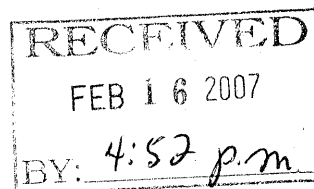


**BEFORE THE DULY CONSTITUTED CHAIRMAN OF THE ELECTORAL BOARD  
AND/OR ITS ASSIGNS, FOR THE HEARING AND PASSING UPON OBJECTIONS TO  
THE NOMINATION PETITION FOR JOHN CHRISTIAN BAMBENEK, CANDIDATE  
FOR ELECTION TO THE OFFICE OF BOARD OF EDUCATION MEMBER (FULL  
TERM OR VACANCY), FOR CHAMPAIGN COMMUNITY UNIT SCHOOL DISTRICT  
No. 4; COUNTY OF CHAMPAIGN, ILLINOIS**

David Brayfield )  
 )  
 Petitioner-Objector, )  
 )  
 v. )  
 )  
 John Christian Bambenek )  
 )  
 Respondent-Candidate. )



**VERIFIED OBJECTOR'S PETITION**

NOW COMES David Brayfield, the Petitioner-Objector, hereinafter referred to as "Objector," and in support of his objection to the Nominating Petition and all documents submitted therewith by Respondent-Candidate John Christian Bambenek, hereinafter "Bambenek", and states and shows as follows:

1. That the Objector resides at and is a duly qualified legal and registered voter at Champaign, Champaign County, Illinois.
2. That the Objector's interest in filing this Verified Objector's 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 the Election for Champaign Community Unit School District No. 4; Board of Education Member (full term or vacancy) to be held on April 17, 2007.
3. That the objector makes the following objection to Candidates Statement of Candidacy and all of the Petitions for Nomination (Sheets 1-6 in addition, the 7<sup>th</sup> unnumbered Sheet)

filed by Bambenek.

4. That the language prescribed by (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) is mandatory. Where candidates' names were struck from the ballot for failure to comply with the mandatory requirements of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5).
5. That if the above referenced Petitions are stricken due to Bambenek's failure to comply with the mandatory language of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5); he would not have a sufficient number of signatures to run for the office of Board of Education Member (Full Term) Champaign Community Unit School District No. 4; Champaign, Illinois.
6. That Bambenek has failed to comply with the statutory language for nominating petitions as described herein, all said Petitions For Nomination should be stricken for failure to comply with (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5).
7. That on prima facie the Petitions of Nomination are presumed valid. In fact, many signatures on said Petitions are invalid (10 ILCS 5/10-10) (from Ch. 46, par. 10-10) and Objector calls into question said signatures.
8. If Circulator's Bambenek's Petition for Nomination Sheets #'s 1 thru 7 are disqualified, Candidate Bambenek would not have enough signatures required to have his name placed on the official ballot for the election to be held on April 17, 2007 (10 ILCS 5/10-3.1) (from Ch. 46, par. 10-3.1)
9. That based on Candidate's Economic Interest Statement, Bambenek fails to complete in accordance with (10 ILCS 5/10-5) (from Ch. 46, par, 10-5)

The Objector hereby objects to Bambenek's Statement of Candidacy for the office of Board of Education Member (full term) Champaign Community Unit School District No. 4; Champaign, Illinois for the following reasons:

1. Sheet #'s 1 thru 7 The Circulator "John Christian Bambenek" Petition for Nomination appears to have signators signing for others. This is a direct violation of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-10) (from Ch. 46, par. 10-10).
  - a. "Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed...No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with. At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States; stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine"
  - b. Lines 2 thru 3 appear to be the same signator (Sheet #1)
  - c. Lines 4 and 5 appear to be the same signator (Sheet #1)
  - d. Lines 13 thru 14 appear to be the same signator (Sheet #1)
  - e. Line 8 is invalid (Sheet #2)

- f. Lines 10 thru 11 appear to be the same signator (Sheet #3)
  - g. Lines 12 thru 13 appear to be the same signator (Sheet #3)
  - h. Lines 1, 3 and 4 appear to be the same signator (Sheet #4)
  - i. Line 2 is invalid (Sheet #4)
  - j. Lines 8 thru 9 appear to be the same signator (Sheet #4)
  - k. Lines 7 thru 8 appear to be the same signator (Sheet #5)
  - l. Lines 11 thru 12 appear to be the same signator (Sheet #5)
  - m. Lines 1 thru 3 are invalid (Sheet #6)
  - n. Lines 4 thru 7 appear to be the same signator (Sheet #6)
  - o. Lines 3 and 4 appear to be the same signator (Sheet #7)
2. If proven the Circulator had willful intent, allowing signators to forge another signators signature, the entire Petition of Nomination should be disqualified and the Circulator, and those who forged said signatures, should be held accountable for their actions, punishable by law. (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)
3. Based on the Circulator's sworn Affidavit, the violation of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-10) (from Ch. 46, par. 10-10) invalidates all of these Circulators Petitions of Nomination and these Petitions for Nomination should be disqualified
4. Based on the Circulator's sworn Affidavit, the violation of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-10) (from Ch. 46, par. 10-10) invalidates all of these Circulators Petitions of

Nomination and these Petitions for Nomination should be disqualified and all signatures in question should be required to match the signators "voter registration cards" held in the office of Champaign County Clerk; Mark Sheldon, to determine the authenticity of each as being signed in the hand of said signator. As the Objector, I volunteer to accompany an Officer of the Board of Elections to compare signatures.

5. In addition to the signatures in question:
  - a. Sheets# 3, 4 and 6 of Circulator "Rachel E. Howell" appear to each have a varied signature.
  - b. Sheets# 1 where Rachel E. Howell is a voter signature (Line 8) and then on Sheets# 3, 4 and 6 where Rachel E. Howell is a Circulator all appear to have varying signatures
  - c. Sheet# (Blank) which represents the last sheet of the Petitions for Nominations and would have been Sheet# 7, and circulated by "Mark Hewitt" was unnumbered.
  - d. Sheets# 1 and 2 which represents Petitions for Nomination circulated by "John Christian Bambenek" are not correctly filled out in the affidavit portion. The "city" is not filled in to state "Champaign"
  - e. Sheet#3 which represents Petition for Nomination circulated by "Rachel E. Howell" is not correctly filled out in the affidavit portion. Neither the "county" nor "state" is named.
  - f. Sheets#6 which represents Petition for Nomination circulated by "Rachel E. Howell" is not correctly filled out in the affidavit portion.

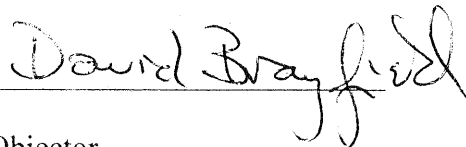
Neither the "county" nor "state" is named.

6. Bambenek filed an incomplete Statement of Candidacy by not fully complying with the instructions to "circle one" for which Official Ballot he was seeking to have his name printed on, a "Nomination" or an "Election". A "Nomination" would be voted on in a "Primary". There currently is a "Primary" being held on February 27, 2007. An "Election" would be held after a "Primary". There currently is an "Election" being held on April 17, 2007. The "Election" is when the Candidates for the Board of Education Member's Office is being held. Therefore, Bambenek has not complied with (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-15) (from Ch. 46, par. 10-15) and (10 ILCS 5/10-9) (from Ch. 46, par. 10-9) and his Statement of Candidacy is invalid.
7. Given John Christian Bambenek's failure to properly fill out the Statement of Candidacy invalidates a Candidates filing and disqualifies placing his name on the April 17, 2007 official ballot. (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-15) (from Ch. 46, par. 10-15)
8. Economic Interest Statements are required to be filed with the appointed Officer of the Champaign Community Unit School District # 4 before the closing date for filing Petitions for Nomination. It is questioned if Bambenek complied to the letter of the statute regarding this requirement. If Bambenek did not comply to the letter of the statute, he is disqualified to file his Candidacy for Board of Education Member on the official ballot to be held on April 17, 2007. (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5)

WHEREFORE, Objector prays that:

- A. A Hearing be held on the objections set forth herein an examination by the duly constituted Chairman of the Electoral Board and/or its Assigns, for the Petitions for Nomination filed by Respondent-Candidate Bambenek for the office of Board of Education Member (Full Term) Champaign Community Unit School District No. 4; Champaign, Illinois.
- B. A ruling that the Respondent-Candidate's Petitions for Nomination for the office of Board of Education Member (Full Term) Champaign Community Unit School District No. 4; Champaign, Illinois are insufficient in law and fact, due to the fact that the Respondent-Candidate failed to include the mandatory statutory language of (10 ILCS 5/10-4) (from Ch. 46, par. 10-4) and (10 ILCS 5/10-5) (from Ch. 46, par. 10-5) and (10 ILCS 5/10-10) (from Ch. 46, par. 10-10).
- C. A ruling that the name John Christian Bambenek shall not appear and not be printed on the ballot as a candidate for Board of Education Member (full term or vacancy) Champaign Community Unit School District No. 4; Champaign, Illinois for the Elections to be held in the City of Champaign on April 17, 2007.

Respectfully Submitted,



Objector

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters, I certify as aforesaid that I verily believe the same to be true.

David Brayfield

Filed by:  
Name: David Brayfield  
Address: 915 W. Harvard  
Phone: (217) 637-0865  
E-mail: \_\_\_\_\_



*Debbie Montgomery*  
2/16/2007