IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION

Nate Fields Jr. Petitioner-Candidate, v. Thornton Township Electoral Board, *et al.* Respondents.	)	No. 2025 COEL 000002 Electoral Board Case No. 25 TOEB Sup 02 Calendar 5 – Judge Tully

MEMORANDUM OPINION AND ORDER

Petitioner Nate Fields Jr. is an independent candidate for Thornton Township Supervisor. The sole issue presented is whether Fields was required to bind his statement of candidacy to his nomination petitions. The court grants Fields' Petition for Judicial Review, reverses the decision of the Electoral Board, and orders that Fields' name shall appear on the ballot for the April 1, 2025 election.

I. UNDISPUTED FACTS

Fields filed his nomination papers on November 12, 2024. They included the requisite statement of candidacy, statement of economic interest, and 97 pages of bound petition sheets. (R. 007.) Objectors Keith Price and Michael Smith raised five objections to Fields' candidacy. The Electoral Board voted to overrule four of five of those objections. The fifth objection alleged that Fields' failure to bind his statement of candidacy to his nomination papers violated Section 10-4 of the Election Code. (R. 117.) On December 30, 2024, the Electoral Board voted 2-1 to sustain the objection. (R. 005-006.)

II. STANDARD OF REVIEW

Whether Section 10-4 of the Election Code required Fields to bind his statement of candidacy to his petition sheets presents a question of law, which typically warrants *de novo* review. *See Corbin v. Schroeder,* 2021 IL 127052, ¶ 32; *see also Cinkus v. Stickney Municipal Officers Electoral Board,* 228 Ill. 2d 200, 210 (2008). Under *Cinkus,* however, this case may present a mixed question even though the facts are undisputed. There, the Illinois Supreme Court stated, "an examination of the legal effect of a given state of facts involves a mixed question of fact and law with a standard of review of 'clearly erroneous.'" *See Cinkus*, 228 Ill. 2d at 211 (2008). Under either standard, this court reverses the Electoral Board's decision.

III. ANALYSIS

Ballot access is a substantial right not lightly denied. *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, ¶ 32; *Sutton v. Cook Cnty. Officers Electoral Bd.*, 2012 IL App (1st) 122528, ¶ 13. A court must "tread cautiously" when asked to restrict voters' right to endorse and nominate the candidates of their choice. *Lucas v. Lakin*, 175 Ill. 2d 166, 176 (1997). As explained by the First District:

> [T]he *Lucas* court noted that the candidate in question was entitled to ballot placement "in the absence of a clear legislative statement to the contrary." This court has further noted that "[i]t is basic that Illinois courts view the right of a citizen to hold political office as a valuable one. The exercise of this right is not to be prohibited or curtailed except by plain provisions of the law. Indeed, our supreme court has held that statutes imposing disqualification should be construed liberally, resolving all doubts in favor of a candidate's eligibility.

Ahmad v. Board of Election Commissioners, 2016 IL App (1st) 162811, ¶ 14 (Delort, J.) (internal citations omitted). Here, there is no "clear legislative statement" or "plain provision of the law" requiring binding of the statement of candidacy. In the absence of one, Fields is entitled to be placed on the ballot.

The Election Code requires that petition sheets "be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner." 10 ILCS 5/10-4. The Code also states that nomination papers must include a statement of candidacy. 10 ILCS 5/10-5. There is no dispute that Fields bound his petition sheets. There is also no dispute that his nomination papers included a statement of candidacy, which was filed simultaneously with his bound petition sheets. (R. 007.)

Fields validly points out (Pet. MSJ at p. 2), and the Board concedes (Board Mem. at p. 2, R. 208, 12/17/24 Tr. at 52:8-13), that Section 10-4 does not expressly provide that the statement of candidacy be bound with the petition sheets. Moreover, no appellate case holds that the statement of candidacy must be bound with the petition sheets.

The Board's December 30, 2024 Decision (and its brief in this court) relied solely on cases involving so-called later-filed statements of candidacy. Those cases are largely inapposite though they are entirely *inconsistent* with a binding requirement for the statement of candidacy. A binding requirement cannot at all be read into them, and the Board's decision to insert one was clear error. In those cases, appellate courts squarely addressing the issue have uniformly blessed candidacies in which candidates filed their statements of candidacy *days after* their petition sheets. *See Ballentine v. Bardwell*, 132 Ill.App.3d 1033, 1040 (1st Dist. 1985); *Courtney v. County Officers Electoral Board*, 314 Ill.App.3d 870, 876 (1st Dist. 2000). In short, there is no statute that requires binding the statement of candidacy, and there is no statutory interpretation by the courts that requires it.

In *Ballentine*, candidates were found to have complied with the Election Code by filing their statements of candidacy four days after filing their petition sheets but before the expiration of the legal period for filing. *Ballentine,* 132 Ill.App.3d at 1040. Likewise, in *Courtney,* the First District allowed a candidate to remain on the ballot where he filed his nominating petitions three days before he filed his statement of candidacy. *Courtney*, 314 Ill.App.3d at 876 ("we hold, as did the court

in *Ballentine,* that the fact that the statement of candidacy was not filed simultaneously with the nomination petitions did not mandate removal of the petitioner's name from the ballot, where petitioner filed the statement within the requisite filing period.")

The Board now suggests that the "question of the validity of a later separately filed statement of candidacy resurfaced in *McCaskill v. Municipal Officers Electoral Board for City of Harvey* [2019 IL App (1st) 190190]." (Board Mem. at p. 3.) That may be true – but nowhere does *McCaskill* suggest or imply that that Section 10-4 requires a candidate to bind his statement of candidacy to his nomination papers. Nowhere does the opinion in *McCaskill* even mention the words "binding," "fastening," or the like.

In *McCaskill*, an aldermanic candidate had filed nominating papers for a partisan primary that did not exist, then tried to correct his mistake by recirculating petitions for a nonpartisan bid and filing a second set of nominating papers, which was ultimately allowed. At issue in *McCaskill* was whether Section 10-4's proscription on adding to a petition after filing ("A petition, when presented or filed, shall not be withdrawn, altered, or added to…") prevented the candidate from filing an entirely new set of nominating papers. The First District concluded that it did not, as Section 10-6.2 of the Election Code (a statute enacted after Section 10-4) provided that a candidate *may* file multiple sets of nominating papers. 2019 IL App (1st) 190190, ¶ 23. In harmonizing the two statutes, Justice Ellis (albeit without addressing or even citing *Ballentine* and *Courtney*) suggested in *dicta* that a later-filed statement of candidacy – as opposed to an entirely new set of nominating papers – could violate Section 10-4. *Id.* ¶ 25 ("a candidate might have omitted a required document from his filed nomination papers, like a statement of candidacy, and might try to add it later. Or the candidate might want to add more petition sheets to his filed nomination papers, fearing a lack of valid signatures. Section 10-4's language would still govern those situations.").

To the extent *McCaskill* somehow gives rise to a "split" in authority, as the Board erroneously

concluded (*see* R. 209, 12/17/24 Tr. at 53:12-13), it relates only to later-filed statements of candidacy accepted by the courts in *Ballentine* and *Courtney*. Of course, Mr. Fields' statement of candidacy was not "later separately filed" (Board Mem. at p. 3) – it was simultaneously filed with his petition sheets. Bottom line, the candidate in this case included the statement of candidacy with his nomination papers – he's not "trying to add it later" like Justice Ellis' hypothetical candidate.

Finally, the IICLE treatise, relied upon by the Board, s*ee* Thomas A. Jaconetty, "Ballot Access," *Election Law* §1.120 (Illinois Institute for Continuing Legal Education, 2024), states only that "two-step filings" are "ill-advised." It does not state that they are violative of the Election Code. *Id.* ("Because [*McCaskill*-type] challenges still routinely arise, two-step filings, although perhaps in the strictest sense legal, are ill advised."); *cf.* R. 209, 12/17/24 Tr. at 53:7-11 ([Board attorney:] "Now us lawyers often use this one guide called Illinois Continuing Legal Education. It has a whole chapter on election law. I was reviewing that chapter last night, and in part of it, it does state that while in some jurisdictions this is found to be okay, it's a very dangerous thing and we highly recommend the candidates bind their statement of candidacy with their petitions."). Again, and in any event, Fields' filing was not even a two-step filing. R. 007. It appears the Board's decision is rooted in what Mr. Jaconetty describes as a "general practice" among the election bar regarding assembling of nomination papers (*see* Jaconetty, *supra* § 1.120) – clearly insufficient grounds to invalidate Fields' candidacy under *Lucas v. Lakin*, and its progeny, where ballot access is favored in the absence of a clear legislative statement to the contrary. *See Lucas,* 175 Ill. 2d at 176; *McCaskill*, 2019 IL App (1st) 190190, ¶ 55 ("We reiterate that, because of the importance of ballot access and the right to vote, we make every reasonable attempt to interpret election statutes to promote ballot access.").

In sum, there is simply no requirement in the Election Code that the statement of candidacy be bound to a candidate's petition sheets or any case law that requires it. In sustaining the objection in this regard, the Board created one without any valid legal support. Its decision was clear error. Again,

Ballentine and *Courtney* are entirely inconsistent with a binding requirement. And even if those "later-filed statement of candidacy" or "two-step" cases are called into question by *dicta* in *McCaskill, McCaskill* did not somehow create such a binding requirement for the statement of candidacy. Fields complied with the Election Code.

IV. CONCLUSION

For the foregoing reasons, Fields' Petition for Judicial Review is granted, the Electoral Board's December 30, 2024 decision is reversed, and Mr. Fields' name shall be printed on the ballot for the April 1, 2025 election. This is a final order.

ENTERED: /s/Judge John J. Tully, Jr. #2354

Dated: January 27, 2025