

**IN THE COUNTY OF LIVINGSTON, STATE OF ILLINOIS  
BEFORE THE COUNTY OFFICERS ELECTORAL BOARD**

<b>RYAN D. BOHM,</b>	)
	)
Petitioner-Objector	)
	)
v.	)
	)
<b>JAY MITCHELL,</b>	)
	)
Respondent-Candidate	)

**FINDINGS AND DECISION OF THE COUNTY OFFICERS ELECTORAL BOARD**

**Procedural History Findings**

As reflected upon the records of the Livingston County Clerk, Respondent-Candidate Jay Mitchell ("Candidate") timely filed his nominating papers as independent candidate for the office of Sheriff of Livingston County in the general election to be held November 8, 2022. The nominating papers were accepted as being in apparent conformity with the provisions of the Illinois Election Code.

On July 18, 2022, Petitioner-Objector Ryan D. Bohm ("Objector") timely filed the instant Objector's Petition with the proper authority, the Livingston County Clerk. Objector's Petition set out various objections to the nomination papers of Respondent-Candidate Jay Mitchell as an independent candidate for the office of Livingston County Sheriff. The Objector's Petition presented two main objections: (1) that the Candidate's Nomination Papers contained invalid signatures; and (2) that the Candidate's name presented on the Candidate's Nomination Papers was not his given nor commonly known nickname.

This proceeding before the County Officers Electoral Board of Livingston County commenced upon such filing of the Objector's Petition and the call of the Board.

Pursuant to the call of the Chairperson, County Clerk Kristy Masching, and notice (which complied with all statutory requisites), this Board convened pursuant to Sections 10-9 and 10-10 of the Illinois Election Code on July 25, 2022, seven (7) days (5 business days) following receipt of the objector's petition. Objector (with counsel) and Candidate were present in person on July 25<sup>th</sup> when rules of the Board were adopted (without objection), certain procedural matters discussed and a date was set for the examination of voter records (July 28, 2022).

As was established in the record of these proceedings, the examination of voter records was conducted by election administrator Deputy County Clerk Gail Smythe on July 28, 2022. The Objector was present for the examination. Neither the Candidate nor a representative of the Candidate was present. After said records examination, the Objector timely served and filed his Rule 8 Motion to challenge the adverse findings of the records examination. Candidate filed no Rule 8 Motions nor made any timely challenge to the adverse findings of the records examination. Objector also timely served and filed his "Motion to Bar Candidate from Presenting any Testimony or Evidence Pursuant to Rule 7 and 8 for Failure to Preserve Objections at the Records Examination." ("Motion to Bar")

Pursuant to proper notice, the Board convened on August 8, 2022. Both the Objector (with counsel) and Candidate were present on said date. The Board acknowledged receipt of the Certification of the election administrator (Deputy Clerk Gail Smythe) of the comparison of voter records conducted on July 28, 2022, that Certification containing all of the findings of the election administrator accepted and made a part of the record. Objector's "Motion to Bar" was presented and heard.

Objector's counsel indicated he would stand on the motion and no additional argument was presented. The Candidate stood on the motion and presented no argument or rebuttal. Accordingly, this Board granted Objector's "Motion to Bar."

Objector was then given the opportunity to present additional evidence or testimony in support of his petition. Objector (through counsel) chose to stand on the findings of the records examination of voter records on July 28, 2022. Candidate Mitchell, pursuant to this Board's ruling on Objector's Rule 8 "Motion to Bar" was not allowed to present any additional evidence or testimony as to records examination and subsequent findings. The parties were then given an opportunity to present closing statements.

**Electoral Board Findings**

When Candidate timely filed his nominating papers, he obtained and presented 982 signatures. Pursuant to 10 ILCS 5/10-3, governing Independent candidates for elective office, nomination papers for the office of Livingston County Sheriff, to be voted for at the November 8, 2022 general election, must contain the signatures of not fewer than 867 duly qualified, registered and legal voters of said District collected in a manner proscribed by law.

The records examination findings of the election administrator were, and are, thus adopted by this Board. The records examination conducted in this matter sustained objections to 138 signatures as invalid signatures based on a variety of reasons. When subtracting the 138 invalid signatures from the 982 procured, there remains 844 valid signatures or 23 signatures less than required by law. With only 844 valid signatures, the Candidate's Nomination Papers fail to contain the required number of signatures by

law. Illinois law is well established that the minimum signature requirement imposed by the Illinois Election Code is mandatory and must be followed. Electoral Boards do not have the discretion to waive or adjust the number of signatures required. This Board concludes that the Candidate has fallen 23 signatures short of the 867 signatures required for the Candidate to be placed on the ballot.

Turning, finally, to the argument made by Objector regarding the Candidate name as it appears on the Nominating Papers. No evidence, testimony or arguments were presented on this particular argument/objection. Because the Board has already made findings with respect to the signature challenge, there is no need to address the objection to Candidate's name as it appears on his Nomination Papers.

### **Conclusion**

It is therefore the determination of this Board that the objection to the nominating papers of Jay Mitchell for Independent Candidate for Sheriff of Livingston County, Illinois, in the General Election of November 8, 2022, be and is **SUSTAINED** for lack of a sufficient number of valid supporting voter signatures in the nominating papers, thus requiring that Jay Mitchell should not be placed upon the ballot as Independent Candidate for Sheriff of Livingston County, Illinois, in the General Election of November 8, 2022.

The County Officers Electoral Board  
of Livingston County, Illinois

Date: August 30, 2022

Kristy A. Masching  
Kristy A. Masching, County Clerk  
Ex officio Chair



LeAnn Dixon  
LeAnn Dixon, Circuit Clerk

Randy A. Yedinak  
Randy A. Yedinak, State's Attorney

**NOTICE:** Pursuant to Section 10-10.1 of the Illinois Election Code (10 ILCS 5/10-10.1), a candidate or objector aggrieved by this decision of the County Officers Electoral Board who is seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Livingston County and must serve a copy of the petition upon the electoral board and other parties to the proceeding by registered or certified mail within five (5) days after service of the decision of the electoral board. See Section 10-10.1 of the Illinois Election Code (10 ILCS 5/10-10.1), as well as Section 10-10 of the Illinois Election Code (10 ILCS 5/10-10).