

No. 1-18-0479

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IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JAN KOWALSKI McDONALD,)	
)	
Petitioner-Appellant,)	Appeal from the
)	Circuit Court of
v.)	Cook County.
)	
THE COOK COUNTY OFFICERS ELECTORAL)	No. 2018 COEL 18
BOARD; DAVID ORR, Cook County Clerk; KIM)	
FOXX, Cook County State’s Attorney; DOROTHY)	Honorable
BROWN, Cook County Clerk of the Circuit Court; and)	Carol A. Kipperman,
REGINALD FEATHERSTON, SR., Objector,)	Judge Presiding.
)	
Respondents-Appellees.)	

JUSTICE MIKVA delivered the judgment of the court.
Presiding Justice Pierce and Justice Harris concurred in the judgment.

ORDER

¶ 1 *Held:* Final order of the electoral board sustaining objections to petitioner’s nomination petition is affirmed. Petitioner fails to demonstrate any procedural error that justifies reversing the board’s decision. The board’s finding that petitioner altered hundreds of voter addresses on petition sheets was not against the manifest weight of the evidence, and the board’s determination that this conduct justified the striking both of the affected entries and of all pages of the petition that were altered after they were signed by petitioner’s circulator was not clearly erroneous.

¶ 2 Appellant Jan Kowalski McDonald sought to run as a democratic candidate for Cook County clerk in the March 20, 2018, primary election. In a decision affirmed by the circuit court, the Cook County Officers Electoral Board (Board) sustained objections to her nomination petition. On March 16, 2018, we also affirmed that decision in a one sentence order, noting that this written order would follow.

¶ 3 I. BACKGROUND

¶ 4 On December 4, 2017, Ms. Kowalski McDonald submitted her nomination petition to run for Cook County clerk. On December 11, 2017, Reginald Lamont Featherston, Sr. filed objections to that petition. Pursuant to section 10-9 of the Election Code (10 ILCS 5/10-9(2.5) (West 2016)), the Board—comprised of the current Cook County clerk, Cook County State’s Attorney, and clerk of the circuit court of Cook County—was convened to pass on Mr. Featherston’s objections.

¶ 5 Following an evidentiary hearing, the case hearing officer recommended that the Board sustain the objections on two grounds: (1) that Ms. Kowalski McDonald violated section 7-10.2 of the Election Code (10 ILCS 5/7-10.2 (West 2016)) by failing to state on her petition sheets that she was formerly known simply as Jan Kowalski, and (2) that Ms. Kowalski McDonald deliberately altered a number of the voter addresses on her petition sheets.

¶ 6 On February 15, 2018, the Board voted unanimously to sustain the objections, declare Ms. Kowalski McDonald’s nomination papers to be invalid, and exclude Ms. Kowalski McDonald from the ballot. The Board issued its final written order on February 20, 2018.

¶ 7 Although the Board agreed with the hearing officer’s findings of fact concerning Ms. Kowalski McDonald’s failure to comply with section 7-10.2 of the Election Code, it declined to invalidate her nomination petition on that basis, noting that the purpose of the statute was not

frustrated because Ms. Kowalski McDonald “came by all of the components of her name through the commonplace events of life.” As the Board noted, her ballot name “Jan Kowalski McDonald” had been her married name, although she had legally resumed use of the name “Jan Kowalski” following her divorce.

¶ 8 The Board adopted, however, the hearing officer’s recommendation that Ms. Kowalski McDonald be struck from the ballot based on the documentary and testimonial evidence that she had engaged in the widespread alteration of petition sheets. One of her circulators testified that handwritten changes to the sheets he collected were made *after* he signed the sheets to attest to their accuracy. The Board struck all of the sheets signed by that circulator. Noting that the evidence would have also justified striking each of the other altered sheets, the Board adopted the hearing officer’s less severe recommendation of striking only affected entries on other circulators’ sheets. This nevertheless reduced the number of valid signatures supporting Ms. Kowalski McDonald’s petition by 777, causing it to fall several hundred signatures below the statutory minimum for her placement on the ballot.

¶ 9 Ms. Kowalski McDonald sought judicial review of the Board’s order pursuant to section 10-10.1 of the Election Code (10 ILCS 5/10-10.1 (West 2016)). Although her initial petition for judicial review was prematurely filed before the Board released its final order, Ms. Kowalski McDonald filed an amended petition on February 22, 2018, that—as we determined in an earlier appeal—cured the jurisdictional defect in her initial, prematurely filed petition. See *Kowalski McDonald v. Cook County Officers Electoral Board*, 2018 IL App (1st) 1180406, ¶¶ 19-30. We remanded the case to the circuit court for expedited briefing and a ruling on the merits of Ms. Kowalski McDonald’s petition for judicial review. *Id.* ¶¶ 32-33.

¶ 10 On March 12, 2018, the circuit court affirmed the Board’s order, and Ms. Kowalski

No. 1-18-0479

McDonald filed her notice of appeal the following day. We have jurisdiction over this matter pursuant to Illinois Supreme Court Rules 301 and 303, governing appeals from final judgments of the circuit court. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994); R. 303 (eff. July 1, 2017). See also *Gilbert v. Municipal Officers' Electoral Board of the Village of Deerfield, Lake and Cook Counties*, 97 Ill. App. 3d 847, 848 (1981) (rejecting an earlier line of cases holding that the legislature intended for the decisions of electoral boards to be appealed no further than the circuit court).

¶ 11 Given the time-sensitive nature of this appeal, we placed the case on an accelerated docket pursuant to Illinois Supreme Court Rule 311(b) (Ill. S. Ct. R. 311(b) (eff. July 1, 2017)). The parties were advised to file simultaneous memoranda instead of briefs and were granted leave both to reference the supporting record filed pursuant to Rule 328 (Ill. S. Ct. R. 328 (eff. July 1, 2017)) in appeal No. 1-18-0406 and to supplement that record as appropriate.

¶ 12 We note that the administrative record before the Board was never made a part of the supporting record in this court. However, Ms. Kowalski McDonald referred frequently to that record and it is, of course, the decision of the Board that we are reviewing. *Jackson v. Board of Election Commissioners of City of Chicago*, 2012 IL 111928, ¶ 46. In light of those facts and the tight time frame for issuing a decision, rather than order the parties to provide the administrative record or deprive the appellant of a consideration of the merits of her appeal, on March 15, 2018, the court, on its own motion, ordered the circuit court clerk to provide a certified copy of the administrative record for this court's review.

¶ 13 Having reviewed that record, the supporting record filed by Ms. Kowalski McDonald, and the parties' arguments, we affirm the Board's decision to sustain certain of Mr. Featherston's objections to Ms. Kowalski McDonald's nominating petition and to order her name be excluded

No. 1-18-0479

from the ballot.

¶ 14

II. ANALYSIS

¶ 15 As an initial matter, Ms. Kowalski McDonald's assertion that this is "a *de novo* appeal of the [circuit court's] March 12, 2018 Order" is incorrect. "Where, as here, judicial review of an electoral board's decision is sought pursuant to section 10-10.1 of the Election Code [citation], the proceeding is in the nature of administrative review." *Jackson v. Board of Election Commissioners of City of Chicago*, 2012 IL 111928, ¶ 46. We review the electoral board's decision, not the decision of the circuit court. *Id.* And the standard of review we apply "depends on whether the question presented is one of fact, one of law, or a mixed question of fact and law." *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 210 (2008). We review an agency's decisions on questions of law *de novo* and its decisions on mixed questions of fact and law for clear error. *Id.* at 210-11. "An administrative agency's findings and conclusions on questions of fact are deemed *prima facie* true and correct." *Id.* at 210.

¶ 16 Ms. Kowalski McDonald argues that the Board's decision in her case should be reversed because (1) the Board was improperly constituted; (2) the Board erred in finding that Mr. Featherston had not withdrawn his objections; (3) the Board should have struck Mr. Featherston's objections; (4) Ms. Kowalski McDonald was poorly treated by employees of the Cook County clerk's office and her motion to challenge the results of their records review improperly struck; (5) Mr. Featherston should not have been permitted to continue with his objection based on a pattern of fraud when he did not file a motion preserving that objection following the initial records review; and (6) there is nothing fraudulent about altering a signature sheet to reflect a signer's address as it appears in the voter registration database. We consider each issue in turn.

¶ 17

A. Board Composition

¶ 18 Ms. Kowalski McDonald first argues that the Board’s decision should be set aside because the State’s Attorney’s recusal and subsequent nonrecusal created an improperly constituted Board. As the circuit court correctly noted, the composition of the board was the subject of a separate appeal brought by Ms. Kowalski McDonald. See *Kowalski McDonald v. Cook County Officers Electoral Board*, 2018 IL App (1st) 180122-U. In our order disposing of that appeal we held, among other things, that the State’s Attorney’s official role as legal advisor to county officials did not represent a disqualifying personal or pecuniary interest preventing the current State’s Attorney or her designee from serving on the Board. *Id.* ¶ 42. We also noted in our order that we were unable to consider Ms. Kowalski McDonald’s other argument—that the State’s Attorney should be disqualified from Board service because she first recused herself and then un-recused herself from this case—because Ms. Kowalski McDonald had failed to cite to or include anything in the supporting record that supported such an argument. *Id.* Pursuant to Illinois Supreme Court Rule 341(h)(7), the argument was forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. Nov. 1, 2017) (noting that argument “shall contain” citations to the pages of the record relied on, and “[p]oints not argued are waived [forfeited]”).

¶ 19 Ms. Kowalski McDonald now seeks to make the same argument, based on documents that were not before us in her previous appeal. The law of the case doctrine prevents this. Pursuant to that doctrine, issues presented and disposed of in a prior appeal generally cannot be reargued in a subsequent appeal. *Bilut v. Northwestern University*, 296 Ill. App. 3d 42, 47 (1998). Ms. Kowalski McDonald cites no authority for the proposition that a party may attempt to cure a prior forfeiture or re-argue a forfeited point in a subsequent appeal.

¶ 20 Moreover, the documents that Ms. Kowalski McDonald cites are documents that are not a

No. 1-18-0479

part of the administrative record but ones that she unsuccessfully sought to have the circuit court allow as a supplement to that record. She has submitted them to this court and Mr. Featherston has filed a motion to strike them from the record. We need not strike them since it is clear they were put before the circuit court as exhibits to Ms. McDonald's unsuccessful motion to supplement the administrative record. However, they clearly were not considered by the Board or the circuit court and thus can play no part in our decision.

¶ 21 Finally, even if we were to consider these documents, they do not demonstrate that the State's Attorney recused herself from this case. Ms. Kowalski McDonald points to a January 25, 2018, email from assistant State's Attorney Sisavanh Baker to the designees of the other Board members stating: "Out of an abundance of caution and to avoid any appearance of impropriety, we're recusing ourselves from this matter as we are litigating Ms. Kowalski in other matters." The "matter" referred to, as indicated in the subject line of the e-mail, is "Re: SUBPOENA RECOMMENDATION – 2017-COEB-CC 03." And indeed it appears that Ms. Baker did not weigh in or vote on the Board's decision to issue certain subpoenas recommended by the hearing officer. Her abstention from voting on the subpoenas makes sense, as the State's Attorney soon after found herself in the position of enforcing the subpoenas issued to Ms. Kowalski McDonald's circulators in the circuit court. When the Board met on January 15, 2018, to vote on the hearing officer's recommendations regarding Mr. Featherston's objections, assistant State's Attorney James Beligratis made clear that he was the Board representative from the State's Attorney's office who would be voting "and to [his] knowledge the State's Attorney Office ha[d] not recused themselves from sitting on this Board as to this case."

¶ 22 In sum, Ms. Kowalski McDonald forfeited her argument that the Board was improperly comprised on the basis that the State's Attorney recused herself and then un-recused herself.

Even if the law of the case doctrine did not prevent her from reasserting that argument in this appeal, she has still failed to direct our attention to anything in the record to support her interpretation of events.

¶ 23 B. Purported Withdrawal of the Objector’s Objections

¶ 24 Ms. Kowalski McDonald next argues that she was denied due process when the hearing officer declined to hold a hearing to investigate the origins of a document purporting to be a withdrawal of Mr. Featherston’s objections to Ms. Kowalski McDonald’s nomination petition. Mr. Featherston’s attorney first brought the document to the attention of Ms. Kowalski McDonald and the hearing officer, informing them that it had been found on the Internet and was “not a genuine document.” Mr. Featherston’s attorney warned Ms. Kowalski McDonald, “[i]f anyone attempts to file this document with the Electoral Board it is not legitimate. Please notify me if any such attempt is made.” In the face of this unequivocal refutation by counsel representing Mr. Featherston, neither Ms. Kowalski McDonald’s opinion that the document “certainly bears indicia of genuineness” nor her desire to uncover the origin of the document provided a basis for an evidentiary hearing.

¶ 25 Addressing this issue in his decision, the hearing officer related how a copy of the forged withdrawal document was later given to certain employees of the Cook County clerk’s office, with instructions that it be hand delivered to the hearing officer. Ms. Kowalski McDonald refers to this as a “second withdrawal,” because she did not personally see the document and doubts the hearing officer’s assertion that it was the same document already brought to his attention. Upon questioning the clerk’s office employees, the hearing officer learned that the document was delivered to them by a gentleman matching the description of Ms. Kowalski McDonald’s expert. Ms. Kowalski McDonald insists that, by questioning those employees, the hearing officer

engaged in an improper *ex parte* investigation into the matter. We disagree, but it does not matter. Regardless of who created the document or who delivered it to the clerk's office, it was never filed by Mr. Featherston and Mr. Featherston's counsel unequivocally represented that the document was not genuine. That should have been the end of the matter. There is no basis for Ms. Kowalski McDonald's insistence now that "[t]he Board is required to honor the two withdrawals."

¶ 26 C. Motion to Strike and Dismiss Objections

¶ 27 We likewise reject Ms. Kowalski McDonald's argument that the Board erred in denying her motion to strike and dismiss Mr. Featherston's objections. She insists that the objections could not have been based on Mr. Featherston's actual review of her petition because he objected to entries contained on two pages that were not included on a disk containing her nomination papers, and she claims a FOIA request made by her disclosed that no individual physically inspected her petition in the clerk's office. Ms. Kowalski McDonald also notes that, in all, Mr. Featherston objected to 94% of her signatures. We agree with the hearing officer that Mr. Featherston's objections, many of which were sustained, were "not in the nature of a shot gun petition," or a baseless fishing expedition. Ms. Kowalski McDonald provides no authority for her argument that the Board erred in not striking these objections, many of which turned out to be meritorious.

¶ 28 D. Records Review and Rule 8 Motions

¶ 29 As she has in each of her filings before the Board, the circuit court, and this court, Ms. Kowalski McDonald sets out in her memoranda a host of allegations regarding her mistreatment and other improprieties she claims occurred during the initial records review of her nomination papers conducted by the Cook County clerk's office. To the extent that these allegations are

No. 1-18-0479

intended to demonstrate bias, they were already fully considered by us in Ms. Kowalski McDonald's prior appeal concerning the composition of the Board. And to the extent that Ms. Kowalski McDonald repeats the allegations here to argue that objections to specific voter signatures should not have been sustained by the clerk's office during that review, those arguments were encompassed in the motion she filed pursuant to Rule 8 of the Board's rules of procedure. Ms. Kowalski McDonald argues that that motion was improperly struck by the hearing officer. We disagree.

¶ 30 Rule 6 provides that, as in this case, the Board or a hearing officer may order the clerk's office to assign one or more records examiners to conduct an initial records examination of a candidate's nomination petitions. The objector and the candidate have the right to attend the examination and note their positions for the record, as the examiner goes through the objections one by one and either sustains or overrules them. Rule 7 provides that, to preserve a challenge to the examiner's rulings, a party must make a contemporaneous objection at the records review. And Rule 8 provides for hearings on such challenges only if the challenging party then makes a written motion specifying, among other things, the sheet and line numbers associated with the challenges. The Board's rules of procedure can be found at https://www.cookcountyclerk.com/sites/default/files/pdfs/Adopted%20Rules%20of%20Procedure_12.18.2017.pdf.

¶ 31 Specifically, Rule 8 requires that motions challenging the finding of a records examiner "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." It further provides that "[t]he information required in the Motion must be set forth fully therein and not by way of reference to, or incorporation of, any other document." Given that the Board must hear and pass upon a number of objections within a limited time, it is fair to expect

strict compliance with the Board's rules of procedure by candidates and objectors. The hearing officer in this case noted in his decision that "within the body of [Ms. Kowalski McDonald's] motion the Candidate [did] not identify the basis of her objection to the clerk's finding." And although she "attached to the motion approximately 200 pages consisting of the sheet and line number, the signer's name, address and voter registration number," she "did not include a basis for her objection to the clerk's finding."

¶ 32 We have reviewed Ms. Kowalski's Rule 8 motion and find it is as described by the hearing officer. In the body of the document Ms. Kowalski McDonald made 19 different objections relating to the conduct of the records examination, but she made no attempt to connect any of those objections to specific challenged signatures. In contravention of Rule 8, she did not "specify, for each finding objected to *** the basis of the objection to the finding."

¶ 33 Ms. Kowalski McDonald takes issue with the fact that this was the objector's second motion to strike (his first, to strike the motion as untimely, was denied), that the motion was made orally, and that it was granted in the middle of the hearing on the motion. However, she provides no reason why the hearing officer could not entertain or rule on such a motion. There is simply no basis on which to conclude that the hearing officer erred by striking Ms. Kowalski McDonald's Rule 8 motion as noncompliant.

¶ 34 E. Preservation of Objector's Pattern of Fraud Objection

¶ 35 Ms. Kowalski McDonald also argues that Mr. Featherston should not have been permitted to maintain his pattern of fraud challenges to the changed addresses on her petition because he did not file a Rule 8 motion following the initial records review conducted by the clerk's office. But Mr. Featherston's objection on the basis of a pattern of fraud is not the sort of objection that is forfeited by failing to include it in a Rule 8 motion. Rule 8 merely provides a

mechanism for challenging the preliminary rulings of a records examiner. And Rule 6 expressly limits the types of objections the records examiner may rule on to those involving objective information that can be verified simply by looking at the petition itself or by searching the voter registration database, *i.e.*, whether a signer is a registered voter at the address shown, whether the signature matches voter registration records, whether the signer is a resident of the correct political subdivision or district, and whether the signer has signed the petition more than once. The issue here—whether the altered addresses on Ms. Kowalski McDonald’s petition sheets constituted a pattern of fraud—was not something that could be ruled on, and certainly not by the records examiner, until after a hearing was held to determine who made those alterations and when they were made. Because Mr. Featherston’s objection did not challenge anything within the purview of the records examiner, the fact that he did not file a Rule 8 motion is irrelevant.

¶ 36 Moreover, even without any objection by Mr. Featherston, the Board would have been able to address the altered signature sheets. As we have previously made clear, “[w]hen in the course of hearing objections to nominating papers, evidence beyond specific objections comes to the electoral board’s attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process.” (Internal quotation marks omitted.) *Canter v. Cook County Officers Electoral Board*, 170 Ill. App. 3d 364, 368 (1988).

¶ 37 F. The Altered Signature Sheets

¶ 38 1. The Board’s Findings of Fact

¶ 39 We now come to the crux of this appeal. The Board in this case adopted the factual findings of the hearing officer that Ms. Kowalski McDonald made handwritten alterations to the addresses of over 700 entries on her petition sheets by crossing out the address the petition signer provided and replacing it with the person’s address as it appeared in the voter registration

database. The mismatch between the addresses that originally appeared on the petition sheets and the addresses in the database would have invalidated the affected signatures. Section 3-1.2 of the Election Code, titled “Eligibility to sign petition,” states that a “qualified primary elector *** shall mean a person who is registered to vote *at the address shown opposite his signature on the petition,*” or who was registered at that address at the time of signing. (Emphasis added.) 10 ILCS 5/3-1.2 (West 2016).

¶ 40 It is clear that Mr. Featherston, who devotes a substantial portion of his memoranda to addressing this argument, believes that Ms. Kowalski McDonald is challenging the Board’s findings of fact. Although we do not perceive this to be Ms. Kowalski McDonald’s primary argument, we agree with Mr. Featherston that deference to the Board’s findings is required in this case. *Cinkus*, 228 Ill. 2d at 210. An administrative agency’s findings are considered “*prima facie* true and correct,” and it is not our role to reweigh the evidence or substitute our judgment for that of the agency. *Id.* Our review is limited to determining whether the agency’s findings of fact are against the manifest weight of the evidence, *i.e.*, whether “the opposite conclusion is clearly evident.” *Id.*

¶ 41 Here, the Board’s findings were based on the extensive evidence presented, which was summarized in detail in the hearing officer’s recommendation, including compelling testimony from a board-certified forensic document examiner who compared the altered entries to samples of Ms. Kowalski McDonald’s handwriting and determined that she was the one who made the alterations; the testimony of one of Ms. Kowalski McDonald’s circulators that some of the alterations were made after he signed his attestations; and Ms. Kowalski McDonald’s own testimony, in which she—incredibly—opined that her opponent in the race for Cook County clerk had access to her petition and may have made changes to her petition sheets. Having

reviewed this evidence ourselves, including the altered petition sheets and samples of Ms. Kowalski McDonald's handwriting relied on by the handwriting expert, we conclude that the hearing officer's findings of fact, as adopted by the Board, were amply supported by the evidence.

¶ 42 We reject Ms. Kowalski McDonald's unsupported and frankly bizarre argument that an adverse inference in her favor should have been drawn from the fact that Mr. Featherston subpoenaed Joan Magic, another of Ms. Kowalski McDonald's circulators, but ultimately elected not to call Ms. Magic to testify. This was not, as Ms. Kowalski McDonald insists, "a grave violation of [her] due process rights to cross-examine witnesses." No right to cross-examine Ms. Magic arose because she was never called to give direct testimony. Ms. Kowalski McDonald was free to subpoena and call Ms. Magic herself but apparently chose not to do so.

¶ 43 2. Whether There Was a Pattern of Fraud

¶ 44 Although Ms. Kowalski McDonald denied under oath at the hearing in this matter that she changed any of the addresses on her petition sheets, her primary argument on appeal is that even if a candidate were to alter addresses in the manner described in the Board's decision, that would not constitute a "pattern of fraud" justifying the striking of entries or pages from the candidate's nomination petition. According to Ms. Kowalski McDonald, because the conduct at issue involves no false statement, the Board's decision essentially establishes a new "pattern of integrity" standard. We do not agree.

¶ 45 Whether conduct constitutes a pattern of fraud involves the legal effect of a given set of facts. *Crossman v. Board of Election Commissioners of the City of Chicago*, 2012 IL App (1st) 120291, ¶ 9. We review such determinations for clear error and will only reverse "where the entire record leaves [us] with the definite and firm conviction that a mistake has been made." *Id.*

We are left with no such conviction in this case. Because it was not clearly erroneous for the Board to view the conduct at issue in this case as a pattern of fraud, we need not decide whether the same result would be warranted under any other standard.

¶ 46 Ms. Kowalski McDonald first points out—quite correctly—that nothing requires the address listed opposite a petitioner’s signature to be personally affixed to the petition by the person signing the petition. The language of section 7-10 of the Election Code, titled “Form of petition for nomination,” states that petitions “shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address *shall be written or printed.*” (Emphasis added.) 10 ILCS 5/7-10 (West 2016). The statute would permit, then, a circulator collecting voter signatures on a petition to write a signer’s address on the sheet for the signer. But that is not what happened here. The Board found that, for each of the entries at issue, the signer wrote down his or her address in the presence of the circulator and, some time later, Ms. Kowalski McDonald crossed out that address and replaced it with the address she found for the person in the voter registration database.

¶ 47 Ms. Kowalski McDonald insists that it is not fraudulent to alter an address in this way because the address in the database is the “correct” address; there is simply no false statement. This represents a fundamental misunderstanding of the purpose of a petition sheet and the requirement that an address be listed for each signer. Section 7-10 plainly states that it is the signer’s “*residence* address” that “shall be written or printed” opposite his or signature, which can then be checked against that individual’s *registration* address in the voter registration database. It is a valid and sustainable objection to a voter’s signature on a petition to demonstrate that the address provided is not the registration address. See 10 ILCS 5/3-1.2 (West 2016). The

surreptitious alterations Ms. Kowalski McDonald made to her petition sheets after they were circulated were clearly intended to change unqualified signers into qualified ones by falsely representing that the signers had provided their registration addresses as their residence addresses, when they had in fact done no such thing. Nothing in the record causes us to doubt the Board's finding that this is exactly what Ms. Kowalski McDonald did. And when questioned under oath, Ms. Kowalski McDonald lied, testifying that she changed no addresses on her petition sheets. It was not clearly erroneous for the Board to strike the entries affected by this pattern of fraud from Ms. Kowalski McDonald's nomination petition.

¶ 48 Nor was it clearly erroneous for the Board to strike each of the pages signed by Ms. Kowalski McDonald's circulator, Kevin Hamilton, who testified that the alterations appearing on the sheets he circulated were made after he signed them. Section 7-10 of the Election code requires that anyone circulating a nomination petition must execute a circulator's affidavit certifying "that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the [political party for which the nomination is sought], *and that their respective residences are correctly stated.*" (Emphasis added.) 10 ILCS 5/7-10 (West 2016). "This portion of section 7-10 has been strictly enforced by the courts of this State which have viewed the circulators' oath as an important way to safeguard fair and honest elections." *Fortas v. Dixon*, 122 Ill. App. 3d 697, 700 (1984). We agree with the Board that, by altering the petition sheets after her circulator signed his affidavit, Ms. Kowalski McDonald effectively invalidated that affidavit.

¶ 49 In short, we agree with the Board's unequivocal condemnation of the conduct at issue in this case. That conduct called into question the accuracy of the address information provided by

No. 1-18-0479

petition signers and undermined the integrity of the petition process. It was also fraudulent. We reject Ms. Kowalski McDonald's assertion that such conduct is in any way permitted by the controlling provisions of the Election Code.

¶ 50

III. CONCLUSION

¶ 51 For the foregoing reasons, we affirm the decision of the Board sustaining Mr. Featherston's objection and excluding Ms. Kowalski McDonald from the ballot for the March 20, 2018, primary election.

¶ 52 Affirmed.