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THIRD DIVISION
March 7, 2019

No. 1-19-0204

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PAULA FARR,)	
)	
Petitioner-Appellee,)	
)	
v.)	
)	Appeal from the
VILLAGE OF MATTESON MUNICIPAL OFFICERS)	Circuit Court of
ELECTORAL BOARD, SHEILA Y. CHALMERS-)	Cook County
CURRIN, chair, YUMEKA BROWN, in her capacity as)	
electoral board member and as Village Clerk of the)	No. 19-COEL-007
Village of Matteson, SAM BROWN, electoral board)	
member, JUSTTINE JACKSON, and KAREN A.)	The Honorable
YARBROUGH, in her official capacity as Cook County)	Maureen O. Hannon,
Clerk,)	Judge Presiding.
)	
Respondents)	
)	
(Village of Matteson Municipal Officers Electoral Board)	
and Justtine Jackson,)	
)	
Respondents-Appellants).)	

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Justices Lavin and Ellis concurred in the judgment.

ORDER

¶ 1 *Held:* A candidate for the office of trustee in the Village of Matteson submitted a statement of

candidacy and nominating petitions that substantially complied with the requirements of sections 10-4 and 10-5 of the Election Code, notwithstanding the omission of information about whether the candidate sought a full four-year term as trustee or to fill an unexpired two-year term as trustee. 10 ILCS 5/10-4, 10-5 (West 2016).

¶ 2 The petitioner, Paula Farr, filed a petition in the circuit court seeking judicial review of a decision by the respondent herein, the Village of Matteson Municipal Officers Electoral Board (Board), that her name would not be included on the ballot as a candidate for the office of trustee of the Village of Matteson in the consolidated election of April 2, 2019. The circuit court reversed the decision of the Board. The Board and respondent Justine Jackson, who had filed the objector’s petition that was sustained by the Board, appeal this order of the circuit court. For the reasons that follow, we affirm the circuit court’s judgment.

¶ 3 I. BACKGROUND

¶ 4 At the consolidated election on April 2, 2019, the voters of the Village of Matteson will be electing three trustees to serve full four-year terms on the Board of Trustees of the Village of Matteson, as well as one trustee to serve an unexpired two-year term created as the result of a vacancy on that body. The petitioner filed nominating papers, including a statement of candidacy, nominating petitions, and other documents, seeking to have her name placed on the ballot as a candidate for one of the trustee positions serving a full, four-year term. The court takes judicial notice that the statement of candidacy and nominating petitions that she filed made use of the suggested forms available on the website of the Illinois State Board of Elections. These forms contain multiple blank lines or spaces to be filled in by the candidate or the circulator of the nominating petition.

¶ 5 On her statement of candidacy, the petitioner stated in pertinent part that she was “a candidate for election to the office of Trustee in the Village of Matteson.” Also, both the statement of candidacy form and the nominating petition form contain a blank space titled

“OFFICE.” On her statement of candidacy, the petitioner entered “Trustee” in this space. On each of her 36 pages of nominating petitions, “Village Trustee” was entered in the space. Both forms contained the following parenthetical statement beneath the respective spaces: “(for unexpired terms, specify ‘2 year unexpired term’ or ‘4 year unexpired term’ along with the office in the ‘OFFICE’ space provided above).”

¶ 6 Respondent Jackson filed an objector’s petition, arguing that the petitioner’s nomination papers violated mandatory provisions of the Election Code (10 ILCS 5/1 *et seq.* (West 2016)) by failing to adequately identify the office sought, specifically whether the petitioner was seeking election to a full four-year term or to the unexpired 2-year term of trustee. She argued that the failure to identify the term of office sought created confusion in the minds of voters and those signing her nominating petitions about the office for which she was seeking to be a candidate. The respondent Board was thus constituted to hear and pass upon the objections by respondent Jackson to the petitioner’s nomination papers. The Board was comprised of respondents Sheila Y. Chalmers-Currin, Yumeka Brown, and Sam Brown. Before the Board, the petitioner argued that she had used the standard forms provided by the Illinois State Board of Election, and the parenthetical instruction on those forms indicated that she was only required to specify that she was seeking a two-year or four-year unexpired term of office if in fact she was seeking an unexpired term. Thus, she argued, because she was not seeking to fill the unexpired term, but instead she was seeking a full four-year term as trustee, she did not need to include additional information about the term of office she sought.

¶ 7 The Board voted 2-1 to sustain the objector’s petition. It concluded that, under the holding of *Heabler v. Municipal Officers Electoral Board of the Village of Lakemoor*, 338 Ill. App. 3d 1059, 1062-63 (2003), the petitioner’s nominating papers created a basis for confusion as to the

office she sought by not identifying whether she was seeking a two-year or four-year term as trustee, as seats of both terms were up for election. It found that *Heabler* had rejected the argument advanced by the petitioner that a candidate should be assumed to be running for a full term unless his or her nominating papers specified that an unexpired term was sought. *Id.* at 1063. The Board found that reliance on the parenthetical instructions on the forms from the Illinois State Board of Elections did not remedy the petitioner's noncompliance with the requirement that the term of office sought must be identified.

¶ 8 The petitioner then filed a petition in the circuit court for judicial review of the Board's decision. The Board and respondent Jackson filed briefs in opposition to that petition. The parties advanced arguments consistent with those presented in the proceedings below. The circuit court granted the petition and reversed the decision of the Board. The circuit court found that when the nominating papers are read as a whole, they create no basis for confusion about the office that the petitioner is seeking. Specifically, the circuit court interpreted the parenthetical instructions on the forms from the Illinois State Board of Elections to suggest to the average person that only if a candidate was running for a two-year or four-year unexpired term must the candidate designate that fact in the space titled "OFFICE," and otherwise stating only "Village Trustee" in the space would indicate that the candidate is running for a full term, not an unexpired term. The circuit court found that the parenthetical language on the petitioner's nominating papers distinguished this case from *Heabler* and from the cases of *Zapolsky v. Cook County Officers Electoral Board*, 296 Ill. App. 3d 731 (1998), and *Salgado v. Marquez*, 356 Ill. App. 3d 1072 (2005), in which the courts held that candidates had failed to adequately identify the office sought. The circuit court further concluded that the omission of the term of office from the nominating petitions did not frustrate the purpose of the nominating petitions, which was to

demonstrate a minimal appeal to eligible voters.

¶ 9 Following the trial court's order, respondent Jackson filed a timely notice of appeal. In light of the impending election, this court agreed to expedite the briefing and resolution of this appeal. We also allowed the Board to adopt the memorandum in lieu of brief submitted by Jackson.

¶ 10 II. ANALYSIS

¶ 11 This appeal arises from the circuit court's judicial review of a decision by an electoral board under section 10-10.1 of the Election Code. 10 ILCS 5/10-10.1 (West 2016). Such a proceeding is in the nature of administrative review. *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, ¶ 19. On appeal, this court reviews the decision of the electoral board, not the decision of the circuit court. *Id.* The question presented by this case is whether the petitioner's nominating papers comply with the requirements of the Election Code, which is a question of law that we review *de novo*. *Pascente v. County Officers Electoral Board of County of Cook*, 373 Ill. App. 3d 871, 873 (2007).

¶ 12 In any case involving a candidate's access to the ballot, we bear in mind that the policy of this state is to favor ballot access for candidates to public office. *Wisnasky-Bettorf v. Pierce*, 2012 IL 111253, ¶ 22. Our courts also guard the rights of voters to nominate the candidates of their choice. *Lucas v. Lakin*, 175 Ill. 2d 166, 176 (1997). However, the legislature does have the power to regulate elections within constitutional limitations. *Jackson-Hicks*, 2015 IL 118929, ¶ 32. Thus, a candidate's failure to comply with mandatory provisions of the Election Code governing nomination papers will render those nomination papers invalid and result in the removal of that candidate's name from the ballot. *Id.* at ¶ 23. Strict compliance is not necessary in all circumstances, though, as substantial compliance can satisfy even a mandatory provision of the Election Code in some cases. *Id.* at ¶ 36.

¶ 13 The issue on appeal is whether the Board correctly concluded that the petitioner's nomination papers failed to comply with the requirements of sections 10-4 and 10-5 of the Election Code (10 ILCS 5/10-4, 10-5 (West 2016)) because the statement of candidacy and nominating petitions did not identify whether the "office" sought by the petitioner was a trustee position serving a full four-year term or the unexpired trustee position serving a two-year term.

¶ 14 Section 10-4 of the Election Code governs the requirements for the contents of nominating petitions in nonpartisan elections. 10 ILCS 5/10-4. In pertinent part, that statute provides that each sheet of nominating petitions to be signed by qualified voters "shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; *the office*; the party; place of residence; and such other information or wording as required to make same valid ***." (Emphasis added.) *Id.* Section 10-5 of the Election Code governs the requirements for the contents of statements of candidacy in nonpartisan elections. 10 ILCS 5/10-5. That statute states in pertinent part that "[e]ach such statement shall set out *** the office for which he is a candidate." *Id.* It goes on to provide that statements of candidacy "may be in substantially the following form," and the pertinent part of that form provides:

"I, ..., being first duly sworn, say that I reside at street, in the city (or village) of ... in the county of ... State of Illinois; and that I am a qualified voter therein; that I am a candidate for election *to the office of* ... to be voted upon at the election to be held on the ... day of ...,; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office." (Emphasis

added.) *Id.*

¶ 15 In analyzing the sufficiency of a candidate’s description of the office sought under these provisions and under section 7-10 of the Election Code (10 ILCS 5/7-10 (West 2016)), which contains materially identical requirements for nominating petitions and statements of candidacy in partisan primary elections, courts have recognized the rule that “a candidate is entitled to have his name placed on the ballot if ‘there was no basis for confusion as to the office for which the nominating papers were filed.’ ” *Pascente*, 373 Ill. App. 3d at 873 (quoting *Lewis v. Dunne*, 63 Ill. 2d 48, 53 (1976)); *Wiesner v. Brennan*, 2016 IL App (2d) 160115, ¶ 27. In applying this rule, “courts have found that where the office specified in the nominating papers can only refer to one possible vacancy, there is no basis for confusion.” *Lyons MVP Party v. Lyons, Illinois, Municipal Officers Electoral Board*, 407 Ill. App. 3d 1004, 1007-08 (2011) (citing *Pascente*, 373 Ill. App. 3d at 874-75; *Bryant v. Cook County Electoral Board*, 195 Ill. App. 3d 556, 557-59 (1990); *Stevenson v. County Officers Electoral Board*, 58 Ill. App. 3d 24, 27 (1978)); *Wiesner*, 2016 IL App (2d) 160115, ¶ 28; see also *Sullivan v. County Officers Electoral Board of Du Page County*, 225 Ill. App. 3d 691, 693 (1992). “However, where the office specified can refer to more than one vacancy, there is a basis for confusion.” *Id.* at 1008 (citing *Salgado*, 356 Ill. App. 3d at 1078; *Heabler*, 338 Ill. App. 3d at 1063; *Zapolsky*, 296 Ill. App. 3d at 735).

¶ 16 The respondents argue on appeal that this case falls into this latter category, in which the courts found that the nominating papers were invalid because they created a basis for confusion by specifying an office that could refer to more than one vacancy. Specifically, the respondents argue this case is directly on point with the situation presented in *Heabler*, as discussed below. Before turning to discuss these cases, however, we first discuss *Lewis*, in which the supreme court analyzed the question of whether a candidate’s nominating papers sufficiently set forth the

office to which the candidate sought nomination. In *Lewis*, the candidate filed nominating petitions in which he described the office sought as “ ‘Judge of the Appellate Court of Illinois, First Judicial District, to fill the vacancy created by the retirement of the Honorable Robert E. English.’ ” *Lewis*, 63 Ill. 2d at 49-50. His statement of candidacy, however, described the office as “ ‘Judge of the Appellate Court of Illinois, First Judicial District.’ ” *Id.* at 50. The electoral board at issue sustained an objection on the basis that section 7-10 of the Election Code (Ill. Rev. Stat. 1973, ch. 46, ¶ 7-10) required the specific vacancy to be designated in the statement of candidacy and the nominating petitions, and the petitioner’s failure to identify the vacancy on his statement of candidacy rendered his nominating papers invalid. *Id.* at 50.

¶ 17 The supreme court held that the nominating papers were valid. *Id.* at 53. It noted that “[t]he general purpose of section 7-10 and related provisions of the Election Code is to provide an orderly procedure whereby qualified persons seeking public office may enter elections.” *Id.* at 52. It then went on to state that the sufficiency of statements of candidacy and nominating petitions “must be determined with reference to the particular function each was designed to accomplish.” *Id.* at 52-53. It looked to the candidate’s nominating papers in totality, noting that the nominating petitions did identify the vacancy sought. *Id.* at 53. It thus concluded that “there was no basis for confusion as to the office for which the nominating papers were filed.” *Id.* It further noted that the State Board of Elections and the Cook County Officers Electoral Board obviously had no difficulty in ascertaining that the petitioner was seeking nomination for the particular judicial vacancy sought. *Id.* The supreme court then recognized that the purpose of the requirement that a statement of candidacy be included as part of a candidate’s nominating papers is “to obtain a sworn statement from the candidate establishing his qualifications to enter the primary election for the office he seeks.” *Id.* In light of this purpose, it perceived no difference in

qualifications for the office based on the particular vacancy sought. *Id.* It thus held that the candidate had “substantially complied with the requirement of the Election Code to state “ ‘the office for which he is a candidate.’ ” *Id.* (quoting Ill. Rev. Stat. 1973, ch. 46, ¶ 7-10).

¶ 18 In *Zapolsky*, the First Division of this district of the appellate court addressed the sufficiency of nominating papers filed by a candidate seeking the Democratic Party’s nomination for the office of commissioner of the Metropolitan Water Reclamation District of Greater Chicago (Reclamation District). *Zapolsky*, 296 Ill. App. 3d at 732. In the election at issue, multiple vacancies existed for that office, including several at-large positions for six-year terms and at least one unexpired two-year term. *Id.* The candidate’s statement of candidacy described the office sought as commissioner of the Reclamation District “ ‘to fill the vacancy for the unexpired two (2) year term,’ ” but her nominating petitions identified the office only as commissioner of the Reclamation District. *Id.* The electoral board at issue sustained an objection that the candidate’s nominating petitions created confusion by failing to identify the specific vacancy sought. *Id.*

¶ 19 The court analyzed the holding in *Lewis*, distinguishing it on the basis that the failure to identify the vacancy sought in a statement of candidacy was different than the failure to identify the vacancy in the nominating petitions signed by the voters. *Id.* at 734. Then, as the supreme court had done with the statement of candidacy in *Lewis*, the court considered the purpose of nominating petitions, stating:

“The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election. Nominating petitions should be free from a ‘basis for confusion’ as to the office for which they are filed. A potential signatory to a nominating petition has the right to know

the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy.” *Id.*

The court went on to conclude that, as multiple vacancies were up for election on the Reclamation District and the candidate obtained voters’ signatures on nominating petitions that did not inform them of the specific vacancy sought, the “nominating petitions failed to comply strictly or substantially with section 7-10 of the Election Code (10 ILCS 5/7-10 (West 1996)), because the petitions were not free from a ‘basis for confusion’ as to the office for which they were filed.” *Id.* at 734-35.

¶ 20 In *Heabler*, the Second District of the appellate court addressed a situation involving a candidate seeking a four-year term as trustee within a municipality, who filed a statement of candidacy and nominating petitions that all identified the office he sought as “trustee.” *Heabler*, 338 Ill. App. 3d at 1060. In the election at issue, four trustee positions were being filled within the municipality. *Id.* Three of those positions were for a full term of four years. *Id.* The fourth position was created by a vacancy, and it carried a term of two years. *Id.* The electoral board sustained an objection to the candidate’s nominating papers on the basis that his description of the office only as “trustee” failed to identify which type of trustee office he was seeking. *Id.* With one justice dissenting, the appellate court affirmed.

¶ 21 The majority began by discussing the facts and reasoning of *Lewis* and *Zapolsky*. *Id.* at 1061-62. The court criticized the reasoning of *Zapolsky*, stating as follows:

“The conclusion in *Zapolsky* is questionable. *Zapolsky* premised its holding on its finding that ‘[t]he apparent purpose of nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election.’ [Citation.] *Zapolsky* cited no authority for this finding. Other cases have held, more

logically, that the primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. *Lockhart v. Cook County Officers Electoral Board*, 328 Ill. App. 3d 838, 844 (2002); *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App. 3d 201, 206 (1987); *Merz v. Volberding*, 94 Ill. App. 3d 1111, 1118 (1981); *Briscoe v. Kusper*, 435 F.2d 1046, 1054 (7th Cir. 1970).” *Id.* at 1062.

The court concluded, however, that it did not need to decide whether to adopt the holding of *Zapolsky* in the Second District, because the case before it presented a situation in which the candidate had not identified the term of office sought on any of his nominating papers. *Id.* Because of this, the majority of the court reasoned that it was not clear from the nominating papers which trustee office the candidate intended to run for. *Id.* at 1062-63. It held there was a basis for confusion as to the office for which the nominating papers had been filed. *Id.* at 1063.

¶ 22 It further rejected the candidate’s argument that a “general description of the office he sought was sufficient because nominating papers are considered filed for the full-term office unless otherwise specified.” *Id.* It reasoned that, by statute, a trustee could be elected to serve a full four-year term, or a trustee could be elected to fill a vacancy and thus serve less than a four-year term. *Id.* (citing 65 ILCS 5/3.1-25-5, 3.1-10-50(b) (West 2000)). Therefore, the court declined to “create a default rule that a general description of an office is presumed to refer to the full-term office unless otherwise specified.” *Id.*

¶ 23 Justice Gilleran Johnson dissented, stating that she would have concluded that the candidate had complied with the requirement of section 7-10 to identify the office sought. *Id.* at 1064. She reasoned that the candidate’s statement in his nominating papers that he sought the office of

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“trustee” was sufficient, and the fact that the candidate did not designate whether he sought a four-year or two-year term did not render his description of the office insufficient. *Id.* She pointed out that “nowhere in section 7-10 of the Election Code does it require a candidate to designate the term of office he desires.” *Id.* (citing 10 ILCS 5/7-10 (West 2000)). She thus found the majority’s imposition of a requirement to state the length of term sought to be “superfluous, as the term of office of a trustee is defined by statute.” *Id.* (citing 65 ILCS 5/3.1-25-5 (West 2000)). She stated that although a trustee may serve less than four years in instances where a vacancy is filled, this does not contravene the general rule that a trustee is elected to a four-year position, and the majority’s position that that there was a basis for confusion is “flawed.” *Id.* (citing 65 ILCS 5/3.1-10-50 (West 2000)).

¶ 24 Justice Gilleran Johnson stated further in dissent that, even if section 7-10 of the Election Code required a candidate to state the length of term sought, an omission of this information is “inconsequential.” *Id.* at 1065. Thus, she reasoned that the election board should have found the nominating papers to be in substantial compliance with the Election Code. *Id.* She noted in conclusion that the provisions of the Election Code are designed to protect the integrity of the electoral process. *Id.* at 1066 (citing *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992)). While municipalities have a legitimate interest in regulating the number of candidates on the ballot, removing the candidate’s name from the ballot for failing to identify the vacancy sought “was a drastic measure that did little to protect the integrity of the electoral process.” *Id.* She found the municipality’s interests to be far outweighed by the candidate’s right to access the ballot and the voters’ right to elect the candidate of their choice. *Id.*

¶ 25 In *Salgado*, the Second District addressed a situation in which a candidate for alderman of the second ward in the City of Aurora had circulated nominating petitions that failed to name any

office, although they did state that he was seeking a “full term.” *Salgado*, 356 Ill. App. 3d at 1073-74. His statement of candidacy did correctly identify the office sought. *Id.* at 1074. The electoral board sustained an objection that the candidate’s failure to name any office on his nominating petitions rendered his nomination papers invalid, as they failed to satisfy section 7-10 of the Election Code. *Id.* at 1074-75 (citing 10 ILCS 5/7-10 (West 2002)). The court affirmed, holding that the nominating papers were not in substantial compliance with that statute. *Id.* at 1078. It again reviewed the decisions in *Lewis*, *Zapolsky*, and *Heabler*. *Id.* at 1076-78. It reiterated the *Heabler* court’s criticism of the reasoning of *Zapolsky*, but it concluded that the facts did not require it to decide whether to adopt the holding of *Zapolsky*. *Id.* at 1078. The court stated, however, that it agreed with *Zapolsky* that the purpose of the nominating paper that listed the incorrect office should be taken into account when determining whether there has been compliance with section 7-10. *Id.* It went on to reaffirm its explanation in *Heabler* that “the primary purpose of nominating petitions is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters.” *Id.* at 1079. The court held that this purpose was frustrated in the case before it, as “the minimal appeal shown by nominating petitions can only be demonstrated by reference to a particular type of office.” *Id.* It concluded that because the nominating petitions did not inform the voters signing them of which office the candidate sought, “the nominating petitions do not reveal whether Marquez demonstrated a minimal appeal to the voters as alderman,” as opposed to some other municipal office. *Id.*

¶ 26 Justice Gilleran Johnson authored a special concurrence, in which she distinguished the position she had taken in that case from her dissent in *Heabler*. *Id.* at 1080. She reiterated that in

Heabler, although the candidate had identified the office he was running for as “trustee” without indicating the length of term he was seeking, this omission did not confuse the voters or members of the electoral board. *Id.* She believed that the same could not be said in *Salgado*, where “the voters signing his petitions could have been completely unaware of what office Marquez sought.” *Id.* Because the nominating petitions created a basis for confusion among the voters, they did not substantially comply with section 7-10 of the Election Code. *Id.*

¶ 27 After considering these cases, as well as the public policy favoring access to the ballot and the right of voters to nominate candidates of their choice for public office, this court holds that the petitioner’s nominating papers are in substantial compliance with the requirements of sections 10-4 and 10-5 of the Election Code. 10 ILCS 5/10-4, 10-5. In doing so, we decline to adopt the holding of the majority of the Second District in *Heabler*, and instead we conclude that the analysis undertaken by Judge Gilleran Johnson in dissent is the better-reasoned approach.

¶ 28 It is a basic principle of statutory interpretation that where the language of a statute is plain and unambiguous, it must be applied as written without reading into it exceptions, conditions, or limitations that the legislature did not express. *Jackson-Hicks*, 2015 IL 118929, ¶ 21. Here, the specific requirement of section 10-4 is that each sheet of nominating petitions contain a heading “giving the information as to *** the office.” 10 ILCS 5/10-4. The specific requirement of section 10-5 is that a statement of candidacy “shall set out *** the office for which he is a candidate.” 10 ILCS 5/10-5. Section 10-5 goes on to provide that a statement of candidacy “may be in substantially the following form,” and that form indicates that the candidate should complete a statement “that I am a candidate for election to the office of to be voted upon at the election to be held on” a certain date. *Id.* Beyond this, neither of these statutes contain language requiring a candidate to identify the term of the office sought. The only requirement is

to identify “the office.”

¶ 29 Looking at how the office is referred to in the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.* (West 2016)), which provides for the office at issue (see *Stevenson*, 58 Ill. App. 3d at 26), it refers to the office as “trustee.” The relevant statute states:

“In each village incorporated under this Code, the electors of the village shall elect 6 trustees. The term of office of the trustees shall be 4 years and until their successors are elected and have qualified. Trustees elected at the first election for village officers after a village is incorporated, however, shall by lot designate one-half of their number, whose terms shall be 2 years and until their successors are elected and have qualified.” 65 ILCS 5/3.1-25-5 (West 2016).

This statute identifies the title of the office as “trustee,” and then it separately provides what the term of that office shall be. Nothing about this statute indicates that the term is part of the title or identity of the office itself. Given the plain language of all these statutes, interpreting the requirement that a candidate identify “the office” sought to also include the term of that office would violate the principle requiring courts to apply plain and unambiguous statutory language as written and not to read into it exceptions, conditions, or limitations not expressed by the legislature. *Jackson-Hicks*, 2015 IL 118929, ¶ 21.

¶ 30 This statutory interpretation also adheres to the direction of the supreme court that, when interpreting statutory requirements for nomination petitions, courts must be “mindful of the need to tread cautiously when construing statutory language which restricts the people’s right to endorse and nominate the candidate of their choice.” *Lucas*, 175 Ill. 2d at 176. In this case, the record reflects that the petitioner filed nominating petitions containing over 300 signatures of qualified voters in the Village of Matteson petitioning that her name be placed on the ballot as a

candidate for the office of “Village Trustee.” If we accepted the argument that this was an insufficient description of the office that the petitioner sought, we would be restricting the rights of these voters to endorse and nominate the candidate of their choice.

¶ 31 Moreover, in considering the function that statements of candidacy and nominating petitions are designed to accomplish within the electoral process (*Lewis*, 63 Ill. 2d at 52-53), we do not believe that the omission of the term of the office sought frustrates the purpose of either document. In *Lewis*, the supreme court explained that the apparent purpose of a statement of candidacy is “to obtain a sworn statement from the candidate establishing his qualifications to enter the primary election for the office he seeks.” *Id.* at 53. In light of this purpose, the supreme court perceived no difference in qualifications for the office based on the particular vacancy sought. *Id.* For the same reason, we find that the petitioner’s statement of candidacy accomplishes the purpose of serving as a sworn statement from her establishing her qualifications for election to the office of trustee, notwithstanding its omission of information about whether she is seeking a full four-year term or the unexpired two-year term as trustee. Thus, we conclude her statement of candidacy is in substantial compliance with section 10-5 of the Election Code. 10 ILCS 5/10-5.

¶ 32 With respect to the function that nominating petitions serve within the electoral process, we acknowledge the subsequent criticism of the statement in *Zapolsky* that the “apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election.” *Zapolsky*, 296 Ill. App. 3d at 734; see *Heabler*, 338 Ill. App. 3d at 1062; *Salgado*, 356 Ill. App. 3d at 1078. We agree with the great weight of authority, including multiple cases from this district of the appellate court, that “the primary purpose of nominating petitions is to reduce the electoral process to manageable proportions by

confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters.” *Id.* at 1079; *Heabler*, 338 Ill. App. 3d at 1062; *Lockhart*, 328 Ill. App. 3d at 844; *Huskey*, 156 Ill. App. 3d at 206; *Briscoe*, 435 F.2d at 1054. As stated above, the petitioner’s nominating petitions contain over 300 signatures of qualified voters in the Village of Matteson petitioning that her name be placed on the ballot as a candidate for the office of “Village Trustee.” We find that the nominating petitions that she circulated and filed accomplish the purpose of showing that she “demonstrated initiative and at least a minimal appeal to eligible voters” to be a candidate for trustee. Bearing in mind this purpose, we cannot accept the argument that a candidate’s demonstration of “minimal appeal” as a candidate for trustee depends on whether that candidate is seeking a full four-year term or an unexpired two-year term for that office. Thus, we conclude that the petitioner’s nominating petitions substantially comply with section 10-4 of the Election Code, notwithstanding the fact that they do not identify the specific term of the office she seeks. 10 ILCS 5/10-4.

¶ 33 Given our conclusion above, we do not need to address the argument briefed by the parties or the reasoning of the circuit court that the parenthetical instructions on the suggested forms created by the Illinois State Board of Elections were sufficient to avoid confusion about whether the petitioner was seeking a two-year or four-year term as trustee, or whether the parenthetical instructions on these forms sufficiently distinguish this case from *Heabler* and *Zapolsky*.

¶ 34 III. CONCLUSION

¶ 35 For the foregoing reasons, this court affirms the judgment of the circuit court.

¶ 36 Affirmed.