2026 IL App (1st) 261742

No. 1-26-1742

Opinion filed October 8, 2026

FOURTH DIVISION

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JORGE SANCHEZ, Petitioner-Appellant, v. THE CHICAGO BOARD OF ELECTION COMMISSIONERS as a Duly Constituted Electoral Board, and Its Members, Chair MARISEL A. HERNANDEZ, Commissioner JUNE A. BROWN, Commissioner LAURA A. KOTELMAN; THE CHICAGO BOARD OF ELECTION COMMISSIONERS, in Its Capacity as Election Authority for the City of Chicago, and HILARIO DOMINGUEZ, Respondent-Candidate, Respondents-Appellees.	)	Appeal from the Circuit Court of Cook County. Nos. 26 COEL 11, 26 COEL 12, 26 COEL 13, 26 COEL 14, 26 COEL 15, 26 COEL 16, 26 COEL 18, and 26 COEL 19. Honorable Martha-Victoria Jimenez, Judge, presiding.

JUSTICE MITCHELL delivered the judgment of the court, with opinion.
Justice Navarro and Justice Ocasio concurred in the judgment and opinion.

OPINION

¶ 1 In these consolidated election cases, petitioner-appellant Jorge Sanchez seeks review of respondent Chicago Board of Election Commissioners' order overruling his objection to signatures collected for nonpartisan candidates for the Chicago Board of Education's school board, also named respondents. The principal issue on appeal is whether the Board of Election Commissioners erred in concluding that respondents-candidates' circulators did not violate the Election Code's prohibition on dual circulation by gathering signatures for respondents after circulating petitions on behalf of partisan candidates for the 2026 primary election. For the following reasons, we affirm.

¶ 2 I. BACKGROUND

¶ 3 Respondents-candidates are running for positions on the school board in the upcoming November 2026 general election. Petitioner objected to respondents' nominating petitions on multiple grounds. Relevant here, he challenged multiple petition sheets because the relevant circulators had previously obtained signatures for partisan candidates for the March 2026 primary election, and petitioner claimed that violated the Election Code's rule against dual circulation. 10 ILCS 5/10-4 (West 2024). The Board of Election Commissioners overruled the objection. Petitioner challenged the electoral board's decision in the circuit court of Cook County (*id.* § 10-10.1 (West Supp. 2025)), the circuit court affirmed, and this timely appeal followed. Ill. S. Ct. R. 303 (eff. July 1, 2017).

¶ 4 In all but one case below, the parties stipulated to two salient facts. First, that respondents' circulators circulated petitions for partisan candidates to appear on the ballot at the March 2026 election before circulating for respondents as nonpartisan candidates for the school board in the

November 2026 general election. Second, that if such "dual circulation" violated the Election Code and this court reversed the Board of Election Commissioners' order as a result, respondents-candidates would have insufficient signatures to qualify for the ballot at the upcoming general election.

¶ 5 II. ANALYSIS

¶ 6 Petitioner argues that the Election Code's prohibition on dual circulation applies to respondents because the relevant section references independent candidates, and the Code extends "petition requirements" for independent candidates to nonpartisan candidates. Petitioner also argues that applying the prohibition to nonpartisan candidates would serve the prohibition's purpose of preventing voter confusion. Respondents contend that the prohibition does not refer to nonpartisan candidates and exists to mitigate forms of partisan gamesmanship not present in nonpartisan races. Respondents rely, as did the Board of Election Commissioners and the circuit court, on the First District's opinion in *McCaskill v. Municipal Officers Electoral Board*, 2019 IL App (1st) 190190, ¶ 45 ("[T]he dual-circulation prohibition in section 10-4 does not apply to nonpartisan elections.").

¶ 7 A petition for judicial review of an electoral board's order is "in the nature of administrative review." *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 46 (describing an appeal from an electoral board's order challenged in circuit court under section 10-10.1 of the Election Code). Thus, this court reviews the electoral board's decision, not that of the circuit court. *Id.* We review the Commissioners' interpretation of governing statutes *de novo. Elam v. Municipal Officers Electoral Board*, 2021 IL 127080, ¶ 13.

¶ 8 A few familiar and essential principles apply when construing the Election Code. "Our

primary objective is to ascertain and give effect to the intent of the legislature." *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, ¶ 21. "The best indication of legislative intent is the language employed by the General Assembly." *Id.* And, because "voting is of the most fundamental significance under our constitutional structure," *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979), "access to a place on the ballot is *** not lightly to be denied." *Bettis v. Marsaglia*, 2014 IL 117050, ¶ 28; *McCaskill*, 2019 IL App (1st) 190190, ¶ 15 ("Where reasonably possible, we *** construe election statutes in favor of ballot access, not denial.").

¶ 9 Under the Election Code, a "general primary" and "general election" occur in even-numbered years for designated offices, and a "consolidated primary" and a "consolidated election" occur in odd-numbered years for others. 10 ILCS 5/2A-1.1(a)-(b), 2A-1.2(a)-(d). The dual-circulation provision of the Code prohibits an individual from circulating nominating petitions across party lines for these elections:

> "[N]o person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election." 10 ILCS 5/10-4.

Elam, 2021 IL 127080, ¶ 18 (referring to section 10-4 as "the prohibition against dual circulation" (internal quotation marks omitted)). Courts have applied this provision to bar signatures where an individual circulated for a party candidate in a consolidated primary and then for an independent in the subsequent consolidated election. *Id.* ¶ 1; *Wilson v. Municipal Officers Electoral Board*, 2013 IL App (1st) 130957, ¶¶ 17-18. The outcome has differed where an individual circulated first

as a Democrat and then as a nonpartisan, or for two independent candidates. *McCaskill*, 2019 IL App (1st) 190190, ¶¶ 35, 56; *McGuire v. Nogaj*, 146 Ill. App. 3d 280, 281 (1986).

¶ 10 The dual-circulation prohibition refers repeatedly and exclusively to candidates of political parties and independents. Thus, the plain language indicates that the prohibition governs partisan races and does not, on its face, apply to nonpartisan candidates. *McCaskill*, 2019 IL App (1st) 190190, ¶ 41 ("The plain language of the dual-circulator prohibition governs partisan races via its reference to 'political parties' and 'independent' candidates."); *Nogaj*, 146 Ill. App. 3d at 283 ("Absent [from 10-4] are any express terms which prohibit a circulator from circulating nominating petitions for two or more independent candidates.").

¶ 11 What legislative intent does that plain language indicate? There are two:

> "One is preventing political gamesmanship, whereby a political party, via its circulator, either (1) tries to nominate an independent candidate whom it believes will siphon votes from a candidate of an opposing political party or (2) tries to raid the other party's primary by nominating a partisan opponent who will be easier to defeat in the general election. [Citation.] The other justification is avoiding the possibility of voter confusion when a circulator identified as the agent of one party suddenly solicits signatures for another party or an independent candidate in the same election cycle." (Internal quotation marks omitted.) *McCaskill*, 2019 IL App (1st) 190190, ¶ 40.

See *Elam*, 2021 IL 127080, ¶¶ 24, 28 (explaining that the prohibition's purpose is keeping "individuals from changing party affiliation in the same election cycle," and rejecting an interpretation of 10-4 that would allow ballot manipulation and create "the possibility of voter confusion").

¶ 12 Partisan candidates cannot run for the Chicago school board. 10 ILCS 5/2A-1.2(a)(12) (West 2024) ("[T]he election of members of the Chicago Board of Education shall be a nonpartisan election ***."). The risk of political gamesmanship that the dual-circulation prohibition is intended to minimize simply is not present in a nonpartisan election. See *Elam*, 2021 IL 127080, ¶ 28

(discussing the risk of parties using competing candidates to siphon votes).

¶ 13 What remains is the threat of voter confusion. *Id.* ¶ 28; *Citizens for John W. Moore Party v. Board of Election Commissioners*, 794 F.2d 1254, 1260-61 (7th Cir. 1986). Petitioner argues that a voter who encounters a circulator acting on behalf of a nonpartisan candidate and a party candidate might conclude the party endorses the nonpartisan candidate. That may be true in some cases, but the provision's plain language does not suggest any intent on the part of the legislature to address the specter of partisan endorsement in nonpartisan races. The "voter confusion" motivating the dual-circulation rule stems from conflict intrinsic to partisan elections—it is the political parties' adversity to one another that makes it confusing to a voter when a circulator obtains signatures for more than one of them. See *Citizens*, 794 F.2d at 1260-61 (identifying "a potential for confusion if a circulator identified as the agent of one party suddenly solicits signatures for another party or an independent candidate"); *Elam*, 2021 IL 127080, ¶ 28 (same). No such tension arises when a circulator acts for a partisan and nonpartisan candidate, as the two can never directly compete.

¶ 14 Moreover, confusion about partisan involvement in a nonpartisan race is something the General Assembly is aware of and has addressed elsewhere. See 65 ILCS 20/21-32 (West 2024) (requiring a separate ballot and prohibiting "party name, party initial, party circle platform, principle, appellation or distinguishing mark of any kind" from appearing on "any election ballot used at any election for mayor, city clerk, city treasurer, or alderperson held under the provisions of this Article"). It even appears the legislature has contemplated this risk as to the school board election by allowing the candidates for the school board to appear on a separate ballot. 10 ILCS 5/2A-1.2(a)(12) (stating that the Chicago school board election "may be conducted on a separate

ballot"). Preventing confusion as to partisan affiliation with nonpartisan candidates is outside the ambit of the dual-circulation prohibition.

¶ 15 Thus, petitioner's reading would not accord with the plain language of the statute, the legislative intent courts have derived from that plain language, or the critical collective interest in ballot access which is the "touchstone for our analysis" in these election cases. See *Nogaj*, 146 Ill. App. 3d at 282. The Commissioners did not err in rejecting it.

¶ 16 Petitioner contends that the prohibition applies to nonpartisans through a separate provision that subjects nonpartisan candidates to the same petition requirements as independents:

> "The provisions of this Article 10 relating to independent candidate petition requirements shall apply to nonpartisan petitions to the extent they are not inconsistent with the requirements of such other statutes or ordinances." 10 ILCS 5/10-3.1 (West 2024).

First, it is unclear whether the term "petition requirement" would include a prohibition such as this one. See *Jackson-Hicks,* 2015 IL 118929, ¶¶ 3, 4 (applying the independent petition requirements "set forth in section 10-3 of the Election Code," namely the minimum signature requirement, to a nonpartisan candidate). To require something is the opposite of prohibiting it; one rarely describes the criminal prohibition on theft as an affirmative "requirement" not to steal.

¶ 17 Second, whereas the remainder of the relevant section addresses undifferentiated "candidates," the final sentence forbidding dual circulation specifically delineates which party configurations present an issue: "candidates of more than one political party, or for an independent candidate or candidates in addition to one political party." 10 ILCS 5/10-4. Elsewhere, the legislature explicitly referenced nonpartisan candidates alongside independents: "Except as otherwise provided in this Code, any person whose name has been presented as a candidate, including nonpartisan and independent candidates, may cause his name to be withdrawn ***." *Id.*

§ 10-7. Given the high price of violating the dual-circulation provision, we are not persuaded that the legislature would be any less precise here than it was when discussing withdrawal. See *Nogaj*, 146 Ill. App. 3d at 282 ("The exercise of [the right to hold political office] is not to be prohibited or curtailed except by plain provisions of the law.").

¶ 18 At bottom, to apply the dual-circulation prohibition to respondents as a "petition requirement" represents the broadest possible reading of both statutes. While the prohibition on dual circulation establishes that the need for a ballot free from partisan manipulation and voter confusion *can* outweigh the voters' interest in ballot access, the magnitude of that interest demands caution. *E.g.*, *Elam*, 2021 IL 127080, ¶ 13 (acknowledging that courts must "tread cautiously when construing statutory language which restricts the people's right to endorse and nominate the candidate of their choice [citation]" (internal quotation marks omitted)). Indeed, as the circuit court explained, "if this Court grants the relief requested, Chicago voters will not have a choice in six Chicago school board races because only one other candidate will remain." Given the exclusion of nonpartisan candidates from the letter and spirit of the dual-circulation prohibition, the ill-fitting "petition requirement" provision does not support applying the prohibition here.

¶ 19 Finally, petitioner argues that *McCaskill* applies narrowly to consolidated elections, not to general elections. In *McCaskill*, an individual circulated petitions to appear on the ballot as a candidate for alderman for the City of Harvey Democratic Party primary. *McCaskill*, 2019 IL App (1st) 190190, ¶¶ 8-9. Upon learning that Harvey only held a nonpartisan consolidated primary, the candidate circulated and filed another set of petition sheets and nominating papers as a nonpartisan candidate. *Id.* An objector challenged the nominating papers on grounds including violation of the rule against dual circulation. *Id.* ¶ 10. The electoral board overruled the objection, and the First

District affirmed the board. *Id.* ¶ 57.

¶ 20 The *McCaskill* election was a consolidated election, but that did not determine the outcome. Nowhere in the opinion did the court discuss characteristics of consolidated elections generally that would take them outside the plain language of the dual-circulation prohibition. Nor could it, as there are plenty of partisan consolidated elections to which the language could apply. *McCaskill*, 2019 IL App (1st) 190190, ¶ 39 ("In the context of partisan consolidated elections, *** the dual-circulator prohibition in section 10-4 is easy to apply."). At each point in the analysis, the court emphasized the incongruity of applying the dual-circulation prohibition to nonpartisan elections, not consolidated elections.

¶ 21 The true distinction between *McCaskill* and this case is that, unlike in *McCaskill*, there will be partisan elections that take place at the general election alongside the nonpartisan election for the school board. Petitioner therefore argues that the risk of voter confusion is markedly higher here than in *McCaskill*. But the dual-circulation prohibition is not a panacea for all forms of voter confusion, and in light of the statute's plain language, this risk of confusion is simply not one the General Assembly sought to avoid.

¶ 22 III. CONCLUSION

¶ 23 The decision of the Chicago Board of Election Commissioners is affirmed.

¶ 24 Affirmed.

***Sanchez v. Chicago Board of Election Commissioners, et al.*, 2026 IL App (1st) 261742**

Decision Under Review:	Appeal from the Circuit Court of Cook County, Nos. 26 COEL 11, 26 COEL 12, 26 COEL 13, 26 COEL 14, 26 COEL 15, 26 COEL 16, 26 COEL 18, and 26 COEL 19, the Hon. Martha-Victoria Jimenez, Judge, presiding.
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