SECOND DIVISION
February 26, 2016

Nos. 1-16-0349 & 1-16-0374 (Consolidated)

JOAQUIN VAZQUEZ, Petitioner-Appellee, v. BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO, as the duly constituted electoral Board for the hearing and passing upon of objections to nomination papers and petitions for questions of public policy, LANCE GOUGH, Board Executive Director, MARISEL A. HERNANDEZ, Board Chairperson and Board Commissioner, WILLIAM J. KRESSE, Board Commissioner and Secretary, JONATHON T. SWAIN, Board Commissioner, ILLINOIS STATE BOARD OF ELECTIONS, STEVE SANDVOSS, Executive Director of Illinois State Board of Elections, ALONSO ZARGOZA, Objector, and ALBERTO ARROYO, Objector, Respondents-Appellants.	)	Appeal from the Circuit Court of Cook County No. 16-COEL-3 Honorable Maureen Ward Kirby Judge Presiding.

PRESIDING JUSTICE PIERCE delivered the judgment of the court.
Justices Neville and Hyman concurred in the judgment.

ORDER

¶ 1 *Held*: Petitioner's motion to dismiss Respondents' appeal is denied. The Electoral Board did not abuse its discretion in denying petitioner's untimely motion for admission of 13 affidavits into evidence. Decision of the Electoral Board that 23 nominating petitions are invalid because they contain a false statement sworn to by the

circulator is affirmed. Decision of Electoral Board affirmed. Stay of circuit court order vacated.

¶ 2 Alonso Zargoza and Alberto Arroyo (collectively Objectors) filed objections to the nomination papers of Joaquin Vazquez, candidate for the office of Representative in the General Assembly for the 3rd District, State of Illinois. A hearing officer was assigned to hear evidence and rule on the Objectors' petition. After a records review and several days of hearings, the hearing officer set, and the parties agreed to, a deadline for the exchange of rehabilitating signature affidavits. During the final day of the hearing, after the hearing officer ruled that one circulator's 23 petition sheets were invalid, and after the deadline to exchange the affidavits, Vazquez sought leave to submit 13 additional affidavits to rehabilitate voter signatures previously found invalid. The hearing officer denied the motion finding the submission of the affidavits was untimely. Ultimately, the hearing officer found Vazquez was 4 signatures short of the statutory minimum required to place his name on the primary election ballot.

¶ 3 The Board of Election Commissioners of the City of Chicago (Electoral Board) adopted the hearing officer's recommendations and found that Vazquez had an insufficient number of valid signatures supporting his nomination petitions. Thereafter, Vazquez sought review in the circuit court of Cook County, which affirmed in part and reversed in part the Electoral Board's decision and remanded the matter back for the Electoral Board to consider and take evidence on the 13 affidavits.

¶ 4 The Objectors and the Electoral Board appealed that part of the circuit court order finding the Board abused its discretion in not allowing evidence on the 13 affidavits. Vazquez initially responded arguing that the appeal should be dismissed because the circuit court's order was not a final and appealable order. We took the motion to dismiss under advisement, stayed the circuit

court order and ordered the appeal to be placed on an expedited docket. Ill. S. Ct. R. 311(b) (eff. Feb. 26, 2010). Vazquez then filed his own appeal from the circuit court's order affirming the Board's decision that the circulator's 23 petition sheets were invalid. For the following reasons, we deny Vazquez's motion to dismiss this appeal, vacate the stay order entered February 17, 2016 of the circuit court order dated February 11, 2016 and affirm the final decision of the Electoral Board.

¶ 5 BACKGROUND

¶ 6 On November, 30, 2015, Joaquin Vazquez filed his nomination papers to place his name on the March 15, 2016 primary election ballot as a candidate for the office of Representative in the General Assembly for the 3rd District. These papers included petition sheets containing 1,091 signatures of individuals supporting Vazquez's nomination.

¶ 7 Alonso Zargoza and Alberto Arroyo filed a petition objecting to the sufficiency of the signatures supporting Vazquez's nomination papers pursuant to section 10-8 of the Election Code (10 ILCS 5/10-8 (West 2012)). The Objectors alleged the nomination papers were not signed by the requisite number of eligible voters in the 3rd District and that certain signatures were not genuine, the signers were not registered at the address shown or were outside the district, the address was missing or incomplete, there were duplicative signatures, and there were defects with the circulators' affidavits.

¶ 8 The Electoral Board assigned a hearing officer to conduct proceedings, evaluate the evidence and Objectors' petition and provide recommendations to the Board. The hearing officer scheduled a "records examination" whereby an employee of the Board compared signatures on Vazquez's nomination petition sheets with the signatures of those voters as they appear on the Electoral Board's registration system. A handwriting expert, employed by the Board, reviewed

the findings made at the examination and conducted his own comparison of the signatures. The results of the records examination and the expert's examination were issued to the parties on December 28, 2015. At that point, Vazquez had 511 valid signatures, 11 more than the 500 statutory minimum required number of signatures.

¶ 9 Vazquez requested an evidentiary hearing regarding the signatures found invalid as a result of the records examination. On January 7, 2016, a hearing was conducted and the hearing officer adjusted the records examination report results by striking 21 additional signatures which brought the number of valid signatures down to 490, 10 signatures below the 500 statutory minimum. At the conclusion of this hearing, Vazquez's attorney explained to the hearing officer that he was in the process of obtaining affidavits to support the validity of the challenged signatures. The parties then discussed the scheduling of further hearings and Vazquez's counsel proposed January 12 for a hearing "to deal with the signatures" and "the challenges or rehabilitation of signatures" and January 13 and 14 for hearings dealing with the "circulator objections." The parties then agreed, and the hearing officer ordered, that the deadline to exchange "affidavits to rehabilitate or to attack signatures" was 10:00 p.m. on January 11, 2016, the night before the hearing addressing rehabilitating signatures. The hearing officer then continued the hearing to January 12, 2016.

¶ 10 At the reconvened January 12 hearing to address rehabilitating signatures, testimony of two notary publics was heard regarding the verification of the identity and residence of the signators to the circulator petition sheets. The hearing officer then reviewed over 100 affidavits produced by Vazquez, compared the signatures appearing on the affidavits and the petition sheets, considered the Electoral Board staff recommendation from the records examination, and determined that 89 of the challenged signatures were valid, increasing the total number of valid

signatures to 579.

¶ 11 The hearing was continued to January 13, 2016, where the hearing officer heard testimony from circulator Jerry Glenn, and other witnesses, in order to determine whether Glenn's circulated petition sheets were valid. The testimony involved whether the Wilmette, Illinois address sworn to by Glenn on his circulated petition sheets was his actual residence or a false address. Glenn admitted that he had been evicted from the Wilmette address and, at the time he circulated the petitions and signed the circulator's affidavit, he was not living in Wilmette but rather in Matteson, Illinois. After the eviction, a change-of-address form was submitted by Glenn's mother, to the U.S. Post Office to ensure mail sent to the Wilmette address was forwarded to a different address. Glenn listed the Wilmette address on the circulator affidavit because it was the address listed on his state identification card and he was only staying at the Matteson address temporarily. Glenn has since registered to vote using the Matteson address. After Glenn testified, Vazquez's attorney sought to introduce 13 affidavits from petition signers attesting that their signatures were genuine. The purpose of these affidavits was to rehabilitate signatures previously determined invalid during the records examination. Counsel for the Objectors argued that the additional affidavits were untimely because they had not been provided to the Objectors prior to the agreed upon January 11 deadline and therefore, should not be considered. The hearing officer denied Vazquez's request to admit the additional affidavits as untimely, citing the mutually agreed to January 11 deadline. The hearing officer further explained that although deadlines "can operate harshly," they must be enforced.

¶ 12 At the final hearing on January 14, 2016, the parties agreed that Vazquez was left with 579 valid signatures, which included the petition sheets Glenn circulated that contained 83 signatures. The hearing adjourned for the day.

¶ 13 On January 16, 2016, the hearing officer issued his written findings and recommendation concluding that the evidence established that Glenn knowingly signed a false statement of residency before a notary and therefore, Glenn's 23 circulated petition sheets containing 83 signatures were invalid. This left Vazquez with only 496 valid signatures, 4 fewer than the statutory minimum of 500.

¶ 14 The Electoral Board adopted the hearing officer's recommendations and, in a 17-page order, the Board found that: (1) Vazquez's nomination papers were invalid because they did not include the requisite number of signatures; (2) Glenn's circulated petitions were invalid because he "knowingly and willfully provided a false address in his circulator affidavit"; and (3) the hearing officer did not abuse his discretion in denying Vazquez's request to submit the late evidence. One member of the Electoral Board dissented.

¶ 15 Vazquez sought review of the Board's decision arguing the Board erred in: (1) striking Glenn's petition sheets; (2) not finding all signatures supported by affidavits were valid; and (3) abusing its discretion by refusing to consider the 13 affidavits to rehabilitate signatures submitted after the January 11 deadline.

¶ 16 On February 11, 2016, the circuit court entered a "final and appealable" order affirming the Board's decision to declare the petitions circulated by Glenn invalid and reversed the Board's decision finding the Board abused its discretion by failing to "consider and take evidence on the 13 additional signature affidavits." The circuit court remanded this matter to the Board "on the limited issue of hearing evidence on the sole issue of genuineness of the voter signatures raised in said 13 affidavits." In addition, the court denied the Objectors' request to "re-open the case on any issue other than the genuineness of the 13 signatures" and also denied the Objectors' request to stay the order pending appeal.

¶ 17 ANALYSIS

¶ 18 The Objectors timely filed this appeal seeking review of the circuit court's February 11, 2016 order and argue the Board did not abuse its discretion in denying Vazquez's motion for admission of the 13 untimely affidavits. In response, Vazquez filed a motion to dismiss this appeal on the ground that under the Administrative Review Law (735 ILCS 5/3-101 *et seq*. (West 2012)) the circuit court's order is not final and appealable and thus, we do not have jurisdiction to review this appeal. Section 3-104 of the Administrative Review Law provides that the court first acquiring jurisdiction to review a final administrative decision retains jurisdiction of the action until its final disposition (735 ILCS 5/3-104 (West 2012)), including after remand to the administrative board to make additional findings (*Hooker v. Retirement Board of Firemen's Annuity & Benefit Fund of Chicago*, 391 Ill. App. 3d 129, 135 (2009)). Vazquez contends that when the circuit court issued the order remanding this matter to the Board for "tak[ing] evidence" on the 13 affidavits, the circuit court retained jurisdiction of this matter until its final disposition and accordingly, that order is not final and appealable. Vazquez has since abandoned his position by filing, on his own behalf, a notice of appeal from the circuit court's order affirming the Electoral Board's finding that the Glenn petitions are invalid.

¶ 19 For purposes of clarity, we address Vazquez's initial contention. Our Supreme Court has made clear that "[a]lthough proceedings under the Election Code are in the nature of administrative review, the Administrative Review Law applies only where it is adopted by express reference, and there is no express adoption of the Administrative Review Law for electoral board decisions." *Bettis v. Marsaglia*, 2014 IL 117050, ¶ 30. The Administrative Review Law is looked to by courts for guidance but "has no direct bearing" upon the review of electoral board decisions. *Bill v. Education Officers Electoral Board for Consolidated*

Community School District No. 181, 299 Ill. App. 3d 548, 556 (1998). Therefore, Vazquez's motion to dismiss this appeal contending the circuit court's order was not a "final order" pursuant to the Administrative Review Law is denied.

¶ 20 Relevant to this consolidated appeal, the Electoral Board issued a final order finding the petitions circulated by Glenn were invalid, the hearing officer properly denied Vazquez's motion for admission of the 13 untimely affidavits and, without the requisite number of valid signatures to his petition sheets, his nomination papers were invalid. The circuit court found that the Electoral Board properly found Glenn's petitions were invalid, however, the Board abused its discretion when it failed to consider and take evidence on the 13 additional affidavits, and remanded the matter to the Board for the "limited issue of hearing evidence" on the voter signatures raised in the 13 affidavits. In effect, the circuit court affirmed in part and reversed in part the Electoral Board's final decision. In our view, the language in the circuit court's order limiting the role of the Electoral Board on remand is mere surplusage and does not make the court's order interlocutory. Now on appeal, the Objectors seek reversal of the circuit court's order that the Board abused its discretion in refusing to consider the 13 affidavits and Vazquez seeks reversal of the Board's finding that the Glenn petitions are invalid.[1] Accordingly, we find the order of the circuit court finally decided the issues between the parties and each party is allowed to invoke our jurisdiction to review the Electoral Board's decision. Ill. S. Ct. R. 303 (eff. eff. Jan. 1, 2015).

¶ 21 *Objectors and Electoral Board Appeal*

[1] We note that neither party raises objection to the procedures employed in determining the valid number of signatures supporting Vazquez's nomination papers. Rather, they only dispute the two narrow issues of whether the 13 additional affidavits should have been considered and whether Glenn's circulated petition sheets were valid.

¶ 22 The Objectors and the Electoral Board appeal the circuit court's order finding the Board's decision to deny Vazquez's motion to admit additional evidence was an abuse of the Board's discretion.

¶ 23 We review the decision of the Electoral Board rather than the decision of the circuit court. *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 210 (2008). The standard of review depends on whether the question presented is one of fact, one of fact and law, or a pure question of law. *Id.* The Objectors and the Electoral Board appeal involves whether the Board abused its discretion by denying Vazquez's motion to admit the affidavits into evidence that were submitted after the agreed upon and ordered deadline. An abuse of discretion occurs where no reasonable person could take the view adopted by the adjudicating body. See *Peraica v. Riverside-Brookfield High School District No. 208*, 2013 IL App (1st) 122351, ¶ 34.

¶ 24 Electoral boards may adopt their own rules of procedure and rules of evidence. *Carnell v. Madison County Officers Electoral Board*, 299 Ill. App. 3d 419 (1998). In this instance, the Electoral Board adopted rules of procedure applicable to a petition challenge. Pertinent to this appeal are Board Rules 1, 4 and 8. Rule 4(a) provides that "[d]ue to impending statutory deadlines for the certification of candidates and the preparation and printing of ballots, proceedings before the Electoral Board must be conducted expeditiously." Accordingly, Board Rule 1(b) provides that hearing officers and the 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." It further provides that hearing officers and the Board shall "regulate the course of the hearings," set time for hearings, set times for the filing of documents or for the introduction of new and additional

evidence, and grant an extension of time upon good cause shown. Rule 4(e) provides that the hearing officer and Board shall conduct a case management conference to consider, among other things, the limitation of the number of witnesses, the scheduling of hearings, the proposed plan and schedule of discovery and any other matters that may aid in the disposition of the objection hearing. Lastly, Rule 8(a) provides that the Board or the hearing officer may conduct hearings for the purpose of hearing evidence relating to the findings made during a records examination.

¶ 25 Here, the records examination results were released to the parties on December 28, 2015. Vazquez sought review of the records examination findings. During the January 7, 2016 hearing, the parties agreed and the hearing officer ordered that the deadline for the parties to exchange affidavits to rehabilitate signatures that were previously found invalid would be 10:00 p.m. on January 11, which was 15 days after the records examination results were issued. As previously scheduled, on January 12 a hearing was held to consider Vazquez's rehabilitating affidavits. Approximately 116-137 rehabilitating affidavits[2] submitted by Vazquez were examined and after consideration of the rehabilitating affidavits the hearing officer found 89 additional signatures valid.

¶ 26 At the prescheduled January 13 hearing to address the sufficiency of circulator affidavits, after the Objectors presented their evidence, Vazquez moved for the admission of 13 additional affidavits obtained that morning from voters whose signatures were previously found invalid. Vazquez did not provide a reason why the 13 affidavits could not have been obtained and exchanged prior to the January 11 deadline. The Objectors contended the affidavits were

[2] The parties disagree as to how many rehabilitating affidavits were submitted and considered at the January 12 hearing. Due to the expedited nature of this appeal, this court will not search the record to confirm the exact number considered.

untimely and should not be admitted into evidence because there was no notice given or opportunity for the Objectors to assess the affidavits. The Objectors argued that, based on what they received prior to the deadline, they had already made decisions on who to subpoena and formulated their strategy and evidence in support of their challenge. They further argued that the nature of challenging petitions is time sensitive and it would be prejudicial to admit these affidavits after the deadline and at this stage of the proceeding.

¶ 27 The hearing officer took the issue under advisement and later, after consideration of the arguments of counsel, denied Vazquez's motion for the admission of the 13 affidavits because they were untimely. He found the affidavits were procured two days after the agreed upon deadline and because of the expedited nature of the hearings, the "deadline must be enforced." The Electoral Board accepted the hearing officer's reasoning and found the hearing officer did not abuse his discretion in denying Vazquez's motion.

¶ 28 Vazquez argues that the denial of his motion is an abuse of discretion because judgment had not yet been rendered, evidence was still being heard, and the Objectors had not yet finished presenting evidence at the time the affidavits were offered. Therefore, the admission of the affidavits would not have caused prejudice to the Objectors, who could have later rebutted them.

¶ 29 In determining the hearing officer did not abuse his discretion by denying Vazquez's motion the Board relied on its own procedural rules and found that in ballot disputes, time is of the essence, the hearing officer had the power to set the filing deadlines and while deadlines may be harsh, they must be enforced. As a reviewing court we must give deference to the Board's application of its rules unless the Board's decision was arbitrary or unreasonable. *Portman v. Department of Human Services*, 393 Ill. App. 3d 1084, 1092 (2009). In proceedings to determine validity of a candidate's nominating papers, it is paramount that there is prompt resolution of the

objections so that "ample time remains for the preparation of ballots." *Geer v. Kadera*, 173 Ill. 2d 398, 408 (1996). In fact, " '[i]t is vitally important that nomination objections be resolved at the earliest possible time.' " *Id*. We find the hearing officer set a deadline for the filing of affidavits, based on Vazquez's proposed hearing schedule, which was agreed upon by the parties, Vazquez did not meet that deadline and instead, two days later, after the hearing addressing rehabilitating signatures and during a hearing on the sufficiency of Glenn's petition sheets, Vazquez moved for the admission of affidavits procured that morning. Under these circumstances, where the timeliness of a Board's decision on the Objectors' petition was "vitally important," and where Vazquez had 15 days to procure these 13 affidavits and gave no reason for their lateness, we cannot say that the Board's denial of Vazquez's motion to admit the untimely affidavits was an abuse of discretion. Therefore, we affirm the decision of the Electoral Board on this basis.

¶ 30 *Vazquez Appeal*

¶ 31 Vazquez appeals the Electoral Board's determination that the Glenn petitions are invalid.

¶ 32 There is no dispute that Glenn did not reside at the Wilmette, Illinois address he listed in the circulator affidavit found on his circulated petition sheets at the time he collected the voter signatures and when he signed the petition sheets. Glenn testified that he actually resided with his mother in Matteson, Illinois, and he listed the Wilmette address on the petition sheets only because it was the address listed on his state identification card, which he had not yet updated.

¶ 33 The Electoral Board found that Glenn's 23 petition sheets were invalid because he "willfully and knowingly" listed a false address in the circulator affidavit. The Board found that Glenn's misrepresentation was not a mistake but rather a false statement made under oath and therefore, Glenn's petition sheets did not comply with the Election Code.

¶ 34 Vazquez argues that Glenn's misrepresentation was a mistake and therefore, his petitions

substantially comply with the Election Code. The parties dispute whether the standard of review is clearly erroneous (*Portman v. Department of Human Services*, 393 Ill. App. 3d 1084 (2009)) or *de novo* (*Zurek v. Pederson*, 2014 IL App (1st) 140446). We find that regardless of the standard employed, the result is the same.

¶ 35 Section 7-10 of the Election Code (10 ILCS 5/7-10 (West 2012)) mandates the form and content of nomination petitions. It requires that at the bottom of each nominating petition a circulator's sworn statement appear certifying that: he is 18 years of age or older, a citizen of the United States, the signatures on the petition were signed in his presence and that the persons signing were to the best of his knowledge and belief were registered voters in that precinct, and the address of his residence. *Id*. This requirement "is considered a meaningful and realistic method of eliminating fraudulent signatures and protecting the integrity of the political process." *Sakony v. Lindsey*, 261 Ill. App. 3d 821, 825 (1994). Where there is a "total failure to provide an address" in the circulator affidavit, it "renders all signatures on the petition invalid." *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶ 23. In addition, where there is evidence of a pattern of fraud, false swearing and total disregard for these mandatory requirements, the circulator's petition sheets " 'should be stricken in their entirety.' " *Bergman v. Vachata*, 347 Ill. App. 3d 339, 347 (2004) (citing *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App. 3d 201 (1987) (evidence of fraud by the circulator who did not strictly follow the Code's requirements necessitates a finding that the petitions are invalid). While substantial compliance with section 7-10 is sufficient to find a circulator's petition valid (*Bergman*, 347 Ill. App. 3d at 345), a false statement by a circulator in the petition invalidates the petition entirely (*Huskey*, 156 Ill. App. 3d at 205). However, an innocent or minor error in the circulator's address may substantially comply with section 7-10 where a circulator accidently transposed two digits in his street address

(*Cunningham*, 2012 IL App (1st) 120529, ¶ 28) or where the address was omitted but included on another petition sheet (*Sakonyi v. Lindsey*, 261 Ill. App. 3d 821 (1994)).

¶ 36 Here, the Board made a finding that Glenn "willfully and knowingly" swore to a false statement on his circulating petitions. An electoral board's findings and decision are considered *prima facie* true and correct. *Samuelson*, 2012 IL App (1st) 120581, ¶ 11. Determinations as to weight of evidence or credibility of witnesses are within the " 'province of the agency.' " *Bergman*, 347 Ill. App. 3d at 347. For that reason, in reviewing a board's findings and decision we do not weigh the evidence or substitute our judgment for that of the board. *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 211(2008). Where the decision of the agency is supported by competent evidence in the record, it should be affirmed. *Id*.

¶ 37 Although Vazquez characterizes Glenn's misrepresentation as a mistake, there is evidence in the record to support the Electoral Board's finding. Glenn testified that since his June 2015 eviction, he has not resided at the Wilmette address. At the time he circulated the petitions and signed the circulator's affidavit he lived in Matteson, Illinois. Although section 7-10 of the Election Code requires circulators to attest to where they "reside," Glenn listed the Wilmette address because his state identification card, which was renewed in December 2015, still reflected his prior address of residence, even though he no longer lived there. In addition, after his eviction, Glenn submitted a change-of-address form to ensure he no longer received mail at the Wilmette address, which supports the finding that he no longer considered that address as his residence.

¶ 38 Vazquez further contends that Glenn's affidavit is in substantial compliance with section 7-10 of the Code. However, the Code calls for his address of residency. It does not call for a former address, or a recent address or any address that will enable an objector to locate him in

connection with a petition contest. Based on this record, there can be no dispute that Glenn lived and resided in Matteson at the time he circulated the petitions. There can be no question that he knowingly put his former Wilmette residence as his residence on his circulator affidavit even though he had been evicted from Wilmette several months earlier. We do not agree that placing an address that is unquestionably not the correct address of residency is substantially compliant with the statutory requirements. Showing a Wilmette address was not true: it was false. Glenn did not mistakenly show his Wilmette address: he did it knowingly. Therefore, we find sufficient evidence in the record to support the Electoral Board's finding that Glenn "willfully and knowingly" listed a false address in his sworn circulator's affidavit and that Glenn's circulator affidavit was not in substantial compliance with the Code.

¶ 39 Lastly, Vazquez argues that Glenn is essentially a "homeless person" and the address requirement in section 7-10 of the Election Code is unconstitutional because it excludes all homeless persons, like Glenn, from qualifying to circulate nominating petitions because by definition homeless persons do not have a residence address. He cites to the Public Health and Welfare Act (42 U.S.C. 254(b) (West 2012)) for the proposition that a person with an "unstable or non-permanent" housing situation is considered homeless. Without citing to the record, Vazquez asserts that Glenn does not have a permanent residence but has only "stayed with" several family members since his eviction is therefore, "essentially homeless."

¶ 40 The Objectors dispute this contention arguing it is not supported by the record. In addition, the Election Code makes specific provisions for the homeless (see 10 ILCS 5/3-2 (West 2012)), Glenn never took advantage of these provisions and instead is registered to vote at his residence in Matteson.

¶ 41 We agree with the Objectors and find Vazquez's argument unmeritorious because there is

nothing in the record to support the contention that Glenn is homeless. Glenn testified that after the eviction he went to "stay" with his mother in Matteson, where he is registered to vote, and submitted a change-of-address form to ensure mail was no longer delivered to his former residence in Wilmette. Glenn could have described himself as a homeless person but chose to testify, without reservation, that he did not reside at the location shown on his circulator's affidavit. Vazquez's attempt to create an untrue fact as a means of contesting the Board's finding that Glenn listed a false address in his circulator's affidavit must be rejected.

¶ 42 CONCLUSION

¶ 43 For the foregoing reasons, we affirm the final decision of the Electoral Board. The stay order entered by this court dated February 17, 2016 is vacated.

¶ 44 Affirmed.