

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

CODY HOLT,)
)
 Petitioners,)
)
 v.)
)
 EDUCATION OFFICERS ELECTORAL)
 BOARD OF COMMUNITY COLLEGE)
 DISTRICT 509; JOHN CUNNINGHAM,)
 not individually but in his capacity as Kane)
 County Clerk; KAREN A. YARBROUGH,)
 not individually but in her capacity as Cook)
 County Clerk; JEAN KACZMAREK, not)
 individually but in her capacity as DuPage)
 County Clerk; JOSEPH J. TIRIO, not)
 individually but in his capacity as McHenry)
 County Clerk; TASHA SIMS, not)
 Individually but in her capacity as DeKalb)
 County Clerk; and, PATRICIA ARROYO,)
)
 Respondents.)
 _____)

Docket No. 22 MR _____

PETITION FOR JUDICIAL REVIEW

NOW COMES the Petitioner, CODY HOLT, and for his Petition for Judicial Review against the Respondents, EDUCATION OFFICERS ELECTORAL BOARD OF COMMUNITY COLLEGE DISTRICT 509; JOHN CUNNINGHAM, not individually but in his capacity as Kane County Clerk; KAREN A. YARBROUGH, not individually but in her capacity as Cook County Clerk; JEAN KACZMAREK, not individually but in her capacity as DuPage County Clerk; JOSEPH J. TIRIO, not individually but in his capacity as McHenry County Clerk; TASHA SIMS, not individually but in her capacity as DeKalb County Clerk; and PATRICIA ARROYO, pursuant to 10 ILCS 5/10-10.1, states as follows:

1. The Respondent, EDUCATION OFFICERS ELECTORAL BOARD OF COMMUNITY COLLEGE DISTRICT 509, (the “BOARD”) is the duly constituted electoral board for Elgin Community College District 509 in Kane County, Illinois, with its office located at 1700 Spartan Drive, Elgin, Kane County, Illinois 60123, with its members being Donna Redmer, its Chair, John Duffy, its Secretary, and Clare

- M. Ollayos, one of its Members, and is named as a party for purposes of compelling production and filing of the record and for purposes of relief.
2. The Respondent, JOHN CUNNINGHAM, in his capacity as Kane County Clerk, is statutorily required to certify, print and distribute the ballot for the election of candidates for the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election, and is named herein only for purposes of relief.
 3. The Respondent, KAREN A. YARBROUGH, in her capacity as Cook County Clerk, is statutorily required to certify, print and distribute the ballot for the election of candidates for the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election, and is named herein only for purposes of relief.
 4. The Respondent, JEAN KACZMAREK, in her capacity as DuPage County Clerk, is statutorily required to certify, print and distribute the ballot for the election of candidates for the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election, and is named herein only for purposes of relief.
 5. The Respondent, JOSEPH J. TIRIO, in his capacity as McHenry County Clerk, is statutorily required to certify, print and distribute the ballot for the election of candidates for the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election, and is named herein only for purposes of relief.

6. The Respondent, TASHA SIMS, in his capacity as Cook County Clerk, is statutorily required to certify, print and distribute the ballot for the election of candidates for the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election, and is named herein only for purposes of relief.
7. The Respondent, PATRICIA ARROYO (CANDIDATE), 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, including a Statement of Candidacy, and nominating petition for election to the office of Member of the Board of Trustees for Illinois Community College District 509 (the “Nominating Petition”).
8. The Petitioner, CODY HOLT, (OBJECTOR) is an individual residing at 688 Scott Drive, within the City of Elgin, Elgin Township, Kane County, Illinois, who, on January 5, 2023, filed with the BOARD his objection to the CANDIDATE’s nominating papers, for election to the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted on at the April 4, 2023, Consolidated Election (the “Objector’s Petition”).
9. The Objector’s Petition alleges, *inter alia*, that Section 3-7.1 of the Community College Act, 110 ILCS 805/3-7.1, and Section 10-5 of the Election Code, 10 ILCS 5/10-5 of the 45-10 of the Township Code, 60 ILCS 1/45-10, require that a candidate for election to the office of Member of the Board of Trustees for Illinois Community College District 509 require the candidate file a statement of candidacy as part of her nominating papers that truthfully and verily attests the candidate is a qualified voter

within the boundaries of Community College District 509 at the time that candidate executes her statement of candidacy; that at the time the CANDIDATE executed her Statement of Candidacy on December 10, 2022, that she was not a qualified voter anywhere within the District's boundaries and that the averment in her Statement of Candidacy is false; that the CANDIDATE is legally ineligible to be a candidate for election to the office of Member of the Board of Trustees for Illinois Community College District 509; and, that the CANDIDATE's Nominating Petition violates a mandatory provision of the Election Code, and are void and invalid.

10. On January 10, 2023, the BOARD held a hearing on consideration of the Objector's Petition.
11. On January 12, 2023, the BOARD entered a written decision on the Objector's Petition (the "Board Decision") which overrules the Objector's Petition, for the reasons stated therein, including, but not limited to, a finding that just because the CANDIDATE is not an "active voter" does not necessarily mean she is not a "qualified voter", and even if she is not a "qualified voter" any requirement in the Election Code that she be one impermissibly imposes an additional requirement to hold office as a community college trustee beyond that which is provided for in Section 3-7(c) of the Community College Act.
12. The Board Decision is in error and is not in accordance with the law for reasons including, but not necessarily limited to, the following:
 - A. The Board Decision is against the manifest weight of the evidence and is contrary to the law;

- B. The manifest weight of the evidence establishes that the CANDIDATE is not a qualified voter in the boundaries of Community College District 509 at the time she executed her Statement of Candidacy on December 10, 2022;
 - C. Section 3-7.1 of the Community College Act, 110 ILCS 805/3-7.1, and Section 10-5 of the Election Code, 10 ILCS 5/10-5 of the 45-10 of the Township Code, 60 ILCS 1/45-10, require that a candidate for election to the office of Member of the Board of Trustees for Illinois Community College District 509 require the candidate file a statement of candidacy as part of her nominating papers that truthfully and verily attests the candidate is a qualified voter within the boundaries of Community College District 509 at the time that candidate executes her statement of candidacy;
 - D. The CANDIDATE's Statement of Candidacy contains false statements;
 - E. The CANDIDATE is legally ineligible to be a candidate for election to the office of Member of the Board of Trustees for Illinois Community College District 509; and,
 - F. The CANDIDATE's Nominating Petition violates a mandatory provision of the Election Code, and are void and invalid.
13. For the reasons set forth above, the Board Decision erroneously overrules the OBJECTOR's Objector's Petition, and erroneously orders that CANDIDATE's name be certified for the April 4, 2023 Consolidated Election ballot.
14. The OBJECTOR has exhausted all administrative remedies, has no further plain, speedy, adequate remedy under the law, and desires judicial review and reversal of the Board Decision, in accordance with Section 10-10.1 of the Election Code.

15. The OBJECTOR requests that the BOARD file with this Court the record and transcript of the proceedings related to, affecting or resulting in issuance of the Board Decision.
16. The OBJECTOR requests that, upon the Board's filing of a record and transcript of the proceedings related to, affecting or resulting in issuance of the Board Decision, that he be granted leave within three (3) business days thereafter to file a memorandum in support of this Petition, and that the court thereafter consider this matter on an expedited basis and render a timely decision herein.
17. The OBJECTOR requests that this court stay enforcement of the Board Decision pending resolution of the proceedings herein.

WHEREFORE, the Petitioner, CODY HOLT, respectfully requests that the record be judicially reviewed; that this court enter an interlocutory order staying enforcement of the Board Decision pending resolution of the proceedings herein; that the Board Decision be reversed or vacated; that the Respondent, PATRICIA ARROYO's, name be stricken from the ballot for election to the office of Member of the Board of Trustees for Illinois Community College District 509 to be voted upon at the Consolidated Election to be held on the April 4, 2023; and, that the Court grant any other relief that is just or equitable under the circumstances.

Respectfully submitted,

CODY HOLT

By: /s/ Cody Holt
Cody Holt

CERTIFICATE

I, Cody Holt, certify that I have read the above pleading, motion or other paper; that to the best of my knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, in accordance with Supreme Court Rule 137.

 /s/ Cody Holt

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