



City of
CHAMPAIGN

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**OBJECTION FILING RECEIPT
2006/07 NON-PARTISAN ELECTIONS
MAYOR AND COUNCIL AT-LARGE**

I have filed with the City of Champaign an Objection of the Nomination petition
for: PATRICIA A. AVERY
(Name of Petitioner/Candidate)

City Council
(Candidate For)

12/27/2006
(Date)

2803 SAWYER AVE
(Address of Objector) CHAMPAIGN IL

217/359/9385
(Phone No. of Objector)

CW Kinney
(Signature of Objector)

CW KINNEY
(Printed Name of Objector)

(Email Address of Objector)

(Fax No. of Objector)

12-27-06
(Date Received-Clerk's Office)

B. Robertson
(Received By - Clerk's Office)

Original: Objector
Copy: Clerk's Office

BEFORE THE DULY CONSTITUTED MUNICIPAL OFFICER'S
ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS
TO THE NOMINATION PETITION
FOR PATRICIA A. AVERY CANDIDATE FOR ELECTION
IN THE CITY OF CHAMPAIGN, CHAMPAIGN COUNTY ILLINOIS.

C.W. KINNEY)
PETITIONER-OBJECTOR)
)
v.)
)
PATRICIA A. AVERY)
RESPONDENT-CANDIDATE)

CITY OF CHAMPAIGN
CITY CLERK'S OFFICE

06 DEC 27 P4:21

RECEIVED

VERIFIED OBJECTOR'S PETITION TO THE PETITION FOR NOMINATION

NOW COMES the PETITIONER-OBJECTOR, C.W. Kinney,
hereinafter referred to as "Objector" and states as
follows:

1. That the Objector resides at and is a duly qualified, legal and registered voter at 2803 Sangamon Drive, Champaign, IL, Champaign County.
2. That the Objector's interest in filing this Verified Objectors Petition is that of a voter, desirous that the laws governing the submission of Petitions for Nomination are properly complied with, and that only qualified candidates appear on the ballot for Election for the Champaign City Council to be held on February 27, 2007 and April 17, 2007. References to Petitions for Nomination or Nominating Petitions shall include all Petitions for

Nomination filed, the Statement of Candidacy, and the Statement of Economic Interest. Page number references are to the numbered pages of the Petitions for Nomination. A copy of the Petitions for Nomination is attached hereto as Exhibit #1 and hereby incorporated by reference.

3. The Objector hereby objects to the Petitions for Nomination filed by Patricia A. Avery purportedly for the At-Large Council full term election in the City of Champaign because the petitions fail to provide all the necessary information as required by statute and in the manner required by statute.

4. The Objector hereby objects to said Petitions for Nomination on the following grounds:

a. That the Statement of Candidacy is invalid because on the Statement of Candidacy Patricia A. Avery lists 1308 W. Clark 61821 as her address but fails to list the City in which she resides. Additionally a West Clark Street exists in Urbana, IL creating voter confusion.

b. That on her nominating petitions on pages 1-2, and 4-14 Patricia A. Avery lists that she is to be "voted for at the **Primary** Election." (*emphasis added*) Patricia A. Avery fails to list that she is to be voted for at the Consolidated Primary as required. There is no event known as a "Primary Election." 10 ILCS 5/2A-1.1 specifies

the difference between Consolidated Primary Elections and General Primary Elections, including the offices on the ballot and the date of the election. A general primary is one held the third Tuesday in March, a consolidated primary is one held the last Tuesday in February. By failing to specify the type of primary consolidated or general the voters signed the petitions for nomination would have had no way of knowing whether the voters were petitioning to have Patricia A. Avery placed on the ballot at a consolidated primary, a general election or a special election.

c. That Patricia A. Avery on pages 1-14 of her nominating petitions fails to list the City in which she resides listing only "1308 W. Clark 61821." as her residence. A West Clark street also exists in Urbana, IL creating voter confusion. 10 ILCS 5/10-5 states that the "place of residence" of the candidate shall be listed on **all** the petitions for nomination (*emphasis added*). Additionally, 10 ILCS 5/10-4 requires that petitions for nomination shall contain "...above the space for signature, an appropriate heading giving the name of candidate or candidates in whose behalf such petition is signed; the office; the party; the place of residence; and other

information or wording as required to make same valid, and the heading of each sheet shall be the same."

d. Patricia A. Avery's nominating petitions do not contain the same heading as required by 10 ILCS 5/10-4 which requires that petitions for nomination shall contain "...above the space for signature, an appropriate heading...and the heading of each sheet shall be the same." Page 3 contains the words "Consolidated Primary" after the words "to be voted for at the" in the heading and pages 1-2, and 4-14, contain only the word "Primary."

5. The Objector verily believes that the Respondent Patricia A. Avery has not properly completed her Petitions for Nomination for the office of At-Large City Council Member City of Champaign and that based upon the foregoing objection and facts the Respondent's Petitions for Nomination for Office of At-Large City Council Member City of Champaign are invalid and should be rendered invalid.

6. That because of the invalidity of the Respondent's Nominating Petitions the Respondent has failed to meet the requirements of the Illinois Election Code for candidacy for election for At-Large City Council Member City of Champaign.

7. The interest of the objector is also to have reasonable assurance that the voters who placed their

signatures on said Petition for Nomination knew that they pertained to a consolidated primary election for the City of Champaign (as opposed to the County Board, the School Board, or some other elected body).

WHEREFORE THE OBJECTOR PRAYS THAT:

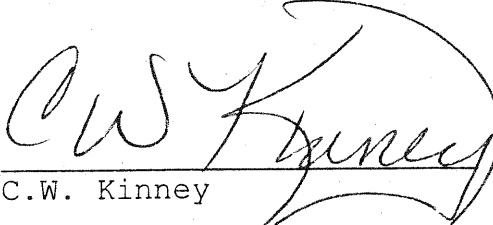
A. A hearing be held on the objections set forth herein and an examination by the duly constituted Municipal Officer's Electoral Board of the Petitions for Nomination filed by the Respondent-Candidate for the office of At-Large City Council Member City of Champaign be conducted.

B. An examination be held of the Respondent-Candidate as to his qualifications to seek nomination to the office of At-Large City Council Member City of Champaign as required by the Illinois Election Code.

C. A ruling that the Respondent-Candidate's Petitions for Nomination for the office of At-Large City Council Member City of Champaign are insufficient in law and fact, due to any or all of the reasons stated in this verified objection and therefore the Petitions for Nomination are invalid; and

D. A ruling that the name Patricia A. Avery shall not appear and not be printed on the ballot as a candidate for At-Large City Council Member City of Champaign for the

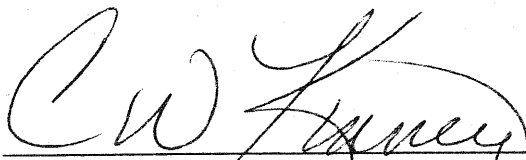
elections to be held in the City of Champaign on February 27, 2007 and April 17, 2007.


C.W. Kinney

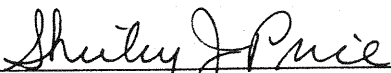
VERIFICATION BY CERTIFICATION

I, C.W. Kinney, acknowledge that I have read the foregoing VERIFIED OBJECTOR'S PETITION TO THE PETITION FOR NOMINATION by myself subscribed, and under penalties of perjury as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to the matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

DATED: 12/27/2006


C.W. Kinney

Subscribed and sworn to before me this 27 day of December, 2006.


Notary Public

