



COOK COUNTY CLERK DAVID ORR

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(Proposed – Winter 2015)

**RULES OF PROCEDURE TO BE ADOPTED BY THE COOK COUNTY OFFICERS
ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF
OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES
FOR OFFICES WHICH ARE COTERMINOUS WITH OR
LESS THAN THE COUNTY OF COOK, STATE OF ILLINOIS**

Rule 1. Appearances and Appearance Forms. Appearance by an objector or by a candidate at the hearing on objections may be in person or by counsel. All parties appearing before the Board must file a completed Appearance form. On the Appearance form each party must provide the Board with a telephone number, an email address and other contact information at which that party can be reached at any time during the day and at night. The parties must receive service of documents at the email address provided, or make alternative arrangements for service. The Board will provide the parties with email addresses at which papers may be served on the Board or upon its Hearing Officers. These rules also apply to cases before the Board involving objections to referendum petitions, and to proponents and opponents of the petitions.

Rule 2. Initial Appearance. On the day set for the hearing of objections, both the objector and the candidate may be required to be present in person or by counsel and to be ready for the initial hearing or scheduling of their case. The Board may, at its discretion, waive the need for the parties to appear at the hearing on the initial day of the Board's sessions.

Rule 3. Scheduling and Hearing Officers. The Board will grant continuances of initial hearings on objections, when appearance at the initial hearings is required, only for good cause shown. The Board may schedule proceedings in a case to extend beyond the initial day set for hearing. The Board may, in its sole discretion, on the day of the initial hearing of a case or thereafter, assign any part of a case to a Hearing Officer to conduct proceedings and make findings of law and fact and to report to the Board. The Hearing Officer shall have all powers of the Board, except the power to issue subpoenas or to issue a decision. The Board may entertain exceptions to the Hearing Officer's report.

Rule 4. Defaults. If a candidate fails to appear for the initial hearing at which appearance is required, a decision in the nature of a default judgment may be entered and the objections contained in the objector's petition shall be confessed against the candidate, but only upon a determination by the Board that the objector's petition sets forth valid grounds for the removal of the candidate's name from the ballot. If an objector fails to appear for the initial hearing at which appearance is required, the Board may, in its sole discretion, default the objector and

dismiss the objection. The Board has the sole discretion as to grant or deny a motion to withdraw an objection or objections. The Board may, in its sole discretion, require a preliminary showing of proof on the validity of any objection or may order a partial check of some portion of the allegations of an objection.

Rule 5. Preliminary Motions. Preliminary motions and objections to an objector's petition in the nature of a motion to strike the objections may be heard first or taken with the case-in-chief. If sufficient objections to an objector's petition are sustained, the objector's petition shall be overruled and the petitions held valid. If objections to a portion of an objector's petition are sustained, that part of the objector's petition shall be overruled.

Rule 6. Record Examinations. The permanent registration records of the jurisdiction or jurisdictions involved shall be received as evidence with respect to all objections to which the material contained in such records is relevant. Relevant issues include, but are not limited to, whether the signer is a registered voter; whether the signer is a qualified elector; whether the signature on the petition is that of a registered voter whose signature it purports to be; whether the signer or the candidate are residents of the political subdivision involved for the period required; and whether the signer is registered to vote at the address shown beside the signature on the petition in question. The Board may make appropriate provisions when an election authority has computerized its registration records, or otherwise created electronically-stored registration records.

When ordered by the Electoral Board, petitions and objections shall be compared with those registration records by the Office of the County Clerk's Election Department or the Chicago Board of Election Commissioners or both. The objector and the candidate each shall have the right to have designated and duly authorized representatives present at such comparison during their good conduct. The comparison shall commence at the time specified by the Electoral Board through its agent and the failure of the candidate, objector or their duly authorized representatives to timely appear for said comparison shall neither delay nor in any way affect the validity of the comparison. Notice to the parties will be given at the telephone numbers listed on their Appearance forms and notice may be given as late as 9:00 p.m. the evening before.

Rule 7. Record Examination Objections. Representatives of the objector or candidate may object to the findings of the election authority's representative, which objection shall be noted by the election authority's representative. In no case shall a review of the result of the examination of an individual record or the presentation of additional evidence as to that record be permitted when no objection to the finding was made and recorded at the time of the comparison. It is the responsibility of the candidate or objector or their representatives to insure that any objection is recorded and preserved.

Rule 8. Review of Record Examination Objections. Following the examination of the registration records, any candidate or objector who has made timely objections to the findings of the examinations and who requests so in writing, may have a further hearing as to the

results of the records examination at a time fixed by the Board or Hearing Officer before the Board or the Hearing Officer rules on the findings from the examination. This request shall be styled "Rule 8 Motion". Such Motion must specify, for each finding objected to, the sheet, line, name and address of the petition signer, and other information as is appropriate including the basis of the objection to the finding. The information required in the Motion must be set forth fully therein and not by way of reference to, or incorporation of, any other document. The Motion must be delivered to the opposing party or parties and the Board within 24 hours after the completion of the examination, (or the latter of the examinations, if separate examinations are held by the County Clerk and the Chicago Board of Election Commissioners) without any additional action by the Board, an Election Authority or the parties. At the hearing on the Motion, the parties may present evidence including, but not limited to, affidavits as to the genuineness of signatures and live testimony. Affidavits presented to the Board must be sworn to before a notary public.

In respect to motions under this Rule, and other matters the Board will consider such other evidence as may be submitted, including, but not limited to, other documentary evidence, affidavits, and oral testimony. In view of the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross-examination of witnesses will not be permitted. The Board will not be bound by rules of procedure or rules of evidence which obtain in courts of law, although it may take guidance from such rules.

Rule 8A. Subpoenas. Subpoenas and subpoenas *duces tecum* will be issued under the authority of the Board only upon a vote of a majority of its members. When a case has been assigned to a Hearing Officer, a party must submit a written motion, either at a hearing or by email, for any subpoena, setting forth the particulars of the requested subpoena, justification for its issue and a copy of the requested subpoena. If presented at a hearing, the motion must be served on the opposing party at that hearing. If presented by email, the motion must be served on the opposing party by email simultaneously. The opposing party has 24 hours to file an objection to the motion by email with the Hearing Officer and the opposite party. A motion not objected to will be granted as a matter of course, through the process set out below. If an objection is received, the Hearing Officer shall issue a recommended ruling on the motion within 24 hours and forward the filings and the recommendation to the Board. The Board members shall consider the filings and each member shall make a determination of "Grant" or "Deny" on the motion and transmit the determination to the Chairman. If two or more members of the Board determine that the motion be granted, the Chairman shall be authorized to issue the subpoena(s) requested in the motion.

Rule 9. Scope of the Case. Within the parameters of the law, the Electoral Board will only consider written objections and the written specifications of such objections to the original petitions, as set forth in the objector's petition as initially filed. The objector's petition may not be amended. No answer or response to the objector's petition need be filed.

Rule 10. Case Parameters. All arguments of counsel and evidence must be confined to the points raised by the objections and specifications, if any, to the objector's petition, and by the

objector's petition and specifications with respect to the nomination papers. The parties shall be limited to 15 minutes each for the presentation of their case, unless the Board extends the period of presentation.

Rule 11. Decisions. If the objections to the nomination papers, or sufficient part thereof, are sustained, the nomination papers will be held invalid, and the Board will state its findings in a decision in writing, noting the objections which it has sustained. A decision may be executed by members of the Board in counterparts. If the objections, or a sufficient part thereof, are overruled, the nomination papers will be held valid, and the Board will state its findings in a written decision. The written decision of the Board shall be served upon the parties pursuant to law. In the event that the Board is sitting with only two members, and the two members do not agree as to the validity of any objection, that objection shall not be sustained.

Rule 12. Electoral Board Sessions. After the Electoral Board initially convenes, it will be in session continuously until all objections transmitted to it have been considered and disposed of, and, if necessary, in the sole discretion of the Board, its session will be extended or recessed from time to time. One member of the Board may attend sessions by audio or video conferencing, when the other two members are physically present at the session.

Honorable David Orr, County Clerk of Cook County, Chairman
Honorable Anita Alvarez, State's Attorney of Cook County, Member
Honorable Dorothy Brown, Clerk of the Circuit Court of Cook County, Member

COOK COUNTY OFFICERS ELECTORAL BOARD