

**BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTION OF CODY HOLT TO
THE NOMINATING PAPERS AND PETITION OF CANDIDATE PATRICIA ARROYO
FOR ELECTION TO THE
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

CODY HOLT)	
)	
Objector,)	
)	
v.)	
)	
PATRICIA ARROYO)	
)	
Candidate.)	

2023 EB 1
Electoral Board:
Donna Redmer, Chair
John Duffy, Secretary
Clare M. Ollayos

FINDINGS AND DECISION

THIS CAUSE COMING FOR HEARING ON TUESDAY, JANUARY 10, 2023 BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD FOR COMMUNITY COLLEGE DISTRICT NO. 509, ELGIN ILLINOIS (hereinafter “the Board) on an objection to the petition for the nomination of PATRICIA ARROYO (hereinafter “CANDIDATE”) and supporting documents as set forth herein for the office of Trustee of the Board of Trustees of Community College Board No. 509, known as Elgin Community College, the Board having properly appointed Mr. Respicio “Res” Vazquez as its Hearing Officer to hear and offer findings and recommendations to the Board, the Objector, CODY HOLT (hereinafter “OBJECTOR”), having appeared in person, the CANDIDATE also appearing in person and represented by her attorney Ed Mullen, and the Board having adopted Rules of Procedure for the Hearing, the Board having listened to the oral testimony of the parties and reviewed the exhibits and evidence as stated on the Exhibit List made a part of the record of these proceedings and incorporated herein, the Board having properly considered the findings and recommended decision provided by its properly appointed Hearing Officer, after hearing and for the reasons set forth herein, or

otherwise stated in the record, and after the Board having orally ruled at the hearing to adopt the Hearing Officer's recommendations and findings and providing leave to issue this written order, it is hereby found and ordered as follows:

1. That OBJECTOR's objection to Electoral Board Chair Donna Redmer and Member John Duffy sitting on the Electoral Board because they have signed the CANDIDATE's petition to sit on the ballot is overruled. The Objector's sole reason for the basis of his objection rested on the fact that Chair Redmer and Member Duffy each signed the Candidate's nomination petition. Chair Redmer and Member Duffy stated on the record that they are impartial to the parties and they would consider and review all of the testimony and evidence fairly from both parties. Further, Chair Redmer's and Member Duffy's membership on the Electoral Board is also statutorily required as provided in 10 ILCS 5/10-9.
2. That the Illinois Public Community College Act provides that "Each member must on the date of his election be a citizen of the United States, of the age of 18 years or over, and a resident of the State and the territory which on the date of the election is included in the community college district for at least one year immediately preceding his election." 110 ILCS 805/3-7(c).
3. That CANDIDATE is over the age of 18, a U.S. Citizen, and a lawful resident of the State of Illinois and the territory of Community College District No. 509 residing at 1274 Larkspur Ct., Pingree Grove, Illinois 60140. She has also resided within the territory of Community College District No. 509 for at least one year immediately preceding the

2023 election as required in 110 ILCS 805/3-7(c). The CANDIDATE testified to this and provided CANDIDATE's Exhibit 1 (CANDIDATE Arroyo's 2022 Form 1098), CANDIDATE Exhibit 2 (CANDIDATE Arroyo's Deed to Her Property at 1274 Larkspur Ct.) and CANDIDATE Exhibit 3 (Election Materials from the Kane County Clerk) in support thereof. OBJECTOR did not object to the admission of these Exhibits. Hence, the CANDIDATE complies with the statutory qualifications above to become a Trustee for the Elgin Community College if elected.

4. That the OBJECTOR admitted that the address of "1274 Larkspur Court, Pingree Grove, Illinois 60140" is within the territory or boundaries of the Elgin Community College District. The OBJECTOR's main contention is based on his claim that the CANDIDATE is not a qualified or registered voter at 1274 Larkspur Court, Pingree Grove, Illinois 60140.
5. That OBJECTOR's contention that Ms. Arroyo has partaken in "fraud" in her Statement of Candidacy is without factual support in that the OBJECTOR did not provide any evidence showing the CANDIDATE had the intent to provide false information when she submitted her nomination documents. In fact, and in addition to the introduction of CANDIDATE Exhibits 1 through 3, CANDIDATE testified under oath that she believed she was registered to vote at her address at the time she submitted her nomination papers.
6. That OBJECTOR submitted OBJECTOR Exhibit 2 as part of the record. That document is a Petition for Nomination for another Candidate – Mr. Patrick E. Parks – and the Petition includes the name and address of the CANDIDATE (at 1274 Larkspur Ct,

Pingree Grove, IL). OBJECTOR testified under oath that he did not challenge the validity of Mr. Park's Petition. Rather, in Board Exhibit 3, paragraph 6, OBJECTOR relies on 10 ILCS 5/3-1.2 in support his objection to CANDIDATE's Nominations Papers arguing that the CANDIDATE's name, signature and the 1274 Larkspur Court address perpetuates the CANDIDATE's fraud. That reliance is misplaced, as 10 ILCS 5/3-1.2 applies to individuals who sign Petitions for Nomination in support of a candidate, as opposed to being applicable to individuals who sign statements of candidacy. It is a longstanding law in Illinois that a properly filed nominating petition "in apparent conformity with the provisions of" the Election Code is legally valid unless it is challenged through the filing of an objection. 10 ILCS 5/10-8. *See Swiney v. Peden*, 306 Ill. 131, 137 N.E. 405 (1922); *Geer v. Kadera*, 173 Ill.2d 398, 671 N.E.2d 692, 219 Ill.Dec. 525 (1966). Hence, the CANDIDATE's name and address in question that is listed in OBJECTOR's Exhibit 2 is held to be valid. Under Section 3-1.2 [10 ILCS 5/3-1.2], the CANDIDATE's name and address on OBJECTOR's Exhibit 2 reflects that the CANDIDATE is a person who is registered to vote at the address shown opposite her signature on the nominating petition, namely at 1274 Larkspur Court, Pingree Grove, Illinois 60140. Again, OBJECTOR (nor anyone else) did not file any objections to such nomination petition, which is then deemed to be legally valid.

7. Even assuming that at the time of submitting her Statement of Candidacy, CANDIDATE was not a qualified or registered voter at 1274 Larkspur Ct., the Statement of Candidacy form *cannot* impose an additional requirement for candidacy beyond what is required under 110 ILCS 805/3-7(c). The form Statement of Candidacy provided by Kane County

to the CANDIDATE would require her to swear to something above and beyond the statutory requirements for candidacy.

8. In extremely similar circumstances to the controversy at hand, the Illinois Appellate court in *Henderson v. Miller* found that the statutory requirements of a candidate (in this case 110 ILCS 805/3-7(c)) are what govern, versus the requirements of a form imposing additional requirements. In *Henderson*, an objector claimed that a candidate erroneously swore on their Statement of Candidacy form to being a registered voter at an address that was incorrect. An objector challenged their candidacy in part on that inaccurate statement. The Appellate court disagreed with the objector's contention that swearing to being a registered voter at an erroneous address on such a form was fraudulent, especially when such a sworn statement imposes requirements that the governing statute does not impose on a candidate. Specifically, the Court in *Henderson* reasoned and held as follows:

“. . . Stated briefly, the allegation of the complaint that the defendant "fraudulently misrepresented that he was a registered voter at 1109 South Troy Avenue" is mistaken. In the statement of candidacy the defendant said, "I reside at 1109 South [Troy Avenue] in the City of Chicago Zip Code 60612 in the county of Cook State of Illinois" and "I am a qualified voter therein." (Emphasis added.) Our reading of the exhibit shows that the defendant did not swear that he was voter at 1109 South Troy; he swore only that he resided there. When facts alleged in a complaint differ from those shown by an exhibit attached to the complaint, the exhibit controls. (Friedman v. Gingiss (1989), 182 Ill. App. 3d 293, 537 N.E.2d 1067.) The plaintiffs now ask us to infer that when the defendant swore he was a "voter therein," he was swearing that he was a voter at 1109 South Troy and not in the City of Chicago. We must decline to do so.

The Municipal Code requires only that a candidate for alderman "reside within the ward for which he is elected" and be "a qualified elector of the municipality." (Emphasis added.) (Ill. Rev. Stat. 1989, ch. 24, pars. 3-4-15, 3-14-1.) The act does not require that a candidate be a voter at his place of residence. The defendant's Statement of Candidacy is on a form

provided by the Board of Election Commissioners of the City of Chicago. If the plaintiffs' argument is correct, the form provided by the Board requires a candidate to swear to something which the statute itself does not require. The illogic of the plaintiffs' argument is apparent. We agree with the defendant's contention that his Statement of Candidacy did not fraudulently misrepresent that he was a "voter at 1109 South Troy." Consequently, removing the defendant from office based on that allegation would not be justified." Henderson at pp. 264-266.

Applying the Henderson reasoning and holding to the case at hand, CANDIDATE thus meets all the statutory requirements for a Trustee candidate, and she did not commit fraud when she signed the statement that she was a qualified voter as provided in her nomination papers at Board Exhibit 2, especially considering that she testified under oath that she believed she was a registered voter at the time she submitted her Statement of Candidacy.

9. That OBJECTOR's Exhibit 1 – which is a December 21, 2022 letter from the County of Kane (see Objector Exhibit 1) – provides that Kane County voter records “do not have any *active voters* at the following address 1274 Larkspur Ct., Pingree Grove, IL 60140. Irrespective of this letter's assertion, 110 ILCS 805/3-7(c) imposes no such “active voter” requirement on a Candidate for Board Trustee. Additionally, nowhere in CANDIDATE's nomination papers does she allege she is an “active voter.”
10. That CANDIDATE did not engage in “a pattern of fraud and false swearing.” Although CANDIDATE may have, at worst, inaccurately believe she was a registered voter at 1274 Larkspur Ct., Pingree Grove, IL when she submitted her nomination papers, there was no evidence introduced that she had the requisite intent for fraud in any instance, much less that she partook in a *pattern* of fraud. The burden of proof in showing a pattern of fraud

rests with the OBJECTOR, and we find he did not meet that burden with any sworn testimony or other evidence. Furthermore, we re-emphasize that the evidence submitted by the OBJECTOR supporting inaccuracies on the CANDIDATE's nomination papers are for, at best, inadvertent inaccuracies of information not required by statute for Trustee Candidates. 110 ILCS 805/3-7(c). The Illinois Appellate Court did not find such an inaccuracy tantamount to a fraudulent misrepresentation in Henderson as discussed above in paragraph 6. Following that holding, neither do we. See id at 265.

IT IS THEREFORE ORDERED that the Objections of OBJECTOR Cody Holt, to the Nomination Papers of CANDIDATE Patricia Arroyo for Trustee of Illinois Community College District 509 are hereby OVERRULED and CANDIDATE Patricia Arroyo shall be certified to the election authorities as a candidate for election as a Member of the Board of the Board of Trustees for Community College District 509 on the April 4, 2023 Consolidated Election Ballot.

SO ORDERED this 12th day of January, 2023

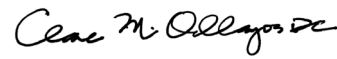
Election Board:



Donna Redmer, Chair



John Duffy, Secretary



Clare M. Ollayos

**BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTION OF CODY HOLT TO
THE NOMINATING PAPERS AND PETITION OF CANDIDATE PATRICIA ARROYO
FOR ELECTION TO THE
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

<p>CODY HOLT</p> <p style="text-align: center;">v.</p> <p>PATRICIA ARROYO</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Objector,</p> <p>Candidate.</p>	<p>2023 EB 1 Electoral Board: <i>Donna Redmer, Chair</i> <i>John Duffy, Secretary</i> <i>Clare M. Ollayos</i></p>
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EXHIBIT LIST¹

<u>Exhibit Name & Description</u>	<u>Bates Numbered Page</u>
Board Exhibit 1 – Rules of Procedure for Hearing	001 - 004
Board Exhibit 2 – Nomination Papers for Candidate Arroyo	005 - 019
Board Exhibit 3 – Objector’s Petition of Cody Holt	020 – 024
Board Exhibit 4 – Notice of Filing of Objection to Chair/Candidate	025 – 027
Board Exhibit 5 – Call To Hearing	028 – 032
Board Exhibit 6 – Proof Of Service	033 – 037
Board Exhibit 7 – Appearances of Ed Mullen (Candidate Attorney) and Cody Holt (Objector)	038 – 039
Board Exhibit 8 – Affidavit of Luis A. Rodriguez	040 – 041
Objector Exhibit 1 – December 21, 2022 Letter from Kane County Clerk	042
Objector Exhibit 2 – Petition for Nomination Page from Candidate Patrick E. Parks Nomination Papers	043

¹ All Board Exhibits, all Candidate Exhibits and Objector Exhibits 1 and 2 were admitted to the record without objection. Only Objector Exhibit 3 was objected to by Candidate Arroyo’s Attorney, Mr. Ed Mullen.

Objector Exhibit 3 – Election Data on Voters Named Patricia Arroyo ²	044 – 052
Candidate Exhibit 1 – 2022 Form 1098 of Patricia Arroyo	053 – 054
Candidate Exhibit 2 – Special Warranty Deed (Property Located at 1274 Larkspur Ct., Pingree Grove, IL)	055 – 056
Candidate Exhibit 3 – Official Election Material from Kane County Clerk Addressed to Patricia Arroyo	057
<i>Henderson V. Miller</i> 228 Ill.App.3d 260	058 – 065
Audio Recording of Hearing (January 10, 2023)	See attached CD

² Objector Exhibit 3 was objected to by Candidate Arroyo’s Attorney on the basis of lack of foundation and relevancy. However, the Hearing Officer admitted this Exhibit into the record and afforded it the weight it deserved in providing his findings and recommendations to the Board.

Bd Ex 1
(Signed
copy)

RULES OF PROCEDURE ADOPTED BY THE EDUCATION OFFICERS ELECTORAL BOARD OF TRUSTEES FOR COMMUNITY COLLEGE DISTRICT 509, COUNTIES OF KANE, COOK, DUPAGE, DEKALB & MCHENRY, STATE OF ILLINOIS ("ELGIN COMMUNITY COLLEGE BOARD OF TRUSTEES"), AS A DULY CONSTITUTED ELECTORAL BOARD, FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR MEMBER OF THE ELGIN COMMUNITY COLLEGE BOARD OF TRUSTEES

Pursuant to Section 10-10 of the Illinois Election Code, the Education Officers Electoral Board of the Elgin Community College Board of Trustees (the "Board"), hereby adopts the following rules of procedure:

1. The hearing will be conducted by the Board pursuant to the Illinois Election Code. The Board shall consist of three members who are Donna Redmer, Chair of the Board and member of the Elgin Community College Board of Trustees, John Duffy, Secretary of the Elgin Community College Board of Trustees, and Clare M. Ollayos, longest serving member of the Elgin Community College Board of Trustees, all three are current Trustees of the Elgin Community College Board of Trustees.

2. All hearings and meetings shall be open to the public, except as restricted by law.

3. Donna Redmer shall be the Board's Chair and the Board shall designate a member to act as the Secretary and/or Secretary's Designee of the Board for the purpose of taking minutes of the meeting, giving notices and receiving other documents to be filed of record with the Board.

4. Respicio F. Vazquez shall be the Hearing Officer for the proceedings in the matter of Cody Holt v. Patricia Arroyo, Case No. 2023 EB 1.

5. The legal advisor to the Board shall be Luis A. Rodriguez.

6. A transcript of the proceedings will be recorded by an audio tape recorder taken by the Secretary or Secretary's Designee. Copies may be made available (at cost) to the parties upon request.

7. All meetings of the Board shall be called to order by the Board's Chair.

8. The Hearing Officer shall conduct the proceedings and shall rule on all evidentiary and procedural objections, subject to being overruled by a majority vote of the Board. In the absence of such a majority vote, the Hearing Officer's rulings shall stand. The Hearing Officer may present his/her recommended findings and decision to the Board which may be adopted in part or in whole by the Board at the Board's discretion.

9. The Board shall be convened by the Chair having the Secretary call the roll of its members. Any two members of the Board must be present to constitute a quorum. The legal advisor to the Board or the Board Secretary shall submit proof that notice of hearings and meetings of the Board as called by the Chair have been duly served, pursuant to statute, upon the members of the Board and other necessary parties so designated by statute. In the event that all three members of the Board, the objector who filed the objections on which the hearing has been initiated, and the candidate whose nomination papers have been challenged, or a representative

of the candidate, are present at the hearing, no further proof of service or notice need be made or otherwise required by the Board to authorize it to proceed with the hearing.

10. Appearance by a candidate or objector at the hearing on the objections may be in person or by counsel or other representative. Appearances shall be filed in writing and shall include name, address, telephone number, facsimile number, if available, and electronic/email address. If a party has received actual or constructive notice of the hearing and fails to appear, the failure to appear shall constitute a waiver by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing. If an objector, having notice of the initial hearing, fails to appear at it, the Board may dismiss his or her objection for failure to prosecute.

11. There will be no continuance or re-setting of the hearing except by approval of the Board for good cause shown. The hearing may be recessed or adjourned, and reconvened, from time to time, at the Board's discretion, upon motion of the objector, the candidate, the Hearing Officer or the Board.

12. Preliminary motions and objections to an objector's petition in the nature of a motion to strike the objections will be heard first in order. If the objections to an objector's petition are sustained, the objector's petition may be overruled and the validity of the nomination papers may be sustained. The Board may, in its discretion, reserve ruling on any motions and objections pending further hearings on the objections.

13. The Hearing Officer may consider documentary evidence, affidavits, oral testimony and arguments. Because the Hearing Officer and the Board must hear and rule upon objections within a limited time, extended argument, examination and cross-examination of witnesses will not be permitted, and the Hearing Officer and the Board will not be bound by the rules of procedure or evidence which might otherwise be applicable in a court of law.

14. In the absence of any change of procedure to be determined by the Hearing Officer or the Board and announced by the Hearing Officer or the Chair at the hearing, the Hearing Officer shall generally observe the following procedures concerning the conduct of the hearing:

- a. Opening statement by the Hearing Officer or Chair of the Board as to the purpose of, and procedures for, the hearing.
- b. Identification and admission into the record of all relevant petitions, receipts and notices.
- c. Requests for subpoenas.
- d. Administration of oath by the Hearing Officer to all persons who are to testify at the hearing.
- e. Opening statements by the objector and the candidate, or by their attorneys or other representative.
- f. Objector or objector's attorney or other representative to present petition for objections and relevant evidence and testimony.

- g. Candidate or candidate's attorney or other representative to cross-examine objector and/or objector's witnesses.
- h. Hearing Officer, Chair, any Board member and legal advisor to the Board to question objector and/or objector's witnesses.
- i. Candidate or candidate's attorney to submit evidence and testimony in rebuttal to objections.
- j. Objector or objector's attorney or other representative to cross-examine candidate and/or candidate's witnesses.
- k. Hearing Officer, Chair of Board, any Board member and legal advisor to the Board to question candidate and/or candidate's witnesses.
- l. Further presentation of witnesses and evidence as allowed by the Hearing Officer.
- m. Hearing Officer to call or otherwise subpoena and question, along with the Chair, legal advisor and other Board members, all additional persons deemed necessary for purposes of determining the objections and the validity of the nomination papers.
- n. Objector or the objector's attorney or other representative, followed by the candidate or candidate's attorney or other representative, to cross-examine any such additional witnesses.
- o. Closing statements by the objector or objector's attorney or other representative followed by closing statements by the candidate or candidate's attorney.
- p. Briefs may be requested by the Hearing Officer, Chair, and/or Board, in its discretion during and/or at the close of the hearing.

13. All arguments and evidence must be confined to the points raised by the objector's petition, unless otherwise allowed by the Hearing Officer.

14. The Hearing Officer, acting through its Chair, Secretary and/or Board, shall have the power to issue any subpoena requiring the attendance of witnesses or the production of books, papers, records or documents which the Hearing Officer deems to be necessary for the determination of the matter properly before the Hearing Officer.


15. Following closing arguments, or the submission of final briefs, the Board shall meet at the call of the Chair to reach its decision, which meeting shall be held as soon as can be reasonably arranged in order that a timely decision may be rendered without unreasonably endangering the schedule of the election process. The Board shall decide the objections by a majority voting in favor of such decision. The decision of the Board shall be in writing, shall contain the findings of the Board, as well as its decision on objections submitted for determination, and a copy shall be forwarded, by the Secretary of the Board, to each of the members of the Board, the objector and the candidate. Such decision of the Board shall be final

subject to judicial review as provided by law. The decision of the Board shall be served personally, or mailed to each member, the objector, and candidate by certified United States mail, or as otherwise required or permitted by law.

ADOPTED by the Electoral Board this 10th day of January, 2023.



Chair of Education Officers Electoral Board



Secretary of Education Officers Electoral Board



Member of Education Officers Electoral Board

STATEMENT OF CANDIDACY

NONPARTISAN

NAME: <u>PATRICIA ARROYO</u>	OFFICE: <u>TRUSTEE - ILLINOIS COMMUNITY COLLEGE BOARD DIST. 509</u> <small>A Full Term is sought, unless an unexpired term is stated here: ___ year unexpired term</small>
ADDRESS - ZIP CODE: <u>1274 Larkspur Ct Pingree Grove, IL 60140</u>	CITY, VILLAGE OR SPECIAL DISTRICT: <u>DISTRICT 509</u>

If required pursuant to 10 ILCS 5/7-10.2, 8-8.1 or 10-5.1, complete the following (this information will appear on the ballot)

FORMERLY KNOWN AS N/A UNTIL NAME CHANGED ON N/A
(List all names during last 3 years) (List date of each name change)

STATE OF ILLINOIS)
County of Kane) SS.

I, PATRICIA ARROYO being first duly sworn (or affirmed), say that I reside at 1274 Larkspur Ct in the (C) City, Village, Unincorporated Area of Pingree Grove (if unincorporated, list municipality that provides postal service) Zip Code 60140 in the County of Kane State of Illinois; that I am a qualified voter therein, that I am a candidate for Nomination/

Election to the office of Trustee on IL Community College Board the District 509 (Name of City, Village or Special District)

to be voted upon at the election to be held on April 4, 2023 (date of election) and that I am legally qualified to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for Nomination/Election to such office.

[Signature]
(Signature of Candidate)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on 12.10.2022
(Name of Candidate) (insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

ATTACH TO PETITION

10 ILCS 5/7-10.1

Suggested
Revised July, 2004
SBE No. P-1C

LOYALTY OATH
(OPTIONAL)

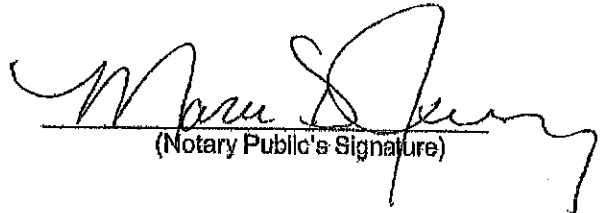
United States of America)
State of Illinois) SS.

I, PATRICIA ARROYO, do swear (or affirm) that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or any foreign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the Constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.


(Signature of Candidate)

Signed and sworn to (or affirmed) by Patricia Arroyo before me,
(Name of Candidate)

on December 10 2022
(insert month, day, year)


(Notary Public's Signature)



PETITION FOR NOMINATION
TO THE SECRETARY OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509

We, the undersigned, being 50 (or more) (or 10% or more) of the voters residing within said district, hereby petition that Patricia Arroyo who resides at 1274 Larkspur Court in the City Village, Unincorporated Area of Pingree Grove (If unincorporated, list municipality that provides postal service) in Rutland Township in said district shall be a candidate for the office of member of the Board of Trustees, to be voted for at the Consolidated Election to be held on April 4, 2023 (date of election).

A Full Term is sought, unless an unexpired term is stated here: _____ year unexpired term
If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)
FORMERLY KNOWN AS N/A UNTIL NAME CHANGED ON N/A
(List all names during last 3 years) (List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
<u>[Signature]</u>	<u>PATRICIA WILLIAMS</u>	<u>2215 CAMDEN BLVD ELGIN IL 60123</u>	<u>ELGIN IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Rosalinda Ramirez</u>	<u>342 Westport Dr Pingree Grove, IL 60140</u>	<u>Pingree Grove IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Edward Bates</u>	<u>110 W. 2nd St, #1</u>	<u>West Dundee IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Karina Nava</u>	<u>492 Littleton Trl</u>	<u>Elgin IL</u>	<u>COOK</u>
<u>[Signature]</u>	<u>GILBERT FELICIANO</u>	<u>2160 Calumet Ave.</u>	<u>Elgin IL</u>	<u>KANE</u>
<u>[Signature]</u>	<u>MARSHA CALLAHAN</u>	<u>1150 APPLE LN, #K</u>	<u>ELGIN IL</u>	<u>COOK</u>
<u>[Signature]</u>	<u>JESSICA CARAPIA</u>	<u>2115 Tepee Ave</u>	<u>Campden IL</u>	<u>KANE</u>
<u>[Signature]</u>	<u>Marian Dypwando</u>	<u>564 Shagbark Elgin IL 60123</u>	<u>Elgin IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>SUBAN SLIVKA</u>	<u>2701 Wesssex</u>	<u>West Dundee IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>WILLIAM SLIVKA</u>	<u>2701 WESSSEX</u>	<u>West Dundee IL</u>	<u>KANE</u>

State of Illinois)
County of Kane) SS.

I, PATRICIA ARROYO (Circulator's Name) do hereby certify that I reside at 1274 LARKSPUR CT in the City/Village/Unincorporated Area of PINGREE GROVE (if unincorporated, list municipality that provides postal service) (Zip

Code) 60140, County of Kane, State of Illinois that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

[Signature]
(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

PETITION FOR NOMINATION
TO THE SECRETARY OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509

We, the undersigned, being 50 (or more) (or 10% or more) of the voters residing within said district, hereby petition that Patricia Arroyo who resides at 1274 Larkspur Court in the City Village, Unincorporated Area of Pingree Grove (if unincorporated, list municipality that provides postal service) in Rutland Township in said district shall be a candidate for the office of member of the Board of Trustees, to be voted for at the Consolidated Election to be held on April 4, 2023 (date of election).

A Full Term is sought, unless an unexpired term is stated here: _____ year unexpired term
If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)
FORMERLY KNOWN AS N/A UNTIL NAME CHANGED ON N/A
(List all names during last 3 years) (List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
<u>David Jim</u>	DAVID J M	<u>248 REMINGTON DR ST. CHARLES, IL 60175</u>	ST. CHARLES IL	KANE
<u>Cristina Colunga</u>	Cristina Colunga	<u>630 Edgemoor Terr Elgin IL 60120</u>	Elgin IL	COOK
<u>Nicole Wheatley</u>	Nicole Wheatley	<u>1402 SPRING LEAF, WEST DUNDEE IL 60185</u>	W. DUNDEE	KANE
<u>Rafael Villagomez</u>	Rafael Villagomez	<u>1012 N. CAMDEN LN. S. ELGIN IL</u>	S. ELGIN IL	KANE
<u>Victor Vega</u>	Victor Vega	<u>24 N Worth Ave Elgin</u>	Elgin IL	Kane
<u>Germana Vega</u>	Germana Vega	<u>24 N. Worth Ave</u>	Elgin IL	Kane
<u>Norma Grathoff</u>	Norma Grathoff	<u>721 Hobart Dr.</u>	South Elgin IL	Kane
<u>Madeline Villalobos</u>	Madeline Villalobos	<u>716 Red Oak 4. Bartlett</u>	IL	COOK
<u>JAZMINE Constantino</u>	JAZMINE CONSTANTINO	<u>350 GYORR AVE #1201</u>	SOUTH ELGIN IL	KANE
<u>Elisa Lara</u>		<u>273 Nautical way</u>	Elgin IL	Kane

State of Illinois
County of Kane) SS.

I, PATRICIA ARROYO (Circulator's Name) do hereby certify that I reside at 1274 LARKSPUR CT, in the City Village/Unincorporated Area of PINGREE GROVE (if unincorporated, list municipality that provides postal service) (Zip Code) 60140, County of Kane, State of Illinois

that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

[Signature]
(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

PETITION FOR NOMINATION
TO THE SECRETARY OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509

We, the undersigned, being (50) or more) (or 10% or more) of the voters residing within said district, hereby petition that Patricia Arroyo who resides at 1274 Larkspur Ct in the City/Village, Unincorporated Area of Pingree Grove (if unincorporated, list municipality that provides postal service) in Rutland Township in said district shall be a candidate for the office of member of the Board of Trustees, to be voted for at the Consolidated Election to be held on April 4, 2023 (date of election).

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(List all names during last 3 years) (List date of each name change)

NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
<u>[Signature]</u>	<u>Dawn Crowe</u>	<u>519 Hobart Dr</u>	<u>S. Elgin, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Michelle Decker</u>	<u>2303 Silverstone</u>	<u>C-ville, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>GERALD SANCHEZ</u>	<u>2836 DARTMOUTH LN</u>	<u>NET DANDEL, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Anne Goodarzi</u>	<u>281 Grand Ridge Rd</u>	<u>St. Charles, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Jacqueline J. Alvarado</u>	<u>1517 Woodland Dr</u>	<u>South Elgin, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Jacqueline Hanat</u>	<u>535 Running Deer Ln, Calberts</u>	<u>Elgin, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Jane Ketter</u>	<u>39173 Happy Hills Rd</u>	<u>St. Charles, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>Cheryl Campbell</u>	<u>Dulle Barton Dr</u>	<u>Elgin, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>4394 REDWOOD LAKE RD</u>	<u>Elgin, IL</u>	<u>Kane</u>
<u>[Signature]</u>	<u>KATHERINE JOU</u>	<u>3302 ROCKY LN</u>	<u>Elgin, IL</u>	<u>Kane</u>

State of Illinois)
County of Kane) SS.

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[Signature]
(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)



[Signature]
(Notary Public's Signature)

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NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
<u>Carmen Santoyo</u>	<u>Carmen Santoyo</u>	<u>1029 WYNFIELD Ct unit 2</u>	<u>Elgin IL</u>	<u>COOK</u>
<u>Wanda D Williams</u>	<u>Wanda D Williams</u>	<u>1194 Coldspring Rd</u>	<u>Elgin IL</u>	<u>COOK</u>
<u>Kenneth C. Williams</u>	<u>Kenneth C. Williams</u>	<u>2363 CAMDEN BAY</u>	<u>Elgin IL</u>	<u>KANE</u>
<u>Alfredo Ramirez</u>	<u>ALFREDO RAMIREZ</u>	<u>225 KATHLEEN DR</u>	<u>Elgin IL</u>	<u>KANE</u>
<u>Lucia Kriz</u>	<u>LUCIA KRIZ</u>	<u>308 Wharlock St</u>	<u>Elgin IL</u>	<u>KANE</u>
<u>Gina Lempa</u>	<u>GINA LEMPA</u>	<u>650 Lillie St.</u>	<u>Elgin IL</u>	<u>KANE</u>
<u>Shannon Spauldy</u>	<u>Shannon Spauldy</u>	<u>3975 Meadow View Dr</u>	<u>St. Charles IL</u>	<u>KANE</u>
<u>Kellie Pautz</u>	<u>Kellie Pautz</u>	<u>502 N. Van Buren</u>	<u>E. Dundee IL</u>	<u>KANE</u>
<u>Theodore S. Davis</u>	<u>Theodore S. Davis</u>	<u>1770 Cumberland Green</u>	<u>St. Charles IL</u>	<u>KANE</u>
<u>Virginia Calderon</u>	<u>Virginia Calderon</u>	<u>1770 Cumberland Green</u>	<u>St. Charles IL</u>	<u>KANE</u>

State of Illinois)
County of Kane) SS.

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(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

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NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
1. <u>James D. Rodgers</u>	JAMES RODGERS	1271 LARKSPUR CT	PINGREE GROVE, IL	KANE
2. <u>Mary G. Rodgers</u>	Mary A. Rodgers	1271 Larkspur Ct	Pingree Grove, IL	Kane
3. <u>Diana Ortega</u>	Dianha Ortega-Ehret	478 Hendee	Elgin, IL	Kane
4. <u>Magdalena Perez</u>	Magdalena Perez	1024 Prospect St	Elgin, IL	Kane
5. <u>Julia Contreras</u>	Julia Contreras	930 Clover Lane	Pingree Grove, IL	Kane
6. <u>David M.</u>	DAVID M.	248 REMINGTON DR	ST CHARLES, IL	KANE
7. <u>Perla Sanchez</u>	Perla Sanchez	2353 South St	Elgin, IL	Kane
8. <u>Hector Contreras</u>	Hector Contreras	110 N. Union St	Elgin, IL	Kane
9. <u>Maria Borrero</u>	Maria Borrero	2216 Stella Woods Ct	Carpentersville, IL	Kane
10. <u>Erick Arevalo</u>	_____	1640 College Green Dr	Elgin, IL	Kane

State of Illinois
County of Kane

SS.

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[Signature]
(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

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1. <u>Josefina G. de Rodriguez</u>		<u>195 Durmy Dr.</u>	<u>Gilbards</u> IL	<u>KANE</u>
2. <u>Alberto Lopez</u>		<u>3750 Middleman</u>	<u>ELGIN</u> IL	<u>Kane</u>
3. <u>Loraine Nunez</u>		<u>816 N Victoria Ln</u> ^{Unit B}	<u>Streamwood</u> IL	<u>COOK</u>
4. <u>[Signature]</u>	<u>Richard Poulton</u>	<u>1843 Kevin Ave</u>	<u>ELGIN</u> IL	<u>KANE</u>
5. <u>[Signature]</u>	<u>Cynthia DelCid</u>	<u>950 Van St</u>	<u>Elgin</u> IL	<u>Kane</u>
6. <u>Jennifer Ford</u>	<u>Jenni Per Ford</u>	<u>550 Wilcox Ave</u>	<u>ELGIN</u> IL	<u>KANE</u>
7. <u>[Signature]</u>	<u>Brittney Currier</u>	<u>419 Zachary Dr.</u>	<u>Hampshire</u> IL	<u>Kane</u>
8. <u>[Signature]</u>	<u>EDWARD J HUNTER</u>	<u>2154 PONDIC DC</u>	<u>Elgin</u> IL	<u>Kane</u>
9. <u>[Signature]</u>	<u>LESTER BACIKUPA</u>	<u>6779 Slak Dr.</u>	<u>Leperotesuli</u> IL	<u>Kane</u>
10. <u>[Signature]</u>	<u>Janet O'Hara</u>	<u>284 Prairie St</u>	<u>South Elgin</u> IL	<u>Kane</u>

State of Illinois)
County of Kane) SS.

I, PATRICIA ARROYO (Circulator's Name) do hereby certify that I reside at 1274 Larkspur Ct. in the City Village/Unincorporated Area of Pingree Grove (if unincorporated, list municipality that provides postal service) (Zip

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[Signature]
(Circulator's Signature)

Signed and sworn to (or affirmed) by Patricia Arroyo before me, on December 10 2022
(Name of Circulator) (Insert month, day, year)

(SEAL)



[Signature]
(Notary Public's Signature)

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1. <u>Michael H. Montferrer</u>	Michael H. Montferrer	201 Falcon Ridge Dr	Elgin, IL	Kane
2. <u>Kimberly Lowery</u>	Kimberly Lowery	513 Shagbark Dr	Elgin, IL	Kane
3. <u>Linda Lowery</u>	Linda Lowery	513 Shagbark Dr.	Elgin, IL	Kane
4. <u>Linda Callahan</u>	Linda Callahan	1153 Hillside Rd	Elgin, IL	Kane
5. <u>Sandra Behring</u>	Sandra Behring	65 Wilcox	Elgin, IL	Kane
6. <u>ANT ARROYO</u>	Antonio Arroyo	60 Brookstone Dr	Streamwood, IL	Cook
7. <u>Guadalupe Arroyo</u>	Guadalupe Arroyo	60 Brookstone Dr.	Streamwood, IL	Cook
8. <u>Tish S. Powell</u>	Tish S. Powell	2070 murfield Cir	Elgin, IL	Kane
9. <u>Bernadette Glowna</u>	BERNADETTA GLOWNA	900 Sunnyvale Blvd	Streamwood, IL	Cook
10. <u>Raelyn Novak</u>	Raelyn Novak	219 Comstock Dr.	Elgin, IL	Kane

State of Illinois)
County of Kane) SS.

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(Circulator's Signature)

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[Signature]
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1. <u>Donna Redmer</u>	<u>Donna Redmer</u>	<u>17 N 703 Ranch Road</u>	<u>Dundee, IL</u>	<u>Kane</u>
2. <u>Patrick E. Parks</u>	<u>Patrick E. Parks</u>	<u>105 S. Pointe Ave.</u>	<u>S. Elgin, IL</u>	<u>Kane</u>
3. <u>Jennifer Rakow</u>	<u>Jennifer Rakow</u>	<u>116 State Ave.</u>	<u>St. Charles, IL</u>	<u>Kane</u>
4.			IL	
5.			IL	
6.			IL	
7.			IL	
8.			IL	
9.			IL	
10.			IL	

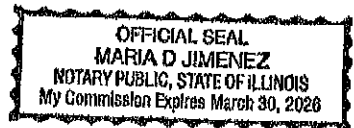
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[Signature]
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(SEAL)

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<u>Jack Redmer</u>	Jack Redmer	<u>13 N 2nd Ranch Rd</u>	<u>Dundee IL</u>	<u>Kane</u>
<u>Ellen Gentile</u>	Ellen Gentile	<u>6167 Providence Dr.</u>	<u>Carpentersville IL</u>	<u>Kane</u>
<u>Wendy R. Gentile</u>	Wendy R. Gentile	<u>10167 Providence Dr.</u>	<u>Carpentersville IL</u>	<u>Kane</u>
<u>Emma J. Gentile</u>	Emma J. Gentile	<u>10167 Providence Dr.</u>	<u>Carpentersville IL</u>	<u>Kane</u>
<u>David S. Gentile</u>	David S. Gentile	<u>6167 Providence Dr.</u>	<u>Carpentersville IL</u>	<u>Kane</u>
<u>Debra L. N. Hopp</u>	Debra L. N. Hopp	<u>17 N 234 Ranch Rd</u>	<u>Dundee IL</u>	<u>Kane</u>
<u>Jennifer Rakow</u>	Jennifer Rakow	<u>116 State Ave.</u>	<u>St. Charles IL</u>	<u>Kane</u>
<u>Eleanor Mackinn</u>	Eleanor Mackinn	<u>4411 701 Littlewoods Tr</u>	<u>Hampshire IL</u>	<u>Kane</u>
<u>John Duffy</u>	John Duffy	<u>192 Kathleen Drive</u>	<u>Elgin IL</u>	<u>Kane</u>
<u>Anne Duffy</u>	Anne Duffy	<u>192 Kathleen Dr.</u>	<u>Elgin IL</u>	<u>Kane</u>

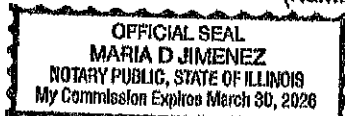
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(SEAL)

[Signature]
(Notary Public's Signature)

CERTIFICATION OF DELETIONS

I, PATRICIA ARROYO, Candidate or Circulator (circle one) do hereby certify that I have properly initiated the deletions of signatures, listed hereinafter by page and line numbers, from the petition of PATRICIA ARROYO (Name of Candidate) who is a candidate for election or nomination (circle one) to the office of ECG BOARD OF TRUSTEES at the Consolidated Election to be held on April 4, 2023 (date of election).

Page No.	Line No.	Page No.	Line No.	Page No.	Line No.
<u>5</u>	<u>6</u>				


(Signature of Person Deleting Signatures)

Only the person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition. If deletions are made, this **CERTIFICATION OF DELETIONS** shall be filed as part of the petition.



STATE BOARD OF ELECTIONS STATE OF ILLINOIS

ARTICLE 29B FAIR CAMPAIGN PRACTICES ACT

10 ILCS 5/29B-5. Purpose. The Legislature hereby declares that the purpose of this Article is to encourage every candidate for public office in this State to subscribe to the Code of Fair Campaign Practices. It is the intent of the Legislature that every candidate for public office in this State who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty and fair play in order to encourage healthy competition and open discussion of issues and candidate qualifications and discourage practices that cloud issues or unfairly attack opponent. (Source: P.A. 86-873.)

10 ILCS 5/29B-10. Code of Fair Campaign Practices. At the time a political committee, as defined in Article 9, files its statement of organization, the State Board of Elections, in the case of a state political committee or a political committee acting as both a state political committee and a local political committee, or the county clerk, in the case of a local political committee, shall give the political committee a blank form of the Code of Fair Campaign Practices and a copy of the provisions of this Article. The State Board of Elections or county clerk shall inform each political committee that subscription to the Code is voluntary. The text of the code shall read:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate for public office in the State of Illinois has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

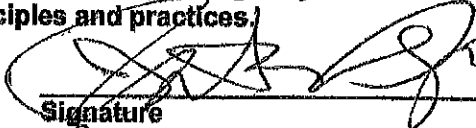
- (1) I will conduct my campaign openly and publicly, and limit attacks on my opponent to legitimate challenges to his record.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, sexual orientation, religion or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opposition.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.
- (6) I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this Code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Illinois or chairman of a political committee in support of or opposition to a question of public policy, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

12/12/2022
Date

TRUSTEE
Office Sought

APRIL 4, 2023
Date of Election


Signature

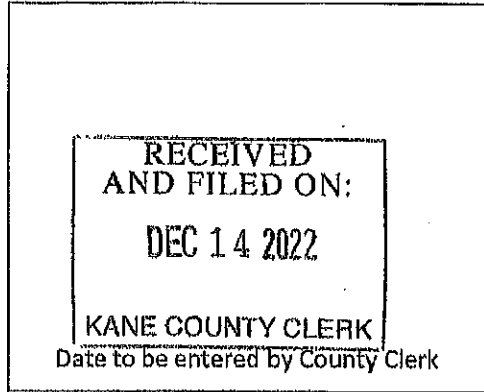
PATRICIA ARROYO
(Print Name)

Name of Political Committee

This will be returned to you when the statement is filed in the office of the Clerk.

Receipt is hereby acknowledged of your Statement of Economic Interest, filed pursuant to the Illinois Governmental Ethics Act.

The statement was filed as of this date:



COMPLETE BUT DO NOT DETACH

Type or Hand Print Legibly

PATRICIA ARROYO
Your Name

TRUSTEE - IL. COMMUNITY COLLEGE BOARD (DISTRICT 509)
Office or position of employment for which this statement is filed

1274 Larkspur Court
Mailing Address

Pingree Grove IL 60140
City State Zip Code

All three pages must be returned to the Kane County Clerk for filing. We will return this receipt to you, and you should keep this for your records.

Location: 719 S. Batavia Ave. Bldg. B
Geneva, IL 60134

Mailing Address: Kane County Clerk
Attn: EIS
719 S. Batavia Ave.
Geneva, IL 60134

bd Ex. 3

Received 3:37 PM
January 5, 2023.

DJ Kerrish

**IN THE EDUCATION OFFICERS ELECTORAL BOARD
FOR COMMUNITY COLLEGE DISTRICT 509**

CODY HOLT,)	
)	
Objector,)	
)	
v.)	Case No. <u>2023 EB 1</u>
)	
PATRICIA ARROYO,)	
)	
Candidate.)	
_____)	

OBJECTOR'S PETITION

NOW COMES the Objector, CODY HOLT, and for his Objector's Petition objecting to the nomination papers and petition of the Candidate, PATRICIA ARROYO, for election to the office of Member of the Board of Trustees for Community College District 509, pursuant to 10 ILCS 5/10-8, states as follows:

1. The Objector, CODY HOLT, is a United States citizen, resident of the City of Elgin, County of Kane, State of Illinois, and is a registered voter residing at and registered to vote at 688 Scott Drive, within the City of Elgin, Elgin Township, Kane County, Illinois, interested in seeing that election laws are upheld and that only qualified candidates appear on the ballot.
2. The Candidate, PATRICIA ARROYO ("ARROYO"), is an individual purportedly residing at 1274 Larkspur Ct., Pingree Grove, Illinois 60140, who on or before December 14, 2022 filed with the Secretary of the Community College District 509 Board of Trustees her nomination papers and nominating petition for election to the office of Member of the Board of Trustees of Community College District 509 (the "Petition").

3. There has been in full force and effect at all times relevant hereto Section 3-7(c) of the Community College Act which provides, regarding qualification of candidates for election to a community college board of trustees, that:

"(c) Each member must on the date of his election be a citizen of the United States, of the age of 18 years or over, and a resident of the State and the territory which on the date of the election is included in the community college district for at least one year immediately preceding his election."

110 ILCS 805/3-7(c).

4. There has been in full force and effect at all times relevant hereto Section 3-7.1 of the Community College Act which provides, in addition to the specified provisions for nomination and election of candidates for election to the board of trustees of a community college district set forth in the Act, that:

"Sec. 3-7.1. All elections held pursuant to this Act shall be governed by the provisions of the general election law."

110 ILCS 805/3-7.1.

5. There has been in full force and effect at all times relevant hereto Section 10-5 of the Election Code (the "general election law"), which, in prescribing the form of nominating papers a candidate must file to be qualified for the ballot, provides in pertinent part that:

"Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States. Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)

) SS.

County of.....)

I,, being first duly sworn, say that I reside at.... street, in the city (or village) of.... in the county of.... State of Illinois; and **that I am a qualified voter therein**; that I am a candidate for election to the office of.... to be voted upon at the election to be held on the.... day of.....; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

Signed.....

Subscribed and sworn to (or affirmed) before me by.... who is to me personally known, this.... day of.....

Signed.....

(Official Character)

(Seal, if officer has one.)"

10 ILCS 5/10-5 (emphasis supplied).

6. Section 3-1.2 of the Election Code defines a qualified voter as "**a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition.**" 10 ILCS 5/3-1.2 (emphasis supplied).

7. The requirements in a statement of candidacy must be satisfied at the time the candidate's statement is signed. See: Goodman v. Ward, 241 Ill.2d 398 (2011).

8. The Candidate, ARROYO, verily states in her Statement of Candidacy on December 10, 2022, "...that I reside at 1274 Larkspur Ct. in the City of Pingree Grove... Zip Code 60140, in the County of Kane, State of Illinois, **that I am a qualified voter therein**... and that I am legally qualified to hold such office [Member of Community College District 509 Board of Trustees" (emphasis supplied).

9. The Candidate, ARROYO, was not on December 10, 2022, and is not now a qualified voter in that she is not registered to vote at 1274 Larkspur Ct., Pingree Grove, Illinois 60140.

10. The Candidate, ARROYO, is not a registered voter anywhere within Community College District 509.

11. The Candidate, ARROYO's, statement of candidacy contains false sworn statements.
12. The Candidate, ARROYO, is not legally qualified to hold the office of Member of the Board of Trustees for Community College District 509.
13. The Candidate, ARROYO, signed the nominating petition of Community College District 509 board of trustees candidate, Patrick E. Parks, at page 18, line 9 thereof, averring that she is a qualified voter and listing her voting address as 1274 Larkspur Ct., Pingree Grove, IL.
14. The Candidate, ARROYO, has engaged in a pattern of fraud and false swearing by signing both her statement of candidacy and candidate Parks' nominating petition averring that she is a qualified voter at 1274 Larkspur Ct., Pingree Grove, IL.
15. All nine (9) pages of Candidate, ARROYO's, nominating petition are signed by her as circulator.
16. All pages of Candidate, ARROYO's, nominating petition she verily avers as having circulated should be stricken because of the pattern of fraud and false swearing described above, leaving her with fewer than the minimum required fifty (50) valid signatures of qualified voters in her nominating petition.
17. As is more fully set out above, the Candidate, ARROYO, has failed to file nominating papers for election to the office of Member of the Board of Trustees for Community College District 509 which comply with the Community College Act and the Election Code, which renders the Candidate's nominating papers defective or invalid.

WHEREFORE, the Objector, CODY HOLT, respectfully requests that this

Education Officers Electoral Board for Community College District 509 enter an order
affording the following relief:

- A. Sustaining the Objector, CODY HOLT's, Objection to the nominating papers and petition of the Candidate, PATRICIA ARROYO;
- B. Finding that the Candidate, PATRICIA ARROYO, has failed to file a nominating petition and nominating papers for election to the office of Member of the Board of Trustees for Community College District 509 which comply with the Community College Act and the Election Code;
- C. Declaring that the Candidate, PATRICIA ARROYO's, nominating papers and petition for nomination for election to the office of Member of the Board of Trustees for Community College District 509 are defective or invalid;
- D. Striking and/or barring the Candidate, PATRICIA ARROYO's, name from being printed on the ballot for election to the office of Member of the Board of Trustees for Community College District 509; and,
- E. Granting any other relief that is just or equitable under the circumstances.

Respectfully submitted,



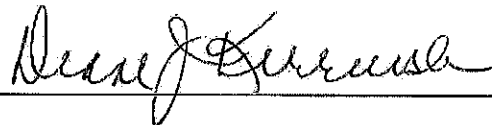
CODY HOLT

Education Officers Electoral Board for
Elgin Community College District 509, Elgin, Illinois

RECEIPTED PERSONAL DELIVERY

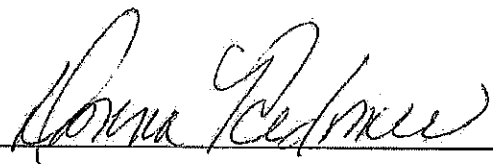
I, Diane Kerruish, certify and affirm that on 1/9/23 at 10:35 a.m. at 1700 Spartan Drive, Elgin, IL, 60123 served the original objections of Cody Holt and the original nomination petitions of Patricia Arroyo in the following manner:

By personal delivery to and leaving with Dr. Donna Redmer, Chair of the Elgin Community College Electoral Board.



Diane Kerruish

I, Donna Redmer, acknowledge that I personally received from Diane Kerruish the original objections of Cody Holt and the original nomination petitions of Patricia Arroyo on the date and time noted above.



Donna Redmer

January 9, 2023

Via Receipted Personal Delivery

Dr. Donna Redmer
Elgin Community College, Board of Trustees
Vice Chair
17N203 Ranch Road
Dundee, IL 60118

Re: Objections to Petitions for Office of Patricia Arroyo

Dear Dr. Redmer:

A Cody Holt has filed Objections to the nomination papers and petition of the candidate Patricia Arroyo. I enclose the Originals of the documents filed by Patricia Arroyo. As you know, pursuant to the Election Code applicable to Community College Elections, you, as Vice Chair of the Board of Trustees, are designated by statute to preside over the Hearing on objections as Chair Rakow is a candidate. Mr. Duffy as Secretary, who would normally be on the Hearing Board, is unavailable. Dr. McCreary will be able to serve as the third member.

The Statute (10 ILCS 5/10-8, 10-9, 10-10, 10-10.1) provides that, "the initial meeting of the electoral board with regard to the objections shall be not less than three nor more than five days after receipt of objector's petitions by the chairman of the electoral board." Saturdays, Sundays and holidays do not count in computing the time. We will have the hearing on Tuesday, January 10, 2023. We would suggest these hearings be held in Building E, Room 100.01. Please let me know the times for three hearings as notification is to be published.

Please call me or Res Vazquez, upon receipt of this Notice so that we can coordinate the other Notices and service that have to take place for the hearing. Please call also with any questions or comments.

Sincerely,
Diane Kerruish

By: 
Diane Kerruish, Sr. Executive Assistant to the President

DK
Enclosures



Elgin
Community
College

1700 Spartan Drive • Elgin, IL 60123-7193 • P 847-697-1000 • elgin.edu

January 6, 2023

Via Registered US Mail and Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
CODY HOLT TO THE NOMINATION PAPERS AND PETITION OF CANDIDATE
PATRICIA ARROYO FOR
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

Ms. Patricia Arroyo
1274 Larkspur Ct.
Pingree Grove, IL 60140

Re: Objection to Nomination Papers and Petition of Candidate Patricia Arroyo

Dear Ms. Arroyo,

A hearing on the above objection filed by Mr. Cody Holt against your Nomination Papers and Petition of Candidacy will be held in Building E, Room 100.01 at Elgin Community College at 6:00 p.m. on Tuesday, January 10, 2023. You have a right to be present and to be represented by legal counsel if you so choose. Please contact our legal counsel, Respicio "Res" Vazquez at 847-214-7760 should you have any questions. A map of the College buildings is available on the College's website www.elgin.edu.

Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees

Enclosure

bd Ex 5



Elgin
Community
College

1700 Spartan Drive • Elgin, IL 60123-7193 • P 847-697-1000 • elgin.edu

January 6, 2023

Via Registered US Mail and Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
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Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees

Enclosure



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College

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January 6, 2023

Via Registered US Mail and Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
CODY HOLT TO THE NOMINATION PAPERS AND PETITION OF CANDIDATE
PATRICIA ARROYO FOR
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

Mr. Cody Holt
688 Scott Drive
Elgin, IL 60123

Re: Objection to Nomination Papers and Petition of Candidate Patricia Arroyo

Dear Mr. Holt,

A hearing on the above objection filed by you against candidate Patricia Arroyo's Nominations Papers and Petition of Candidacy will be held in Building E, Room 100.01 at Elgin Community College at 6:00 p.m. on Tuesday, January 10, 2023. You have a right to be present and to be represented by legal counsel if you so choose. Please contact our legal counsel, Respicio "Res" Vazquez at 847-214-7760 should you have any questions. A map of the College buildings is available on the College's website www.elgin.edu.

Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees



Elgin
Community
College

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January 6, 2023

Via Registered US Mail and Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
CODY HOLT TO THE NOMINATION PAPERS AND PETITION OF CANDIDATE
PATRICIA ARROYO FOR
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

Trustee Clare Ollayos
1161 Florimond Drive
Elgin, IL 60123

Re: Objection to Nomination Papers and Petition of Candidate Patricia Arroyo

Dear Trustee Ollayos,

A hearing on the above objection filed by Mr. Cody Holt against the Nomination Papers and Petition of Candidacy of Patricia Arroyo will be held in Building E, Room 100.01 at Elgin Community College at 6 p.m. on Tuesday, January 10, 2023. As a member of the Electoral Board your presence is necessary for this hearing. Please contact our legal counsel, Respicio "Res" Vazquez at 847-214-7760 should you have any questions.

Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees



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Community
College

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January 6, 2023

Via Registered US Mail and Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
CODY HOLT TO THE NOMINATION PAPERS AND PETITION OF CANDIDATE
PATRICIA ARROYO FOR
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

Trustee Candace McCreary
47 N. Walnut Ct.
Streamwood, IL 60107

Re: Objection to Nomination Papers and Petition of Candidate Patricia Arroyo

Dear Trustee McCreary,

A hearing on the above objection filed by Mr. Cody Holt against the Nomination Papers and Petition of Candidacy of Patricia Arroyo will be held in Building E, Room 100.01 at Elgin Community College at 6 p.m. on Tuesday, January 10, 2023. As a member of the Electoral Board your presence is necessary for this hearing. Please contact our legal counsel, Respicio "Res" Vazquez at 847-214-7760 should you have any questions.

Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees



Elgin
Community
College

1700 Spartan Drive • Elgin, IL 60123-7193 • P 847-697-1000 • elgin.edu

January 10, 2023

Via Personal Service

**CALL AND NOTICE OF HEARING ON OBJECTION OF
CODY HOLT TO THE NOMINATION PAPERS AND PETITION OF CANDIDATE
PATRICIA ARROYO FOR
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

Trustee John Duffy
192 Kathleen Drive
Elgin, IL 60123

Re: Objection to Nomination Papers and Petition of Candidate Patricia Arroyo

Dear Trustee Duffy,

A hearing on the above objection filed by Mr. Cody Holt against the Nomination Papers and Petition of Candidacy of Patricia Arroyo will be held in Building E, Room 100.01 at Elgin Community College at 6 p.m. on Tuesday, January 10, 2023. As a member of the Electoral Board your presence is necessary for this hearing. Please contact our legal counsel, Respicio "Res" Vazquez at 847-214-7760 should you have any questions.

Sincerely,

DONNA REDMER
Chair, Electoral Board
Community College District No. 509
Vice Chair, Board of Trustees

bd Et. 6

7022 2410 0001 6005 8741

**U.S. Postal Service™
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For delivery information, visit our website at www.usps.com™.

Elgin, IL 60123

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$7.85

Sent To: **Cody Holt**
688 Scott Drive
Elgin, IL 60123

Postmark: SOUTH ELGIN, ILL 01/06/2022

PS Form 3800, April 2016 PSN 7530 02-000-9047 See Reverse for Instructions

7022 2410 0001 6005 8758

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Hampshire, IL 60140

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.84
Total Postage and Fees	\$8.09

Sent To: **Patricia Arroyo**
1274 Larkspur Ct.
Pingree Grove, IL 60140

Postmark: SOUTH ELGIN, ILL 01/06/2022

PS Form 3800, April 2016 PSN 7530 02-000-9047 See Reverse for Instructions

7022 2410 0001 6005 8765

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Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$7.85

Sent To: **Clare Ohayos**
1161 Florimond Drive
Elgin, IL 60123

Postmark: SOUTH ELGIN, ILL 01/06/2022

PS Form 3800, April 2016 PSN 7530 02-000-9047 See Reverse for Instructions

7022 2410 0001 6005 8772

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Streamwood, IL 60107

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$7.85

Sent To: **Candace McCreary**
47 N. Walnut Ct.
Streamwood, IL 60107

Postmark: SOUTH ELGIN, ILL 01/06/2022

PS Form 3800, April 2016 PSN 7530 02-000-9047 See Reverse for Instructions

Kane County Sheriff's Office
Return of Service
37W755 IL-38 A
St. Charles, Illinois 60175
(630)-232-6840

Sheriff No: 23000094

Case No:

Action Type: Other

Plaintiff:

Defendant: CLARE OLLAYOS

To: ELGIN COMMUNITY COLLEGE
1700 SPARTAN DRIVE
Elgin IL 60123

Serving: 1 of 3
Amount Received: \$0.00
Total Fees: \$0.00
Service Attempts: 2

County of Origin: Kane

Date/Time: 01/09/2023 11:53 AM

Served: CLARE OLLAYOS

Served At: 1161 FLORIMOND DRIVE Elgin IL 60123

Sex:

Race:

Height: ''

Hair:

Eyes:

Weight:

NOT SERVED- The within-name defendant(s) was not served/ found in Kane County, IL date: 01/09/23

Service Attempts:

Date / Time	Status	Comments	Deputy
01/06/2023 08:54 PM	Attempted Service	lights on no answer	122 - LATHAM
01/09/2023 11:53 AM	Not Served	Not Served	1765 - Salgado

Sheriff Ron Hain



Nora Salgado 1765

Kane County Sheriff's Office
Return of Service
37W755 IL-38 A
St. Charles, Illinois 60175
(630)-232-6840

Sheriff No: 23000094

Plaintiff:

Case No:

Defendant: CLARE OLLAYOS

Action Type: Other

To: ELGIN COMMUNITY COLLEGE
1700 SPARTAN DRIVE
Elgin IL 60123

Serving: 2 of 3
Amount Received: \$0.00
Total Fees: \$0.00
Service Attempts: 1

County of Origin: Kane

Date/Time: 01/06/2023 9:34 AM
Served: PATRICIA ARROYO
Served At: 1274 LARKSPUR CT Pingree Grove IL
60140

Sex: Female **Hair:**
Race: h **Eyes:**
Height: 5' 5" **Weight:** 160

I EDEN RAQUEL LATHAM, badge 122 of the KANE COUNTY SHERIFF'S OFFICE, certify and affirm that on 01/06/2023 at 9:34 at 1274 LARKSPUR CT Pingree Grove IL 60140 I served within authenticated Other upon PATRICIA ARROYO, the defendant name here in the following manner.

PERSONAL SERVICE - by leaving a copy with each individual defendant personally.

Service Attempts:

Date / Time	Status	Comments	Deputy
01/06/2023 09:34 AM	Served	Served	122 - LATHAM

Sheriff Ron Hain



EDEN RAQUEL LATHAM 122

Kane County Sheriff's Office
Return of Service
37W755 IL-38 A
St. Charles, Illinois 60175
(630)-232-6840

Sheriff No: 23000094

Plaintiff:

Case No:

Defendant: CLARE OLLAYOS

Action Type: Other

To: ELGIN COMMUNITY COLLEGE
 1700 SPARTAN DRIVE
 Elgin IL 60123

Serving: 3 of 3
Amount Received: \$0.00
Total Fees: \$0.00
Service Attempts: 1

County of Origin: Kane

Date/Time: 01/06/2023 9:03 PM
Served: CODY HOLT
Served At: 688 SCOTT DRIVE Elgin IL 60123

Sex: Male **Hair:**
Race: Caucasian **Eyes:**
Height: ' " **Weight:**

I EDEN RAQUEL LATHAM, badge 122 of the KANE COUNTY SHERIFF'S OFFICE, certify and affirm that on 01/06/2023 at 21:03 at 688 SCOTT DRIVE Elgin IL 60123 I served within authenticated Other upon CODY HOLT, the defendant name here in the following manner.

PERSONAL SERVICE - by leaving a copy with each individual defendant personally.

Service Attempts:

Date / Time	Status	Comments	Deputy
01/06/2023 09:03 PM	Served	Served	122 - LATHAM

Sheriff Ron Hain

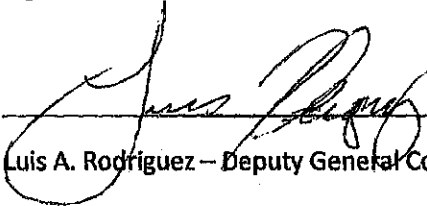


EDEN RAQUEL LATHAM 122

By signing below, I acknowledge that I am in receipt of ³ envelopes addressed to the following individuals, to be served by the Sheriff's Office of Kane County. These envelopes were delivered by Deputy General Counsel Luis A. Rodriguez, who attests they contain documents required by 10 ILCS 5/10-8.

Addressees: Patricia Arroyo, Clare Ollayos, ~~Candace McCreary~~, Cody Holt
Out of County

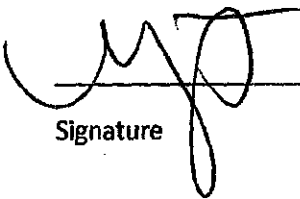
Signed:


Luis A. Rodriguez -- Deputy General Counsel of Elgin Community College



Date: 1-6-23 Time: 15:19

Print Name/Title (Sheriff's Office Representative): Nicole Wright, CIV 1


Signature

Date: 1-6-23 Time: 15:18

⓪ Name: Luis A. Rodriguez

Title: Deputy General Counsel
Elgin Community College

E-Mail: lurodriguez@elgin.edu

ph: 224 457-4000

BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTION OF CODY HOLT TO
THE NOMINATING PAPERS AND PETITION OF CANDIDATE PATRICIA ARROYO
FOR ELECTION TO THE
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509

CODY HOLT)
)
 Objector,)
) 2023 EB 1
 v.)
)
 PATRICIA ARROYO)
)
 Candidate.)

APPEARANCE

The undersigned enters an appearance in the above-captioned matter

Ed Mullen on behalf of Candidate Patricia Arroyo

Print Name

/s/ Ed Mullen

Signature

1-10-2023

Date

1505 W Morse St, Chicago, IL 60626

Address

Work: 312-508-9433

Home:

Telephone Number

Work:

Home:

Facsimile Number (if any)

ed_mullen@mac.com

Email Address:

**BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTION OF CODY HOLT TO
THE NOMINATING PAPERS AND PETITION OF CANDIDATE PATRICIA ARROYO
FOR ELECTION TO THE
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

CODY HOLT)	
)	
Objector,)	
)	2023 EB 1
v.)	
)	
PATRICIA ARROYO)	
)	
Candidate.)	

APPEARANCE

The undersigned enters an appearance in the above-captioned matter

Cody Holt

Print Name

/s/ Cody Holt

Signature

10th day of January, 2023

Date

688 Scott Drive, Elgin, IL 60123

Address

Work:

Home: 224.402.5767

Telephone Number

Work:

Home:

Facsimile Number (if any)

codyaholt@icloud.com

Email Address:

**BEFORE THE EDUCATION OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTION OF CODY HOLT TO
THE NOMINATING PAPERS AND PETITION OF CANDIDATE PATRICIA ARROYO
FOR ELECTION TO THE
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

CODY HOLT)	
)	
Objector,)	
)	2023 EB 1
v.)	
)	
PATRICIA ARROYO)	
)	
Candidate.)	

Affidavit of Luis A. Rodriguez

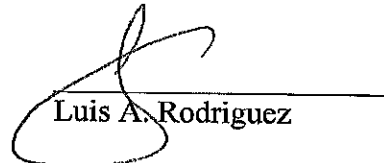
Luis A. Rodriguez, being first duly sworn, on oath deposes and states:

- 1) That he is an adult, under no legal disability, and that he makes this Affidavit in support of the Electoral Board.
- 2) That he is the Deputy General Counsel for the Board of Trustees of Community College District No. 509 known as Elgin Community College (hereinafter "the College").
- 3) If called as a witness, he could testify competently to all statements made in this affidavit.
- 4) On or about January 5, 2023 at 3:37 p.m., the College receive the objection of Mr. Cody Holt to candidate Patricia Arroyo's nomination papers and candidacy for Board of Trustee Member of Community College District 509.
- 5) Once an objection is received, the requirements of 10 ILCS 5/10-10 provide a 24 hour window to issue call letters and a notice of hearing to the Electoral Board members. *Id.*
- 6) Prior to those letters being issues, the Electoral Board members must be identified and available pursuant to the language provided in 10 ILCS 5/10-9. However, Chair Jennifer Rakow is a candidate during this election and thus not eligible to sit on the Electoral Board. As such, Trustee Donna Redmer becomes the Chair of the Electoral Board. *Id.*
- 7) 10 ILCS 5/10-9 provides that the Board of Trustees secretary and the longest sitting Board members should make up the remaining two seats of the Electoral Board. That would be Trustee John Duffy and Trustee Clare M. Ollayos.

- 8) On January 5 and 6, 2023, Luis worked with the College's election officer Diane Kerruish to secure the availability of Trustee Duffy and Trustee Ollayos. Trustee Duffy was initially not available as he was in Florida at the time. While Trustee Ollayos confirmed her availability, Ms. Kerruish and Luis worked to secure the third electoral Board member so that the statutory notice requirements could be met, including the preparation of serving the call letters.
- 9) On January 6, 2023, Trustee Candace McCreary was contacted to sit on the electoral Board, but informed Ms. Kerruish that she was ill. In order to meet the statutory requirements of sending out a timely call letter, Trustee McCreary was sent a copy that was prepared by Luis.
- 10) On January 9, 2023, Ms. Kerruish was notified by Mr. Duffy that he would be flying back to Chicago so that he could participate as an Electoral Board member during the hearing.
- 11) For these reasons, you will see a call letter addressed to Trustee McCreary, who is not on the Electoral Board, as well as a letter addressed to Electoral Board Member Duffy.
- 12) Further Affiant sayeth not.

VERIFICATION

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned hereby certifies that the statements set forth herein are true and correct to the best of his knowledge and belief.


Luis A. Rodriguez

COUNTY OF KANE

Objector Ex 1

John A. Cunningham
KANE COUNTY CLERK
719 S. Batavia Ave., Bldg. B
Geneva, IL 60134



Elections Department
Phone: (630) 232-5990
FAX: (630) 232-5878
www.kanecountyelections.org

December 21, 2022

According to our active voter records, we do not have any active voters at the following address 1274 Larkspur Ct. Pingree Grove, IL 60140 in Kane County.

We appreciate the opportunity to serve you, and if we can be of future service, please let us know.

Sincerely,

John A. Cunningham
Kane County Clerk

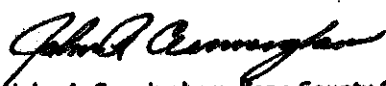
STATE OF ILLINOIS COUNTY OF KANE	DATE <u>DEC 21 2022</u>
I, John A. Cunningham, Kane County Clerk and Keeper of the Records in Kane County, Illinois do hereby certify that the attached is a true and correct copy of the original record on file. In witness whereof, I have hereunto set my hand and affix the Seal of the County of Kane at my office in Geneva, Illinois	
 John A. Cunningham, Kane County Clerk	

Exhibit B

**PETITION FOR NOMINATION
TO THE SECRETARY OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 509**

We, the undersigned, being 50 or more) (or 10% or more) of the voters residing within, said district, hereby petition that Patrick E. Parks who resides at 105 S. Pointe Ave. in the City, (Village) Unincorporated Area of South Elgin (If unincorporated, list municipality that provides postal service) in Elgin Township in said district shall be a candidate for the office of member of the Board of Trustees, to be voted for at the Consolidated Election to be held on April 4, 2023 (date of election).

A Full Term is sought, unless an unexpired term is stated here: 4 year unexpired term
If required pursuant to 10 ILCS 5/10-5.1, complete the following (this information will appear on the ballot)
FORMERLY KNOWN AS N/A UNTIL NAME CHANGED ON N/A
(List all names during last 3 years) (List date of each name change)

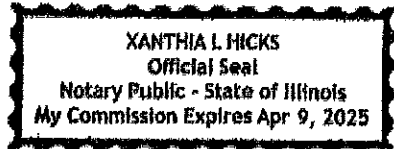
NAME (VOTER'S SIGNATURE)	VOTER'S PRINTED NAME (optional)	STREET ADDRESS OR RR NUMBER	CITY, TOWN OR VILLAGE	COUNTY
<i>Richard N Johnson</i>	Richard N Johnson	1481 Lancaster Ln	Algonquin, IL	Kane
<i>Richard D Johnson</i>	Richard D Johnson	2832 Forest View Dr	Carpentersville, IL	Kane
<i>Sharon Johnson</i>	Sharon Johnson	2832 Forestview Dr.	Carpentersville, IL	Kane
<i>Derrick Carter</i>	Derrick Carter	1410 Richmond Ln	Algonquin, IL	Kane
<i>Betty Carter</i>	Betty Carter	1410 Richmond Lane	Algonquin, IL	Kane
<i>Angela Johnson</i>	Angela Johnson	1081 Lancaster Ln.	Algonquin, IL	Kane
<i>David Padner</i>	David Padner	17203 Paul Road	Dundee, IL	Kane
<i>Jack Padner</i>	Jack Padner	15203 Paul Road	Dundee, IL	Kane
<i>Patricia Arroyo</i>	PATRICIA ARROYO	1274 Larkspur Ct	Pingree Grove, IL	Kane
<i>Sergio Rodriguez</i>	SERGIO RODRIGUEZ	1316 SHAMROCK LN	PINGREE GROVE, IL	KANE

State of Illinois }
County of Kane } ss.
I, Shimon Blanchard (Circulator's Name) do hereby certify that I reside at 336 Wabash St. in the City/Village/Unincorporated Area of Elgin (If unincorporated, list municipality that provides postal service) (Zip Code) 60123, County of Kane, State of Illinois

that I am 18 years of age or older (or 17 years of age and qualified to vote in Illinois), that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day of filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and their respective residences are correctly stated, as above set forth.

Shimon Blanchard
(Circulator's Signature)

Signed and sworn to (or affirmed) by Shimon Blanchard before me, on 12-6-2022
(Name of Circulator) (Insert month, day, year)



Xanthia L Hicks
(Notary Public's Signature)

Objector Ex. 3

12-22-2022

Walking List: Paulina St, Chicago 60609

COUNTY: COOK | PRECINCT: CHICAGO 15-04

CONGRESSIONAL: 04 | STATE SENATE: 01 | STATE HOUSE: 002

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	4316 S Paulina St	60609	Arroyo, Patricia		F	YNYN	D	DD	39	N

Exhibit C

Walking List: Hoyne Ave, Chicago 60609

COUNTY: COOK | PRECINCT: CHICAGO 15-07

CONGRESSIONAL: 03 | STATE SENATE: 01 | STATE HOUSE: 002

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPITY	Age	ABS
(773) 434-3752	4934 S Hoyne Ave	60609	Arroyo, Patricia		F	YNNIN	D	DD	59	N

Walking List: 70th St, Chicago 60629

COUNTY: COOK | PRECINCT: CHICAGO 23-32

CONGRESSIONAL: 03 | STATE SENATE: 11 | STATE HOUSE: 022

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	4113 W 70th St	60629	Arroyo, Patricia		F	YYN	D	DD	36	N

Walking List: Tripp Ave, Chicago 60639

COUNTY: COOK | PRECINCT: CHICAGO 26-14

CONGRESSIONAL: 04 | STATE SENATE: 02 | STATE HOUSE: 004

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
(773) 940-1605	1731 N Tripp Ave Apt 1	60639	Arroyo, Patricia		F	NNNN	D	DD	43	N

Walking List: Oriole Ave, Chicago 60631

COUNTY: COOK | PRECINCT: CHICAGO 41-07

CONGRESSIONAL: 09 | STATE SENATE: 10 | STATE HOUSE: 020

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	5621 N Oriole Ave Apt 5621	60631	Arroyo, Patricia		F	YYN	D	DD	44	N

Walking List: Major Ave, Chicago, 60630

COUNTY: COOK | PRECINCT: CHICAGO 45-09
 CONGRESSIONAL: 05 | STATE SENATE: 10 | STATE HOUSE: 019
 VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	5536 N Major Ave Apt 2	60630	Arroyo, Patricia		F	YYN	D	DD	45	N

Walking List: Strathmore Ct, Buffalo Grove 60089

COUNTY: COOK | PRECINCT: WHEELING 063

CONGRESSIONAL: 08 | STATE SENATE: 29 | STATE HOUSE: 057

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPY	Age	ABS
	5 Strathmore Ct	60089	Arroyo, Patricia		F	YYN	D	DD	46	N

Walking List: Ridgeland Ave, Elmhurst 60126

COUNTY: DUPAGE | PRECINCT: ADDISON 17

CONGRESSIONAL: 05 | STATE SENATE: 24 | STATE HOUSE: 047

VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	457N Ridgeland Ave	60126	Arroyo, Patricia		F	YYN	D	DR	50	N

Walking List: Willow Rd, Elmhurst 60126

COUNTY: DU PAGE | PRECINCT: ADDISON 40
 CONGRESSIONAL: 05 | STATE SENATE: 24 | STATE HOUSE: 047
 VOTE DATES: 11/08/2016 11/06/2018 11/03/2020

LandLine	Address	Zip	Name	Response Codes	Sex	Voting	PTY	HHPTY	Age	ABS
	788M Willow Rd	60126	Arroyo, Patricia		F	NNNN	I	II	73	IN

Card Ex 1

PLEASE RETAIN THIS PORTION FOR YOUR RECORDS

OMB No. 1545-1380

FIRST FEDERAL SAVINGS BANK
633 LASALLE ST
OTTAWA IL 61350-2931

ORIG BRCH 010

Account Number: 21-00058953

FOR STATEMENT INQUIRIES
PLEASE CALL 1(800)345-2178

00001740

PATRICIA ARROYO
1274 LARKSPUR CT
PINGREE GROVE IL 60140-9152

2022 Form 1098

*Caution: The amount shown may not be fully deductible by you. Limits based on the loan amount and the cost and value of the secured property may apply. Also, you may only deduct interest to the extent it was incurred by you, actually paid by you, and not reimbursed by another person.

PAYER'S/BORROWER'S TIN Number 1: 335-78-9691

Number 2:

RECIPIENT'S/LENDER'S TIN: 36-1077600

BOX 1	Mortgage interest received from payer(s)/borrower(s)*	6,667.26
BOX 2	Outstanding mortgage principal	168,180.71
BOX 3	Mortgage origination date	01/23/2020
BOX 4	Refund of overpaid interest	.00
BOX 5	Mortgage insurance premiums	.00
BOX 6	Points paid on purchase of principal residence	.00
BOX 7	<input type="checkbox"/> If address of property securing mortgage is the same as PAYER'S/BORROWER'S address, the box is checked, or the address or description is entered in box 8.	
BOX 8	Address or description of property securing mortgage (see instructions) 1274 Larkspur Ct Pingree Grove IL 60140-9152	
BOX 9	Number of properties securing the mortgage	
BOX 10	Other	
BOX 11	Mortgage acquisition date	

001740 7169478 054255 108589 01/02

The information in boxes 1 through 11 is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if the IRS determines that an underpayment of tax results because you overstated a deduction for this mortgage interest or for these points, reported in boxes 1 and 6; or because you didn't report the refund of interest (box 4); or because you claimed a nondeductible item.

This statement serves as your Mortgage Interest Statement (Form 1098). Copy B, for your recipient.

Additional information about this Form 1098 Substitute is printed on the reverse side of this page



PLEASE RETAIN FOR TAX RECORDS

MLA-00

Account Number: 21-00058953

Property Address: 1274 Larkspur Ct
Pingree Grove IL 60140-9152

TAX ID # 36-1077600

FOR STATEMENT INQUIRIES
PLEASE CALL 1(800)345-2178

PATRICIA ARROYO
1274 LARKSPUR CT
PINGREE GROVE IL 60140-9152

TOTAL 2022 INTEREST REPORTABLE 6,667.26
TAXES DISBURSED YEAR TO DATE 6,944.56
SSN #1: 335-78-9691

INTEREST RATE 4.000%
PRINCIPAL BALANCE 164,885.81
ESCROW BALANCE 1,991.03
SUSPENSE BALANCE .00
DUE DATE 1/01/23

THE ESCROW BALANCE SHOWN TO THE RIGHT
REFLECTS YOUR TRUE BALANCE HELD FOR THE
PAYMENT OF TAXES AND/OR INSURANCE.

12/31/22

Page 2 of 2
Balance Last Statement

Date	Transaction		Principal	Escrow	Interest	Other	Principal	Escrow
	Amount	Description	Amount	Amount		Charges	168,180.71	1,978.75
01/14	1,492.00	PAYMENT	269.58-	661.82	560.60	.00	167,911.13	2,640.57
02/11	1,492.00	PAYMENT	270.48-	661.82	559.70	.00	167,640.65	3,302.39
03/11	1,492.00	PAYMENT	271.38-	661.82	558.80	.00	167,369.27	3,964.21
04/12	1,492.00	PAYMENT	272.28-	661.82	557.90	.00	167,096.99	4,626.03
05/04	1,492.00	PAYMENT	273.19-	661.82	556.99	.00	166,823.80	5,287.85
05/10	3,472.28-	TAXES PAID	.00	3,472.28-	.00	.00	166,823.80	1,815.57
06/06	1,492.00	PAYMENT	274.10-	661.82	556.08	.00	166,549.70	2,477.39
07/15	1,492.00	PAYMENT	275.01-	661.82	555.17	.00	166,274.69	3,139.21
08/01	1,492.00	PAYMENT	275.93-	661.82	554.25	.00	165,998.76	3,801.03
08/17	3,472.28-	TAXES PAID	.00	3,472.28-	.00	.00	165,998.76	328.75
09/15	1,492.00	PAYMENT	276.85-	661.82	553.33	.00	165,721.91	990.57
09/23	52.00-	HAZARD INS	.00	52.00-	.00	.00	165,721.91	938.57
09/27	1,020.00-	HAZARD INS	.00	1,020.00-	.00	.00	165,721.91	81.43-
10/03	1,020.00	ESC REFUND	.00	1,020.00	.00	.00	165,721.91	938.57
10/05	1,492.00	PAYMENT	277.77-	661.82	552.41	.00	165,444.14	1,600.39
11/01	1,492.00	PAYMENT	278.70-	661.82	551.48	.00	165,165.44	2,262.21
12/01	1,492.00	PAYMENT	279.63-	661.82	550.55	.00	164,885.81	2,924.03
12/28	933.00-	HAZARD INS	.00	933.00-	.00	.00	164,885.81	1,991.03
2022	9,974.44	TOTALS	3,294.90-	12.28	6,667.26	.00	164,885.81	1,991.03

001740 7169478 054256 188511 02/02

054

Return To:
Piercey & Associates, Ltd.
1525 S. Grove Ave., Ste. 204
Barrington, IL 60010

This Instrument Prepared by:
Timothy P. McHugh, LTD.
360 West Butterfield #300
Elmhurst, IL 60126

Mail Tax Statements To:
Patricia Arroyo
1274 Larkspur Ct
Pingree Grove, IL 60140

File: 101-10176257

This space for recording information only

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED, executed this 10th day of December, 2019, by and between DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-MLN1, whose mailing address is 8950 Cypress Waters Blvd., Coppell, TX 75019, hereinafter called GRANTOR, grants to PATRICIA ARROYO, whose address is 1381 Newport Circle, Hampshire, IL 60140, hereinafter called GRANTEE.

Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

GRANTOR, for and in consideration of the sum of \$217,363.65 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells assigns, remiss, releases, conveys and confirms unto the GRANTEE, all that certain land, situated in Kane County, Illinois, wit:

LOT 215 IN CAMBRIDGE LAKES UNIT 4, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 28, THE SOUTHEAST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 2005 AS DOC. NO. 2005K105095 IN THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS.

P.I.N.: 02-28-355-006
Property Address: 1274 Larkspur Ct, Pingree Grove, IL 60140

Seller to convey the title by special warranty deed without any other covenants of the title or the equivalent for the state the property is located. Seller makes no representations or warranties, of any kind or nature whatsoever, whether expressed, implied, implied by law, or otherwise, concerning the condition of the property.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold, the same in fee simple forever.

And the Grantor hereby covenants with said GRANTEE that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, hereby specially warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, Grantor has hereunto set a hand and seal the day and year first written above.

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-MLN1

By: NATIONSTAR MORTGAGE, LLC, as attorney in fact

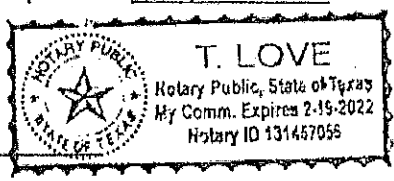
By: *[Signature]* Mariola Broas

Name/Title: Assistant Secretary

STATE OF Tx
COUNTY OF Denton

I hereby certify that the foregoing deed and consideration statement acknowledged and sworn before me this Dec 10, 2019, by Mariola Broas, who is the/a Asst Sec of NATIONSTAR MORTGAGE, LLC, as attorney in fact for DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-MLN1, who are personally known to me or have produced IN PERSON as identification and who signed this instrument willingly.

[Signature]
Notary Public
My commission expires:



No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and /or their agents; no boundary survey was made at the time of this conveyance.

Card Ex 3

[Empty box for name]

Print Full Name (Include Middle Initial)/Escriba su nombre completo en letra de molde, (Incluyendo "Inicial" si la Usa)

[Empty box for birth date]

Date of Birth/Fecha De Nacimiento

[Empty box for social security]

Soc. Sec. No. Or Last 4 Digits Only/No. De Seg. Social (o los últimos 4 números del mismo)

[Empty box for telephone]

Telephone No./Teléfono

491243



[Empty box for address]

Address Where You Live (Do Not Give P.O. Box)/Dirección Donde Vive (No de su apartado postal)

[Empty box for apt]

Apt./Aptmto.

[Empty box for lot]

Lot/Lote

[Empty box for city/zip]

City, Zip Code + 4/Ciudad Y Código Postal + 4

Date/Fecha: 06/05/2020

[Empty box for P.O. box]

P.O. Box (If Applicable)/Apartado Postal (Si Aplica)

[Empty box for city/zip]

City, Zip Code + 4/Ciudad Y Código Postal + 4

[Empty box for signature]

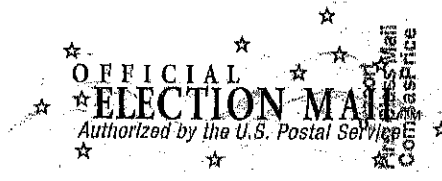
Signature/Firma

[Empty box for date]

Date/Fecha

*All of the above information is true. I understand that if it is not true, I can be convicted of perjury and fined up to \$5,000 and/or jailed for 2 to 5 years. * Toda la información proporcionada aquí es verdadera. Entiendo que, si no fuere cierto, me podrían encontrar culpable de perjurio y multarme hasta \$5,000 y/o encerrarme por 2 a 5 años

John A. Cunningham Kane County Clerk 719 S. Batavia Ave. Bldg B Geneva, IL 60134-3077

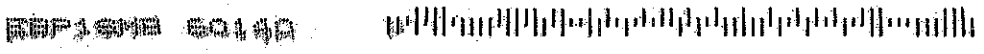


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PATRICIA ARROYO 1274 LARKSPUR CT PINGREE GROVE, IL 60140



IMPORTANT NOTICE - CONFIRMATION OF ADDRESS (SECOND NOTICE) AVISO IMPORTANTE - CONFIRMACIÓN DE DOMICILIO (SEGUNDO AVISO)

WE HAVE NOT BEEN ABLE TO CONFIRM YOUR ADDRESS OR CHANGE OF ADDRESS NO HEMOS PODIDO CONFIRMAR SU DOMICILIO O CAMBIO DE DIRECCIÓN

- To confirm your address, complete and return this notice, within 30 days (of the date issued above). Para confirmar su domicilio, complete y devuelva este aviso dentro de 30 días (de la fecha de expido, arriba)

IF YOU HAVE CHANGED YOUR NAME (BY MARRIAGE OR OTHER MEANS), YOU MUST RE-REGISTER SI SE HA CAMBIADO DE NOMBRE (POR MATRIMONIO U OTROS MEDIOS), DEBE VOLVER A REGISTRAR

IF YOU HAVE MOVED TO AN ADDRESS OUTSIDE OF KANE COUNTY SI SE HA MUDADO A UN DOMICILIO UBICADO AFUERA DEL ESTADO DE KANE COUNTY

- You will have to register with the County Clerk or Board of Election Commissioners where you live. (Consult your telephone Directory) Deberá registrar con el Clerk del Condado o la Junta de Comisionados Electorales donde vive. (Consulte su guía telefónica)

INSTRUCTIONS FOR RETURNING THIS NOTICE INSTRUCCIONES PARA LA DEVOLUCIÓN DEL PRESENTE AVISO

- Complete all information above. / Complete toda la información que se pide arriba. Re-fold so our address shows on the front / Vuelva a doblar para que se vea nuestra dirección al frente. DO NOT STAPLE, seal with a piece of tape. / NO USE GRAPADORA. Selle con cinta.

FAILURE TO RETURN THIS NOTICE COULD RESTRICT YOUR ELIGIBILITY TO VOTE IN FUTURE ELECTIONS LA FALTA DE DEVOLVER ESTE AVISO PODRÍA AFECTAR SU DERECHO DE VOTAR EN ELECCIONES FUTURAS

- For further information please call the County Clerk at (630) 232-5990. Para mayor información, favor de llamar al Clerk del condado al (630) 232-5990.

John A. Cunningham (Signature)

John A. Cunningham, Kane County Clerk 057

Henderson v. Miller

Appellate Court of Illinois, First District, Sixth Division

April 10, 1992, Decided

No. 1-91-1379

Reporter

228 Ill. App. 3d 260 *; 592 N.E.2d 570 **; 1992 Ill. App. LEXIS 570 ***; 170 Ill. Dec. 134 ****

PATRICIA HENDERSON and DIANE LOGAN,
Plaintiffs-Appellants, v. JESSE L. MILLER, JR.,
Defendant-Appellee.

Prior History: [***1] Appeal from the Circuit Court of Cook County. The Honorable Curtis Heaston, Judge Presiding.

Disposition: Judgment affirmed.

Core Terms

quo warranto, election, Campaign, voter, declaratory judgment, plaintiffs', residents, Candidacy, circuit court, trial judge, registered voter, leave to file, lack standing, fraudulently, candidate

Case Summary

Procedural Posture

Appellants voters challenged the decision of the Circuit Court of Cook County (Illinois), which denied their petition for leave to file a complaint in quo warranto seeking the removal of appellee alderman. The circuit court determined that the voters lacked standing to bring the action, that the action was time-barred, and that the circuit court lacked original jurisdiction.

Overview

The voters filed a quo warranto complaint to have the alderman's candidacy declared unlawful,

alleging that he fraudulently represented on his statement of candidacy that he was a registered voter at one address, when the fact he was registered at another address, and that the alderman failed to account for his campaign contributions and expenditures. The circuit court denied their petition for leave to file a complaint in quo warranto. The court affirmed. It found that the statement of candidacy reflected that the defendant did not swear that he was a voter at the stated address, only that he resided there. Further, even assuming the statement of candidacy could be construed to mean that the alderman was a registered voter at that address, that form required the alderman to something which the statute itself did not require. The court also found that the voters lacked standing as only the attorney general or the state's attorney had standing to institute quo warranto proceedings in matters of public interest and the interests of the voters interests were not sufficiently personal and distinct from the interests of the general public to give them standing.

Outcome

The court found that the denial of the voter's petition for leave to file a complaint in quo warranto seeking the removal of appellee alderman should be affirmed both for lack of standing and the insufficiency of the complaint.

LexisNexis® Headnotes

Civil Procedure > Pleading &
Practice > Pleadings > Rule Application &
Interpretation

Criminal Law & Procedure > ... > Acts &
Mental States > Mens Rea > Willfulness

Governments > State & Territorial
Governments > Elections

[HN1](#) Pleadings, Rule Application & Interpretation

When facts alleged in a complaint differ from those shown by an exhibit attached to the complaint, the exhibit controls.

Governments > Local
Governments > Administrative Boards

Governments > Local Governments > Elections

[HN2](#) Local Governments, Administrative Boards

The Municipal Code (Act) requires only that a candidate for alderman reside within the ward for which he is elected and be a qualified elector of the municipality. Ill. Rev. Stat. ch. 24, para. 3-4-15 (1989); Ill. Rev. Stat. ch. 24, para. 3-14-1 (1989). The Act does not require that a candidate be a voter at his place of residence.

Civil Procedure > ... > Writs > Common Law
Writs > Quo Warranto

Governments > State & Territorial
Governments > Elections

[HN3](#) Common Law Writs, Quo Warranto

The Quo Warranto Act, Ill. Rev. Stat. ch. 110, para. 18-101(3) (1989), provides that a proceeding in quo warranto may be brought in case any public officer has done or allowed any act which, by the provisions of law, works a forfeiture of his or her office.

[HN4](#) Mens Rea, Willfulness

The Campaign Disclosure Act (Act), Ill. Rev. Stat. ch. 46, para. 9-1 et seq. (1989), provides that, where the State Board of Elections (board) directs a person in violation of its provisions to cease or correct the violation and such person fails or refuses to comply with the order, the board may impose a civil penalty on such person in an amount not to exceed \$ 1,000. The board may petition the circuit court for an order to enforce collection of the penalty and the board may report the violation and any failure to comply with the order to the attorney general or the appropriate state's attorney. Ill. Rev. Stat. ch. 46, para. 9-23 (1989). The board may also petition the circuit court for an order compelling compliance with an order or enjoining a person from violating the act. Ill. Rev. Stat. ch. 46, para. 9-24 (1989). Willful failure to file or willful filing of false or incomplete information shall constitute a class B misdemeanor and prosecution shall be brought by the appropriate state's attorney or the attorney general. Ill. Rev. Stat. ch. 46, para. 9-26 (1989).

Governments > State & Territorial
Governments > Elections

[HN5](#) State & Territorial Governments, Elections

The Election Code expressly provides that a statement of economic interests shall be filed within a prescribed time and the Illinois Governmental Ethics Act provides that failure to file a statement of economic interests within the time prescribed shall result in ineligibility for, or forfeiture of, office. Ill. Rev. Stat. ch. 46, para. 10-5 (1989); Ill. Rev. Stat. ch. 127, para. 604A-107

(1989).

Governments > Legislation > Interpretation

HN6 [down arrow] **Legislation, Interpretation**

Before a statute may be construed to include a penalty, it must be clear that the legislature intended to include it. It is a fundamental rule of statutory construction that any ambiguity in a statute must be resolved against the inclusion of a penalty.

Civil
Procedure > ... > Justiciability > Standing > General Overview

Governments > State & Territorial
Governments > Claims By & Against

Civil Procedure > ... > Writs > Common Law
Writs > Quo Warranto

HN7 [down arrow] **Justiciability, Standing**

In cases involving matters of public interest, only the attorney general or the state's attorney, as representatives of the people, have standing to institute quo warranto proceedings. Moreover, in matters of purely public interest, these officials have complete, arbitrary and unfettered discretion as to whether they shall institute the action.

Civil
Procedure > ... > Justiciability > Standing > General Overview

Governments > State & Territorial
Governments > Elections

Civil Procedure > ... > Writs > Common Law
Writs > Quo Warranto

HN8 [down arrow] **Justiciability, Standing**

Under Illinois law, a private citizen seeking to bring an action in quo warranto on his own behalf must first request the attorney general or the state's attorney to file the action. Ill. Rev. Stat. ch. 110, para. 18-103 (1989). If those officers refuse or fail to act, the individual may petition the court for leave to file the action. In order to obtain leave, an individual must demonstrate that he has standing by showing that he has a private interest which is directly, substantially and adversely affected by the challenged act, which is either then occurring or certain to occur, and which is distinct from the interests of the general public, even though some members of the public might be affected in the same manner. Filing a complaint in quo warranto is not a matter of right and whether leave to institute the action should be granted lies within the sound discretion of the trial court. The court should consider all the circumstances of the case, including whether the proceeding will benefit the public.

Judges: EGAN, RAKOWSKI, LaPORTA

Opinion by: EGAN

Opinion

[****135] [*261] [**571] PRESIDING JUSTICE EGAN delivered the opinion of the court:

The defendant, Jesse L. Miller, Jr., is presently the alderman of the 24th Ward in the City of Chicago. The plaintiffs, Patricia Henderson and Diane Logan, appeal from an order denying their petition for leave to file a complaint in *quo warranto* in which they sought the removal of the defendant from the office of alderman. The trial judge held that the plaintiffs lacked standing to bring the action, that the action was time-barred and that the circuit court lacked original jurisdiction. The defendant contends that the trial judge correctly denied leave to file the complaint on the grounds he ascribed; the defendant also maintains that the

judge's order should be affirmed on the additional ground that the complaint failed to state a cause of action.

On December 10, 1990, the defendant filed his sworn Statement of Candidacy with the Board of Election Commissioners for the City of Chicago, requesting that his name be placed on the election ballot for Alderman of the 24th Ward. [***2] The Statement of Candidacy included the following sworn statement of the defendant:

"I, JESSE L. MILLER, JR., being first duly sworn, say that I reside at 1109 SOUTH AVE. [sic] Street, in the CITY of CHICAGO Zip Code 60612 in the county of COOK State of Illinois; that I am a qualified voter therein, that I am a candidate for ELECTION to the office of ALDERMAN in the 24TH WARD CITY OF CHICAGO to be voted upon at the ELECTION to be held on the 26TH day of FEBRUARY, A.D. 1991 and that I am legally qualified to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby [*262] request that my name be printed upon the official ballot for ELECTION for such office."

The statement was signed by the defendant and notarized. At the top of the statement is a box for an address; in the box is "1109 South Troy Avenue, Chicago, IL 60612." The plaintiffs make no issue of the discrepancy in the address that is contained in the body of the sworn portion of the Statement of Candidacy.

The preliminary election for alderman of the 24th Ward was held on February 26, [***3] 1991. The defendant did not receive a majority of the votes cast; therefore, his name was placed on the Supplementary Aldermanic Ballot for the election to be held on April 2, 1991. On March 26, 1991, the plaintiffs, residents of the 24th Ward, filed a *quo warranto* complaint in the Circuit Court of Cook County seeking to have the defendant's

candidacy declared unlawful. The complaint alleged that the defendant fraudulently represented on his Statement of Candidacy that he was a registered voter at 1109 South Troy Avenue in Chicago, when he was in fact a registered voter at 1647 South Springfield in Chicago; that he did not become a registered voter at 1109 South Troy until February 28, 1991; and that the defendant had violated the Campaign Disclosure Act (Ill. Rev. Stat. 1989, ch. 46, par. 9-1 *et seq.*) by failing to account for his campaign contributions and expenditures.

In accordance with section 18-103 of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, par. 18-103), before filing the complaint, the plaintiffs had requested the State's Attorney of Cook County and the Illinois Attorney General to investigate and prosecute the defendant's alleged fraud and violations [***4] of the Campaign Disclosure Act. Neither office answered the plaintiffs' request.

Some time before the *quo warranto* complaint was filed in the Chancery Division of the circuit court, the plaintiffs had filed a complaint against the defendant with the State Board of Elections alleging that the defendant had not filed forms required by the Campaign Disclosure Act and had failed to report contributions and expenditures for his campaigns for alderman and the Water Reclamation District.

On February 25, 1991, the State Board of Elections entered a "Final Determination and Order" in which the Board found that the defendant had violated the act by failing [****136] [**572] to file the required forms and by failing to report contributions and expenditures. The Board ordered the defendant to create a committee to file the appropriate forms within ten days of receipt of the order. The order further provided that any failure or refusal by the committee [*263] to comply with the terms of the order would result in the automatic imposition upon the committee and its officers a civil penalty not to exceed one thousand dollars. A copy of the order was attached to the *quo warranto*

complaint.

On April 2, 1991, [***5] the defendant defeated his opponent in the run-off election and was elected alderman of the 24th Ward. The Chancery Division judge granted the plaintiffs leave to file an "Emergency Motion for Temporary Restraining Order and Declaratory Judgment" on April 5, 1991, requesting that the defendant be enjoined from taking the oath of office. The plaintiffs' motion alleged that the defendant "knowingly circulated petitions stating he was registered to vote at 1109 South Troy Avenue, Chicago, when, in fact, he was not a registered voter therein." Attached to the plaintiffs' motion was their "First Amended Complaint In *Quo Warranto*, Declaratory Judgment and Injunctive Relief." The matter was transferred from the Chancery Division to the County Division on April 5, 1991.

On April 18, 1991, the County Division judge entered an order enjoining the defendant from taking the oath of office for alderman of the 24th Ward and from performing any of the duties of the office of alderman.


On April 23, 1991, the defendant filed a motion requesting that the judge dissolve the temporary restraining order, dismiss the complaint in *quo warranto* and dismiss the petition for declaratory judgment and [***6] injunctive relief. After a hearing, the judge dissolved the temporary restraining order and continued the motion to dismiss.

On May 1, 1991, the judge dismissed the complaint for declaratory judgment on the ground that the plaintiffs lacked standing. Relying on *Thurston v. State Board of Elections* (1979), 76 Ill. 2d 385, 392 N.E.2d 1349, he held that the plaintiffs' claim was barred by *laches*. Relying on *People ex rel. Klingmueller v. Hass* (1982), 111 Ill. App. 3d 88, 443 N.E.2d 782, he held that the circuit court had power only to review the decision of an electoral board but had no original jurisdiction to determine the validity of the defendant's nominating papers.

His order dismissed both the plaintiffs' complaint for declaratory judgment and their petition for leave to file a complaint in *quo warranto*.

We note that the notice of appeal refers only to the order denying the plaintiffs' leave to file a complaint in *quo warranto*; it makes no reference to the dismissal of the complaint for declaratory judgment. The plaintiffs' attorney informed us in oral argument [*264] that we need [***7] not address the propriety of the order dismissing the declaratory judgment complaint.

The *quo warranto* complaint alleged two acts of wrongdoing on the part of the defendant: (1) he "fraudulently misrepresented that he was a registered voter at 1109 South Troy Avenue," (2) he "is currently in violation of the Campaign Disclosure Act *** in that he has failed to account for contributions and expenditures for the campaign for Alderman for the 24th Ward." The issues of *laches* and jurisdiction apply only to the allegation of fraudulent misrepresentation in the nominating papers. Because resolution of those issues would not resolve the entire case, we need not discuss them. The issues of standing and sufficiency of the complaint apply to both allegations of wrongdoing. Because we conclude that the judgment should be affirmed for both lack of standing and the insufficiency of the complaint, we address only those issues.

Stated briefly, the allegation of the complaint that the defendant "fraudulently misrepresented that he was a registered voter at 1109 South Troy Avenue" is mistaken. In the statement of candidacy the defendant said, "I *reside* at 1109 South [Troy Avenue] in the [***8] City of Chicago Zip Code 60612 in the county of Cook State of Illinois" and "I am a qualified voter therein." (Emphasis added.) Our reading of [****137] [**573] the exhibit shows that the defendant did not swear that he was voter at 1109 South Troy; he swore only that he resided there. **HNI**  When facts alleged in a complaint differ from those shown by an exhibit attached to the complaint, the exhibit controls. (

Friedman v. Gingiss (1989), 182 Ill. App. 3d 293, 537 N.E.2d 1067.) The plaintiffs now ask us to infer that when the defendant swore he was a "voter therein," he was swearing that he was a voter at 1109 South Troy and not in the City of Chicago. We must decline to do so.

HN2 [↑] The Municipal Code requires only that a candidate for alderman "reside within the ward for which he is elected" and be "a qualified elector of the *municipality*." (Emphasis added.) (Ill. Rev. Stat. 1989, ch. 24, pars. 3-4-15, 3-14-1.) The act does not require that a candidate be a voter at his place of residence. The defendant's Statement of Candidacy is on a form provided by the Board of Election Commissioners of the City of Chicago. If the plaintiffs' argument is correct, [***9] the form provided by the Board requires a candidate to swear to something which the statute itself does not require. The illogic of the plaintiffs' argument is apparent. We agree with the defendant's contention that his Statement of Candidacy did not fraudulently misrepresent that he was a "voter at 1109 South [*265] Troy." Consequently, removing the defendant from office based on that allegation would not be justified.

The plaintiffs correctly point out that the judge did not address the allegation that the defendant had violated the Campaign Disclosure Act. We can understand the judge's abstention from deciding that question; since he held that the plaintiff lacked standing to maintain any *quo warranto* complaint. The plaintiffs also correctly point out that the defendant has not answered their argument that violation of the Campaign Disclosure Act would justify the defendant's removal from office. Although the defendant has not answered the argument, we will address it. See *Korogluyan v. Chicago Title & Trust Co.* (1991), 213 Ill. App. 3d 622, 572 N.E.2d 1154.

HN3 [↑] The *Quo Warranto* Act provides that "[a] proceeding in *quo warranto* may [***10] be brought in case: *** (3) any public officer has done, or allowed any act *which by the provisions of*

law, works a forfeiture of his or her office [.]" (Emphasis added.) (Ill. Rev. Stat. 1989, ch. 110, par. 18-101(3).) **HN4** [↑] The Campaign Disclosure Act provides that, where the Board directs a person in violation of its provisions to cease or correct the violation and such person fails or refuses to comply with the order, the Board may impose a civil penalty on such person in an amount not to exceed \$ 1,000. The Board may petition the circuit court for an order to enforce collection of the penalty and the Board may report the violation and any failure to comply with the order to the Attorney General or the appropriate State's Attorney. (Ill. Rev. Stat. 1989, ch. 46, par. 9-23.) The Board may also petition the circuit court for an order compelling compliance with an order or enjoining a person from violating the act. (Ill. Rev. Stat. 1989, ch. 46, par. 9-24.) Willful failure to file or willful filing of false or incomplete information shall constitute a class B misdemeanor and prosecution shall be brought by the appropriate State's Attorney or the Attorney General. (Ill. Rev. Stat. [***11] 1989, ch. 46, par. 9-26.) There is no provision in the act for removal from office for any violation of its requirements. In contradistinction, **HN5** [↑] the Election Code expressly provides that a statement of economic interests shall be filed within a prescribed time (Ill. Rev. Stat. 1989, ch. 46, par. 10-5), and the Illinois Governmental Ethics Act provides that failure to file a statement of economic interests within the time prescribed shall result in ineligibility for, or forfeiture of, office. Ill. Rev. Stat. 1989, ch. 127, par. 604A-107; see also *Welch v. Johnson* (Ill. S.Ct. February 19, 1992), No. 72123.

[*266] There are a number of other statutes which expressly provide that a violation of their provisions results in forfeiture of office. (See *e.g.*, Ill. Rev. Stat. 1989, ch. 38, par. 33-3 (official misconduct); Ill. Rev. Stat. 1989, ch. 24, par. 4-8-2 (bribery by a nominee or candidate); Ill. Rev. Stat. 1989, ch. 34, par. 5-36009 (conflict of interest of county [****138] [**574] officers and employees).) It is apparent that, when the

legislature intends that an office shall be forfeited for violation of a statute, the legislature will say so.

HN6 [↑] Before a statute may be construed to include [***12] a penalty, including forfeiture of office, it must be clear that the legislature intended to include it. It is a fundamental rule of statutory construction that any ambiguity in a statute must be resolved against the inclusion of a penalty. (*Saskill v. 4-B Acceptance* (1985), 139 Ill. App. 3d 143, 487 N.E.2d 97.) Invoking that rule of construction, we conclude that the legislature did not intend that a violation of the Campaign Disclosure Act constituted a ground for removal from office. Therefore, the conduct of the defendant did not come within the provisions of the *Quo Warranto* Act. Ill. Rev. Stat. 1989, ch. 110, par. 18-101(3).

For these reasons, we conclude that the two allegations of wrongdoing are not sufficient to support the complaint and that the trial judge properly denied leave to file the complaint in *quo warranto*.

We also conclude that the trial judge correctly denied leave to file the *quo warranto* complaint on the ground that the plaintiffs lacked standing. The right to institute an action in *quo warranto* belongs to the State; thus, originally only the State's Attorney or the Attorney General could bring the [***13] action. Over time, the law evolved to allow a private person having a distinct private interest in the subject matter to apply to the Attorney General or the State's Attorney to institute the proceeding on his behalf. If the petition met certain requirements, the authorities were required to institute the action, and if they refused to do so, a court could compel them by *mandamus* to file the action. See *People ex rel. Miller v. Fullenwider* (1928), 329 Ill. 65, 160 N.E. 175.

HN7 [↑] In cases involving matters of public interest, however, Illinois courts have consistently held that only the Attorney General or the State's Attorney, as representatives of the people, have standing to institute *quo warranto* proceedings.

(See *People ex rel. Raster v. Healy* (1907), 230 Ill. 280, 82 N.E. 599.) Moreover, in matters of purely public interest, these officials have complete, arbitrary and [*267] unfettered discretion as to whether they shall institute the action. *People v. Wood* (1952), 411 Ill. 514, 104 N.E.2d 800.

HN8 [↑] Under current Illinois law, a private citizen seeking [***14] to bring an action in *quo warranto* on his own behalf must first request the Attorney General or the State's Attorney to file the action. (Ill. Rev. Stat. 1989, ch. 110, par. 18-103.) If those officers refuse or fail to act, the individual may petition the court for leave to file the action. In order to obtain leave, an individual must demonstrate that he has standing by showing that he has a private interest which is directly, substantially and adversely affected by the challenged act, which is either then occurring or certain to occur, and which is distinct from the interests of the general public, even though some members of the public might be affected in the same manner. (*People ex rel. Turner v. Lewis* (1982), 104 Ill. App. 3d 75, 432 N.E.2d 665.) Filing a complaint in *quo warranto* is not a matter of right, and whether leave to institute the action should be granted lies within the sound discretion of the trial court. (*People ex rel. Nelson v. Long Grove* (1988), 169 Ill. App. 3d 866, 523 N.E.2d 656.) The court should consider all the circumstances of the case, including whether [***15] the proceeding will benefit the public. See, e.g., *People ex rel. Hanrahan v. Village of Wheeling* (1976), 42 Ill. App. 3d 825, 356 N.E.2d 806.

In *People ex rel. Turner v. Lewis*, (1982), 104 Ill. App. 3d 375, 432 N.E.2d 665, a case relied upon by the trial judge, the plaintiff was denied leave to file an action in *quo warranto* against the appointed State's Attorney. The plaintiff argued that he had standing because he was a taxpayer in the county, relying on *People ex rel. McCarthy v. Firek* (1955), 5 Ill. 2d 317, 125 N.E.2d 637. The appellate court distinguished *Firek*, noting that in that case

standing was premised on direct adverse tax consequences certain to be suffered by the plaintiffs. The *Turner* plaintiff [***139] [**575] alternatively argued that he had standing as a citizen and voter in the county. The appellate court dismissed this argument, holding that the defendant's occupation of the office of State's Attorney had not harmed the plaintiff as a citizen or voter in any respect which was distinct from the harm suffered by every [***16] other citizen and voter in the county.

In *Allen v. Love* (1983), 112 Ill. App. 3d 338, 445 N.E.2d 514, another case relied upon by the trial judge, the plaintiffs argued that they had standing to bring a *quo warranto* and declaratory judgment action against the chief financial officer of the Chicago Board of Education because they were residents and taxpayers in the city, and because they had children enrolled in the Chicago public [**268] school system. The appellate court held that taxpayer status alone was insufficient to give the plaintiffs standing, as they had not alleged that the defendant's failure to timely file a statement of economic interests would result in financial loss or other injury to them. Similarly, the court held that the interest of the parents of Chicago public school students in assuring compliance with the Ethics Act was not a personal interest sufficient to confer standing to maintain a *quo warranto* action. Accordingly, the court held that only the Attorney General or the State's Attorney would have standing to bring a *quo warranto* action against the defendant.

The plaintiffs allege that as residents and voters [***17] of the 24th Ward, their interests are distinct from those of persons residing outside the 24th Ward. However, in *Turner*, the plaintiff's interest was distinct from that of persons residing outside his county, and in *Allen*, the interest of the parents of Chicago public school students was distinct from that of other persons. Nonetheless, their interests were not sufficiently personal and distinct from the interests of the general public to

give them standing. The plaintiffs further allege that their alderman represents each one of them individually, and each of them expects any alderman to be honest, truthful and mindful of his duty as a public official. This interest, however, is not personal to these two plaintiffs; rather, it is shared by all residents of the 24th Ward. (See *People ex rel. Hiller v. Bevirt* (1938), 297 Ill. App. 335, 17 N.E.2d 629.) We conclude that the trial Judge properly relied on *Turner* and *Allen* and held that the plaintiffs lacked standing to bring the *quo warranto* action.

The plaintiffs rely principally on *Kluk v. Lang* (1988), 125 Ill. 2d 306, 531 N.E.2d 790. [***18] We do not believe that *Kluk* supports standing of the plaintiffs here. In *Kluk* the supreme court emphasized that the plaintiffs were challenging the constitutionality of a statute which, in effect, denied their right to vote to fill a vacancy in the state legislature. The court also emphasized the fact that *Kluk* involved a complaint for declaratory judgment and that the standing requirements for *quo warranto* were "stricter than those for declaratory judgment standing." 125 Ill. 2d at 320.

For the foregoing reasons, the judgment of the circuit court is affirmed.

Judgment affirmed.

RAKOWSKI, J., and LaPORTA, J., concur.

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