

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF
JUDGE OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS,
12TH JUDICIAL SUBCIRCUIT, VACANCY OF MARY K. ROCHFORD

JAMES PAUL PIECZONKA,

Petitioner-Objector,

v.

DANIEL T. MCCARTHY,

Respondent-Candidate.

CHICAGO
11 DEC 12 PM 4:12
STATE BOARD OF ELECTIONS

20120EB

J 69

No.:

VERIFIED OBJECTOR'S PETITION

INTRODUCTION

Now comes JAMES PAUL PIECZONKA (the "Objector"), and as an objection to the nomination papers of DANIEL T. MCCARTHY, he states as follows:

1. The Objector resides at 4322 Hammersmith Lane, Glenview, Illinois 60026, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this petition ("Petition") is that of a voter who desires that the laws governing the filing of nomination papers for the Office of Judge of the Circuit Court of Cook County, Illinois, 12th Judicial Subcircuit, are properly complied with and that only qualified candidates, appear on the ballot for said office.
3. The Objector makes the following objections to the purported nomination papers (the "Nomination Papers") of Daniel T. McCarthy (the "Candidate") as a candidate for nomination to the office of Judge of the Circuit Court of Cook County, 12th Judicial Subcircuit,

vacancy of Mary K. Rochford (the “Office”), to be voted on at the primary election to be held on March 20, 2012 (the “Election”). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

OBJECTIONS

4. The Nomination Papers contain the names of persons who did not sign the petition sheets in their own proper persons and the signatures are not genuine and such signatures are invalid and may not be counted towards the minimum number of signatures the Candidate is required to present on his Nomination Papers as is set forth specifically in the Appendix attached hereto and incorporated herein under the heading, Column A, “Signature Not Genuine.”

5. The Nomination Papers contain petition sheets with the names of persons who were not validly registered voters at the time of signing the petition at the addresses shown opposite their names and such signatures are invalid and may not be counted towards the minimum number of signatures the Candidate is required to present on his Nomination Papers as is set forth specifically in the Appendix attached hereto and incorporated herein, under the heading, Column B, “Signer Not Registered at Address Shown.”

6. The Nomination Papers contain petition sheets with the names of persons for whom addresses are stated which are not in the 12th Judicial Subcircuit of the Cook County Judicial Subcircuit, from which the Candidate seeks nomination and election, and such persons are not eligible to sign Candidate’s Nomination Papers and such signatures are invalid and may not be counted towards the minimum number of signatures the Candidate is required to present on his Nomination Papers, as is set forth specifically, in the Appendix attached hereto and incorporated herein, under the heading, Column C, “Signer Resides Outside District.”

7. The Nomination Papers contain petition sheets with the names of persons for whom the address given is not complete and is therefore not the address where such person is registered to vote and the signature of such person is invalid and may not be counted towards the minimum number of signatures the Candidate is required to present in his Nomination Papers, as is set forth specifically, in the Appendix attached hereto and incorporated herein, under the heading, Column D, "Signer's Address Missing or Incomplete."

8. The Nomination Papers contain petition sheets with other violations of law as described in the Appendix attached hereto and incorporated herein, under the heading, Column F, "Other."

9. The Nomination Papers contain petition sheets which bear circulator's affidavits that were not lawfully sworn to before a Notary Public or other appropriate officer, in that the notarial jurats lack the official seal and expiration of commission date of the Notary Public, and every signature on such sheets is invalid, as is set forth specifically, in the Appendix, attached hereto and incorporated herein with the description "Circulator's Affidavit Not Properly Notarized."

10. The purported circulator of the Candidate's petition sheet number 226 is not the person who actually circulated said sheet, such that the circulator's affidavit on that sheet contains a false swearing and the entire sheet should be removed from the Candidate's petition. Furthermore, this known fraud conducted by the circulator of this petition sheet taints the credibility of all sheets circulated by that person, such that all of the sheets circulated by that person should be removed from the Candidate's petition and the signatures thereon should not count towards the minimum requirement.

11. The Nomination Papers contain sheets circulated by circulators whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by them is invalid and should be removed from the Candidate's petition and signature count. The fraud committed by these circulators is that they swore under oath that the signatures contained on the sheets they circulated are made by voters who reside within the 12th Judicial Subcircuit, when in fact 80% or more of the signatures on the sheets indicated below are made by voters who live outside the geographic boundaries of the 12th Subcircuit. This alarmingly high amount of false swearing taints the credibility of the circulators of said sheets, such that all sheets circulated by those persons should be struck from the Candidate's petition. The circulators at issue are those who circulated the Candidate's petition sheets bearing the following sheet numbers: 27, 33-37, 88, 148, 149, 153, 154, 156-158, 160, 166-173, 177-183, 185-187, 189, 193, 194, 196, 200, 202, 203, 205, 206, and 215.

12. The Nomination Papers contain less than 1,000 valid signatures, which is the minimum number of validly collected signatures of registered legal voters required to be filed for a candidate for Judge of the Circuit Court of Cook County, 12th Judicial Subcircuit, vacancy of Mary K. Rochford, as is set forth in this Petition.

13. The Candidate's Statement of Candidacy does not state the proper judicial vacancy in violation of section 7-10 of the Illinois Election Code.

14. The Appendix is incorporated herein and the objections made therein are hereby made a part of this Petition. Each specific objection is identified in the appropriate box or on the appropriate line by an "X" or other mark.

WHEREFORE, the Objector requests a hearing on the objections stated herein, an examination by the Electoral Board of the official records relating to the matters alleged herein, a ruling that the Nomination Papers are invalid in law and fact, and that the Electoral Board enter its judgment order that the name of the Candidate shall not appear on the ballot for nomination or election to the office sought and in the election stated in the Candidate's Nomination Papers, and for whatever other relief this Electoral Board finds adequate and just

Respectfully submitted,


The Objector

VERIFICATION BY CERTIFICATION

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 or she verily believes the same to be true.


The Objector

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