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IN RE THE MATTER OF:

BRUCE MOORE,  
Objector

2022-\_\_\_\_-\_\_\_\_

vs.

OWEN COSTANZA,  
Candidate.

Village Trustee – Filed for Unexpired 4-Year Term and 4-Year Term

**OBJECTION**

NOW COMES, Bruce Moore, as Objector by and through his attorney, Cheryl Russell-Smith, pursuant to the provisions of 10 ILCS 5/7-12.1 and 5/10-8, etal, and in support of his Objection to Candidate, Owen Costanza for 4-Year Term as Village Trustee, states as follows:

1. That the Objector, Bruce Moore, (hereinafter called Objector) is a resident of and a registered voter in the Village of Poplar Grove, residing at 119 W. Edson Street, Poplar Grove, Illinois 61065.
2. The Objector is interested in ensuring that the election process is correctly and legally conducted in accordance with the provisions of the Illinois Election Code.
3. That Owen Costanza, as Candidate for the Village Trustee, 4-Year Term, (hereinafter referred to as “Candidate”) listed his address as 199 W. Edson Street, Poplar Grove, Illinois 61065 in his Nomination Petition.
4. That Candidate filed as Trustee of the Village of Poplar Grove, Illinois for a 4-year unexpired term on Sheets 1 to 3 of his Nomination Petition and filed for Trustee of the Village of Poplar Grove, Illinois on Sheets 4 and 5 of his Nomination Petition.
5. That there is no position available for a 4-year unexpired term, which would lead to voter confusion. (See Standard Rulings of the 2020 Illinois Electoral Boards Manual attached as “Exhibit A.” The 2020-1.1.19.1 Standard Ruling states:

**No likelihood of voter confusion** A NOMINATION PETITION should be free from a 'basis for confusion' as to the office for which it is filed. A potential signatory to a PETITION has the right to know the specific vacancy sought by the CANDIDATE so that the signatory may make an informed decision whether to sign the PETITION or support another CANDIDATE for the same vacancy. *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731 (1<sup>st</sup> Dist. 1998).

It is the CANDIDATE'S responsibility to provide a document which does not cause a *likelihood* of voter confusion. (He is not required to prove that there is no *actual* voter confusion.

6. That the 27 voters who signed Sheets 1-3 of Candidate's Petition could not have known which position Candidate was running for since he listed a position that does not exist, leading to voter confusion, and their votes should be stricken, leaving Candidate with only 13 signatures.

7. That Candidate did not submit any receipt for his Statement of Economic Interest with his Nomination Petition. This failure to attach a current Statement of Economic Interest Receipt invalidates the Nomination Petition.

According to the Illinois Election Code under 10 ILCS 5/10-5, in part, it states:

"Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed."

(Source: P.A. 84-551.)

(Emphasis added)

8. That Candidate filed for two positions at the same time, which is a violation of 10 ILCS 5/10-6.2 of the Election Code. Candidate filed for a 2-year unexpired term as well as for a 4-year term as Village Trustee, which are incompatible offices as they are served at the same time. With both petitions on file as of the close of business 5 business days after the Petition deadline,



neither Petition would stand, and his name should not be certified, nor printed on the ballot, for any office. Specifically, 10 ILCS 5/10-6.2 of the Election Code states as follows:

*"If the name of the same person has been presented as a candidate for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the ballot, for any office."*

9. That Candidate did not meet the required number of signatures on his Nominating Petition. The minimum required was 35 signatures, with a maximum of 85. Candidate had Forty (40) signatures, but if the Electoral Board grants objection that the signatures on Sheets 1-3 should be stricken, then Candidate did not meet the minimum required signatures according to 10 ILCS 5/10-3) of the Illinois Election Code. For verification of number of votes cast in last Consolidated Election of April 6, 2021, see "Exhibit B" showing 721 total votes cast for Poplar Grove Village President. Objector submits that 5% of 721 is 36 minimum; 8% of 721 is 58, which is less than 50 more than the minimum, so the correct maximum number of signatures is 86.

Sec 10 ILCS 5/10-3 states in part:


*"Nomination of independent candidates (not candidates of any political party)...*

*Nominations of independent candidates for public office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district, or political subdivision, equaling not less than 5%, nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons, who voted at the next preceding regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area.....*

*(Emphasis added)*

WHEREFORE, the Candidate has failed to meet the requirements of the Illinois Election Code and Objector, Bruce Moore, prays for the following relief:

- A. That these Objections be sustained for the reasons stated; and
- B. That the Electoral Board finds that Candidate, Owen Costanza, is not eligible to run as Village Trustee for the Village of Poplar Grove for the 4-year term; and
- C. That the name of the Candidate, Owen Costanza, not be certified to appear on the ballot for Election for the office of Village Trustee, 4-Year Term for the Consolidated Election to be held April 4, 2023, due to said Candidate not being in compliance with 10 ILCS 5/10-3, 10 ILCS 5/10-5, and 10 ILCS 5/10-5 6.2 of the Illinois Election Code as well as the 2020-1.1.19.1 Standard Ruling listed in the Electoral Boards Manual; and
- D. For any other relief the Electoral Board deems equitable and just.



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Bruce Moore, Objector  
119 W. Edson Street  
Poplar Grove, IL 61065

Prepared by:  
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