

ALLEGATIONS COMMON TO ALL COUNTS

4. Within the appropriate statutory filing period, Plaintiff filed his nomination papers with the Defendant's office (See attached Exhibit A).

5. By operation of the Illinois Election Code, 10 ILCS 5/10-8, the time has passed to file objections to the Plaintiff's nomination papers.

6. On January 22, 2025, OLSON-FUCA filed a Certificate of Ballot with the Winnebago County Election Department certifying the ballot for Supervisor and Candidates, Gregory Deppe and Randal L. Olson (See attached Exhibit B).

7. January 23, 2025 was the last day for the Defendant, OLSON-FUCA, to file a certificate of ballot with the Winnebago County Clerk's office.

8. There were objections filed to the Plaintiff's nomination papers. The electoral board for the Township was convened and Candidate DEPPE filed his appearance and two motions on January 29, 2025. The first motion was a Motion to Dismiss (See attached Exhibit C) and the second motion was Candidate's Motion to Disqualify Pecatonica Township Clerk (See attached Exhibit D).

9. On January 30, 2025, OLSON-FUCA submitted to Winnebago County Election Department an Amended Certification of Ballot removing Candidate, DEPPE. (See attached Exhibit E)

10. On February 3, 2025, Objector filed a Motion for Withdrawal of Objection that Motion was permitted on February 6, 2025 by the Electoral Board. (See attached Exhibit F)

11. Notwithstanding the fact that objections were withdrawn on February 3, 2025, OLSON-FUCA filed a Certificate of Ballot removing the candidate from the ballot

herself. See attached Exhibit E. OLSON-FUCA excluded the name of Plaintiff, DEPPE, from the Certificate of Ballot but left names of other candidates whose nominating papers were deficient including but not limited to her own nominating papers.

12. On February 6, 2025, the Electoral Board found "The Candidate's nomination papers are VALID, and the Pecatonica Township Clerk is ORDERED to certify the name of Gregory Deppe to be printed on the ballot for the office of Township Supervisor for the April 1, 2025 Consolidated Election in the Township of Pecatonica." and the Township Clerk signed that decision on February 6, 2025. (See attached Exhibit F)

13. On February 11, 2025 Pecatonica Township filed Resolution No. 2025.01 A Resolution Regarding the Actions of the Township Clerk Related to the April 1, 2025 Elections (See attached Exhibit G) which states in part "WHEREAS, each of the Candidate's Nomination Papers, with the exception of those of Brian Boomer, were defective and not in compliance with the mandatory provisions of the Election Code, which was apparent from the face of the filings" and "WHEREAS, the Township Clerk has ostensibly treated similarly situated candidates differently based on their relationships and political affiliations with her" and "WHEREAS, the Township Clerk was not acting pursuant to any custom, policy or practice of Pecatonica Township when she decided to remove two candidates, who she is not politically supporting, from the ballot while leaving on the remaining candidates, who she is politically supporting."

14. The Clerk's removal of the Plaintiff's names from the ballot has resulted in the determination of the entire election for the offices of Township Supervisor in the

Village of Pecatonica because now there is only one candidate for the Township Supervisor, and the voters have no choice whatsoever regarding their representation.

15. At the time Defendant OLSON-FUCA filed the Certification of Ballot with the Winnebago County Clerk, she knew that the Plaintiff's nomination papers were in apparent conformity with the mandatory provisions of the Election Code.

16. Defendant, OLSON-FUCA's actions in not certifying the Plaintiff's name to the Winnebago County Clerk were undertaken specifically to deprive the Plaintiff of his protected First and Fourteenth Amendment rights.

17. Defendant OLSON-FUCA does not have the lawful discretion to refuse to certify the Plaintiff's name on the ballot under Illinois law, as ballot certification is a mandatory, ministerial act under the Illinois Election Code 10 ILCS 5/10-15.

COUNT I

EMERGENCY MOTION FOR MANDAMUS

18. Plaintiff reallege and reassert the allegations set forth in paragraphs 1 through 17 of this Complaint as though fully set forth herein.

19. For the reasons stated in the above-paragraphs, the Defendant has unlawfully restricted and interfered with the Plaintiff's constitutionally-protected interests to appear on the ballot for election as Pecatonica Township Supervisor at the Consolidated Election to be held on April 1, 2025.

20. The right to appear on a ballot and run for office is a fundamental right of the Plaintiff in need of protection when that right has been illegally and unlawfully denied.

21. Defendant OLSON-FUCA has refused to certify the Plaintiff's name as candidate even though she knows, or should have known, that the nomination papers were in apparent conformity with the mandatory provisions of the Illinois Election Code.

22. Defendant OLSON-FUCA's actions in not certifying the Plaintiff's name to the Winnebago County Clerk were undertaken specifically to deprive the Plaintiff of his protected First and Fourteenth Amendment rights and to deny Plaintiff the opportunity to appear on the ballot for the April 1, 2025 Consolidated Election.

23. The Plaintiff has suffered, and continue to suffer, irreparable harm each day he is not certified to be on the ballot as he is not being treated as a contender for municipal office. The Plaintiff does not have an inadequate remedy at law because the primary relief sought here is incapable of being compensated by way of damages, namely, the right to appear on the ballot. Furthermore, Plaintiff is further faced with irreparable harm and an inadequate remedy at law in that time is of the essence to his claim because ballots must be printed by the Defendant Winnebago County Clerk and the Consolidated Election is scheduled for April 1, 2025.

24. The Plaintiff will face greater harm in the absence of injunctive relief than the harm that would result to Defendants if injunctive relief is granted. If no injunctive relief is granted, the Plaintiff will continue to suffer the inability to campaign for office and may also suffer the grave and irreparable harm of not being permitted to appear on the ballot for offices in the Township of Pecatonica for the April 1, 2025 Consolidated Election.

25. Defendants will suffer no harm whatsoever if the injunctive relief requested by Plaintiff herein is granted.

26. The Plaintiff is merely requesting Defendants to comply with their statutory obligation to certify the names of candidates who filed nomination papers with the Township Clerk.

27. The Plaintiff has a reasonable likelihood of success on the merits.

28. The Plaintiff seeks to be a candidate for office in the Township of Pecatonica at the April 1, 2025 Consolidated Election.

29. Entry of a temporary restraining order/preliminary injunction would not be detrimental to the public interest. Granting a temporary restraining order/preliminary injunction would be supportive of the public interest in that it would guarantee the Plaintiff the opportunity to pursue his rights under their Illinois Election Code and other Illinois and federal law, to pursue a place on the April 1, 2025 Consolidated Election.

WHEREFORE, Plaintiff, GREGORY DEPPE respectfully request this Honorable Court to grant the following relief:

- A. For an order compelling Defendant OLSON-FUCA to file an amended certification of ballot certifying the names of GREGORY DEPPE as candidate for office in the Township of Pecatonica for the April 1, 2025 election and compelling any other actions as may be necessary for OLSON-FUCA to perform to have said Candidate's name correctly printed on the ballot;
- B. For and order enjoining Defendant GUMMOW from printing and distributing ballots for the election to offices in the Township of Pecatonica for the Consolidated Election of April 1, 2025, without the name of GREGORY DEPPE on them.

COUNT II

**MANDAMUS TO COMPEL THE VILLAGE CLERK
TO CERTIFY THE PLAINTIFFS' NAMES IN
ACCORDANCE WITH AND 10 ILCS 5/10-15.**

30. Plaintiff realleges and incorporates by reference as fully set forth herein the allegations set forth in paragraphs 1 through 29 above.

31. When public officials fail or refuse to comply with the requirements imposed upon them by statute, the courts may compel them to do so by means of a writ of mandamus. See, e.g. People ex rel. Sklodowski v. State of Illinois, 284 Ill.3d.809, 817-818, 674 N.E.2d 81 (1996), *appeal allowed*, 171 Ill.2d 584, 677 N.E.2d 971 (1997).

32. Section 10-15 of the Illinois Election Code specifies:

Not less than 61 days before the date of the consolidated and nonpartisan elections, **each local election official** with whom certificates of nomination or nominating petitions have been filed **shall certify to each election authority** having jurisdiction over any of the territory of his political subdivision **the names of all candidates entitled to be printed on the ballot for offices of that political subdivision** to be voted upon at such election and direct the election authority to place upon the official ballot for such election the names of such candidates in the same manner and in the same order as shown upon the certification.

The local election officials shall certify such candidates for each office in the order in which such candidates' certificates of nomination or nominating petitions were filed in his office. However, subject to appeal, the names of candidates whose petitions have been held invalid by the appropriate electoral board provided in Section 10-9 of this Act shall not be so certified.

10 ILCS 5/10-15 (emphasis added).

33. The statute only permits the clerk to exclude names from the certification if their petitions were invalidated by an electoral board.

34. The Plaintiff's nomination papers were not invalidated by an electoral board and objections were filed and withdrawn to their nomination papers.

35. The Election Code does not give the Township Clerk the discretion to refuse to certify candidates, such as the Plaintiff. See 10 ILCS 5/10-1, *et seq.* generally.

36. OLSON-FUCA has failed to perform her statutory responsibilities by intentionally refusing to certify to the proper election authorities the candidacies of the Plaintiffs as required by Section 10-15 of the Illinois Election Code.

37. The Illinois Election Code expressly delegates to electoral boards the responsibility to take up the issue to determine whether nomination papers are valid. 10 ILCS 5/10-10. No law permits OLSON-FUCA to exercise such authority.

38. OLSON-FUCA lacks any statutory or lawful authority whatsoever to deny Plaintiff's petition certification.

39. By OLSON-FUCA's refusal to perform her statutory mandate, Plaintiff DEPPE has sustained damages and has incurred legal fees and costs to bring this action.

WHEREFORE, Plaintiff, GREGORY DEPPE respectfully request this Honorable Court to grant the following relief:

- A. For an order compelling OLSON-FUCA to certify the Plaintiff's name to the Winnebago County Clerk in his proper order as candidate for Township Supervisor of the Township of Pecatonica, respectively; and
- B. Order OLSON-FUCA to pay Plaintiff's damages and costs pursuant to 735 ILCS 5/14-105; and
- C. For such other and further or different relief as this Court may deem equitable and just.

COUNT III

DECLARATORY JUDGMENT

40. Plaintiff realleges the allegations set out in paragraphs 1 through 39 of this complaint as paragraphs 1 through 39 of this Count as though fully set forth herein.

41. Pursuant to Section 5/2-701, the Illinois Code of Civil Procedure, 735 ILCS 5/2-701, the Plaintiff has the right to have this court make a binding declaration of his

rights, having the force of a final judgment, concerning his right to have his name certified as candidate for the Township Supervisor in the Township of Pecatonica.

42. This court also, pursuant to said statute, may give a construction to any statute, municipal ordinance, or other governmental regulation and make a declaration of the rights of the party interested thereto.

43. The Plaintiff's nomination papers was in apparent conformity with the mandatory provisions of the Election Code and included a statement of candidacy, a petition bearing the required number of voters' signatures, the notarized signature of the petition circulator and a receipt from the County Clerk showing that the Plaintiff filed statement of economic interests on or before the last day for filing as required by the Illinois Governmental Ethics Act.

44. Notwithstanding the Plaintiff's compliance with the requirements for filing his nomination papers, the Township Clerk, Defendant OLSON-FUCA refused to certify the name of the Plaintiff to the Winnebago County Clerk's office.

WHEREFORE, Plaintiff, GREGORY DEPPE respectfully request this Honorable Court to grant the following relief:

- A. For an order declaring that OLSON-FUCA had no discretion to refuse to certify the Plaintiff's name to the Winnebago County Clerk in his proper order as candidate for Township Supervisor of the Township of Pecatonica, respectively; and
- B. For an order compelling OLSON-FUCA to certify the Plaintiff's name to the Winnebago County Clerk in his proper order as candidate for Township Supervisor of the Township of Pecatonica, respectively; and
- C. Order OLSON-FUCA to pay Plaintiff's damages and costs pursuant to 735 ILCS 5/14-105; and
- D. For such other and further or different relief as this Court may deem equitable and just.

COUNT IV

SECTION 1983 - DUE PROCESS VIOLATION (Against Defendant OLSON-FUCA)

45. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in paragraphs 1 through 44 above as Counts 1 through 44 of this Count.

46. The Fourteenth Amendment of the United States Constitution prohibits any state action that deprives any person of life, liberty or property without due process of law.

47. 42 U.S.C. §1983, titled "Civil Action for Deprivation of Rights", provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom or usage of any state... subjects, or causes to be subjected any citizen of the United States... to the deprivation of any rights, privileges, or immunity secured by the Constitution and laws shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress.

48. The right of a party or an individual to be placed on a ballot is entitled to due process protection and is intertwined with the rights of voters.

49. Any practice having an adverse impact on the ability of an individual to properly appear on a ballot also has an adverse impact on the right to vote and, therefore, must be closely scrutinized and must be found reasonably necessary to the accomplishment of legitimate state objectives in order to pass constitutional muster.

50. Defendant OLSON-FUCA, acting under color of state law, has violated the Plaintiff's rights to due process. Defendant OLSON-FUCA established a course of action

which deprived the Plaintiff of his rights to ballot access by refusing or otherwise failing to certify the Plaintiff's name to the Winnebago County Clerk's office.

51. Upon information and belief, Defendant OLSON-FUCA then engaged in concerted activity, a conspiracy, and a course of conduct which denied Plaintiffs access to the ballot without due process of law by the orchestrated moves of others. The actions of Defendant OLSON-FUCA arbitrarily and capriciously denied the Plaintiff his right to appear on the ballot without due process of law.

52. The actions of the Defendant OLSON-FUCA in removing the Plaintiff from the ballot when objection had been withdrawn to his nomination petition has denied the Plaintiff his right to have any hearing prior to his deprivation of ballot access, solely to force the Plaintiff to file a lawsuit. This has the consequence of an unconstitutional ballot-access tax on the Plaintiff. The Plaintiff, as a candidate who complied with all lawful ballot access requirements have a right to have his name printed on the ballot for election.

53. Defendant OLSON-FUCA's actions described above were arbitrary and capricious and were based solely on Plaintiff's political beliefs and/or party affiliations and had no reasonable basis or justification.

54. Defendant OLSON-FUCA's acts of intentional discrimination and denial of Plaintiff's due process, and her failure to protect Plaintiff's due process rights constitutes state action within the meaning of the Fourteenth Amendment of the United States Constitution and the United States Civil Rights Act, 42 U.S.C. §1983. Defendant OLSON-FUCA has, therefore, violated Plaintiff's right to due process secured to Plaintiff by the Fourteenth Amendment.

55. At all times, Defendant OLSON-FUCA functioned as a public employee or policy maker with respect to Plaintiff's filing of his nomination petition to appear on the ballot at the Consolidated Election of April 1, 2025 and the certification of Plaintiff's name to appear on the ballot at said Election.

56. Because of the actions of Defendant OLSON-FUCA, the Plaintiff has suffered, and continued to suffer damages.

57. By reason of the foregoing, Defendant OLSON-FUCA has subjected the Plaintiff to deprivation of his right to due process under the laws and is liable in equity and for damages to Plaintiff under the law.

WHEREFORE, Plaintiff, GREGORY DEPPE respectfully request this Honorable Court to grant the following relief:

- A. Declare that Plaintiffs are entitled to have his name printed on the ballot for the Consolidated Election of April 1, 2025;
- B. Order the Township Clerk to certify Plaintiff's name as a candidate for his respective office on the ballot for the Consolidated Election to be held on April 1, 2025;
- C. Order the Winnebago County Clerk to print Plaintiff's name as a candidate for his respective office on the ballot for the Consolidated Election to be held on April 1, 2025;
- D. Order Defendant OLSON-FUCA to pay plaintiff \$150,000 in compensatory damages;
- E. Order Defendant OLSON-FUCA to pay punitive damage to the Plaintiff in the amount of \$500,000;
- F. Order Defendants to pay Plaintiff's attorney's fees and costs pursuant to §1988 of the Federal Civil Rights Act.

COUNT V

SECTION 1983 - EQUAL PROTECTION

(Against Defendant OLSON-FUCA)

58. Plaintiff realleges and incorporates by reference as though fully set forth herein the allegations set forth in paragraphs 1 through 57 above as 1 through 57 of this Count.

59. The Fourteenth Amendment of the United States Constitution prohibits any state acts to deny any person within the public jurisdiction the equal protection of the laws.

60. 42 U.S.C. §1983, titled "Civil Action for Deprivation of Rights", provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom or usage of any state... subjects, or causes to be subjected any citizen of the United States... to the deprivation of any rights, privileges, or immunity secured by the Constitution and laws shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress.

61. Defendant OLSON-FUCA, acting under color of state law, singled out a particular group, namely the Plaintiff, for disparate treatment and selected her course of action at least, in part, for the purpose of causing the adverse effect of not having Plaintiff's name appear on the ballot for the April 1, 2025 election.

62. Defendant OLSON-FUCA's actions have been discriminatory against the Plaintiff on the basis of Plaintiff's political beliefs and/or party affiliations.

63. Defendant OLSON-FUCA by the acts described above, denied plaintiff the equal protection of the law when Defendant OLSON-FUCA refused to certify the Plaintiff's

name and such denial was based on plaintiff's political beliefs and/or party affiliations and had no reasonable basis or justification.

64. Defendant OLSON-FUCA's acts of discrimination against Plaintiff's and her failure to protect Plaintiff against political or associational discrimination constitutes state action within the meaning of the Fourteenth Amendment of the United States Constitution. Defendant OLSON-FUCA has, therefore, violated Plaintiff's right to equal protection of the laws secured to them by the Fourteenth Amendment.

65. At all times, Defendant OLSON-FUCA functioned as a public employee or policy maker with respect to Plaintiff's filing of his nomination petition to appear on the ballot at the Consolidated Election of April 1, 2025 and the certification of Plaintiff's name to appear on the ballot at said Election.

66. Because of the actions of Defendant OLSON-FUCA, the Plaintiff has suffered and continues to suffer damages.

67. By reason of the foregoing, Defendant OLSON-FUCA has subjected the Plaintiff to deprivation of his right to equal protection under the laws and are liable in equity and for damages to Plaintiff under the law.

WHEREFORE, Plaintiff, GREGORY DEPPE respectfully request this Honorable Court to grant the following relief:

- A. Declare that Plaintiff is entitled to have his name printed on the ballot for the Consolidated Election of April 1, 2025;
- B. Order the Township Clerk to certify Plaintiff's names as candidates for his respective office on the ballot for the Consolidated Election to be held on April 1, 2025;

- C. Order the Winnebago County Clerk to print Plaintiff's name as candidate for his respective office on the ballot for the Consolidated Election to be held on April 1, 2025;
- D. Order Defendant OLSON-FUCA to pay Plaintiff \$150,000 in compensatory damages;
- E. Order Defendant OLSON-FUCA to pay punitive damages to the Plaintiff in the amount of \$500,000.
- F. Order Defendant OLSON-FUCA to pay Plaintiff's attorney's fees and costs pursuant to §1988 of the Federal Civil Rights Act.

GREGORY DEPPE



By: _____
One of Plaintiff's attorneys

This Document Prepared by:
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Pecatonica, IL 61063
608-365-7702
rkimes@bolgrienlaw.com

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Signature: Gregory V. Deppe
Gregory Deppe

STATEMENT OF CANDIDACY

INDEPENDENT

NAME:



WINNEBAGO COUNTY
ILLINOIS

Candidate Receipt for Filing

(MUST BE COMPLETED BEFORE TURNING IN YOUR PACKET)

Name: GREGORY DEPPE

Address: 17422 SUMNER RD.

City, Zip Code: PECATONICA, IL. 61063

Primary Phone: 815-218-7042 Type: Cell Home Office
(circle one)

Secondary Phone: N/A Type: Cell Home Office
(circle one)

Primary Email: GDEPPE71@GMAIL.COM

Secondary Email: N/A

Website: N/A

Head of Slate: _____

Head of Slate: If more than one candidate is listed on the petition.

District: PECATONICA Office: TOWNSHIP SUPERVISOR

PARTY: _____ SIGNATURE: Gregory V. Deppe

OFFICE USE ONLY

FILING DATE: 11-12-24 TIME: 9:00 AM 294

STATEMENT OF CANDIDACY or N

HOW FILED: CANDIDATE

LOYALTY OATH or N

AGENT

ECONOMIC INTEREST or N

MAIL

CERTIFICATE OF DELETIONS Y or N

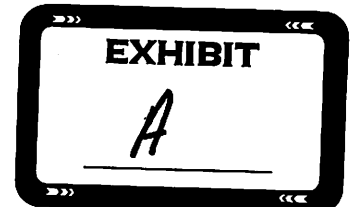
NUMBER OF PETITION PAGES 4

FORM OF BINDING:
(circle one)

BINDER/PAPER CLIP STAPLE PRONG

OTHER

NO BINDING



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, GREGORY DEPPE, 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.

Gregory V. Deppe
(Signature of Candidate)

Signed and sworn to (or affirmed) by Gregory V. Deppe before me,
(Name of Candidate)

on 11-11-2024
(insert month, day, year)

OFFICIAL SEAL
DEENA R CHURCHILL
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 416547
MY COMMISSION EXPIRES JULY 25, 2026
(SEAL)

Deena R Churchill
(Notary Public's Signature)

STATEMENT OF ECONOMIC INTERESTS
TO BE FILED WITH THE SECRETARY OF STATE
(5 ILCS 420)



INSTRUCTIONS:

You may find the following documents helpful to you in completing this form:

- (1) federal income tax returns, including any related schedules, attachments, and forms; and
- (2) investment and brokerage statements.

To complete this form, you do not need to disclose specific amounts or values or report interests relating either to political committees registered with the Illinois State Board of Elections or to political committees, principal campaign committees, or authorized committees registered with the Federal Election Commission.

The information you disclose will be available to the public.

You must answer all 7 questions. Certain questions will ask you to report any applicable assets or debts held in, or payable to, your name; held jointly by, or payable to, you with your spouse; or held jointly by, or payable to, you with your minor child. If you have any concerns about whether an interest should be reported, please consult your department's ethics officer, if applicable.

Please ensure that the information you provide is complete and accurate. If you need more space than the form allows, please attach additional pages for your response. If you are subject to the State Officials and Employees Ethics Act, your ethics officer must review your statement of economic interests before you file it. Failure to complete the statement in good faith and within the prescribed deadline may subject you to fines, imprisonment, or both.

BASIC INFORMATION:

Name: GREGORY DEPPE

Job title: TRUCKING

Office, department, or agency that requires you to file this form: PECATONICA TOWNSHIP

Other offices, departments, or agencies that require you to file a Statement of Economic Interests form: N/A

Full mailing address: 17422 SUMNER RD. PECATONICA, IL 61063

Preferred email address (optional): _____

QUESTIONS:

1. If you have any single asset that was worth more than \$10,000 as of the end of the preceding calendar year and is held in, or payable to, your name, held jointly by, or payable to, you with your spouse, or held jointly by, or payable to, you with your minor child, list such assets below. In the case of investment real estate, list the city and state where the investment real estate is located. If you do not have any such assets, list "none" below.

STOCKS

BONDS

BUSINESS INTEREST

2. Excluding the position for which you are required to file this form, list the source of any income in excess of \$7,500 required to be reported during the preceding calendar year. If you sold an asset that produced more than \$7,500 in capital gains in the preceding calendar year, list the name of the asset and the transaction date on which the sale or transfer took place. If you had no such sources of income or assets, list "none" below.

Source of Income / Name of Asset	Date Sold (if applicable)
BUSINESS / WORK	

3. Excluding debts incurred on terms available to the general public, such as mortgages, student loans and credit card debts, if you owed any single debt in the preceding calendar year exceeding \$10,000, list the creditor of the debt below. If you had no such debts, list "none" below.

List the creditor for all applicable debts owed by you, owed jointly by you with your spouse, or owed jointly by you with your minor child. In addition to the types of debts listed above, you do not need to report any debts to or from financial institutions or government agencies, such as debts secured by automobiles, household furniture or appliances, as long as the debt was made on terms available to the general public, debts to members of your family, or debts to or from a political committee registered with the Illinois State Board of Elections or any political committee, principal campaign committee, or authorized committee registered with the Federal Election Commission.

NONE

4. List the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year other than the unit or units of government in relation to which the person is required to file and the title of the position or nature of the contractual services.

Name of Unit of Government	Title or Nature of Services
NONE	

5. If you maintain an economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist registered with any unit of government in the State of Illinois, list the name of the lobbyist below and identify the nature of your relationship with the lobbyist. If you do not have an economic relationship with a lobbyist or a family member known to you to be a lobbyist registered with any unit of government in the State of Illinois, list "none" below.

Name of Lobbyist	Relationship to Filer
NONE	

6. List the name of each person, organization or entity that was the source of a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500 received during the preceding calendar year and the type of gift or gifts, or honorarium or honoraria, excluding any gift or gifts from a member of your family that was not known to be a lobbyist registered with any unit of government in the State of Illinois. If you had no such gifts, list "none" below.

NONE

7. List the name of any spouse or immediate family member living with the person making this statement employed by a public utility in this State and the name of the public utility that employs the relative.

Name and Relation

Public Utility

NONE

VERIFICATION:

"I declare that this statement of economic interests (including any attachments) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement is a fine not to exceed \$2,500 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

Printed Name of Filer: BREGORY DEPPE

Date: 11-11-2024

Signature: Gregory V. Deppe

If this statement of economic interests requires ethics officer review prior to filing, the applicable ethics officer must complete the following:

CERTIFICATION OF ETHICS OFFICER REVIEW:

"In accordance with law, as Ethics Officer, I reviewed this statement of economic interests prior to its filing."

Printed Name of Ethics Officer: _____

Date: _____

Signature: _____

Preferred email address (optional): _____

NOTE: This statement is to be filed in the Office of the Secretary of State, Economic Interest Section, Index Department, 111 E. Monroe St., Springfield, IL 62756.

INSTRUCTIONS FOR COMPLETING THE STATEMENT OF ECONOMIC INTERESTS

Our office only files Statements of Economic Interest for State positions. If you are filing for a county position, contact your county clerk's office.

In order to protect personally identifying and confidential information, do not include on the Statement of Economic Interests any account numbers, Social Security Numbers, or other confidential information. This Statement of Economic Interests will be published on the Secretary of State's website in a publicly searchable database. In the event that a residential address is requested, use only the name of the city and state to identify the property at issue.

Frequently used definitions are listed below. Refer to the statute, 5 ILCS 420, for additional definitions when answering questions on the statement.

(5 ILCS 420/1-102.5)

Sec. 1-102.5. "Asset" means, for the purposes of Sections 4A-102 and 4A-103, an item that is owned and has monetary value. For the purposes of Sections 4A-102 and 4A-103, assets include, but are not limited to: stocks, bonds, sector mutual funds, sector exchange traded funds, commodity futures, investment real estate, beneficial interests in trusts, business interests, and partnership interests. For the purposes of Sections 4A-102 and 4A-103, assets do not include: personal residences; personal vehicles; savings or checking accounts; bonds, notes, or securities issued by any branch of federal, state, or local government; Medicare benefits; inheritances or bequests, other than beneficial interests in trusts; diversified funds; annuities; pensions (including government pensions); retirement accounts; college savings plans that are qualified tuition plans; qualified tax-advantaged savings programs that allow individuals to save for disability-related expenses; or tangible personal property.

(Source: P.A. 102-664, eff. 1-1-22.)

Sec. 1-105.6. "Income" means, for the purposes of Sections 4A-102 and 4A-103, pension income and any income from whatever source derived, required to be reported on the filer's federal income tax return, including, but not limited to: compensation received for services rendered or to be rendered (as required to be reported on any Internal Revenue Service forms, including, but not limited to, Forms W-2, 1099, or K-1); earnings or capital gains from the sale of assets; profit; interest or dividend income from all assets; revenue from leases and rentals, royalties, prizes, awards, or barter; forgiveness of debt; and earnings derived from annuities or trusts other than testamentary trusts. "Income" does not include compensation earned for service in the position that necessitates the filing of the statement of economic interests, or investment or interest returns on items excluded from the definition of "asset", or income from the sale of a personal residence or personal vehicle.

(5 ILCS 420/1-104.3)

Sec. 1-104.3. "Creditor" means, for the purposes of Sections 4A-102 and 4A-103, an individual, organization, or other business entity to whom money or its equivalent is owed, no matter whether that obligation is secured or unsecured, except that if a filer makes a loan to members of his or her family, then that filer does not, by making such a loan, become a creditor of that individual for the purposes of Sections 4A-102 and 4A-103 of this Act.

(Source: P.A. 102-664, eff. 1-1-22.)

(5 ILCS 420/1-104.4)

Sec. 1-104.4. "Debt" means, for the purposes of Sections 4A-102 and 4A-103, any money or monetary obligation owed at any time during the preceding calendar year to an individual, company, or other organization, other than a loan that is from a financial institution, government agency, or business entity and that is granted on terms made available to the general public. For the purposes of Sections 4A-102 and 4A-103, "debt" includes, but is not limited to: personal loans from friends or business associates, business loans made outside the lender's regular course of business, and loans made at below market rates. For the purposes of Sections 4A-102 and 4A-103, "debt" does not include: (i) debts to or from financial institutions or government entities, such as mortgages, student loans, credit card debts, or loans secured by automobiles, household furniture, or appliances, as long as those loans were made on terms available to the general public and do not exceed the purchase price of the items securing them; (ii) debts to or from a political committee registered with the Illinois State Board of Elections or political committees, principal campaign committees, or authorized committees registered with the Federal Election Commission; or (iii) a loan from a member of the filer's family not known by the filer to be registered to lobby under the Lobbyist Registration Act.

(Source: P.A. 102-664, eff. 1-1-22.)

Contact your ethics officer, if applicable, for more guidance and instructions on completing the statement.

CERTIFICATE OF ATTACHED LIST OF DELETIONS

We, the undersigned persons who have stricken signatures from the attached hereby certify that there is/are _____ page(s) of **CERTIFICATION OF DELETIONS** listing signatures which have been stricken, and are attached hereafter to the petitions of _____ (Name of Candidate) who is a candidate for election to the office of _____ at the _____ Election to be held on _____ (date of election).

The following are the page numbers indicated on the attached **CERTIFICATION OF DELETIONS**:

(CANDIDATE)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

(Circulator)

Every person striking signatures from the petition shall each sign this certificate. This certificate shall be filed as part of the petition, shall be numbered, and shall be attached immediately following the last page of voters' signatures and preceding any **CERTIFICATE OF DELETION** sheet.

SHEET NO. _____

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the TOWNSHIP of PECATONICA in the County of WINNEBAGO and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the CONSOLIDATED Election to be held on 4/11/2025 (date of election).

NAME: GREGORY DEPPE OFFICE: TOWNSHIP SUPERVISOR ADDRESS - ZIP CODE: 17422 SUMNER RD. PECATONICA 61063 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 UNTIL NAME CHANGED ON

(List all names during last 3 years)

(List date of each name change)

Table with 5 columns: NAME (VOTER'S SIGNATURE), VOTER'S PRINTED NAME (optional), STREET ADDRESS OR RR NUMBER, CITY, TOWN OR VILLAGE, COUNTY. Contains 10 rows of voter information.

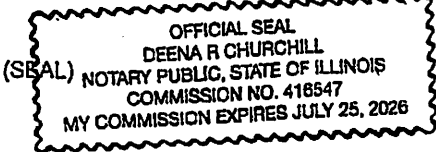
State of ILLINOIS County of WINNEBAGO } SS.

I, GREGORY DEPPE (Circulator's Name) do hereby certify that I reside at 17422 SUMNER RD. in the City/Village/Unincorporated Area of PECATONICA (if unincorporated, list municipality that provides postal service) (Zip

Code) 61063, County of WINNEBAGO, 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 of Gregory V. Deppe (Circulator's Signature)

Signed and sworn to (or affirmed) by Gregory V. Deppe before me, on 11-11-2024 (Name of Circulator) (Insert month, day, year)



Signature of Deena R. Churchill (Notary Public's Signature)

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the TOWNSHIP of PECATONICA in the County of WINNEBAGO and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the CONSOLIDATED Election to be held on 4/11/2025 (date of election).

NAME: GREGORY DEPPE OFFICE: TOWNSHIP SUPERVISOR ADDRESS - ZIP CODE: 17422 SUMNER RD. PECATONICA 61063 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 UNTIL NAME CHANGED ON

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

Table with 5 columns: NAME (VOTER'S SIGNATURE), VOTER'S PRINTED NAME (optional), STREET ADDRESS OR RR NUMBER, CITY, TOWN OR VILLAGE, COUNTY. Contains 10 rows of voter information.

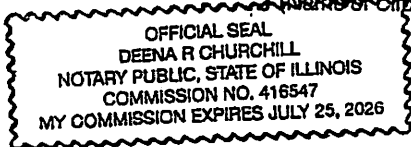
State of ILLINOIS) County of WINNEBAGO) SS.

I, GREGORY DEPPE (Circulator's Name) do hereby certify that I reside at 17422 SUMNER RD, in the City/Village/Unincorporated Area of PECATONICA (if unincorporated, list municipality that provides postal service) (Zip

Code) 61063, County of WINNEBAGO, 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.

Gregory V. Deppe (Circulator's Signature)

Signed and sworn to (or affirmed) by Gregory V. Deppe before me, on 11-11-2024 (Name of Circulator) (Insert month, day, year)



Deena R. Churchill (Notary Public's Signature)

INDEPENDENT CANDIDATE PETITION

We, the undersigned, qualified voters in the TOWNSHIP of PECATONICA in the County of WINNEBAGO and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the CONSOLIDATED Election to be held on 4/1/2025 (date of election).

NAME: GREGORY DEPPE OFFICE: TOWNSHIP SUPERVISOR ADDRESS - ZIP CODE: 17422 SUMNER RD. PECATONICA 61063 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 UNTIL NAME CHANGED ON

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

Table with 5 columns: NAME (VOTER'S SIGNATURE), VOTER'S PRINTED NAME (optional), STREET ADDRESS OR RR NUMBER, CITY, TOWN OR VILLAGE, COUNTY. Contains 10 rows of voter information.

State of ILLINOIS) County of WINNEBAGO) SS.

I, GREGORY DEPPE (Circulator's Name) do hereby certify that I reside at 17422 SUMNER RD. in the City/Village/Unincorporated Area of PECATONICA (if unincorporated, list municipality that provides postal service) (Zip Code) 61063, County of WINNEBAGO, 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 of Gregory V. Deppe (Circulator's Signature)

Signed and sworn to (or affirmed) by Gregory V. Deppe before me, on 11-11-2024 (Name of Circulator) (Insert month, day, year)



Signature of Deena R Churchill (Notary Public's Signature)

CERTIFICATION OF BALLOT
(Party Candidates)

Local election official must certify to each election authority (county clerk or board of election commissioners) who prepares ballots for the political subdivision

TO: Winnebago County Election Department Election Authority

FROM: Kelly Olson-Fuca Local Election Official in and for
Pecatonica Township

(Political Division)

in the County of Winnebago and State of Illinois.

I, the undersigned Local Election Official in and for the political division aforesaid, do hereby state that this certification of ballot, consisting of 3 page(s) is a true and correct listing of all OFFICES AND CANDIDATES in the order that they are to appear on the ballot, to be voted on at the Consolidated Election to be held on the April 1, 2025

(insert month, day, year)

Dated: 1.22.25
(insert month, day, year)

(SEAL)

Kelly Olson-Fuca
(Local Election Official)

Office Supervisor District or Ward Pecatonica Township

Term of Office 4-years

Number to be voted for 1

PARTY: Independent PARTY: _____

Candidates: Candidates:

1. Gregory Deppe 1. _____

2. Randal L Olson 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

USE ADDITIONAL SHEETS AS NECESSARY AND ATTACH TO THIS SHEET

FILED - CO. CLERK
JAN 22 2025
LORI GUMMOW



[Handwritten signature]

Office Highway Commisisoner District or Ward Pecatonica Township

Term of Office 4-years

Number to be voted for 1

PARTY: Independent PARTY: _____

Candidates: Candidates:

1. Thomas R Menge 1. _____

2. Vince Mangiaracina 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

Office Trustee District or Ward Pecatonica Township

Term of Office 4-years

Number to be voted for 4

PARTY: Independent PARTY: _____

Candidates: Candidates:

1. Brian Boomer 1. _____

2. John Wiegert 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

Additional sheets for candidates for _____ political division.

Office Township Clerk District or Ward Pecatonica Township

Term of Office 4-years

Number to be voted for 1

PARTY: Independent PARTY: _____

Candidates: Candidates:

- | | |
|------------------------|----------|
| 1. <u>Kelly M Fuca</u> | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: Candidates:

- | | |
|----------|----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |

**BEFORE THE PECATONICA TOWNSHIP OFFICERS ELECTORAL BOARD FOR
THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS
OF CANDIDATES FOR ELECTION TO THE OFFICE OF SUPERVISOR OF THE
TOWNSHIP OF PECATONICA, WINNEBAGO COUNTY, STATE OF ILLINOIS**

MATTHEW OSBORNE,)	
)	
Objector,)	
)	
vs.)	Case No.: 2024 PEB 1
)	
GREGORY DEPPE,)	
)	
Candidate.)	

MOTION TO DISMISS AND OTHER RELIEF

Now Comes the Candidate, Gregory Deppe, by and through his attorneys, Bolgrien, Koepke & Kimes, LLC, by Rodney W. Kimes, moves this body to dismiss Objector's Nomination Papers and Petitions, and in support thereof state as follows:

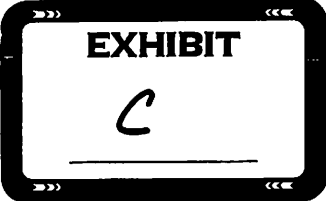
Objector failed to file the objection petition with the Township's local election official at the Township office as required by Section 10-8 of the Election Code, 10 ILCS 5/10-8

The question for this body is whether Objector failed to comply with the Election Code when he filed his objection petitions with someone other than the local election official and listed his interest in the matter as relating to the election in the Village of Pecatonica rather than Pecatonica Township.

I. Objector Failed to File His Objection with the Local Election Official

The Pecatonica Township Clerk is the local election official for Pecatonica Township. 10 ILCS 5/1-3 (10). As the local election official, Pecatonica Township Clerk Kelly Olson-Fuca published the pre-filing election notice suggested by the Illinois State Board of Elections, which listed the hours for filing and included the following:

If you wish to file for candidacy, *please file with the township clerk* at the Pecatonica Township Administrative Office located at 410 Reed St, Pecatonica, IL 61063.
[emphasis added]



There is no statutory provision that provides for another township official to act as a township clerk.

The Department of Revenue has promulgated multi-township assessment districts in accordance with Sections 2-10 and 2-15 of the Property Tax Code, 35 ILCS 200/2-10 and 200/2-15. 86 Ill. Admin. Code §110.160. Among these multi-township assessment districts is the Pecatonica/Seward Multi Township Assessment District. 86 Ill. Admin. Code §110.160(b). Pursuant to 35 ILCS 200/2-20, Pecatonica Township and Seward Township have agreed to create the Pecatonica/Seward Multi Township for assessment purposes. The Pecatonica/Seward Multi Township Assessor's duties all relate to assessment of property for tax purposes and the Pecatonica/Seward Multi Township Assessor has no responsibility for elections or receiving election petitions or objections.

The Election Code is clear that objections are to be filed with the local election official who received the petitions. For Pecatonica Township, that person is the clerk. The Pecatonica Township office and the Pecatonica/Seward Multi Township Assessor's office are different.

Objection petitions must be filed in the office of the local election official. 10 ILCS 5/10-8. This provision was construed in *Bush v. City of Champaign Electoral Board*, where the court held that, " 'Filing' means filing at the customary office and within the customary office hours of the public entity" authorized to accept petitions. 271 Ill.App.3d 991, 994 (4th Dist. 1995). The *Bush* court stated, "objections are only properly filed with the election entity with whom the original nomination papers were filed." *Id.* In that case, it was the city clerk of Champaign, even though the clerk offered an alternative filing location at the Champaign Police Department. The *Bush* court went on to state, "Providing an alternative method for delivery of objections cannot be equated with actual filing of those objections." *Id.*

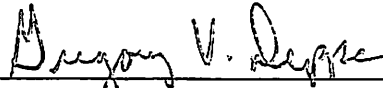
The Pecatonica/Seward Multi Township Assessor cannot "act as the Township Clerk" under the Election Code, the Township Code or any other authority. Objector should have filed his objections with the Town Clerk and his failure to do so is fatal since he has not established a clear right to an electoral board hearing.

Just like Objector asserts that he is interested in seeing that the legal requirements for candidates are met, so too must he meet the "legal requirements" for an objector. Here, Objector has failed to do so. Pecatonica Township is a different legal entity than the Village of Pecatonica. Objector clearly listed his interest incorrectly as a registered voter in the "Village of Pecatonica"

relative to his objection to the candidacy of Deppe. Moreover, he states his objection wrongly relates to elected office in the Village of Pecatonica rather than in Pecatonica Township

Additionally, it should be noted that the Election Code does not authorize amendments to an objection. See *Reyes v. Bloomington Township Electoral Board*, 265 Ill.App.3d 69, 72 (2nd Dist. 1994). Therefore, Objector could not fix his mistakes in either objection petition and convening the Pecatonica Township Electoral Board would be futile and a waste of time and energy since both of Objector's objection petitions are defective on their face.

Respectfully submitted,



Gregory Deppe, Candidate

Rodney W. Kimes, ARDC #6211305
BOLGRIEN, KOEPKE & KIMES, LLC
Attorneys for Candidate
419 Main Street
PO Box 537
Pecatonica, IL 61063
608-365-7702
rkimes@bolgrienlaw.com

BEFORE THE PECATONICA TOWNSHIP OFFICERS ELECTORAL BOARD FOR
THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS
OF CANDIDATES FOR ELECTION TO THE OFFICE OF SUPERVISOR OF THE
TOWNSHIP OF PECATONICA, WINNEBAGO COUNTY, STATE OF ILLINOIS

MATTHEW OSBORNE,)
)
)
 Objector,)
)
 vs.) Case No.: 2024 PEB 2
)
)
 GREGORY DEPPE,)
)
)
 Candidate.)

CANDIDATE'S MOTION TO
DISQUALIFY PECATONICA TOWNSHIP CLERK

GREGORY DEPPE (hereinafter collectively referred to as "the Candidate"), by and through his attorneys, Bolgrien, Koepke & Kimes, LLC, by Rodney W. Kimes, move to disqualify Pecatonica Township Clerk Kelly Olson-Fuca and to continue this matter until she is properly replaced in accordance with the law. In support thereof, the Candidate states as follows:

I. RELEVANT LAW

A. Statutory Provisions

Township officers' electoral board members are set by statute. Pursuant to Section 10-9 of the Illinois Election Code, a township officers electoral board is comprised of the supervisor, clerk, and longest-serving trustee, provided there are no conflicts. 10 ILCS 5/10-9. For convenient reference, here are the applicable sections of Section 10-9:

The township officers electoral board to hear and pass upon objections to the nominations of township officials shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chair.

* * *



In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, she shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows...c. In the township officers electoral board by the eligible elected town trustee who has had the second longest term of continuous service as a town trustee.

* * *

When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chair of an electoral board shall be designated by the Chief Judge.

10 ILCS 5/10-9.

Per the above, a statutory disqualification occurs when an electoral board member is a candidate for the same office that is the subject of an objection before the board. Id.

B. Common Law

However, in addition to a conflict arising under the statute, a conflict can arise under common law. Statutory members can be disqualified, for example, when they are a necessary witness at the objection hearing and would be subject to assessing their own credibility. Girot v. Keith, 212 Ill.2d 372, 380 (2004). They can also be disqualified when they hold a pecuniary interest in the outcome of the electoral board's decision. Zurek v. Franklin Park Officers Electoral Bd., 2014 IL App (1st) 142618 ¶ 87 (electoral board members should have been replaced from considering an objection to a term limits referendum which would have impacted them), (citing Anderson v. McHenry Township, 289 Ill.App.3d 830, 833 (1997) (electoral board members disqualified when electoral board was comprised entirely of township officials who would lose

their jobs if the referendum they were considering passed.) In addition, when a hearing officer has a blood relationship with a party involved in the litigation, disqualification is required. Mank v. Board of Fire and Police Commissioners, 7 Ill.App.3d 478, 484, 288 N.E.2d 49, 53 (1972) (“A blood relationship between a party and an administrative hearing officer has been held to compel disqualification.”)

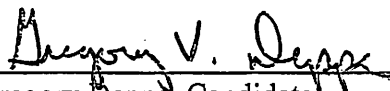
Further, electoral board members are required “to adhere to the code of judicial conduct and this held implicitly to the same standards.” Accordingly, electoral board members will be replaced when there exists sufficient and unacceptable risk of bias.” IICLE, Election Law Handbook, §2.82, pp. 2-36 to 2-37 (2016 edition). The goal is to have an Electoral Board proceeding that is fair and impartial.

II. THE CLERK IS DISQUALIFIED BECAUSE SHE IS A NECESSARY FACT WITNESS RELATED TO ALL OBJECTIONS.

Contemporaneously with the filing of this Motion, the Candidates have Filed a Motion to Dismiss the Objector’s Petitions. In part, that Motion is predicated upon the fact that the Objector’s Petitions were not properly filed with, or properly processed by, the Township Clerk. The resolution of the issues related to the Motion to Dismiss will require the testimony of the Clerk. Accordingly, the Clerk must be disqualified because she is a necessary witness and cannot assess her own credibility. See Girov v. Keith, 212 Ill.2d 372, 380 (2004).

WHEREFORE, for all these reasons, the Candidate respectfully requests that the Township Clerk, be disqualified from serving on the Electoral Board and that a qualified member be appointed.

Respectfully submitted,



Gregory Deppé, Candidate

Rodney W. Kimes, ARDC #6211305
BOLGRIEN, KOEPKE & KIMES, LLC
Attorneys for Candidate
419 Main Street
PO Box 537
Pecatonica, IL 61063
608-365-7702
rkimes@bolgrienlaw.com

PECATONICA TOWNSHIP
410 REED ST, PO BOX 556
PECATONICA, IL 61063

January 30, 2025

Gregory Deppe
17422 Sumner Rd
Pecatonica, IL 61063

RE: **AMENDED CERTIFICATION OF BALLOT**
Pursuant to 10 ILCS 5/10-15

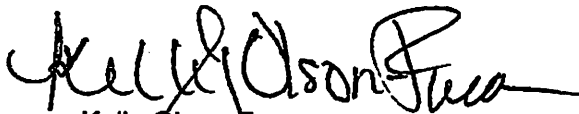
Dear Gregory Deppe:

You are hereby notified that the certification of the ballot was hereby amended to remove **Candidate Gregory Deppe** due to clear non-conformity with state election law, as follows:

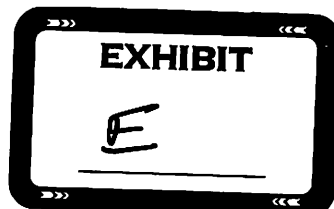
- The nomination papers submitted by Candidate Gregory Deppe consisted of 12 pages, which were filed without any statutorily required binding, thereby failing to conform to statutory requirements.
- The Statement of Economic Interests (SEI) submitted was materially defective, as Candidate Gregory Deppe improperly filed the form designated for the State of Illinois instead of the requisite SEI form to be filed with the Winnebago County Clerk.
- Furthermore, the SEI was not properly filed with the Winnebago County Clerk's Office, nor did the SEI contain a Clerk's stamp of date and time of receipt thereby rendering the SEI and invalidating submission, contained within the nomination papers pursuant to Election Code and therefore do not meet the requirements for the office sought.

Accordingly, the certification of the ballot is amended to reflect these deficiencies in accordance with Illinois election law.

Sincerely,



Kelly Olson-Fuca
Pecatonica Township Clerk



Mailed via certified
mail on 1.30.25

**BEFORE THE PECATONICA TOWNSHIP OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF SUPERVISOR OF
PECATONICA TOWNSHIP, WINNEBAGO COUNTY, STATE OF ILLINOIS**

Matthew Osborne,

Objector,

v.

Gregory Deppe,

Candidate.

Case No. 2024 PEB 1

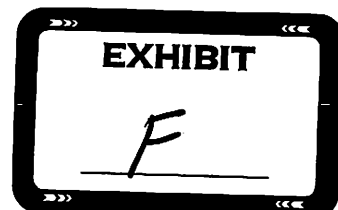
DECISION

The duly constituted Township Officers Electoral Board for Pecatonica Township, consisting of Hon. Elizabeth Leigh Clark, Chairperson and Township Supervisor; Hon. Kelly Olson-Fuca, Township Clerk; and Hon. Vernell Sarver, the longest serving Township Trustee, was organized by law in response to a Call issued by the Chairperson of the Pecatonica Township Officers Electoral Board ("***Electoral Board***"), for the purpose of hearing and passing upon objections to the nomination papers of a candidate, Gregory Deppe (the "***Candidate***") for the office of Township Supervisor, filed by Matthew Osborne (the "***Objector***").

FINDINGS

The Electoral Board has heard and determined objections to the Candidate's nomination papers and finds as follows:

1. The Candidate filed his nomination papers with the Township clerk or her designee. (Bd. Ex. 5).
2. The Objectors filed an objection to the nomination papers of the Candidate with the Office of the Pecatonica/Seward Multi Township Assessor. (Bd. Ex. 6).
3. A Call to the hearing on the objections was duly issued (Bd. Ex. 2) and served on the members of the Electoral Board, the Objectors, and the Candidate by mail and/or personal service as required by law, or otherwise legally waived. (Bd. Exs. 3-4).
4. A public hearing was noticed and held on the objection on January 29, 2025 and February 6, 2025. (Bd. Exs. 9, 10).



5. The following persons, among others, were present at both hearings of the Electoral Board in this matter unless otherwise noted:
 - A. Chairperson. Elizabeth Leigh Clark, Township Supervisor, was present, in person;
 - B. Kelly Olson-Fuca, Township Clerk, was present, in person;
 - C. Vernell Sarver, Township Trustee, was present, in person;
 - D. Objector. Matthew Osborne, was represented by counsel;
 - E. Attorney David Gill appeared on behalf of the Objector;
 - F. Candidate. Gregory Deppe, was represented by counsel;
 - G. Attorney Rodney Kimes appeared on behalf of the Candidate.
6. The Electoral Board was legally constituted according to the laws of the State of Illinois.
7. The Electoral Board, before holding its hearing on this matter, first adopted rules of procedure. (Bd. Ex. 1).
8. The Electoral Board, at the January 29, 2025 hearing on this matter, set forth a briefing schedule by agreement of the Parties. (Bd. Ex. 11).
9. At the Electoral Board's January 29, 2025 hearing on this matter, the Candidate filed a Motion to Disqualify Pecatonica Township Clerk and a Motion to Dismiss the Objector's Petition.
10. On February 3, 2025 the Objector filed a motion for Withdrawal of Objection voluntarily withdrawing the objections raised to the Candidate's nomination papers, which the Electoral Board permitted on February 6, 2025.

ORDER

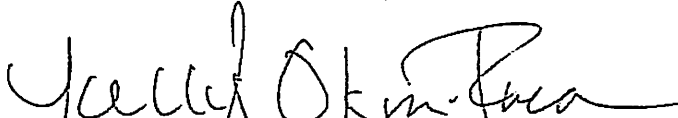
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the objections of Matthew Osborne to the nomination papers of Greg Deppe are withdrawn and, therefore, the objections raised therein are **OVERRULED** by a vote of 2 to 2 of the Electoral Board. The Candidate's nomination papers are **VALID**, and the Pecatonica Township Clerk is **ORDERED** to certify the name of Gregory Deppe to be printed on the ballot for the office of Township Supervisor for the April 1, 2025 Consolidated Election in the Township of Pecatonica.


IT IS FURTHER ORDERED that the Electoral Board's attorney is directed to personally serve a copy of this decision on the parties in an open proceeding, or to mail a copy of the decision in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to each party affected by the decision or to such party's attorney of record, if any, at the address on record for such person in the files of the Electoral Board. This decision may be executed in counterparts by any or all of the members of this Electoral Board to be assembled together in a single instrument.

Any Party seeking to review this decision and ruling of the Electoral Board shall do so in accordance with the provisions and time frame set forth in Section 10-10.1 of the Illinois Election Code. 10 ILCS 5/10-10.1.

Decided at Pecatonica Township, Illinois, February 6, 2025


Township Supervisor Elizabeth Leigh Clark, Chair


Township Clerk Kelly Olson-Fuca, Member


Township Trustee Vernell Sarver, Member

PECATONICA TOWNSHIP

RESOLUTION NO. 2025-01

**A RESOLUTION REGARDING THE ACTIONS OF THE TOWNSHIP
CLERK RELATED TO THE APRIL 1, 2025 ELECTIONS**

WHEREAS, Township officials will be elected at the April 1, 2025 consolidated elections;
and

WHEREAS, several Candidates have filed nomination papers for the following
Pecatonica Township offices as specified below for the April 1, 2025 consolidated election:

Township Supervisor:

Greg Deppe
Randal L. Olson

Township Clerk:

Kelly M. Fuca

Highway Commissioner:

Vince Mangiaracina
Thomas R. Menge

Township Trustee:

Brian Boomer
John Wiegert; and

WHEREAS, each of the Candidate's Nomination Papers, with the exception of those of
Brian Boomer, were defective and not in compliance with the mandatory provisions of the
Election Code, which was apparent from the face of the filings as follows:

Greg Deppe: Failed to file a receipt for the filing of his statement of economic
interests with the local election official in accordance with 10 ILCS
5/10-5. Failed to file a statement of economic interests statement
with the Winnebago County Clerk prior to November 18, 2024.

Randal L. Olson: Failed to file a receipt for the filing of his statement of economic
interests with the local election official in accordance with 10 ILCS
5/10-5. Failed to file a statement of economic interests statement
with the Winnebago County Clerk prior to November 18, 2024.

Kelly M. Fuca: Failed to file a receipt for the filing of his statement of economic
interests with the local election official in accordance with 10 ILCS



5/10-5. Failed to file a statement of economic interests statement with the Winnebago County Clerk prior to November 18, 2024. Failed to have the notary public sign page 3 of her petition sheets.

Vince Mangiaracina: Failed to file a receipt for the filing of his statement of economic interests with the local election official in accordance with 10 ILCS 5/10-5. Failed to file a statement of economic interests statement with the Winnebago County Clerk prior to November 18, 2024.

Thomas R. Menge: Failed to file a receipt for the filing of his statement of economic interests with the local election official in accordance with 10 ILCS 5/10-5.

John Wiegert: Failed to file a receipt for the filing of his statement of economic interests with the local election official in accordance with 10 ILCS 5/10-5. Failed to number his pages in accordance with 10 ILCS 5/10-4; and

WHEREAS, objections were filed as to certain candidates which were subsequently withdrawn by the Objectors; and

WHEREAS, no electoral board ruled that any candidate should not be on the ballot; and

WHEREAS, the Township's local election official is Kelly Olson Fuca, the Township Clerk; and

WHEREAS, Kelly Olson Fuca is a candidate for Township Clerk whose own nomination papers did not comply with the mandatory provisions of the Election Code as discussed; and

WHEREAS, candidate Randal L. Olson is a candidate for Township Supervisor whose nomination papers did not comply with the mandatory provisions of the Election Code, as set forth above; and

WHEREAS, candidate Randal L. Olson is the father of Township Clerk Kelly Olson Fuca; and

WHEREAS, Greg Deppe is a candidate opposing Randal L. Olson for Township Supervisor; and

WHEREAS, Kelly Olson Fuca is politically affiliated with candidate Vince Mangiaracina, who is running for Highway Commissioner; and

WHEREAS, incumbent Township Highway Commissioner Thomas R. Menge is running against Vince Mangiaracina for Highway Commissioner; and

WHEREAS, without seeking legal counsel, Kelly Olson Fuca sent an amended certification to the Winnebago County Clerk's office removing her father's opponent, Greg Deppe, and incumbent Highway Commissioner Thomas Menge, for the flaws in their nomination papers, but not removing herself, her father, Vince Mangiaracina and John Wiegert for the same exact flaws in their nomination papers; and

WHEREAS, the Township Clerk has ostensibly treated similarly situated candidates differently based on their relationships and political affiliations with her; and

WHEREAS, the Township has been notified that the candidates that the Township Clerk has removed from the ballot intend to sue the Township as a result of the Clerk's selective removal of two candidates from the ballot but not others; and

WHEREAS, the Township Board did not direct the Township Clerk to treat candidates differently when six of them had fatal defects to their nomination papers which were clear from the face of the petitions, including the Township Clerk herself; and

WHEREAS, the Township Clerk, as local election official, must apply any policy related to the refusal to certify candidates to the ballot equally and uniformly; and

WHEREAS, the Township Clerk was not acting pursuant to any custom, policy or practice of Pecatonica Township when she decided to remove two candidates, who she is not politically supporting, from the ballot while leaving on the remaining candidates, who she is politically supporting.

NOW, THEREFORE, BE IS RESOLVED BY THE TOWNSHIP BOARD OF PECATONICA TOWNSHIP AS FOLLOWS:

Section 1: The Pecatonica Township Board incorporates the preamble language of this Resolution as set forth above as if fully set forth in this Section verbatim.

Section 2: The Pecatonica Township Board officially states that it believes that all candidates with fatal flaws apparent on the face of their nomination papers should be treated equally related to ballot certification by the Township Clerk.

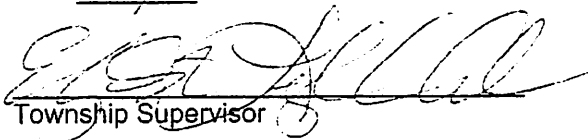
Section 3: The actions of Township Clerk Kelly Olson Fuca in failing and refusing to certify Greg Deppe and Thomas Menge on the ballot certification for Supervisor and Highway Commissioner of Pecatonica Township for the April 1, 2025 elections is not supported or approved by the Township Board, nor it is pursuant to any custom, policy or practice of Pecatonica Township.

Section 4: This Resolution shall be tendered to the Winnebago County Clerk and the Winnebago County State's Attorney's office.

PASSED AND APPROVED by the Supervisor and Board of Trustees of Pecatonica Township, Illinois, this 11th day of February, 2025.

AYES: 4

NO: 0


Township Supervisor