NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2024 IL App (4th) 240497-U

NO. 4-24-0497

FILED
December 31, 2024
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

VANESSA MINSON-MINOR,	)	Appeal from the
Petitioner-Appellant,	)	Circuit Court of
v.	)	Sangamon County
JOHN OVERTURF, ILLINOIS	)	No. 24MR61
STATE BOARD OF ELECTIONS,	)	
CASANDRA B. WATSON, LARA	)	
DONAHUE, JENNIFER BALLARD	)	
CROFT, CRISTINA CRAY, RICK	)	
TERVEN, TONYA GENOVESE,	)	
CATHERIN McCRORY, and JACK	)	Honorable
VRETT,	)	Jack D. Davis II,
Respondents-Appellees.	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Presiding Justice Cavanagh and Justice Steigmann concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court dismissed the appeal, finding the end of the election cycle rendered petitioner's appeal of the Illinois Board of Elections' decision removing her from the ballot moot and the public interest exception to the mootness doctrine did not apply.

¶ 2 Petitioner, Vanessa Minson-Minor, submitted nomination papers to run in the March 2024 primary election for the Republican Party candidate for a vacant circuit court judge position. Respondent, John Overturf, objected to her nomination papers, claiming her surname was "Minson," not "Minson-Minor," so her papers failed to comply with section 7-10.2 of the Election Code. 10 ILCS 5/7-10.2 (West 2020). The Illinois State Board of Elections (Board) agreed and kept Minson-Minor's name off the ballot. Minson-Minor sought judicial review, and the circuit

court of Sangamon County upheld the Board's decision.

¶ 3 Minson-Minor appeals, arguing (1) she complied with section 10-7.2, (2) section 10-7.2 violates the equal protection clause of the United States and Illinois Constitutions because it has a disparate impact on women, and (3) Overturf improperly acted as a "proxy" for another candidate for the judicial vacancy.

¶ 4 We dismiss the appeal as moot.

¶ 5 I. BACKGROUND

¶ 6 In December 2023, Vanessa Minson-Minor filed nomination papers seeking to be the candidate of the Republican Party for the office of Circuit Judge in the Second Judicial Circuit, to fill the vacancy left by the Honorable Thomas J. Tedeschi, in the primary election held on March 19, 2024. Her "Statement of Candidacy" listed her name as "Vanessa Minson-Minor." Her "Primary Petition" likewise listed her name as "Vanessa Minson-Minor."

¶ 7 On January 3, 2024, John Overturf filed an objection to Minson-Minor's nomination papers with the Board, seeking to have her nomination papers stricken. He claimed Minson-Minor failed to comply with the candidate name requirements in section 7-10.2 of the Election Code, which states, "In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname." 10 ILCS 5/7-10.2 (West 2022). Overturf claimed Minson-Minor gathered signatures under the name "Vanessa Minson-Minor" even though her "actual name" was "Vanessa Minson." He argued she "improperly hyphenated her surname to add an additional name in an apparent attempt to gain voter recognition or appeal."

¶ 8 Minson-Minor entered her appearance in the Board matter. Her appearance, dated

January 10, 2024, listed her name as "Vanessa Minson." She moved to strike Overturf's objections, asserting she took the surname "Minson" when she married in June of 2016, but many people recognized her through her family name, "Minor." She admitted she "has not used her maiden surname and married surname hyphenated professionally," and "she is legally and professionally Vanessa Minson." She explained that she had filed a petition for dissolution of marriage in Franklin County, the divorce was still pending, and she had not yet decided what her name would be after the divorce was finalized. She also claimed that the Election Code's surname requirement violated the equal protection clause of the fourteenth amendment of the U.S. Constitution because it discriminated against women, and that Overturf acted from improper motives by serving as a "proxy" for a rival judicial candidate.

¶ 9 The Board assigned a hearing officer, and a hearing on Overturf's objection was held on January 23, 2024. Overturf and Minson-Minor each submitted exhibits, which were admitted without objection. Those exhibits included Minson-Minor's birth certificate, listing her name as "Vanessa Brielle Minor," her marriage application and marriage license from 2016, affidavits from residents of Franklin County stating they believed "Minson-Minor" should be on the ballot because the candidate was more recognizable by that name, a campaign brochure using the name "Vanessa *Minor-Minson*" (Emphasis added), and a screenshot of her Facebook page under the name "Vanessa Minson-Minor."

¶ 10 Minson-Minor testified at the hearing. She admitted she had never "in a professional capacity" referred to herself as "Vanessa Minson-Minor." She was asked, "Outside of running for this office, have you ever referred to yourself personally as Vanessa Minson-Minor?" She answered,

"I would say yes. I would not say that I would say a hyphen is used, but I have

> frequently identified myself by both my maiden name of Minor and my married name of Minson. Frequently that is if somebody does not recognize me and know who I am, I will provide that as a secondary last name so that they are able to identify me based upon my family name."

¶ 11 Minson-Minor testified she had hyphenated her name in writing on social media accounts, including her current Facebook account, which she opened in the fall before the January hearing, in preparation for running for judge. She admitted she was registered to vote as "Vanessa B. Minson." Her most recent driver's license uses the name "Vanessa Brielle Minson." She was registered with the Attorney Registration and Disciplinary Commission as "Vanessa Brielle Minson." She was admitted to the Illinois bar in May of 2014. For the first two years of her practice, she practiced under the name "Vanessa Brielle Knepp." After her 2016 marriage, she petitioned the Illinois Supreme Court to change her full licensed name to "Vanessa Brielle Minson."

¶ 12 Minson-Minor was asked about her campaign brochure that used the name "Vanessa *Minor-Minson*." (Emphasis added). She explained,

> "I can remember having a conversation about if I would have legally kept my married name and maiden name, but the—the common or most socially acceptable way to do so is to do your first name and followed by your given birth name Minor-Minson. I believe that's why it was put on there like that. I specifically chose not to do that because I felt like Vanessa Minson is my legal name, and I wanted to leave those in order, and that's why I had — and as my social media as well has been the same way, but my legal name with the dash, and then my maiden name."

She added, "So it was just an error that that document was drafted like that. It wasn't in any way

to try to confuse people ***."

¶ 13 The Hearing Officer recommended the Board deny Minson-Minor's motion to strike. The Officer found, in part, the Election Board lacks the authority to assess the constitutionality of the Election Code, citing *Goodman v. Ward*, 241 Ill. 2d 398, 410-11 (2011). He found Overturf's motivations for objecting were irrelevant, citing *Nader v. Illinois State Board of Elections*, 354 Ill. App. 3d 335 (2004). He recommended the following findings of fact:

> "1. Candidate's Statement of Candidacy provides the Candidate's name is 'Vanessa Brielle Minson-Minor.'
>
> 2. The Candidate's given name is 'Vanessa Brielle.'
>
> 3. The Candidate's surname is 'Minson."
>
> 4. The Candidate's listing of 'Minson-Minor' indicates a 'double surname.' "

Later, the Board's General Counsel would note the Statement of Candidacy said "Vanessa Minson-Minor," without "Brielle."

¶ 14 The Officer recommended finding a violation of section 7-10.2 and not placing Minson-Minor's name on the ballot. He relied on *Oberholtzer v. Cook County Electoral Board, et al.*, 2020 IL App (1st) 200218-U and *Shannon-DiCianni v. Du Page County. Officers Electoral Board.*, 2020 IL App (2d) 200027. Based on *Oberholtzer*, the officer found Minson-Minor's "given name" was "Vanessa Brielle," and her surname at birth was "Minor." On marriage, she adopted the new surname "Minson." He found she failed to use that surname in her nomination papers, in violation of section 7-10.2 of the Election Code. Based on *Shannon-DiCianni*, he found a candidate who incorrectly indicates she has two surnames by joining another name to her legal name with a hyphen violates section 7-10.2. The Hearing Officer also found *Shannon-DiCianni*

supported finding this was a violation "in and of itself, regardless of whether the candidate's listing was done to appeal to voters." See *Shannon-DiCianni*, 2020 IL App (2d) 200027, ¶ 21. He specifically found Minson-Minor did not intend to deceive voters, but she still failed to comply with section 7-10.2 of the Election Code.

¶ 15 Minson-Minor filed exceptions to the recommendation, but on January 30, 2024, the Board sustained the objections and struck Minson-Minor's name from the ballot. Minson-Minor was unable to attend the Board's hearing, and the Board unanimously accepted the Hearing Officer's recommendations, finding Minson-Minor's surname was "Minson", not "Minson-Minor," and her nomination paper violated section 7-10.2 of the Election Code.

¶ 16 Minson-Minor petitioned for judicial review of the Board's decision. She claimed the Board erred in finding a violation of section 7-10.2 or that this section violated the equal protection clauses of the U.S. and Illinois Constitutions. She also argued Overturf was improperly acting on behalf of another candidate for the same judicial seat Minson-Minor sought. After briefing and oral arguments, the circuit court affirmed the Board's decision. The court also found section 7-10.2 constitutional on its face and as applied.

¶ 17 This appeal followed.

¶ 18 II. ANALYSIS

¶ 19 Minson-Minor seeks reversal of the Board's decision. She argues she has two surnames, "Minson" and "Minor," and in her nomination papers, she joined those two surnames with a hyphen. She contends this was permissible under section 7-10.2 of the Election Code, and the Hearing Officer and Board erred by finding otherwise. Alternatively, she contends section 7-10.2 violates the equal protection clauses of the United States and Illinois Constitutions. U.S. Const., amend. XIV; Ill. Const. 1970, art. I, § 2. Citing *Yick Wo v. Hopkins*, 118 U.S. 356 (1886),

she claims section 7-10.2 disproportionately burdens women, who are more likely to take a husband's name upon marriage, and this disparate impact renders this section unconstitutional. Finally, she insists Overturf acted as a "proxy" for a rival candidate for the office of circuit court judge, and she accuses this rival candidate of violating the Illinois Judicial Code of Conduct.

¶ 20 We decline to rule on Minson-Minor's arguments because her appeal is moot. "An appeal is moot if no actual controversy exists or when events have occurred that make it impossible for the reviewing court to render effectual relief." *Commonwealth Edison Co. v. Illinois Commerce Comm'n*, 2016 IL 118129, ¶ 10. Generally, we do "not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided." *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998). "When a decision on the merits would not result in appropriate relief, such a decision would essentially be an advisory opinion." *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 10.

¶ 21 No resolution to this case will allow Minson-Minor to run for office in an election that has already ended. Her name cannot be added to the ballot because the primary election took place on March 19, 2024, and the general election took place on November 05, 2024. "It is well established under Illinois law that the conclusion of an election cycle normally moots an election contest." *Jackson v. Board of Election Commissioners of the City of Chicago*, 2012 IL 111928, ¶ 36. Events have occurred that make it impossible for us to grant effectual relief, so the appeal is moot. *Commonwealth Edison Co.*, 2016 IL 118129, ¶¶ 10-11.

¶ 22 "Generally, a party resisting a finding of mootness has the burden to show an exception to the mootness doctrine." *People v. Madison*, 2014 IL App (1st) 131950, ¶ 12. Minson-Minor relies on the public interest exception, which "permits review of an otherwise moot question when the magnitude or immediacy of the interests involved warrants action by the court."

Commonwealth Edison Co., 2016 IL 118129, ¶ 12. The exception applies only if "(1) the question presented is of a public nature; (2) an authoritative determination of the question is desirable for the future guidance of public officers; and (3) the question is likely to recur." *In re Shelby R.*, 2013 IL 114994, ¶ 16. We narrowly construe this exception, requiring "a clear showing of each criterion." *Felzak v. Hruby*, 226 Ill. 2d 382, 393 (2007). "If any one of the criteria is not established, the exception may not be invoked." *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 13.

¶ 23 We find the second criterion, an authoritative determination is desirable for future guidance, is not established. On this point, Minson-Minor argues only that, "An authoritative determination of whether a female candidate may use both her married name hyphenated with her maiden on her nominating papers at the appellate level will provide precedent and guidance to both female candidates and election officials in the future."

¶ 24 Providing guidance and precedent alone is not sufficient to satisfy the second requirement. Our supreme court has explained:

> "If all that was required under this factor was that the opinion could be of value to future litigants, the factor would be so broad as to virtually eliminate the notion of mootness. Instead, the factor requires that the party asserting justiciability show that there is a 'need to make an authoritative determination for future guidance of public officers.' " *In re Alfred H.H.*, 233 Ill. 2d 345, 357-58 (2009) (quoting *In re Adoption of Walgreen*, 186 Ill. 2d 362, 365 (1999)).

In determining whether guidance is needed, we consider "whether the law is in disarray or conflicting precedent exists." *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 16.

¶ 25 Here, none of Minson-Minor's arguments satisfy this criterion. Her first argument concerns the application of section 7-10.2 to the specific facts of this case, involving Minson-

Minor's particular history. Her surname at birth was "Minor." She took the name "Minson," upon marriage. She initiated divorce proceedings soon before filing nominating papers, although no judgment of dissolution of marriage had been granted by that time. She used the name "Minson" on her driver's license, Attorney Registration and Disciplinary Commission of Illinois registration, and voter registration. She conceded her "legal name" was "Vanessa Minson." Before her nomination papers, her only documented use of the name "Minson-Minor" was on her Facebook page. On her nomination papers, she listed her name as "Vanessa Minson-Minor." The Board accepted the Hearing Officer's conclusions that "Minson" was her surname and that she had not complied with section 7-10.2. Whether the Hearing Officer and Board properly applied section 7-10.2 to these facts is not a question of such great magnitude or immediacy as to necessitate a ruling from this court when no remedy is possible.

¶ 26 Moreover, the relevant body of precedent is not in need of clarification or correction. The parties dispute the applicability of *Oberholtzer*, 2020 IL App (1st) 200218-U, and *Shannon-DiCianni*, 2020 IL App (2d) 200027. Overturf contends that these precedents control and that the Hearing Officer and Board rightly relied on them to find Minson-Minor failed to comply with section 7-10.2. Minson-Minor contends both cases are distinguishable. No party argues these precedents are incomprehensible, in conflict, or unsound. They simply disagree on their application to this particular case. Therefore, we do not find the law is in "disarray." See *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 16.

¶ 27 Although Minson-Minor's equal protection argument is more generally applicable, her claim presents an issue of first impression. Minson-Minor has cited no cases involving challenges to section 7-10.2 on the grounds of unconstitutional discrimination against women, and we are aware of none. Generally, "[w]hen a case presents an issue of first impression, no conflict

or disarray in the law exists." *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 16. Although the need for resolution of a matter of first impression may, in some cases, be so great as to support application of the public interest exception (See *Shelby R.*, 2013 IL 114994, ¶¶ 20-22), we see no indication that public officials have struggled with the constitutionality of the surname requirement in section 7-10.2. The law is certainly not in "disarray," so no authoritative determination is necessary.

¶ 28 The same is true for Minson-Minor's claim that Overturf improperly acted as a "proxy" for another judicial candidate. In *Nader*, the court found that the manner in which an objector compiled his claims was irrelevant to the merits of the objection and that the Board lacked the authority to investigate allegations the objector relied on improper methods. *Nader*, 354 Ill. App. 3d at 356. Minson-Minor has not cited any authority to support her argument to the contrary. Furthermore, although we acknowledge that future judicial candidates may question the motives of those objecting to their candidacy, we do not find that public officials require guidance on how to respond to allegations that an objector has a patron. Minson-Minor's argument is simply too weak to necessitate authoritative guidance. Once again, we see no indication the law is in "disarray," so we find the second criterion for the public interest exception is not met.

¶ 29 We find Minson-Minor has not satisfied her burden of showing an exception to the mootness doctrine. We therefore dismiss her appeal as moot.

¶ 30 III. CONCLUSION

¶ 31 For the reasons stated, we dismiss the appeal as moot.

¶ 32 Appeal dismissed.