

**Du Page County Officers' Electoral Board Hearing**

In re the matter of the )  
**LIBERTARIAN PARTY OF ILLINOIS** )  
**CANDIDATES FOR PRECINCT** )  
**COMMITTEEMAN in the** )  
**former "39<sup>th</sup>" Representative District:** )

TED A. SEMON, JOHN FIORONI, )  
PAUL YOUNG, CHANDLER HADRABA )  
JOHN TEPLY, JOHN P. TESCHKY, IV )  
ROBERT E. JOHNSON, )  
CHARLES ROMER, )  
LANI MACARTNEY, MICHAEL E. )  
MANDEL, DONALD M. PARRISH, JR., )  
RONALD MACARTNEY, )  
JOHN GILLIGAN, SR., TODD W. )  
ZIMMERMAN, KENNETH A. JOHNSON )  
and RALPH LOTZ, )

Nos. 2002 -P- 3 thu 18

**Candidates.**

**Motion to Strike and Dismiss**

NOW COME the Libertarian Party of Illinois ("LPI") candidates for Precinct Committeeman in the former "39" Representative District, TED A. SEMON, JOHN FIORONI, PAUL YOUNG, CHANDLER HADRABA, JOHN TEPLY, JOHN P. TESCHKY IV, ROBERT E. JOHNSON, CHARLES ROMER, LANI MACARTNEY, MICHAEL E. MANDEL, DONALD M. PARRISH, JR., RONALD MACARTNEY, JOHN GILLIGAN, SR., TODD W. ZIMMERMAN, KENNETH A. JOHNSON and RALPH LOTZ, (hereinafter "LPI candidates") by their attorney ANDREW B. SPIEGEL, General Counsel, LPI, by and through their Special and Limited Appearance and moving to strike and dismiss the so-called "apparent conformity" challenges made to their nominating papers, state as follows:

1. No timely objection was filed to any of the LPI candidates. Pursuant to the Election Code of Illinois, if there is no timely objection filed to a nominating petition, it must be deemed valid. This Board, and the Rules of Procedure it has adopted are for the purpose of ruling upon such objections. There are no objections here; any further consideration of this issue is a violation of the due process and equal protection clauses of the 5<sup>th</sup> and 14<sup>th</sup> Amendments of the federal Constitution and of Article I, §§2, 5 and 12 of the state Constitution. These constitutional issues are also beyond the purview of this Board. *Wiseman vs. Elward*, 5 Ill.App.3<sup>rd</sup> 249, 283 N.E.2d 282 (1<sup>st</sup> Dist., 1972).