

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

IN THE MATTER OF THE OBJECTIONS OF:)

ARIAN AHMADPOUR,)

Objector,)

v.)

DEREK MCDANIEL,)

Candidate.)

CASE NO. _____



OBJECTOR'S PETITION

NOW COMES, Arian Ahmedpour, (the "Objector"), and pursuant to §10-8 of the Illinois Election Code, 10 ILCS 5/1-1, *et seq.*, states as follows:

Introduction

The Objector, Arian Ahmadpour, states that he resides at 4715 Torphin Hill Court, in the City of Naperville, Zip Code 60564, County of Will, State of Illinois, and that he is a duly qualified, registered, and legal voter in the City of Naperville, State of Illinois, the political subdivision or district in which Candidate, Derek McDaniel (the "Candidate") is to be voted upon. Objector states that Objector's interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the office of councilmember of the City of Naperville, State of Illinois are properly complied with and that only qualified candidates appear on the ballot for said office as a candidate at the February 28, 2023, Consolidated Primary Election ("Election").¹

Therefore, the Objector makes the following objections, upon information and belief, to the Nomination Papers of Derek McDaniel as a candidate for the office of Councilmember for the City of Naperville, State of Illinois, to be voted upon at the February 28, 2023, Consolidated Primary Election.

¹ Provided that if no primary election is required, this Objector's Petition shall also apply to the April 4, 2023, Consolidated Election for said office and term.

Introduction

1. Nomination Papers must truthfully allege the qualifications of the candidate, must contain the statutorily required minimum amount of true and genuine signatures of duly qualified, registered, and legal voters in the political subdivision or district in which the Candidate seeks nomination or election, must be gathered and presented in the manner provided for in the Illinois Election Code, and must be otherwise executed in the form provided by law.
2. The Candidate has filed Nomination Papers that purport to contain signatures of duly qualified, legal, and registered voters of the political subdivision or district in which the Candidate seeks elective office in excess of the statutory minimum and, further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
3. The laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided and found invalid, being in violation of the statutes, and/or established case law, in such cases made and provided. Statute and established case law hold these provisions to be mandatory and strictly construed; failing to comply with even one of them will result in the petitions' invalidation.
4. As set forth herein, the Nomination Papers are insufficient in law and fact for the following reasons:

Objections to Nomination Papers & Candidacy

5. Section 10-4 of the Illinois Election Code, 10 ILCS 5/1-1, *et seq.*, provides, *inter alia*, that:

Such sheets, before being presented to the electoral board or filed with the proper officer 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. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

10 ILCS 5/10-4; *c.f.* 10 ILCS 5/7-10 (containing identical requirements under Article 7 of the Election Code).

6. Section 10-4 of the Illinois Election Code imposes a penalty for noncompliance such that, “[n]o signature shall be valid or counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.” 10 ILCS 5/10-4.
7. Not one of the petition sheets contained in Candidate’s Nomination Papers is numbered.
8. The page numbering requirement is mandatory; aside from serving identification purposes, it serves an important function to prevent tampering and preserving the integrity of the electoral process. As such, the Candidate’s failure to number any of the petition sheets he submitted as part of his Nomination Papers renders all of the petition sheets, and the entire Nomination Papers, invalid and void as a matter of law.
9. Furthermore, on information and belief, the Candidate’s Nomination Papers, when filed, were not secured or fastened as required by the Illinois Election Code. The provisions requiring the Nomination Papers to be bound in a secure and suitable manner are mandatory and help uphold the integrity of the electoral process. Therefore, Candidate’s failure to securely bind the Nomination Papers when presented for filing renders all of the petition sheets and the entirety of the Nomination Papers illegal, null, and void.

Conclusion

10. Because of the above-listed irregularities and insufficiencies in the Candidate’s Nomination Papers, said Nomination Papers contain fewer than the minimum number of signatures of qualified voters required by the Illinois Election code and are invalid in their entirety.

WHEREFORE, Objector prays that the nomination papers of Derek McDaniel as a candidate for the office of Councilmember of the City of Naperville, State of Illinois, to be voted upon at the February 28, 2023, Consolidated Primary Election (or, if no primary election is required, the April 4, 2023 Consolidated Election) be declared to be insufficient and not in compliance with the laws of the State of Illinois, and that the Candidate's name be stricken and **NOT** appear on the February 28, 2023, Consolidated Primary Election ballot (or, if no primary election is required, the April 4, 2023 Consolidated Election ballot), and that this Honorable Electoral Board enter its decision declaring that the name of Derek McDaniel as a candidate for the office of Councilmember of the City of Naperville, State of Illinois, be **NOT** printed upon the official ballot for the Consolidated Primary Election to be held on February 28, 2023 (or, if no primary election is required, the April 4, 2023 Consolidated Election).

Respectfully Submitted,
OBJECTOR, ARIAN AHMADPOUR

By: /s/ Ross D. Secler
One of his Attorneys

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