

State of Illinois )  
County of Cook ) SS

**BEFORE THE DULY CONSTITUTED MUNICIPAL OFFICERS ELECTORAL BOARD FOR THE VILLAGE OF NORRIDGE (“ELECTORAL BOARD”) FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR MUNICIPAL OFFICES IN THE VILLAGE OF NORRIDGE**

**Michael Straughn** )  
**Petitioner-Objector** )  
**v.** ) **No. 2020-NMOEB-VT-003**  
**Anna Mitera** )  
**Respondent-Candidate** )

**FINDINGS, DECISIONS AND ORDER**

This cause coming on to be heard on January 5, 2021 by the Municipal Officers Electoral Board of the Village of Norridge (“Board”), was duly constituted, convened and consisting of the following: Hon Daniel **Tannhauser**, Chair, Hon. Ursula A. **Kucharski**, Senior Norridge Village Trustee in years of service, and Hon. Jacqueline P. **Gregorio**, Second Senior Village Trustee in years of Service. The Village Clerk, Hon. Debra J. **Budnik**, was statutorily disqualified, because she is seeking election on April 6, 2021 for the office of Village Trustee which is for same the same election and same office involving the trustee candidates whose nomination papers are being challenged in these proceedings.

Trustees **Kucharski** and **Gregorio** are both retiring from public service at the end of their current terms and are not on the April 6, 2021 ballot and therefore were not disqualified from serving on this Board. Consequently, this Board, was constituted pursuant to Section 10-9 of the Election Code (10 ILCS 5/10-9) (“Code”) for passing upon the objections of **Michael Straughn (“Objector”)** to the nomination papers of **ANNA MITERA (“Candidate”)** for election to the office of **Village Trustee of the Village of Norridge** to be voted for at the **Consolidated Election to be held on the 6th day of April, 2021**, the Objector having appeared through and being represented by Attorney Scott D. Erdman, the Candidate having appeared through and being represented Attorney Frank Avila, the Board having reviewed the objections, heard and considered the testimony, reviewed the exhibits and the Zoom video recording, and the relevant statutory and case law entered into the record and being fully advised;

THE BOARD HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The Candidate timely filed nomination papers for election to the office of Village Trustee of the Village of Norridge to be voted for at the Consolidated Election to be held on the 6th day of April, 2021.
2. The Objector timely and duly filed his objections to the Candidate's nomination papers.
3. The Board was legally constituted according to the laws of the State of Illinois.
4. A Call to the hearing on said objections was duly issued and was caused to be properly served on the members of the Board, the Objector, the Candidate, the attorney for the Objector, and the attorney for the Candidate (if known) in accordance with the Code.
5. Due to the COVID-19 pandemic and ongoing restrictions as set forth by Governor J.B. Pritzker's Executive Orders, and due to the Village of Norridge's Declaration of Emergency, and pursuant to the amended rules of the Illinois Open Meetings Act (5 ILCS 120/1 et seq), the Electoral Board found it necessary to conduct this, and all subsequent meetings and hearings both in person and virtually using the Zoom platform and adopted a Motion to conduct this meeting and subsequent meetings and hearings of the Electoral Board in person and using the Zoom platform.

During all of the proceedings, the Board Chair participated from his office in the Norridge Village Hall through the Zoom platform as did Member Kucharski from her office in the Norridge Village Hall. During all of the proceedings Member Gregorio participated remotely through the Zoom platform as did the attorneys for both the Candidate and the Objector and members of the Public during two Public Comment periods. During all of the proceedings Electoral Board counsel were personally present in the Village Hall Board Room. Witnesses called by the parties participated in person or through the Zoom platform as indicated below.

The hearings conducted on January 5, January 12, January 15, and January 21, 2021 were recorded on the Zoom platform and have all been posted in their entirety on the official Village of Norridge website under the "Government/Agendas and Minutes/Zoom Electoral Board Hearings" tab.

6. The Board was first convened on Tuesday, January 5, 2021. Neither party objected to the composition of the Board. Neither party offered any comments regarding the proposed rules. The Board adopted the Rules of Procedure for the Municipal Officers Electoral Board for the Village of Norridge for the Hearing and Passing upon Objections to Nomination Papers of Candidates for Municipal Officers in the Village of Norridge which Rule 16 also appointed Joan S. Cherry and Thomas A. Jaconetty as the Board's attorneys.
7. The following persons, among others, were present at the hearings regarding the objections to the nomination papers of the Candidate which were conducted on January 5, January 12,

January 15, and January 21, 2021:

- a. Honorable Daniel Tannhauser, Chair;
- b. Honorable Ursula Kucharski, Member;
- c. Honorable Jacqueline Gregorio, Member;
- d. The Objector through his attorney, Scott D. Erdman;
- e. The Candidate through his Attorney Frank Avila;
- f. Various witnesses in person or through Zoom as described below; and
- f. Various other members of the public participating through the Zoom platform.

8. The Board's Attorneys offered into evidence the following documents on January 5:

- Board Exhibit A: Transmittal from Village Clerk to Electoral Board Chairman;  
Board Exhibit B: The Call Service List and the Call;  
Board Exhibit C: The Appearance of the Objector's attorney;  
Board Exhibit D: The Appearance of the Candidate's attorney;  
Board Exhibit E: The Electoral Board Rules, as adopted;  
Board Exhibit F: The Candidate's nomination papers;  
Board Exhibit G: The Objector's Petition;  
Board Exhibit H: The Agenda for the Meeting;  
Board Exhibit I: The Public Notice of the Meeting;  
Board Exhibit J: Receipt of Call and Other Electoral Board Documents and Waiver of Statutory Service and Notice of Parties (group);  
Board Exhibit K: Return of Package Drop-Offs (group);  
Board Exhibit L: Photographs of Nomination Papers from the Office of Village Clerk.

The Exhibits were admitted into the record by the Board, upon motion, which was duly seconded, and passed by unanimous roll call vote of the Board.

9. At the January 5 hearing, *inter alia*, counsel for the parties
- a. acknowledged receipt of the Call, Service and Electoral Board documents;
  - b. entered, and agreed to exchange, their appearances;
  - c. agreed to waiver of statutory service and notice;
  - d. agreed that that the operative language of the statute at issue concerning the petition fastening and binding requirement was contained in 10 ILCS 5/10-4 (after the nature of the objections were outlined by Board counsel and Objector's counsel);
  - e. neither party intended to file any preliminary motions in the nature of a Motion to Strike and Dismiss, or otherwise, pursuant to Electoral Board Rule Board Rule 5; and
  - f. the Objector would be requesting subpoenas to issue for certain witnesses but that the Candidate would not be requesting any subpoenas since any intended witnesses were in the control of the Candidate and would be produced voluntarily.

The Board then adopted a Motion which was duly seconded, and passed by unanimous roll call vote of the Board to recess the hearing to January 12, 2021, at 3:30 PM.

10. Prior to the January 12 hearing Counsel for the Objector timely filed a request that personal appearance subpoenas to **Katherine Gaseor** and **Debra J. Budnik** in order to obtain their testimony. No objection was made by Counsel for the Candidate to the issuance of subpoenas. Electoral Board counsel conferred with, and polled, the Board members individually, and after determining that all three members had approved the subpoenas, it so authorized the Chair to issue them and inform counsel.
11. On January 12, the hearing continued. This case along with two other Village Trustee cases on the docket commenced at 3:45 PM and concluded at 12:22 AM on January 13, 2021, after approximately 8 hours and 23 minutes (See the two-part video on the Village of Norridge website). 2020-NMOEB-VT-003 (Zoom video, 1/12/21 (I), 5:59:16-(II) 2:16:59).
12. **Board Counsel Jaconetty** was requested to inspect and described the nomination papers (Electoral Board Exhibit F). He indicated that they included 29 petition signature sheets, the statement of candidacy, statement of economic interests (“in the upper left corner in a vertical position are two staple holes that appear for these documents only”) for a total 33 pages. He then described the physical condition state of the nomination papers.

For the first seven sheets, all circulated by the same person: “There are in the upper left-hand corner, and as you hold them up to the light and put your hand behind them, there are tell-tale signs of staple marks. But the staple markings are not in the same position. They differentiate between the various sheets and they do not run through all of the sheets in a consistent position. There is one sheet in the middle of these, no. 4, that does not have staple marks . . . So, at some point in time it appears that there was some kind of staple in all of these sheets except no. 4. However, when you start with page 8, and with page 8, through the end of the filing which is page 29 . . . none of these sheets show the tell-tale signs of staples or staple holes or serrated indentations or any kind of paper clip or folds that would be indicated by heavy binder clips or anything else that would have attached them, and when put next to the first 6 sheets, of course, being no staples holes, it would appear that the physical evidence indicates that the entire package was never stapled together”. (Zoom video (II), 1/12/21, 6:20:00-6:23:35).

13. **Chair Tannhauser** also inspected the actual nomination papers (Electoral Board Exhibit F). He made the following observations on the record:

“The economic statement looks like it was stapled together and after that the loyalty oath there are no holes through it and then like you said the first three sheets are stapled and then a sheet was not stapled, then three more were stapled, and then none of the rest are stapled”, *i.e.* “the presence of staple holes so they’re not consistent like very sheet next to each other (6:24:37-6:25:20; Zoom video (II), 0:0:03-0:0:26; 0:0:35; 0:0:41-0:0:42)

14. **Member Kucharski** also inspected the actual nomination papers (Electoral Board Exhibit F). She made these observations on the record:

“I have observed the same thing: there are staple holes in the first several sheets” (Zoom video (II), 1/12/21, 1:24:00-1:50)

15. **Testimony of Katherine Gaseor:** Ms. Gaseor was sworn and testified in person in the Village Hall Board Room that she has been employed by the Village for 20 years, has been instructed by the Village Clerk who has instructed her concerning the process of accepting nomination papers, and has been involved in 5 petition filing cycles. On December 18, 2020 she accepted the Candidate’s filing from the Candidate Mitera herself. Also present were Adam Chudzik and Wally Biszczuk. Mitera had taken the petitions out of a manila envelope and handed them to Gaseor through the glass opening at the counter. They were not bound in any way at all: no holes, no binder clip, no two hole punch with a clasp, no shoelaces, no paper clip. Regarding Board Exhibit L, she testified that the top paper in the photo is the intake sheet which indicated receipt of a statement of candidacy, loyalty oath, statement of economic interests, and 29 signature sheets from the candidate to whom a D-5 notification was provided. Both she and the candidate signed the form. In the upper right-hand portion of the photo there is a paper clip which may have been used to clip the intake sheet to the filing. Adam Chudzik had his I-phone in the air again. The Candidate requested and received a copy of her petitions.

Under cross-examination, she acknowledged that she is a member of the “Norridge Improvement Party” and supports their candidates against who this Candidate is running. She saw the manila envelope but did not see the clasp on it or if it was closed because the Candidate had already taken the petitions out of the envelope. She testified several times that the Candidate pulled the petitions out of the envelope and handed them to her. One of the customer service representatives—Roseanne Radicke or Patti Spain— at the counter first greeted the Candidate and came to get the witness to accept the filing.

Board Counsel Jaconetty made several inquiries regarding the manila envelope. The witness then testified that she is not in possession of that envelope from which the Candidate took the petitions; that the Candidate kept it in her possession for the entire time and took it with her; that the Candidate never gave it to the witness and the witness never touched it; that it was the same type of 10 x13 manila envelope described in the other village trustee cases.

16. Testimony of **Wally Biszczuk**, with the assistance of his wife Urszula Kapinska as translator for a portion of his testimony: He testified that he assisted all of the village trustee candidates, giving them all paper clips, particularly Anna Mitera. He saw her paper clip all her papers together and drove, and accompanied her, to file at the Village Hall. Under cross-examination he stated that he placed the label on the manila envelope and she “put clip and she put inside”. A Village worker asked the Candidate for the documents.

17. Testimony of the **Candidate, Anna Mitera**: She testified that she was assisted by Wally Byszczuk who provided her with a manila envelope and paper clip and accompanied her to the Village Hall. At the time of filing, she testified that Ms. Gaseor asked her to remove the petitions which were all clipped out of the manila envelope. She testified that Ms. Gaseor provided her with a copy of the petitions and a receipt of filing and did not ask for the manila envelope.

Under cross-examination, she corrected that she first sought the Village Clerk, Debra Budnik, then an assistant clerk and was advised that Ms. Gaseor was available. Asked to take the petition out the Candidate handed it to her for filing. The entire nominating petition was held together with one paper clip. On re-cross she could not remember whether the Statement of Candidacy or the Statement of Economic Interests had been stapled. The Court Reporter read back her answer as “Nope, not that I can recall” (Zoom video (II), 1/12/21, 1:40:28-1:41:00).

Responding to a question from Board counsel Jaconetty, the witness stated that at some time the Statement of Economic Interests might have been stapled together; that it was very possible.

18. **Debra J. Budnik** was unable to appear due to a medical emergency which caused her hospitalization on the morning of January 12. Objector’s counsel reserved the right to call her when available.
19. Counsel for the parties proceeded to make closing argument. They were advised that the Board would further enter a Case Management Order, dated January 12, requiring that the deadline for the parties to simultaneously provide a Memorandum/Brief applying relevant facts elicited by testimony to the applicable case law was Thursday, January 14, 2021, at 9:00 PM, and that the case was set for continuing electoral board hearings on Friday, January 15, 2021, at 6:00 PM. Pursuant to that Order, the Objector filed his “Objector’s Memorandum in Support of His Objections” on January 14 at 5:02 PM. The Candidate, due to a medical emergency concerning his daughter, sought and received leave to file his “Memorandum of Law” late, received at 10:07 PM.
20. The Board finds that the testimony and demeanor of Ms. Gaseor was clear, unemotional, and consistent; without hesitation or animosity, or bias; and that she was a very credible witness. The testimony of the Candidate was cooperative and responsive, sometimes curt, and equivocal on whether the Statement of Economic Interests had been stapled (while the physical evidence establishes that they had been).
21. The Board finds that 10 ILCS 5/10-4 of the Election Code governs Independent Candidacies and that, with regard to nomination papers, it provides, *inter alia*, that:

“Such sheets, before being presented to the electoral board or filed with the proper office of the electoral district or division of the state or municipality, as the case may be, shall be **neatly fastened together in book form, by placing the sheets in a pile and fastening them**

**together at one edge in a secure and suitable manner**, and the sheets shall then be numbered consecutively. (Emphasis supplied).”

22. The Board finds with regard to the phrase “in book form” that “it is universally known that a book is a collection of sheets fastened together along with one edge and usually trimmed at the other edges to form a single series of uniform leaves”. Bendell v. Educational Officers Electoral Board for School District 148, 338 Ill.App.3d, 458, 463, 788 N.E.2d 173 (1<sup>st</sup> Dist. 2003).
23. The Board finds that the word “secure” may be commonly understood as meaning attached, connected, or conjoined; that the word “suitable” may be commonly understood as meaning appropriate, apt, fitting, or proper; and that the words “fasten”, “fastened” and “fastening” may be commonly understood as meaning attached, attached firmly or securely in place, bound, clasped, connected together, fixed firmly, fixed together, or secured.
24. The Board finds that nominating papers which are disconnected and not attached together, but merely enclosed inside (or inserted into) an envelope, otherwise not connected together separately therein, are not properly “fastened in a secure and suitable manner”; and that such nomination papers are susceptible to falling, pulling or breaking apart, or otherwise lying loose and unattached, during the normal process of bending, handling, moving, stamping or storing by the staff of the receiving authority; and that as such they are not “fastened together in book form . . . in a secure and suitable manner”.
25. The Board finds that various decisions have held that the absolute failure to bind and fasten nomination papers together has been ruled a fatal defect. Davis v. Young, 2020-COEL-000027 (Cook County Circuit Court 2021); Jefferson v. Mendoza, 2020-COEL-000028 (Cook County Circuit Court 2021); Valentin v. Esparza, No. 15-EB-ALD-004 (Chicago Electoral Board 2015); Milissis v. Wisniewski, No. 09-COEB-PD-12 (Cook County Electoral Board 2009). Williams v. Clark, No. 07-EB-ALD-025 (Chicago Electoral Board 2007); Brummit v. Brewer, No. 07-EB-ALD-062 (Chicago Electoral Board 2007); Thompson v. Hamilton, No. 03-EB-ALD-161 (Chicago Electoral Board 2003); Wilson v. Rowans, No. 03-EB-ALD-122 (Chicago Electoral Board 2003); Jones v. Castillo, No. 07-EB-ALD-144 (Chicago Electoral Board 2007); Rivers v. Calumet School District #155 Educational Officers Electoral Board, No. 01 CE 16 (Cook County Circuit Court 2001); Anderson v. Municipal Officers Electoral Board of Prospect Heights, No. 99 Co. 53 (Cook County Circuit Court 1999).
26. The Board finds that three court decisions have specifically criticized the use of paper clips as an inappropriate method of binding: Jones v. Dodendorf, 190 Ill.App.3d 557, 546 N.E.2d 92, 94 – 95 (2d Dist. 1989); Stanbuck v. Kusper, No. 71 C 217 (N.D. Ill. 1971) (unpublished); Girot v. Keith, 341 Ill.App.3d 902, 793 N.E.2d 935, 938 (3d Dist. 2003), rev’d. on other grounds, 212 Ill.2d 372 (2004) (relying on Jones: “[b]y its very nature, a paper clip allows the papers it ‘fastens’ to be pulled apart and rearranged at will, showing no sign of tampering and doing little to assure the continued integrity of the petition package submitted to the electoral official.”) The Board further finds that if a paper clip allegedly “fastening” nomination papers when submitted slipped off and could later not be

found that circumstance *ipso facto* would be indicia that the petition had not been not “fastened. . . in a secure and suitable manner”. See also, Nocita v. Airdo, No. 15-MOEB-ALD-01 (Melrose Park Electoral Board), aff’d, No. 2015 COEL 00021 (Cook County Circuit Court. 2015) (voiding candidacy; demonstrative exhibit established that sheets could be removed without disturbing binder clip).

27. The Board finds that in Bendell v. Educational Officers Electoral Board for School District 148, 338 Ill.App.3d, 458, 464, 788 N.E.2d 173 (1<sup>st</sup> Dist. 2003), the Court permitted the use of a paper clip binding only because the physical condition of the filing was such that a six to eight-page petition, fastened with a serrated paper clip, could not be pulled apart when tested by a member of the electoral board: “The uncontroverted evidence is that they were securely fastened because a member of the Board was unable to pull them apart without removing the paper clip. This is a fact-specific case.” Further, the Bendell court also held: “Inasmuch as section 10-4 is mandatory, compliance with its provisions must be strict rather than substantial”, Id., 338 Ill. App. at 463.

The Board further finds that the various Chicago electoral board cases cited by the Candidate finding paper clip fastening to be acceptable were fact-intensive cases. In each case the specifically described clips or bindings were in existence, did in fact securely hold together the nominating papers, and their presence and use was verified by testimony of the receiving authority and/or additional witnesses and corroborating photographic evidence.

28. The Board finds that nominating papers disconnected and not attached together, and merely enclosed inside, or inserted into, a manila envelope—but otherwise not connected together separately therein—are not “fastened in a secure and suitable manner”. Davis v. Young, 2020-COEL-000027 (Circuit Court of Cook County 2021); Jefferson v. Mendoza, 2020-COEL-000028 (Circuit Court of Cook County 2021); and that being “enclosed” or “included within” such a 9 x 13-inch envelope, whether the outside clasp is engaged or not, are not fastened or bound as required by 10 ILCS 5/10-4. An envelope is neither a binding nor a fastening. In this particular case, the testimony is uncontroverted that the envelope was never given to, received or retained, by the Village at the time of filing.
29. The Board finds that in this case the uncontroverted actual physical condition of these nominating papers fails to disclose holes or hole punches, metal clasp fasteners, binding ties or staples indicating such methods of fastening. Nor do these nomination papers bear the tell-tale signs of any depressions, impressions, or indentations; creasing, crumpling or markings; striations, grooves or scratches; or cuts and tears into the papers which one would expect to be left after the use of a paper clip (serrated or otherwise) allegedly “securely and suitably fastening” together a 33-page document. Examination by Board members and photographic evidence corroborate these facts. No paper clip was ever found.
30. The Board finds that there is evidence of staple holes in six sheets of the nomination papers. The Board also finds that none of the staple impressions line up to indicate that any single staple or staples penetrated these six-sheets together, and further that there was no stapling fastening the entire stack of the nomination papers. The Board finds, that there is no



testimony claiming that the petitions were stapled, so that any staples that might have existed must have been removed prior to the filing of the nomination papers. The physical evidence further establishes the following:

- a. Sheet 1: Holes from one staple in upper left corner
  - b. Sheet 2: Holes from one staple in upper left corner that do not align with sheet 1
  - c. Sheet 3: Hole from one staple in upper left corner that do not align with other sheets
  - d. Sheet 4: No staple holes at all
  - e. Sheet 5: Holes from two separate staples in the upper left corner about 3/8 inch apart
  - f. Sheet 6: Holes from one staple in the upper left corner; but when held up to the light three separate perforations are visible
  - g. Sheet 7: Holes from one staple along with 4 little pinholes when held up to the light
  - h. Sheets 8 – 29: No staple holes or marks at all in upper left corner or anywhere else.
31. At the January 12, 2021 hearing, late in the evening, and before the testimony of Wally Biszczuk (paragraph 16 above) (Zoom video (II), 1:09:04), Candidate’s counsel requested that the Chair of the Board and Member Gregorio recuse themselves and that a new Public Member Board be empaneled. The grounds alleged were that: (a) the Chair of this Board was also the Chair of the Norridge Improvement Party (NIP) which paid legal fees to the attorney for the Objector; (b) the members of this Board are also members of the NIP; and (c) Member Gregorio (who is participating remotely from Florida) was overheard engaged in conversation during a recess—not with other Board members—but with another unknown male (perhaps her husband) during which that third party (who is not a Board member) offers an opinion on the credibility of a witness. Candidate’s counsel alleged further participation would be “unethical”, “disturbing”, “a conflict of interest”, “inappropriate” and demonstrates a “lack of impartiality”, and “bias”. Nevertheless, Counsel indicated that he would proceed with the hearing and take up any matters regarding the composition of the Board in the Circuit Court (Zoom video (II), 1/12/21, 5:39-39:42, 1:08:15-1:08:35). The recusal issue raised pertains to all three cases: VT-001, VT-002, and VT-003.
32. The Board finds that the law does not permit a claim of substitution of members “whenever objector feels a conflict is present.” Further, there is “no authority which requires an electoral board member to be disqualified from hearing a dispute because of past legal or political activity or conflicts.” In re Objection of Cook to Referendum Petition of Pierce, 122 Ill. App. 3d 1068, 1072 (5th Dist. 1984). In addition, Ryan v. Landek, 159 Ill. App. 3d. 10, 13 (1st Dist. 1987) (where two members of the Electoral Board were party members who had also circulated petitions), held that:

“the Election Code does not provide for substitution when an objector alleges political bias. The legislature has set up a stable mechanism for addressing pre-election grievances. The statutory provisions allowing substitution under particular circumstances and judicial review [10 ILCS 5/10-10.1] adequately insure an objector a fair hearing.”

Also, Ayers v. Martin, 233 Ill. App. 3d 397, 399-400 (4th Dist. 1991), similarly rejected

claims of bias. The Court reasoned:

“In the instant case, plaintiff notes that two of the electoral board members had voted as members of the School Board to authorize the preparation of the objections to his petitions that they, as members of the electoral board, would review. He also claims the School Board has a pecuniary interest in the outcome, which was not present in Cook and Ryan. However, this argument is without merit.”

Further, Sjordal v. Municipal Officers Electoral Board of the City of Naperville, 2013 IL App (2d) 130189-U, involving a referendum petition, is illustrative. Sjordal alleged that the Electoral Board Chair (Mayor) was a petition signer; that the Proponent was co-chair of and a financial contributor to the Mayor’s campaign; that the councilman Electoral Board member had publicly opposed a related 2010 referendum; and that the city attorney had forwarded a memo addressing how to reverse the 2010 referendum to the Proponent’s firm. Id., ¶¶ 11. The Court affirmed the Electoral Board finding that the allegation of bias was “wholly unpersuasive”. Id., ¶14. The Court concluded that:

“The members of an administrative board “are presumed to have made their decisions in a fair and objective manner.” Fox Moraine, LLC v. United City of Yorkville, 2011 IL App (2d) 100017, ¶ 60. This presumption is not overcome merely because a decision-maker has previously taken a public position or expressed strong views on the issue. Concerned Adjoining Owners v. Pollution Control Board, 288 Ill. App. 3d 565, 573 (1997). To show bias or prejudice in an administrative proceeding, the petitioner must show that a disinterested observer might conclude that the administrative board, or its members, had prejudged the facts or law of the case. Id. We reject Sjordal’s argument that he was deprived of a fair hearing before an unbiased Board.” Id., ¶¶ 41-42.

Finally, in this case, none of the Board members here have “a direct, personal substantial pecuniary interest”. See Tumey v. Ohio, 273 U.S. 510, 523, 532 (1927), and Ward v. Village of Monroeville, 409 U.S. 57, 61-62 (1972). None would be called as a witness or to pass judgment on his or her own personal credibility. See Girov v. Keith, 212 Ill. 2d 372, 376, 379-381 (2004). None has a personal and pecuniary interest in the fate of a referendum petition affecting him or her. See Zurek v. Franklin Park Officers Electoral Board, 2014 IL App (1st) 142618 and Anderson v. McHenry Township, 289 Ill. App. 3d 830, 833-34 (1997). There is no blood relationship between any board member and a party. See Mank v. Board of Fire and Police Commissioners, 7 Ill. App. 3d 478, 484 (1972). The officials on the Norridge Electoral Board have no personal financial stake in the outcome, are not passing upon their own credibility, and are not deciding issues impacting their own legal rights, terms of office or compensation. Nor are these local public official members “candidates for the office with relation to which the objector’s petition is filed”. 10 ILCS 5/10-9.

The Board members individually declined to recuse themselves (Zoom video, 1/15/21,

12:45-16:44), and under the law acted properly when making their individual decisions.

33. For the reasons stated above, the Board finds that the failure of the Candidate to strictly comply with the mandatory provisions of 10 ILCS 5/10-4 of the Election that she “fasten” her nomination papers “in a secure and suitable manner” and instead filed her nomination papers in an unbound, unconnected, unfastened, and loose manner (allegedly with a paper clip that was never seen nor found by the Village Clerk’s office), and in this case, not with a manila envelope, invalidating those petitions as being not in compliance with the Election Code.
34. There being no further allegations remaining against the Candidate, upon motion made on January 15, 2021, which was duly seconded, by unanimous roll call vote, the Board ruled that the Objections were sustained and that the Candidate’s name **NOT** be printed on the April 6, 2021 Consolidated Election ballot.
35. All evidence or exhibits tendered by those appearing at the hearing, if any, was heard and considered by the Board. All arguments that were made at the hearing, if any, were heard and considered by the Board. All oral arguments, testimony, physical evidence, and the Zoom video recordings were considered by the Board.

**BASED UPON THE BOARD’S FINDINGS AND DECISIONS, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the **Objector’s Petition is Sustained** that the **objections** to the nomination papers of the Candidate, **ANNA MITERA**, candidate for the office of **Village Trustee** of the Village of Norridge, located in the County of Cook, State of Illinois, **are hereby NOT** in conformity with the findings contained herein. The name of **ANNA MITERA**, as candidate for the office of **Village Trustee of the Village of Norridge**, located in the County of Cook, State of Illinois, **NOT be printed** on the ballot for the Consolidated Election to be held on Tuesday, the 6h day of April, 2021.

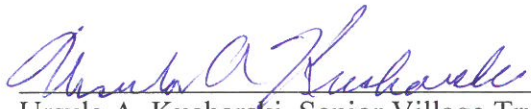
Dated at Norridge in Cook County, Illinois this on 21<sup>st</sup> day of January, 2021.

**EITHER PARTY MAY SEEK OR SECURE JUDICIAL REVIEW OF THIS DECISION BY FILING A PETITION IN THE CIRCUIT COURT OF COOK COUNTY WITHIN FIVE (5) DAYS AFTER THE DECISION OF THE ELECTORAL BOARD, AS PROVIDED IN 10 ILCS 5/10-10.1 OF THE ELECTION CODE.**

*Daniel Tannhauser*

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Daniel Tannhauser, Chair

A handwritten signature in blue ink, reading "Ursula A. Kucharski". The signature is written in a cursive style with a prominent initial "U".

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Ursula A. Kucharski, Senior Village Trustee

*Jacqueline P. Gregorio*  
Jacqueline P. Gregorio, Second Senior Village Trustee