

**CHAMPAIGN COUNTY OFFICIALS ELECTORAL BOARD
AS THE DULY CONSTITUTED ELECTORAL BOARD**

STEPHEN R. FRANK,)
Petitioner-Objector)
)
v.)
)
STEPHANIE HOLDERFIELD,)
Respondent-Candidate)

FINDING AND ORDER OF THE BOARD

The duly constituted Officials Electoral Board of Champaign County, Illinois (Board), consisting of Chairman Gordy Hulten (Champaign County Clerk), Sandy Romans (representing the Circuit Clerk of Champaign County) and Julia Rietz (State’s Attorney for Champaign County) organized by law and convened on December 16, 2011, in response to a Call issued by Gordy Hulten, Chairman, for the purpose of passing upon the Objections of Stephen R. Frank (Petitioner-Objector) to the nomination of Stephanie Holderfield (Respondent-Candidate) as a candidate for the Republican Party for the office of Champaign County Circuit Clerk, and having continued the cause without objection to January 6, 2012, for an evidentiary hearing in Courtroom “K” of the Champaign County Courthouse, 101 E. Main Street, Urbana, Illinois, and having heard the evidence and arguments of the parties on the Objector’s Petition, does hereby enter the following Findings of Fact and Order:

FINDINGS OF FACT

1. Stephanie Holderfield has been an active member of the Republican Party for several years. Holderfield has been a registered Republican voter in Champaign County for over 15 years; she was selected in 2009 as a Champaign County Republican delegate to the Illinois Republican Convention in Decatur, Illinois; and she was selected in 2009 as a Fellow to the Illinois Lincoln Series, an organization dedicated to increasing the number of Republican women in elected and appointed governmental and political positions. In 2011, Holderfield was named to the Board of Governors for this organization. In 2009, Holderfield was selected to serve as a team member of the Illinois Republican Coalition, a Republican political organization. In 2010, Holderfield was elected as a Republican member of the Champaign County Board. At no point in the past 15 years has Holderfield taken a Democratic Party ballot in a primary election.

2. In the Summer of 2011, Holderfield publicly announced her intention to seek election as a Republican candidate for Circuit Clerk of Champaign County, in the March 20, 2012, Republican Party primary election. Holderfield actively campaigned for this position as a Republican candidate.
3. On September 11, 2011, at a Republican Party event, Holderfield signed a combined Nominating Petitions for the March 20, 2012, Republican Party primary election, for Republican Candidates Gordy Hulten, Barbara Frasca, Duane Northrup, and John Farney. The caption of that combined petition sheet informs the signor of the party affiliation of the candidate, and requires the signer to sign as “member of and [person] affiliated with” the Republican Party. In this Nominating Petition, Holderfield signed as a qualified voter of the Republican Party.
4. On September 11, 2011, Holderfield also signed her own Nominating Petition for the March 20, 2012, Republican Party primary election, and as Circulator of that petition, affirmed under oath that she was a qualified voter of the Republican Party.
5. At a social gathering at some point in October, 2011, Holderfield signed a Nominating Petition for Ben Carlson as Democratic Candidate for Champaign County Auditor, for the March 20, 2012, Democratic Primary election. The caption of this Nominating Petition informs the signor of Carlson’s Democratic Party affiliation, and requires the signer to sign as “member of and [persons] affiliated with” that political party. This petition was circulated and authenticated by Carlson himself, who attested to the fact that, to the best of his knowledge and belief, Holderfield was a qualified voter of the Democratic Party. Holderfield also circulated Nominating Petitions at the same social gathering, and several persons signed Nominating Petitions for both Holderfield, and Carlson, effectively identifying themselves as qualified members of both the Democratic Party and the Republican Party.
6. On November 27, 2011, Holderfield signed her Statement of Candidacy as a Republican candidate for Circuit Clerk in the March 20, 2012, Republican Party primary election, and she filed it with the office of the Champaign County Clerk the next day. In that Statement of Candidacy, Holderfield affirmed she is a qualified primary voter of the Republican Party.

With this Statement of Candidacy, Holderfield submitted Nominating Petitions with a total of 315 signatures, exceeding the 207 signatures required by the Election Code.

7. On December 1, 2011, Carlson submitted to the Office of the Champaign County Clerk his Statement of Candidacy as a Democratic candidate for Auditor in the March 20, 2012, Democratic Party primary election. With this petition, Carlson submitted the October 2011, Nominating Petition signed by Holderfield. At no point did anyone submit a written request to the Champaign County Clerk's Office to strike Holderfield's signature from Carlson's October 2011, Nominating Petition.
8. There is no evidence of record before the Board of any political activity by Holderfield on behalf of the Democratic Party, as circulator, signor, or otherwise, at any point, other than her act of signing Carlson's Nominating Petition.
9. There is no evidence of record before the Board of any political, financial, or other relationship between Holderfield's campaign for Champaign County Circuit Clerk and Carlson's campaign for Champaign County Auditor.
10. There is no evidence of record before the Board that Holderfield signed Carlson's Nominating Petition as a political maneuver, with the intent to secure any benefit for the Republican Party, or that she did so for any reason other than negligence and a sense of social obligation to Carlson.

CONCLUSIONS OF LAW

1. The act of circulating a Republican Party Nominating Petition after having signed a Democratic Nominating Petition, as alleged in Paragraph 8 of the Objection, does not constitute a violation of 10 ILCS 5/7-10.
2. The statement on Holderfield's Circulator's Affidavit relating to her own signature on her own Nominating Petition as Republican candidate for Champaign County Circuit Clerk, affirming that she was a qualified voter of the Republican Party, was not fraudulent, as alleged in Paragraph 9 of the Objection.

3. The affirmation on Holderfield's Statement of Candidacy that she was a qualified primary voter of the Republican Party was not fraudulent, as stated in Paragraph 10 of the Objection.
4. In signing Carlson's Nominating Petition (as a qualified voter of the Democratic Party) after signing her own Nominating Petition and before submitting her own Statement of Candidacy (both as qualified voters of the Republican Party), Holderfield did not comply with the provisions of 10 ILCS 5/7-10, which states that a qualified primary elector "may not sign petitions for or be a candidate in the primary of more than one party."
5. Pursuant to Watkins v. Burke, 122 Ill.App.3d 499, 461 N.E.2d 625 (1984), the Board recognizes Holderfield as a qualified voter of the Republican Party based on her having signed her own Republican Party Nominating Petition on September 11, 2011, and the combined Petitions of Hulten, Frasca, Northrup, and Farney. The Board does not recognize Holderfield's subsequent statement of affiliation with the Democratic Party in Carlson's Nominating Petition. The Board recognizes Holderfield's statement of affiliation with the Republican Party in her November 28, 2011, Statement of Candidacy as consistent with her true party status.
6. The record before the Board does not support a finding of political maneuvering of the type which warranted striking a Statement of Candidacy in Rosenzweig v. Illinois State Board of Elections, 409 Ill.App.3d 176, 946 N.E.2d 1113 (2011).
7. On the record before the Board, striking Holderfield's Nominating Petitions and Statement of Candidacy would be a draconian sanction that would unduly frustrate the rights of the public to engage in the political process, and to endorse and nominate the candidate of their choice.
8. Holderfield's Petitions for Nomination for the Office of Circuit Clerk of Champaign County for the Republican Party, and Statement of Candidacy for that office are sufficient in law in fact.

ORDER

FOR THE ABOVE-STATED REASONS, the Champaign County Electoral Board hereby holds the Objection of Stephen R. Frank to the Nominating Petitions and Statement of Candidacy of Stephanie Holderfield for Republican Candidate for the Office of Champaign County Circuit Clerk is **DENIED**.

SO ORDERED



GORDY HULTEN,
CHAMPAIGN COUNTY CLERK
AND EX OFFICIO CHAIR OF THE
CHAMPAIGN COUNTY OFFICIALS ELECTORAL BOARD.

1/10/12
Date



JULIA RIETZ,
CHAMPAIGN COUNTY STATE'S ATTORNEY

1.10.12
Date



SANDY ROMANS, REPRESENTATIVE OF THE
CHAMPAIGN COUNTY CIRCUIT CLERK

1-10-12
Date