

RULES OF PROCEDURE FOR THE
BOARD OF ELECTION COMMISSIONERS OF THE
CITY OF BLOOMINGTON, ILLINOIS
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR HEARING
AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS
AND PETITIONS FOR QUESTION OF PUBLIC POLICY

RULE 1. Initial Hearing. On the date set for the initial hearing of the objections, each objector and each candidate, or proponent of a question of public policy, as the case may be, (hereafter referred to as “party” or “parties”) must appear and be prepared to proceed with the presentation of their cases. Continuances or resetting of scheduled hearings will be granted only upon a showing of good cause. All parties must be mindful that the Electoral Board must proceed as expeditiously as possible and that the general rule is that no continuances will be granted.

The failure of a party to appear at the initial or a subsequent hearing of the Electoral Board without good cause shown shall be sufficient grounds to default such party provided that the party was served with notice of the hearing. In the case of a defaulted objector, the objections may be stricken and dismissed. In the case of a defaulted candidate or proponent of a question of public policy, the nomination papers or the petition, as the case may be, may be declared invalid provided, however, that the Electoral Board may, in its sole discretion, require a preliminary showing that the objections, if taken as true, are sufficient to invalidate the nomination papers or petition, as the case may be. The Electoral Board has the sole discretion whether to grant or deny a motion to withdraw an objection petition.

RULE 2. Appearance. A party may appear in person on his or her own behalf (“pro se”) and participate in any proceeding before the Electoral Board, or a party may be represented by an attorney licensed to practice law in the State of Illinois. Except for a party appearing “pro se,” anyone who is not licensed to practice law in the State of Illinois may not (i) make an appearance on behalf of a party before the Electoral Board or its Hearing Examiners, (ii) call witnesses, (iii) elicit testimony from witnesses, (iv) cross examine witnesses, (v) make objections to witnesses’ testimony, (vi) prepare or sign pleadings, (vii) request or respond to discovery, (viii) advocate arguments made in pleadings, (ix) give oral argument before the Board or its Hearing Examiners, or (x) give advice that requires the use of some degree of legal knowledge or skill. However, non-attorneys may participate on behalf of a party at any record examination or record search conducted under Rules 6 and 7 hereof.

At the time appearance is first made, the party must file with the Electoral Board and with all opposing parties a written appearance listing his or her name, address, and telephone number, including any fax number or e-mail address available to such party. Any party who has a fax number or an e-mail address available shall consent to be served with papers via fax or e-mail. The parties shall make themselves reasonably available by telephone during the day and at least until 7:00 P.M. for receipt of notice

from the Electoral Board or from opposing parties during the course of these proceedings. If the Electoral Board has made reasonable attempts to contact a party by telephone or by fax or e-mail at the number(s) or address provided by that party and the party cannot be contacted or fails to respond to such contacts, the party will be deemed to have waived notice of the proceedings and the proceedings may go forward without the presence of that party.

RULE 3. Powers of the Electoral Board. The Electoral Board will conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements and ensure the development of a clear and complete record. The Electoral Board shall have all the powers necessary to conduct a fair and impartial hearing including, but not limited to:

- (a) Administer oaths and affirmations;
- (b) Regulate the course of hearings, establish the order of proof, set the time and place for continued hearings, set times for filing of documents, and, upon good cause shown, (i) extend the time for filing any document or paper permitted or required by these rules or for the introduction of new and additional evidence, or (ii) re-open hearing;
- (c) Examine the witnesses and direct the witnesses to testify, limit the number of times any witness may testify, limit repetitive testimony, set reasonable limits to the amount of time that each witness may testify, provide for the taking of testimony by deposition, if necessary, and in general conduct the proceedings according to the recognized principles of administrative law and the provisions of these rules;
- (d) Rule upon offers of proof and receive relevant evidence, and in this regard the Board's attorney may assist the Board's chairperson in making all necessary evidentiary rulings, subject to appeal to the entire Board;
- (e) Direct parties to appear and confer for the settlement or simplification of issues and otherwise conduct case management conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Require the parties to prepare written briefs and proposed findings of fact and conclusions of law;
- (h) Consider and rule upon all motions presented in the course of the proceedings;
- (i) Issue subpoenas, rule upon objections to subpoenas, regulate discovery and enter orders of protection as may be deemed necessary to protect against

- any unwarranted intrusion upon privacy of any person affected by discovery in the proceedings;
- (j) Consider such evidence as may be submitted, including but not limited to, documentary evidence, affidavits and oral testimony;
 - (k) Enter any order that further carries out the purpose of these rules;
 - (l) Waive strict compliance with these Rules when required in the interests of fairness, equity and substantial justice; and
 - (m) Prepare a record of its proceedings. A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Electoral Board.

The Electoral Board may notify the parties to appear before the General Counsel of the Bloomington Board of Election Commissioners or a hearing examiner for the purpose of conducting a case management conference to consider (i) the formulation and simplification of the issues; (ii) the possibility of obtaining admissions of facts and documents which will avoid unnecessary proofs; (iii) the limitation of the number of witnesses; (iv) the preparation and submission of written briefs and proposed findings of fact and conclusions of law; (v) the scheduling of hearings on motions; (vi) a proposed plan and schedule of discovery; and (vii) any other matters that may aid in the disposition of the objection hearing. A record of such case management conferences shall be made either by court reporter or by some electronic means. Case management conferences may also be conducted via telephone in the discretion of the General Counsel or the hearing examiner; no record of such conferences shall be required but a written order or report summarizing the issues discussed, points resolved and proceedings to follow shall be prepared, served upon the parties and placed in the Electoral Board's case file. The General Counsel or a hearing examiner may, on his or her own motion, schedule case management conferences at any time if deemed necessary or helpful to the proceedings.

RULE 4. Hearing Examiners. In view of the time limitations and the amount of evidence to be presented at the hearings, the Electoral Board may appoint a hearing examiner in any case in which the Electoral Board deems such an appointment appropriate. A hearing examiner shall have the duties and powers of the Electoral Board provided in these Rules, except that a hearing examiner shall not have the power to make final findings or issue a final decision. Upon the conclusion of a hearing and after consideration of the evidence and arguments, the hearing examiner shall submit to the Electoral Board an outline of the issues, evidence, and argument as well as a recommendation of proposed findings, conclusions of law and decision. However, the Electoral Board shall not be bound by the hearing examiner's recommendations for proposed finding, conclusions of law and decision.

If a hearing examiner has been assigned to hear the objection, the entire record must be introduced and argued before the hearing examiner. The Electoral Board may entertain additional arguments or evidence in the interests of fairness, equity and substantial justice. On issues of signature validity, the hearing examiner's authority shall only extend to objections filed against specific signatures and shall not include rulings upon the validity of signatures not specifically objected to unless otherwise authorized by the Electoral Board.

RULE 5. Answer Not Required --- Preliminary Motions --- Timing. No written answer or response to the objector's petition is required. Preliminary motions to challenge the legal sufficiency of the objector's petition in the nature of a motion to strike or dismiss the objections in whole or in part may be filed and may be heard first. Such motions must be made in writing and filed with the Electoral Board and served upon other parties in the case by 5:00 p.m. on the first business day following the 1st day set in the Call for the Electoral Board to meet to consider the objection. By 5:00 p.m. on the second business day thereafter, a response to the motion, if any, must be made in writing and filed with the Electoral Board and served upon the other parties in the case, after which the motion may be considered without further presentation by the parties. If the motion to strike the objector's petition is sustained in whole or part, the objector's petition may be dismissed in whole or in part. The Electoral Board or the hearing examiner, as the case may be, may reserve ruling on any preliminary motions pending further hearings.

RULE 6. Records Examination. At the direction of the Electoral Board or a hearing examiner, the parties may be directed to appear at a "records examination." At the records examination, the Board or clerks assigned by the Board shall, in an orderly and expeditious manner, search for and examine the Board of Election Commissioners' computerized registration records. Such examinations shall be conducted in accordance with procedures established by the Board of Election Commissioners; if such procedures are in conflict with a specific provision of these Rules, these Rules shall govern. The Board may appoint its own members to serve as clerks to make such records examination.

The Board or a hearing examiner may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the Objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as the result of a reasonable inquiry or investigation of the facts or were not made in good faith.

The Board's clerks shall, based upon their examination of such records, make and announce a finding as to whether certain objections in the Objector's petition are sustained or overruled. Such computerized voter registration records of the Board of Election Commissioners, printouts of those records and the clerks' findings as to whether the objections are sustained or overruled may be considered as evidence with respect to objections pertaining to the following issues:

- (a) Whether a signer of a petition sheet is a registered voter.
 - (i) The failure to locate a computer-based voter registration record for the signer of a petition shall be presumptive evidence that the person is not a registered voter and any objection alleging that the person is not a registered voter shall be sustained.
 - (ii) Objections alleging that the signer is not a registered voter because the registration is described by the Board's records as "inactive" shall be overruled at the records examination. To sustain such an objection, the objector must prove at an evidentiary hearing conducted pursuant to Rule 8 hereof that the person who signed the petition no longer resides at the address shown, has died, has been incarcerated by reason of a conviction of a crime or otherwise lacks the requisite qualifications to be a registered voter in the political subdivision or district in question.
- (b) Whether a signer of a petition sheet is registered at the address shown beside his or her signature on the petition sheet in question;
- (c) Whether the signature of a signer of a petition sheet is genuine and is that of the person whose name appears on the petition sheet.
 - (i) A computer-stored image of a registered voter's signature shall be examined and compared with the signature on the petition by the Board's clerks. If in the clerk's judgment the two signatures were made by the same person, the objection shall be overruled; if not made by the same person, the objection shall be sustained. The Board may employ forensic handwriting experts to review the decisions of the clerks and to make recommendations as to whether signatures were made by the same person and are genuine when the decision of the clerks is objected to as provided below.
 - (ii) If no registration record can be found for the person in question, or the registration record does not contain a computer-stored image of the person's signature, the objection shall be sustained at the records examination.
- (d) Whether a signer of a petition sheet is a resident of the political subdivision or district involved.

When so directed by the Electoral Board or a hearing examiner, the Board of Election Commissioners' staff shall schedule a records examination, assign a team of two of its clerks to conduct the records examination and give notice of the date and time of the records examination. The Board or its General Counsel may, in the exercise of

their discretion, assign two or more teams of clerks to each records examination as deemed necessary. For each team of clerks assigned, each party shall have the right to have not more than two designated and duly authorized representatives (“watchers”), including the party or the party’s counsel, present during the records examination. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

Watchers are to participate as observers only, except that they may ask the Board’s clerks to note such objections to the clerks’ findings as described below. The Board’s clerk shall not be required to solicit the opinion of any watcher as to any matter nor consider such opinions if offered. A watcher may be ordered removed from the records examination proceedings for any conduct that disrupts the orderly conduct of the proceedings. In the event of such removal, the Board may continue with the records examination in the absence of the removed watcher.

The Board or the Board’s clerks, on a form provided by the Board, shall note their findings as to each objection as well as the results of the examination and shall sign the form. Failure or refusal of a watcher to sign any such form shall not affect the adequacy or accuracy of the examinations noted on the form signed by the clerks. Blank copies of the form to be used by the Board or the Board’s clerks shall be furnished to each watcher on which the watcher may note the results of the examination. A photocopy of the completed forms signed by the Board or the Board’s clerks shall be made available to each party upon request as soon as practicable following completion of the record examination.

During the conduct of the records examination, a watcher may object to a finding made by the clerks. In order to preserve such objection for future hearing, the watcher must immediately inform the clerks of his or her objection to the clerks’ finding at the time such finding is made and the objection shall be noted by the clerks on the form. The parties will be given an opportunity to address all such objections properly taken and noted to the Electoral Board or to the hearing examiner, if one has been assigned, at the evidentiary hearing on the merits of the objection scheduled and conducted pursuant to Rule 8 hereof. The party making the objection bears the burden of producing evidence proving that the clerk’s finding was in error. If a watcher does not object to a finding made by the Board’s clerks at the time of the clerks’ entry of the finding during the records examination, that party shall not be allowed to present any evidence or argument of any kind with respect to the clerks’ finding or the issue to which it relates and any future appeal or reconsideration of the clerks’ finding is waived.

The Board’s clerks shall print a copy of every Board record examined during a records examination and concerning a clerk’s finding to which there has been an objection. The printout shall be marked by the clerks by sheet and line number to correspond with the sheet and line number of the petition being objected to. No such printout shall contain or include a registered voter’s social security number or telephone number. At the conclusion of the records examination, such printouts shall be placed in

the Electoral Board's case file and preserved for examination in any future hearing or proceeding. The Electoral Board file and its contents may be examined at any time and any party may request a copy of any printout in the case file, except that no copies will be made or provided of any printout or record containing a registered voter's signature or a computer-stored image of such signature unless (i) it is ordered by the Electoral Board or hearing examiner after determining that providing such copies is absolutely necessary to the party's presentation or defense and that the party's presentation or defense will be materially prejudiced by denying such copies; (ii) the requesting party executes a nondisclosure or confidentiality agreement prepared by the Board agreeing not to disclose or provide a copy of such printout to any unauthorized person and to return such printout to the Board upon the conclusion of the case, including any appeals to any State or Federal court; and (iii) the party pays a reproduction fee of \$0.10 for each page copied. Any party may mark a printout or copy of an original record as an exhibit in preparation for a hearing as to such printout or record.

Subsequent to the conclusion of the records examination, the Board will not entertain any requests, whether by subpoena or otherwise, for printouts of records that were examined during the records examination conducted by the Board except as otherwise ordered by the Board or the hearing examiner.

Whenever a statute places a limit on the maximum number of signatures that may appear on a petition and the nominating petition contains more than the statutory maximum number signatures, the number of signatures on the petition shall be counted from the first signature on the first petition sheet and no signatures after the maximum number is attained shall be counted or used for any purpose.

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were to be sustained, the records examination may be suspended and the results of the records examination shall be forwarded to the Electoral Board or the hearing examiner, as the case may be. The records examination may be resumed if so ordered by the Electoral Board or the hearing examiner.

RULE 7. Additional Records. Not later than 5:00 P.M. on the next business day of the Board following notification of the completion of the records examination, a party who has participated in a records examination may make a request to inspect the original paper voter registration application or registration form on file with the Board, if any such exists, relating to any objection timely made and noted during the Rule 6 records examination. Such request must be made in writing, shall clearly identify the name and address of each name to be inspected, and shall be served upon the opposing party in accordance with Rule 15 of these Rules. Such inspection shall occur at the Board's office. The Board shall notify all parties of the date and time of such inspection and any party or the watchers for such party may be present for such

inspection. The Board's clerks shall not make any findings or determinations as to any matter or issue during such inspection but shall merely make the Board's voter registration applications and registration forms available for searching and inspecting by the requesting party. At the request of any party attending an inspection of the original paper voter registration applications and registration records, the Board's clerks shall promptly forward any such record or records to the Electoral Board or assigned hearing examiner.

Any party may request in writing to the General Counsel to the Board of Election Commissioners to inspect and to have certified copies made of such other records of the Board (other than voter registration records) as may be necessary and relevant to the issues presented by the objections. If the General Counsel determines that the request is not necessary or relevant to the issues presented by the objections or that the request is unduly burdensome to the Board to fulfill, the request will be denied. The requesting party may appeal such denial to the Electoral Board or to the hearing examiner if one has been assigned. If the Electoral Board or the hearing examiner reverses the determination of the General Counsel in part or in whole, the requesting party shall be given the opportunity to inspect and have copied such other records as ordered by the Electoral Board or the hearing examiner, as the case may be.

RULE 8. Hearings. The Electoral Board or the hearing examiner, as the case may be, shall schedule and conduct hearings for the purpose of receiving evidence and hearing argument relevant to the issues presented by the objections raised in the Objector's petition or by the objections timely made by a party during the records examination. With regard to the substance of the objections, generally the objector must bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence ("the burden of proof") that the objections are true and that the candidate's nomination papers or the petition to submit a public question is invalid.

Prior to any hearing scheduled to hear and resolve contested matters, including but not limited to contested Rule 6 records examination findings, each party shall, on or before the date established by the Electoral Board or the hearing examiner, as the case may be, file a written statement or outline sufficient to advise the other parties of the factual and/or legal issues to be addressed by such party at such hearing, including identifying the petition sheet and line number for any signature that was examined during the Rule 6 records examination and for which the party timely and properly objected to the findings of the Board's clerks. A party shall, in presenting any evidence or argument relating to any signature examined in a records examination, be limited to those signatures identified by petition sheet and line number in the party's written statement or outline and shall not be permitted to present evidence or argument as to any signature not contained in such written statement or outline.

The Electoral Board or the hearing examiner, as the case may be, shall establish the order in which the parties must present their evidence and/or argument. Generally, the objector will present his/her evidence and/or argument ("case in chief") first. The

respondent (i.e., the candidate or the proponent of the public question, as the case may be) shall be given the opportunity to cross-examine the objector's witnesses, present his or her own witnesses or present evidence (the "defense"). After respondent has completed his or her defense, the objector shall be given the opportunity to present testimony and/or evidence limited to rebutting the testimony and/or evidence presented during the respondent's defense ("the rebuttal"). If, however, the results of any records examination conducted pursuant to Rule 6 hereof indicates that the petition contains fewer valid signatures than the number of valid signatures required by law, the Electoral Board or the hearing examiner, as the case may be, may reverse the order of proofs, in which case the respondent (i.e., the candidate or the proponent of the public question, as the case may be) may be assigned the burden of going forward first and presenting evidence and argument why the findings made by the Board's clerks at the records examination and timely and properly objected to by the party and/or the party's watchers at such examination should be reversed. If the respondent is successful in reversing the findings of the Board's clerks and thus "rehabilitates" enough signatures so that the petition has more than the number of valid signatures required by law, the burden of proof shall shift back to the objector.

Generally, the rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State will be used as a guide. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonable prudent men in the conduct of their affairs or in matters relevant to the issues in the hearing. The Electoral Board may take "judicial notice" of matters of which Circuit Courts of this State may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Except as otherwise provided in these Rules, the Electoral Board may consider all evidence relevant to the issues presented by the objections, including, but not limited to, documentary evidence, affidavits, and oral testimony. Properly executed affidavits may be used to establish that signatures found not be genuine during a records examination are, in fact, the genuine signatures of those signing the petition.

Unless evidence may be accepted by affidavit, the proponent of evidence is under a duty to exercise good faith and reasonable diligence to secure the presence of witnesses at the date and time of hearing and shall be otherwise prepared to proceed with the presentation of evidence and argument at such scheduled hearing. Continuances or re-scheduled hearing are strongly disfavored.

RULE 9. General Considerations. The Electoral Board will consider objections and specifications of such objections, if any, to the objector's petition, and will decide:

- (a) Whether or not the certificate of nomination or nomination papers or petitions are in proper form;
- (b) Whether or not the certificate of nomination or nomination papers or petitions were filed within the time and under the conditions required by law;
- (c) Whether or not the certificate of nomination or nomination papers or petitions are genuine and are what they purport to be;
- (d) Whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it; and
- (e) Generally, whether or not the certificate of nomination, nominating papers or petitions on file are valid or whether the objections thereto should be sustained.

RULE 10. Arguments. All argument and evidence must be confined to the points raised by the objector's petition or to the motion to strike the objector's petition, if one is filed. Amendments to the objector's petition raising additional objections and points will not be allowed. The amount of time allocated to each party for presentation of his or her case shall be determined by the hearing examiner or by the Electoral Board as the case may be. Any party who desires may submit argument in writing.

RULE 11. Failure to Follow Directives. Failure to adhere to these Rules or to a directive of a hearing examiner or the Electoral Board may be grounds for dismissal of the objector's petition or for default of the candidate or proponent of a question of public policy.

RULE 12. Findings. The Electoral Board shall state its findings in writing, noting the objections that have been sustained. The Electoral Board shall also state in writing whether the candidate's name or the question of public policy, as the case may be, shall be printed upon the ballot. A copy of the Electoral Board's findings and decision shall be served by certified mail, return receipt requested, upon all parties of record to the proceedings unless a party agrees to be served by fax or agrees to pick up a copy of the decision.

RULE 13. General Procedures. For matters not covered herein, the Electoral Board will generally follow rules of evidence and practice which prevail in the Circuit Court of McLean County, Illinois, including the Code of Civil Procedure and the Rules of the Illinois Supreme Court, but because of the nature of these proceedings, the Electoral Board shall not be bound by such rules in all particulars.

RULE 14. Sessions. After the Electoral Board convenes, it will be in session continuously until all objections shall have been considered and ruled upon, provided, however, the Electoral Board may recess from time to time.

RULE 15. Filing and Service of Documents. Unless otherwise specified by these Rules or permitted by the Electoral Board or a hearing examiner, all documents to be filed with the Electoral Board shall be filed within the office of the Board of Election Commissioners in Room 403, McLean County Government Center, 115 E. Washington Street Bloomington, Illinois. All documents filed with the Electoral Board shall be stamped to indicate the time and date of filing.

All documents filed with the Electoral Board must be served by the filing party upon every other party to the proceedings in a manner reasonably calculated to provide actual and prompt notice to that party. Each document filed with the board must be accompanied by the filing party's written certification setting forth the time, date and manner of service. If a party has consented to be served via fax or email, service on that party may be made via fax or email. If there is no other practicable method of service that is likely to provide actual and prompt notice to another party to the proceeding, service of documents may be made upon that party by filing a copy of the document and an executed proof of notice, as defined below, with the Board which will hold the document for the party to whom it is addressed. Proof of notice shall contain a verified statement that telephone notice or personal notice of the filing has been given to the party, or that a good faith effort to give telephone notice to the party has been made by attempting to telephone the party at least three times with no less than a 2-hour interval between attempts.

RULE 16. Business Days and Working Hours. Monday through Saturday of each week during which the Electoral Board is in session are designated as business or working days of the Board. In the discretion of the Board and upon notice to all parties with then pending matters before the Board or a hearing examiner, Sundays and holidays may also be designated as business or working days. The working hours for the Board shall be 8:30 A.M. to 5:00 P.M. every working day during the course of these proceedings. These business days or working hours may be amended from time to time and such amendment shall be effective upon posting on the front door of the Board's office Room 403, McLean County Government Center 115 E. Washington Street Bloomington, Illinois. Such notice may also be posted upon the Board's Internet Web Site www.becvote.org.

RULE 17. Notice of Hearing and Records Examination. By 5:00 P.M. daily on Monday through Friday, the Board will post on the front door of its office in Room 403, McLean County Government Center 115 E. Washington Street Bloomington, Illinois, an updated schedule listing all cases to be heard and records examinations or record searches to be commenced on the following day or days. Such schedules may also be posted on the Board's Internet Web Site (www.becvote.org). Parties desiring to determine whether their case is on the schedule for the next day may also telephone

the Board at (309) 888-5136 before 5:00 P.M. each day. The Board will make an effort to give additional notice by fax or e-mail to parties affected by changes to scheduled events, but the failure to do so will not invalidate the posted notice nor will it invalidate the results of any such event. PARTIES SHALL BE RESPONSIBLE FOR PERIODICALLY CHECKING WITH THE BOARD TO KEEP APPRISED OF SCHEDULED EVENTS IN THEIR CASE. THE FAILURE OF A PARTY TO RECEIVE ACTUAL NOTICE OF AN EVENT IN THEIR CASE SHALL NOT PREVENT SUCH EVENT FROM PROCEEDING AS SCHEDULED NOR SHALL IT INVALIDATE ANY ACTION TAKEN AT SUCH EVENT.

RULE 18. Subpoenas. At the request of any party, the Electoral Board's Chairman may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of such book, paper, records and documents as may be relevant evidence of any matter under inquiry before the Electoral Board in the same manner as witnesses are subpoenaed in the circuit courts. Pursuant to the Circuit Courts Act (705 ILCS 35/4.3), every witness attending pursuant to a subpoena is entitled to receive the sum of \$20 for each day's attendance and \$0.20 per mile each way for necessary travel. The party requesting the subpoena must identify in writing the person or entity being subpoenaed, the purpose of the subpoena and why it is relevant to the issues presented by the objection. No subpoena shall be issued unless approved in writing by the Chairman, the General Counsel or by the hearing examiner assigned to the case. The party requesting the issuance of a subpoena shall be responsible for proper service of the subpoena upon the person or entity to which it is directed. Service of such subpoenas shall be made by any sheriff or other person in the same manner as in cases in such courts and the fees of such sheriff shall be the same as is provided by law, and shall be paid by the party who causes the issuance of the subpoena. In case any person or entity so served shall knowingly neglect or refuse to obey any such subpoena, or to testify, the Electoral Board may at once file a petition in the Circuit Court of McLean County for enforcement of the subpoena as provided by law, provided however, that the party seeking the enforcement of the subpoena must first provide to the Electoral Board satisfactory evidence that the subpoena was properly served upon the person or entity against whom enforcement is sought and that all fees were paid.

RULE 19. Substitution of Hearing Examiner. Any party may request substitution of a hearing examiner, provided such request is made in writing or is made on the record prior to the commencement of the initial hearing before the hearing examiner. Thereafter, any further such request shall only be granted only upon good cause shown.

RULE 20. Request for Review by the Electoral Board. Any party disagreeing with the recommended findings and proposed decision of a hearing examiner may appeal to the Electoral Board. Such appeal must (i) be filed in writing with the Electoral Board not later than 5:00 P.M. on the day following notification of the hearing examiner's recommended findings and proposed decision, (ii) be accompanied by a proof of notice as provided by Rule 15, and (iii) state the specific grounds for the

request. Such request may be granted in the discretion of the Electoral Board. In deciding whether to grant such request, the Electoral Board may consider whether the issues presented have not been previously ruled upon by the Electoral Board or whether further argument or evidence from the parties would assist the Electoral Board in rendering its decision. If such request is granted, the Electoral Board shall set a prompt hearing date with notice to the parties. This hearing shall not be considered a trial de novo and the parties will, in general, be bound by the record from the proceedings before the hearing examiner unless the Electoral Board determines that the interests of fairness, equity or substantial justice permit the presentation of new or additional evidence or the re-opening of the hearing. The Electoral Board shall have the power to set a limit upon the time for argument or the presentation of new or additional evidence. A request for review by the Electoral Board under this Rule is not jurisdictional for purposes of judicial review of a decision of the Board.

RULE 21. Written Decision. The Electoral Board shall prepare and issue a written decision stating its findings and which objections, if any, it has sustained. A copy of the decision shall be served upon the parties by certified mail.

RULE 22. Ancel Glink, partner Steven D. Mahrt, an attorney licensed to practice law in the State of Illinois has been named as the Electoral Board's General Counsel. In addition to the Electoral Board, the Board's General Counsel may also examine witnesses and provide advice to the Board concerning any procedural matters pertaining to the hearing as well advise concerning substantial law.

RULE 23. The Statewide Standards for Findings and Rulings by Illinois Electoral Boards published by The Citizen Participation Institute and available for downloading at www.citizenparticipation.org are adopted as standards to be used and considered by the Electoral Board, in deciding matters before the Electoral Board.

RULE 24. Record of Proceedings. If a party aggrieved by the decision of the Electoral Board timely files and serves upon the Electoral Board a proper petition for judicial review pursuant to Section 10-10.1 of the Election Code, the Electoral Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Electoral Board. The petitioner or the Court shall designate which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not included in the petitioner's designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

The Electoral Board will serve a copy of the record of proceedings upon the petitioners and respondents in the judicial review proceedings, provided that if such

record includes copies of voter registration records containing a registered voter's signature or a computer-stored image of such signature, the receiving party must execute a nondisclosure of confidentiality agreement prepared by the Board agreeing (i) not to disclose or provide a copy of such records to any unauthorized person, (ii) to seek an appropriate protective order of court, if an appeal or action is taken in any Federal or State court, limiting unauthorized access to such record and/or an order permitting the party to remove such records from the court records upon the conclusion of all court proceedings or appeals; and to return such records to the Board upon the conclusion of the case.

Adopted this 4th day of December, 2018.

Denise Williams, CHAIRMAN)	
)	CONSTITUTING THE
Robert Felton, COMMISSIONER)	ELECTORAL BOARD
)	
Timothy Mitchell, COMMISSIONER)	