date: _____
Objector Kirk Allen		Objector John Kraft	
3894 Coach Road		7060 Illinois Highway 1	
Kansas, IL 61933		Paris, IL 61944	

County of Edgar)	
)	ss.
State of Illinois)	

Subscribed to and Sworn before me, a Notary Public, by Kirk Allen and John Kraft, the Objectors, on this the 3rd day of January 2013 at Paris, Illinois.

NOTARY PUBLIC

My Commission expires: _____, 20

(notary seal)