

MAR 21 2022

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD Joseph J. Tirio
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO COUNTY CLERK
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF
MCHENRY COUNTY SHERIFF

WILLIAM BROGAN AND JOEL BRUMLIK,

Petitioners-Objectors,

v.

ANTONIO "TONY" COLATORTI,

Respondent-Candidate.

No.: .

VERIFIED OBJECTORS' PETITION

INTRODUCTION

WILLIAM BROGAN and JOEL BRUMLIK (the "Objectors"), for and in support of their Verified Objectors' Petition state as follows:

1. Objector WILLIAM BROGAN resides at [REDACTED], in the City of McHenry, McHenry County, Illinois 60050 and is a duly qualified, legal and registered voter at that address.

2. Objector JOEL BRUMLIK resides at [REDACTED], in the City of McHenry, McHenry County, Illinois 60051 and is a duly qualified, legal and registered voter at that address.

3. The Objectors' interest in filing this petition ("Petition") is that of voters who desire that the laws governing the filing of nomination papers for the Office of McHenry County Sheriff are properly complied with and that only qualified candidates, appear on the ballot for said office.

OBJECTIONS

4. The Objectors make the following objections to the purported nomination papers (the “Nomination Papers”) of ANTONIO “TONY” COLATORTI (“Colatorti” or “Candidate”) as a candidate for nomination to the office of McHenry County Sheriff (the “Office”) to be voted on at the General Primary Election on June 28, 2022 (the “Election”). The Objectors state that the Nomination Papers are insufficient in fact and law for the following reasons:

5. Section 7-10 of the Illinois Election Code requires a petition for nomination

...must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified voter of the party to which the petition relates **and is qualified for the office specified** . . . and shall be subscribed and sworn to by such candidate by some officer authorized to take acknowledgement of deeds in the State.

10 ILCS 5/7-10 (emphasis added).

6. The Illinois Counties Code provides, in pertinent part, as follows:

Sec. 3-6001.5. Sheriff qualifications. A person is not eligible to be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:

- (1) Is a United States citizen.
- (2) Has been a resident of the county for at least one year.
- (3) Is not a convicted felon.
- (4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government.

55 ILCS 5/3-6001.5 (emphasis added).

7. The Candidate is not qualified or eligible to be elected to the office of McHenry County Sheriff because he does not have a certificate attesting to his successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the

Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government as required by 55 ILCS 5/3-6001.5. In fact, the Candidate has no such certificate because he has never completed the Minimum Standards Basic Law Enforcement Officers Training Course or a substantially similar training program of another state or the federal government.

8. Notwithstanding that the Candidate is not legally qualified to be elected to the office of sheriff, on or about March 6, 2022 the Candidate falsely swore under oath in his Statement of Candidacy in the present tense that he is legally qualified to hold such office, by attesting:

“I, Antonio “Tony” Colatorti (Name of Candidate) being first duly sworn (or affirmed), say . . . that I am a candidate for Nomination/Election to the office of McHenry County Sheriff . . . that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office. . . .” Candidate’s Statement of Candidacy (emphasis on “Nomination” omitted).

9. In order to attest that he was “legally qualified” to hold the office of sheriff, the Candidate is presumed to know the law establishing the qualifications to hold the office of sheriff in Illinois. His Statement of Candidacy is fatally defective as he states under oath in his Statement of Candidacy that he is “legally qualified” to hold the office of McHenry County Sheriff while knowing that he is not legally qualified. Therefore, his Statement of Candidacy is false.

10. The Candidate’s nomination papers do not include the required certificate of successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course (or any substantially similar training program of another state or of the federal government).

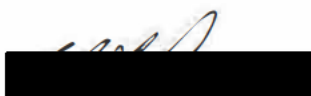
11. On or about May 20, 1999, the Candidate received a certificate for “Law Enforcement Officer Part-Time” from the Illinois Law Enforcement Training and Standards Board. 50 ILCS 705/8.2. However, that certification is not the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board required for the Office the Candidate is seeking. 50 ILCS 705/8.1.

12. The Candidate’s Statement of Candidacy is false and invalid, and he is ineligible for the office of McHenry County Sheriff.

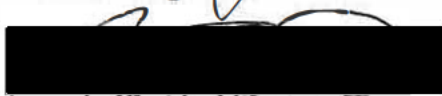
13. For these reasons, the Candidate’s nomination petitions are insufficient. The Candidate’s name should not appear on the ballot for the office of McHenry County Sheriff for the upcoming primary election because the Candidate’s Statement of Candidacy is false and he is not qualified to be elected to the office of sheriff. He is, therefore, ineligible for the office for which he seeks nomination.

WHEREFORE, the Objectors request a hearing on the objections stated herein, an examination by the Electoral Board of the official records relating to the matters alleged herein, a ruling that the Nomination Papers are invalid as not lawful, and a ruling that the name of Antonio “Tony” Colatorti shall not appear on the ballot for nomination of the Republican Party to the office of McHenry County Sheriff for the General Primary Election on June 28, 2022.

OBJECTORS



William Brogan



Joel Brumlik

Keri-Lyn J. Krafthefer
Daniel J. Bolin
ANCEL GLINK, P.C.
101 N. Main Street, Suite 2
Crystal Lake, IL 60014
630-399-5464
kkrafthefer@ancelglink.com
dbolin@ancelglink.com

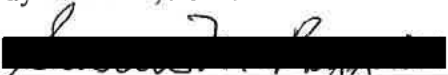
STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

The undersigned, WILLIAM BROGAN, upon oath deposes and says that he is one of the Objectors identified in the attached Verified Objector's Petition, that he has reviewed the allegations contained in said Petition and is familiar with the matters alleged therein, and that such allegations are true.



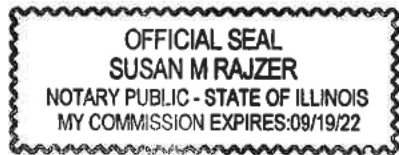
Objector

Subscribed and Sworn to before
me by William Brogan this 18th
Day of March, 2022.



NOTARY PUBLIC

(seal)



STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

The undersigned, JOEL BRUMLIK, upon oath deposes and says that he is one of the Objectors identified in the attached Verified Objector's Petition, that he has reviewed the allegations contained in said Petition and is familiar with the matters alleged therein, and that such allegations are true.



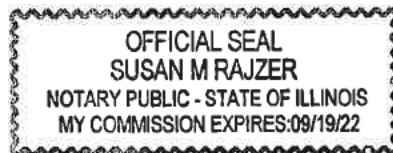
Objector

Subscribed and Sworn to before
me by Joel Brumlik this 10th
Day of March, 2022.



NOTARY PUBLIC *JS*

(seal)



Keri-Lyn J. Krafthefer
Daniel J. Bolin
ANCEL GLINK, P.C.
101 N. Main Street, Suite 2
Crystal Lake, IL 60014
630-399-5464
kkrafthefer@ancelglink.com
dbolin@ancelglink.com