

STATE OF ILLINOIS) BEFORE THE MCLEAN COUNTY OFFICERS
) ELECTORAL BOARD
 COUNTY OF MCLEAN)

BRAD WURTH, Objector,)
)
 v.) 2023-01
)
 MARK STEPHEN ADAMS II, Candidate.)

DENNIS FRANK, Objector,)
)
 v.) 2023-02
)
 ALEX WILLIAMS, Candidate.)

DECISION

YOU ARE HEREBY NOTIFIED that the McLean County Officers Electoral Board, comprised of McLean County Clerk Kathy Michael, McLean County Circuit Clerk Don Everhart, and Assistant State’s Attorney Trevor Sierra on behalf of McLean County State’s Attorney Erika Reynolds, assembled under Illinois law in Response to a Call issued by Kathy Michael, Chair of the Electoral Board, for the purpose of hearing the Objector’s Petitions of Brad Wurth and Dennis Frank directed towards the Nominating Petitions of Candidates Mark Stephen Adams II and Alex Williams for the office of McLean County Unit School District #5 Board of Education. The Board having convened on Tuesday, January 3, 2023, in the Community Room of the Government Center in the City of Bloomington, State of Illinois, and having heard preliminary motions related to the validity of the objections, having reviewed evidence presented, and having reviewed the law on these matters, hereby finds:

1. The McLean County Electoral Board has been legally constituted pursuant to the laws of the State of Illinois, specifically 10 ILCS 5/10-9; and
2. Objections to the nominating petitions of the candidates identified herein were duly and timely filed; and

3. A Call to the hearing on said objections was properly issued and timely served upon the members of the Electoral Board, the Objectors, and the Candidates by mail and by personal service as provided by statute; and
4. A public hearing on these objections commenced on January 3, 2023; and
5. The following persons, among others, were present at such hearings; the members of the Electoral Board, their parliamentarian/hearing officer, each individual Objector appearing *pro se*, and each individual Candidate with their attorney Eric Madiar; and
6. Both Candidates, through counsel, raised preliminary motions to strike and dismiss both Objectors' Petitions; and
7. Both Candidates, through counsel, raised an affirmative defense relating to the Objectors' residence addresses being omitted from the Objectors' petitions; and
8. The Board has considered the arguments presented by the parties, the evidence tendered to the Board, and the legal authority submitted to the Board; and
9. At the conclusion of the preliminary motions in both cases, the Board conducted deliberations in an Open Meeting, unanimously voted that both objections were invalid, and ultimately announced its decision to grant Attorney Madiar's motions to strike and dismiss in both cases; and
10. The Board having voted that the objections were invalid, deemed it improper to hear the merits of the objections; and
11. The Board took a brief recess to memorialize its decisions, this written Decision was reviewed and executed by all members of the Board, and distributed to the Objectors, the Candidates, and their respective counsel; and
12. The Board finds that the language of 10 ILCS 5/10-8, specifically the paragraph that states what an objector's petition shall contain, is mandatory and requires strict compliance; and
13. The Board finds the decision in Pochie v. Cook Cnty. Officers Electoral Bd., 289 Ill. App. 3d 585, 682 N.E.2d 258 (1997) to be compelling, specifically that the objector's residence address is a mandatory requirement to be included in their petition pursuant to 10 ILCS 5/10-8, and that the objector's failure to include their residence address is an affirmative defense that must be raised by the respondent-candidate or it is waived; and

14. Regarding Objector Wurth's request to amend his objector petition, the Board finds the decision of Wiesner v. Brennan, 2016 IL App (2d) 160115, 53 N.E.3d 371 to be compelling in that objectors are not permitted to amend their objections.

IT IS THEREFORE ORDERED that:

- A. Mr. Wurth's objection petition is hereby declared invalid and dismissed. Mr. Adams' name shall appear as a candidate for election to the office of McLean County Unit School District #5 Board of Education for the election to be held on April 4, 2023.
- B. Mr. Frank's objection petition is hereby declared invalid and dismissed. Mr. Williams' name shall appear as a candidate for election to the office of McLean County Unit School District #5 Board of Education for the election to be held on April 4, 2023.



KATHY MICHAEL, Chair
McLean County Officers Electoral Board
McLean County Clerk



DON EVERHART, Member
McLean County Officers Electoral Board
McLean County Circuit Clerk



TREVOR SIERRA, Member
McLean County Officers Electoral Board
McLean County Assistant State's Attorney

Entered: January 3, 2023

CERTIFICATE OF SERVICE

I, Kathy Michael, do hereby certify that a true and accurate copy of the foregoing Decision of the McLean County Officers Electoral Board was delivered to the following individuals or their counsel by hand delivery or by depositing a copy in the United States Mail, postage fully paid, and addressed to the following persons:

Kathy Michael
McLean County Clerk
Government Center
115 East Washington Street
Room 102
Bloomington, IL 61701

Don Everhart
McLean County Circuit Clerk
Law and Justice Center
104 West Front Street
Room 404
Bloomington, IL 61701

Erika Reynolds
McLean County State's Attorney
Law and Justice Center
104 West Front Street
Room 605
Bloomington, IL 61701

Trevor Sierra
McLean County Assistant
State's Attorney
Law and Justice Center
104 West Front Street
Room 605
Bloomington, IL 61701

Brad Wurth
3101 Sunningdale Lane
Bloomington, IL 61705
Objector


Dennis Frank
2701 Hendrix Drive
Bloomington, IL 61704
Objector


Mark Stephen Adams II
1605 Whiter Court
Bloomington, IL 61704
Candidate

Alex Williams
2338 Corrigan Way
Normal, IL 61761
Candidate

Eric Madiar
217 South Third Street
Suite 101
Springfield, IL 62701
Attorney for Candidates

Subscribed and sworn to before me this
3rd day of January, 2023


KATHY MICHAEL, Chair
McLean County Officers Electoral Board


Notary Public

