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NOS. 5-26-0899, 5-26-0900, 5-26-0901, 5-26-0902 cons.

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).

) Honorable  
) Mark W. Stedelin,  
) Judge, presiding.

2026, Objectors filed a notice of appeal.<sup>1</sup> For the following reasons, we affirm the judgment of the circuit court and the Electoral Board’s decision.

¶ 3

## I. BACKGROUND

¶ 4 In the March 17, 2026, general primary election, incumbent Kevin Cripps ran unopposed and won the republican nomination for the office of Sheriff of Marion County, Illinois. On August 19, 2026, Cripps formally withdrew from the race, creating a vacancy in the republican nomination. On August 25, 2026, the Marion County Republican Central Committee (Republican Committee) met to consider filling the vacancy. At the August 25, 2026, meeting, the Republican Committee nominated Decker to fill the vacancy.

¶ 5 On August 26, 2026, Decker filed his nominating petitions to fill the vacancy. On the same date, the Republican Committee, through its chair and secretary, filed its resolution nominating Decker to fill the vacancy.

¶ 6 On August 31, 2026, the Objectors filed separate but nearly identical petitions objecting to Decker’s nomination.<sup>2</sup> “Ground One” of the objection asserted that “no vote was taken in the manner required by 10 ILCS 5/7-61, and the action was reported as unanimous when it was not.” Specifically, Ground One alleged that a prefilled paper ballot was distributed, marked with “Anthony Decker, Cody Rose, and Blank Space.” Ground One alleged that the ballot was not completed nor collected. Ground One further alleged that “[n]o vote was weighted by, or tabulated against, the number of Republican ballots voted in any member’s precinct on March 17, 2026, as 10 ILCS 5/7-61 requires \*\*\* [n]o roll was called, and no record was made of how any individual member voted.” Ground One stated, “What occurred was a partial show of hands. Only some of

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<sup>1</sup>On October 22, 2026, petitioners filed a motion to expedite the appeal, which was granted.

<sup>2</sup>The objection of Gavin Cass, Case No. 26-MCOEB-004, did not include “Ground Four.”

the persons present raised a hand. Other persons present did not vote at all, neither in support nor in opposition.”

¶ 7 “Ground Two” of the objection asserted, in the alternative, “If any vote occurred, it was not weighted as 10 ILCS 5/7-61 requires.” Specifically, Ground Two asserted that “such vote was taken by head count or show of hands, each person present being counted equally, and was not weighted by the number of Republican ballots voted in each member’s precinct at the general primary of March 17, 2026.”

¶ 8 “Ground Three” of the objection asserted, “The certificate of nomination does not describe the action taken.” Specifically, Ground Three alleged that the resolution filed with the Marion County Clerk recited that the Republican Committee “*‘has voted to nominate a candidate of the Republican Party to fill said vacancy as required by 10 ILCS 5/7-61,’* and thereupon purports to nominate [Decker].” (Emphasis in original.) Ground Three alleged, “The Resolution states no tabulation, no weighted total, and no record of the vote of any member.” Ground Three asserted, “That recitation does not describe what occurred at the meeting of August 25, 2026,” and “Nomination papers that do not accurately reflect the action that produced them do not comply with 10 ILCS 5/7-61, and the certificate is invalid.”

¶ 9 “Ground Four” of the objection asserted, in the alternative, “Eleven members were appointed during the period in which 10 ILCS 5/7-9(i) forbids appointment.” Specifically, Ground Four argued those 11 appointments were improper because they were made 29 days after the general primary, in violation of section 7-9(i) of the Election Code (10 ILCS 5/7-9(i) (West 2024)), or alternatively, the appointments were untimely under section 7-9(a) (*id.* § 7-9(a)). The petitions requested, *inter alia*, that Decker’s name not be printed upon the official ballot for the November 3, 2026, general election for the office of Sheriff of Marion County.

¶ 10 On September 4, 2026, the Electoral Board convened to hear the objections. After adopting its rules of procedure, relevant to this appeal, the Electoral Board heard the objection of Christopher Duncan, Case No. 26-MCOEB-002. The Electoral Board heard preliminary motions. Decker, through counsel, orally moved to “strike and/or dismiss grounds 1 and 2 [of the objections].” Decker argued “section 10-10 is the governing statute that provides the statutory authority for this board, how this board is organized, its powers of rulemaking, etc.” Decker continued, “[It] also very specifically delineates what this board can consider or has authority to consider. As an administrative body, this board only has the legal authority granted to it by statute \*\*\*.” Decker argued the Electoral Board has the authority to rule on “valid objections regarding nominating petitions, whether the signatures were valid, whether they were witnessed, whether properly notarized, whether it meets the statutory total requirement, whether paperwork was properly filled out, whether it was timely filed. And that’s essentially it.” Decker argued that grounds one and two were objections to how the caucus was conducted and were “simply not something this board can consider even if absolutely true.” Decker also argued that section 7-61 of the Election Code (10 ILCS 5/7-61 (West 2024)) “in no way states or requires how a caucus vote to fill a vacancy must be conducted.”

¶ 11 In support of his motion to dismiss grounds one and two, Decker, without objection, proffered the following:

“The caucus was formally convened. \*\*\* a motion was made on the floor to open the floor for nominations. Two candidates were nominated, being Cody Rose and Anthony Decker.

There was then a motion made on the floor after a request for any further nominations. Hearing none, a motion was made on the floor to close nominations. That

motion was seconded, voted upon, nominations were closed. At which point each nominated candidate \*\*\* [was] given a five-minute opportunity to give a speech, address the committee, make whatever comments they wished in support of their nomination.

Anthony Decker went first, said his piece to the committee members. During Mr. Rose's five-minute time, essentially you can either say [he] withdrew or rejected the nomination. Following that, the moderator, Mr. Lackey, came back in the room. There was discussion about that. And following that discussion, there was discussion about how the vote would take place.

And there was a motion made on the floor to vote by acclamation considering the fact at this point there was [only one] formally nominated nominee before the committee. A motion was made to vote by acclamation. That was seconded on.

That motion was voted upon and approved. At which point there was an [acclamation] vote to choose Mr. Decker as a Republican Party nominee to replace Kevin Cripps as the nominee for sheriff in the general election in November."

¶ 12 Decker argued, "Nowhere in 5/7-61 does it state how a vote has to be conducted. All it states is that votes—how votes are weighted." Decker continued, "Nor does it anywhere in the statute state that it has to be formally tabulated by written ballot, by secret ballot, or by acclamation. The statute is—so the statute they're claiming that that procedure violated is completely silent as to that." Decker argued that "the allegations [in grounds one and two] do not state a violation as there are no statutory requirements \*\*\* that there had to be a tabulated vote."

¶ 13 With respect to his motion to dismiss, on ground three, Decker stated "I'm not objecting inasmuch as it's saying the resolution is contained or did not contain necessary information. I think that's fair game [for the Board]." With respect to ground four, Decker reiterated his argument

made under grounds one and two and stated, “whether there was an oath on file \*\*\* [is] simply not something this board could consider or a legal basis to strike a nomination.”

¶ 14 The Electoral Board granted Decker’s motion to strike/dismiss grounds one, two, and four of the objection. Duncan did not present any argument. The Board admitted into evidence the resolution to fill a vacancy and nomination occurring after primary election dated August 26, 2026, which was attached to Duncan’s objection.

¶ 15 Next, relevant to this appeal, the Electoral Board heard the objection by Gavin Cass, Case No. 26-MCOEB-004. Decker moved to “dismiss/strike Grounds 1 and 2” for the same reasons argued above, that the Board “only has the legal authority granted to it by state law.” Specifically, Decker argued that grounds one and two are not issues that the Board “has authority to rule upon.” Alternatively, Decker argued that section “5/7-61 merely states—it defines how a vote is tallied if there is a need for a contested vote.”

¶ 16 In response to Decker’s motion to dismiss grounds one and two of his objection, Cass argued “10 ILCS 5/10-10 says, ‘The electoral board shall take up the question as to whether or not the certificate of nomination represents, represents accurately the decision of the caucus or convention issuing it.’ ” In response, Decker argued that language refers to “if there was an allegation that caucus was held, the winner was declared, and then somebody went rogue and filled out a resolution putting someone else in, I think that would be a valid argument that this board would have authority to determine.” Decker argued that “[no one] is alleging that somebody else won.” He continued, “The objector is limited to presenting objections based on what’s written in the written objection.” In response, Cass argued that “according to the law, it is the board’s job to determine whether that nomination represents what actually happened.”

¶ 17 The Electoral Board granted Decker’s motion to “strike/dismiss” grounds one and two. In doing so, the Electoral Board stated, “I think the law is very—it’s clear that we can’t—we can’t go over and we redo all these, these political things that took place.” The Electoral Board continued, “there’s no basis for us to go and determine whether the—whether there was a weighted vote or any of that. We have one candidate. There is no allegation of fraud that there was some other candidate who won.”

¶ 18 Cass proceeded on the third ground of his objection, that “[t]he certificate of nomination does not describe the action taken.” Cass offered a video “showing what happened at the caucus, that there was objections to the vote.” Decker objected to the relevancy of the video and argued that “video evidence of how the vote was conducted, things of that nature are relevant to Grounds 1 and 2, not 3.” Decker stated grounds one and two “have already been stricken.” He continued, “The only allegations really in count 3 are that the resolution to fill the vacancy indicating Anthony Decker was nominated as the Republican candidate for sheriff \*\*\*.” Cass argued the resolution “does not match what happened at the caucus.” The Electoral Board sustained Decker’s objection to the relevance of the video. Cass also offered the meeting minutes of the August 25, 2026, meeting of the Republican Committee. Decker objected to the relevancy “for the same reason as previously said.” The Electoral Board sustained the objection. Decker moved to admit the August 26, 2026, resolution to fill vacancy identifying Anthony Decker as the Republican party nominee for sheriff in the November general election as Candidate’s Exhibit 1.

¶ 19 Decker called Cass as a witness. Cass agreed that at the August 25, 2026, meeting of the Republican Committee, Decker was announced by the chairman as the Republican nominee for sheriff in the general election. Cass also agreed that following that announcement, there was no

motion or objection. Cass clarified that the moderator, not the chairman, announced the result. Decker rested his case in chief.

¶ 20 In closing argument, Cass stated,

“[M]y name is Gavin Cass. \*\*\* I’m listed on the County Clerk’s ’26 to ’28 Republican Precinct Committee list as the committee person for Centralia Precinct 11. I was a member of the body that met on August 25th.

\* \* \*

I was a member of the body that took the action being challenged and the statute I’m relying on gives my own precinct a vote that I personally was entitled to cast properly. That’s the right I’m enforcing.

I’m not here about the candidate. \*\*\* I’m strictly here about the process. And my objection is very simple. \*\*\*

It was—it was a show of hands that nobody counted and it was then certified as unanimous. It was not unanimous. I raised my hand in opposition myself along with many others.”

¶ 21 Decker objected to Cass’s statements and argued “closing arguments are confined to the evidence presented during the hearing.” The objection was sustained. In his closing, Decker stated,

“What’s been established by the evidence before the board is that a declaration was made at the conclusion of the meeting, that Anthony Decker was the candidate chosen by the caucus to replace Kevin Cripps as a Republican nominee in the November general election.

\*\*\* And, respectfully, the arguments made regarding the requirements of 10 ILCS 5/7-61 are incorrect. That statute in relevant portion requires three things to be on the resolution \*\*\* recorded with the county clerk.

The name of the vacancy, the office—who’s vacating, in this instance, Kevin Cripps, the office sheriff, and who’s replacing them, Anthony Decker. That is all by law that’s required to be on the resolution.”

¶ 22 The Electoral Board next heard the objections by Tracie Fisk and Angela Wyatt. The hearings proceeded similarly to the previous two. The Electoral Board recessed.

¶ 23 On September 11, 2026, the Electoral Board resumed and announced its unanimous decision. The Electoral Board overruled all four objections to Decker’s nomination. The Electoral Board’s written decision maintained the dismissal of grounds one, two, and four<sup>3</sup>, and overruled ground three. With respect to ground three, the Electoral Board stated, “The evidence establishes that the Marion County Republican Central Committee conducted the nomination proceeding and ultimately selected Anthony Decker as its nominee for Marion County Sheriff. The Resolution identifies Anthony Decker as the nominee selected to fill the vacancy.” The written decision continued, “The Resolution identifies the original nominee and office vacated, the date of the vacancy, and the name and address of the nominee selected to fill the vacancy. The Resolution was duly acknowledged.” The decision stated, “The Board has considered the evidence concerning \*\*\* Ground 3. That evidence does not establish that the Resolution falsely identifies the person selected by the Committee, that the Resolution misstates the Committee’s ultimate decision, or that the Resolution fails to contain information required by Section 7-61.” The decision concluded,

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<sup>3</sup>As noted above, Cass’s objection did not contain ground four. As such, the Board’s written final decision maintained the dismissal of grounds one and two, and overruled ground three.

“The Board is not authorized to invalidate the nomination based upon an alleged violation for which the Election Code provides no basis for the relief sought.” Accordingly, the Board overruled ground three.

¶ 24 On September 16, 2026, the objectors filed petitions for judicial review of the Electoral Board’s September 11, 2026, decision in the Marion County circuit court. Hearing was held on October 20, 2026. Following argument, the court denied the petitions and ordered that Decker’s name remain on the ballot. In its oral pronouncement, the court stated,

“Nobody has made—presented any evidence that there was more than one candidate to be voted on by the caucus. There was only one.

And the other part of that fact that the caucus was that they made a motion to designate him the candidate by affirmation, and that passed by a majority vote. There is no evidence that suggests there was no votes, even though I have precinct committeemen saying they voted no.

So we get back to who is responsible for presenting the evidence that there were no votes regarding that motion. Unfortunately, it was the objector’s burden. And if we’re strapped with a burden of trying to determine what happened without evidence as to really what happened, that falls on the objectors, because they had the burden of proof.

The Election Board does not act like a detective. It is not there to dig into all of the facts. They have the facts presented to them to decide upon. And a request could have been made by the objectors to have them subpoena the necessary officers from the caucus or from the Central Committee to come in and testify that this is what happened at the meeting and this is why we did it, and this was the result. That could have been done, but it wasn’t.

\*\*\* But we do have a resolution signed by the officers of the Central Committee saying this is our nomination.

\* \* \*

Based upon these conclusions and the lack of evidence and the source of that lack of evidence, I'm going to find that there was—I'm going to find that—just so I'm—that I'm not finding that I have a firm and definite conviction that a mistake has been committed by the [Electoral Board].

I don't see what they're ruling is clearly erroneous. I find that there's been—they could have found substantial compliance. I've gone beyond a little bit what their ruling was because of the arguments made, but I believe that their ruling was not clearly erroneous, and, therefore, I'm going to show the decision of the [Electoral Board] on each one of these objections is affirmed.”

The court's written order stated, “The Court hereby affirms the final decision on petitioner's objection petition issued by the County Officers Electoral Board for Marion County for the reasons stated in open court on the record. Specifically, the Court finds that the Electoral Board's final decision was not clearly erroneous.”

¶ 25 This appeal followed. On October 22, 2026, this court granted the objectors' motion to consolidate appeals and motion to expedite review pursuant to Illinois Supreme Court Rule 343(c) (eff. July 1, 2008).

¶ 26 II. ANALYSIS

¶ 27 The Objectors raise the following sole issue on appeal:

“Whether the electoral board of Marion County erroneously allowed Candidate Anthony Decker to remain on the November 3, 2026, General Election Ballot after the Marion

County Republican Central Committee failed to fill the vacancy for Sheriff using a weighted vote as required under 10 ILCS 5/7-61 and 10 ILCS 5/10-10.1.”

Specifically, the objectors argue: (1) Illinois law requires nominations to fill county officer vacancies to be done by weighted vote; (2) the Electoral Board improperly dismissed the Objectors’ grounds one and two regarding the absence of a weighted vote; (3) evidence in the record in the Gavin Cass case show no weighted vote occurred; (4) the Electoral Board’s decision to allow the candidate on the ballot was clearly erroneous; and (5) the Electoral Board adopted an improperly narrow interpretation of Illinois public policy, which rejects the Electoral Board’s determination to overrule the objection.

¶ 28 Judicial review of an electoral board’s decision pursuant to section 10-10.1 of the Election Code (10 ILCS 5/10-10.1 (West 2024)) is considered an administrative review. *Schwartz v. Kinney*, 2016 IL App (3d) 160021, ¶ 11 (citing *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 46). Thus, on appeal, we review the Board’s decision rather than the decision of the circuit court. *Id.*; *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 212 (2008).

¶ 29 An electoral board is viewed as an administrative agency. *Cinkus*, 228 Ill. 2d at 209. There are three types of questions that we may encounter upon review of an administrative agency decision: questions of fact, questions of law, and mixed questions of fact and law. *Id.* at 210.

“An administrative agency’s findings and conclusions on questions of fact are deemed *prima facie* true and correct. In examining an administrative agency’s factual findings, a reviewing court does not weigh the evidence or substitute its judgment for that of the agency. Instead, a reviewing court is limited to ascertaining whether such findings of fact are against the manifest weight of the evidence. An administrative agency’s factual

determinations are against the manifest weight of the evidence if the opposite conclusion is clearly evident. [Citations.] In contrast, an agency’s decision on a question of law is not binding on a reviewing court” *Id.*

Mixed questions of law and fact are reviewed under the clearly erroneous standard. *Id.* at 211-12. “[A]n administrative agency’s decision is deemed ‘clearly erroneous’ when the reviewing court is left with the ‘definite and firm conviction that a mistake has been committed.’ ” *Cinkus*, 228 Ill. 2d at 211 (quoting *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 395 (2001), quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

¶ 30 We first address the Objectors’ argument that Illinois law requires nominations to fill county officer vacancies to be done by weighted vote. In response, Decker argues that Illinois Law does not require a weighted vote to be conducted when there is only one nominated candidate. The Electoral Board argues that its authority under section 10-10 of the Election Code (10 ILCS 5/10-10 (West 2024)) was limited to reviewing the validity of the resolution submitted by the Republican Committee to fill the vacancy in nomination.

¶ 31 Section 7-8(d) of the Election Code provides, *inter alia*,

“The county central committee of each political party in each county shall consist of the various township committeepersons, precinct committeepersons, and ward committeepersons, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeperson shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.” *Id.* § 7-8(d).

Section 7-61 of the Election Code provides, in relevant part,

“In the proceedings to nominate a candidate to fill a vacancy or to fill a vacancy in the nomination, each precinct, township, ward, county, or congressional district, as the case may be, shall, through its representative on such central or managing committee, be entitled to one vote for each ballot voted in such precinct, township, ward, county, or congressional district, as the case may be, by the primary electors of its party at the primary election immediately preceding the meeting at which such vacancy is to be filled.” *Id.* § 7-61.

¶ 32 While the terms of sections 7-8(d) and 7-61 (*id.* §§ 7-8(d), 7-61) establish the weight or strength to be accorded each representative’s vote, neither section prescribes the manner in which the committee must vote, nor do they dictate the circumstances under which a vote must be taken.

¶ 33 We find *Sutton v. Cook County Officers Electoral Board*, 2012 IL App (1st) 122528, instructive. In *Sutton*, no candidate sought the Democratic nomination for state senator of the 27th District during the March 2012 primary election. *Id.* ¶ 3. As such, the appropriate political committee was held to slate a candidate. *Id.* ¶ 4. David Page was nominated to fill the vacancy. *Id.* After Page filed his nominating papers, objections were filed by Beatrice Sutton, arguing improper notice of the committee meeting, improper proxy voting, and that Page failed to file a “Statement of Organization.” *Id.* Relevant to this appeal, the First District found that Page was properly designated as a party nominee because he received all of the votes cast. *Id.* ¶ 13. The court stated, “Page was properly designated as the Democratic nominee and candidate for the November 6, 2012 election because he received all the votes cast. No other Democratic candidate was nominated, suggested, or volunteered.” *Id.* The court in *Sutton* refused to invalidate the committee vote, reasoning, “We should always tread cautiously when asked to restrict voters’ right to endorse and nominate the candidate of their choice.” *Id.*

¶ 34 While the decision of the court in *Sutton* was based, in part, on precedent of the Cook County Officers Electoral Board, we find support in its decision. In the case at hand, it is undisputed that at the August 25, 2026, Republican Committee meeting, two people were nominated, Anthony Decker and Cody Rose. Prior to any vote, Rose withdrew or declined his nomination. Consequently, there was only one nominated candidate. The Objectors filed nearly identical objection petitions. In each of the petitions, the Objectors allege that a motion was made to name Decker as the Republican nominee. When the vote was held, votes were cast in favor of that motion, and some members “did not vote at all.” None of the petitions allege that a single vote was cast in opposition of said motion.

¶ 35 The Objectors cite to *Allen v. Electoral Board of St. Clair County*, 147 Ill. App. 3d 782 (1986), for support. In *Allen*, the political committee voted to authorize a subcommittee to fill two vacancies on the general election ballot. *Id.* at 782. Objections to those nominations were filed. *Id.* at 782-83. The Fifth District concluded that article 7 of the Election Code (10 ILCS 5/art. 7 (West 2024)) authorized the Republican Central Committee of St. Clair County to delegate its authority to subcommittees of its own members. *Id.* at 785. The court held, “This necessarily implies the Central Committee may in a proper case remove voting authority from its own membership as a whole and place that authority in a smaller group. Article 7 does not specifically prohibit doing so in the situation of filling a vacancy in nomination *Id.* As such, we believe, *Sutton*, along with *Allen*, support the proposition applied in the case at hand, that article 7 of the Election Code does not require a weighted vote in an uncontested nomination.

¶ 36 Sections 7-8(d) and 7-61 (10 ILCS 5/7-8(d), 7-61 (West 2024)) do not require a written ballot, a vote by roll call, a formal tabulation, or any other particular voting mechanism. The facts before the Electoral Board established that, when the Republican Committee voted, one nominee

remained and there were no competing votes that could have affected the result. As such, we cannot impose a requirement that a weighted vote was required. Succinctly stated, because a weighted vote would not have changed the outcome of the Republican Committee vote, and because the Objectors do not dispute that the Republican Committee ultimately selected Decker as its nominee or that the Resolution does not accurately reflect the vote, we cannot say that, under these circumstances, a formal weighted vote was required.

¶ 37 We next address the argument that the Electoral Board improperly dismissed the Objectors' grounds one and two regarding the absence of a weighted vote. In response, Decker argues "Grounds One, Two and Three all assert the same alleged error, that no weighted vote was held. Candidate Decker did not move to dismiss Ground Three, and all [Objectors] were given an opportunity to present evidence as to Ground Three." The Electoral Board argues "The Electoral Board's authority was limited to determining the validity of Anthony Decker's nomination papers."

¶ 38 Section 10-10 of the Election Code provides, in relevant part,

"The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of

a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1” 10 ILCS 5/10-10 (West 2024).

¶ 39 As an administrative agency created by statute, the Electoral Board may only exercise the powers conferred upon it by the legislature. *Ferguson v. Ryan*, 251 Ill. App. 3d 1042, 1049 (1993) (citing *Kozel v. State Board of Elections*, 126 Ill. 2d 58, 68 (1988)). Section 10-10 of the Election Code provides that, after timely objections are filed, the Electoral Board’s role is to determine (1) whether the nomination papers or petitions are in proper form, (2) whether they were timely filed, (3) whether they are genuine, and (4) whether they represent “accurately the decision of the caucus or convention.” *Id.*

¶ 40 In the case at hand, the Electoral Board dismissed grounds one and two of the Objectors’ petitions on the basis that the internal proceedings of the Republican Committee are not subject to its review. The Electoral Board erred in doing so. As noted above, section 10-10 (10 ILCS 5/10-10 (West 2024)) states that “[t]he electoral board shall take up the question as to \*\*\* whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it.” In *Segneri v. Ruhl*, 2021 IL App (2d) 210036, ¶ 26, the Second District held that the language of section 10-10 “clearly empowered the electoral board to review” which of two competing caucuses was the appropriate one and whether the certificate accurately reflected the party’s decision.

¶ 41 We find that error, however, does not require remand or reversal. “The appellate court may affirm an electoral board’s decision on any basis that appears in the record, even if the electoral board relied on another basis in making its decision.” *Carlasare v. Will County Officers Electoral Board*, 2012 IL App (3d) 120699, ¶ 15 (citing *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶ 19). We again find support in *Sutton*. As stated above, the First District in *Sutton* found

that where only one candidate was nominated, it was impossible for him to lose the nomination where he received all of the votes that were cast.” *Sutton*, 2012 IL App (1st) 122528, ¶ 13.

¶ 42 We find, that even if the Electoral Board erred by dismissing grounds one and two, the disposition of the Electoral Board must still be affirmed. The verified objections alleged that some members raised their hands in favor of Decker and that others did not vote at all. The objections did not allege that another candidate remained for consideration or that any vote was cast for another nominee. Thus, remand is unnecessary because, even accepting as true the facts pled in the objections, including Cass’s contention that he objected to proceeding by acclamation, those allegations do not establish that a weighted vote could have produced a different outcome.

¶ 43 Here, the Objectors do not contend that Decker was not the committee’s actual choice or that the resolution misidentifies the nominee selected. The objections concern only the method by which an uncontested vote was tabulated. Based on the record before us, we cannot find that the Electoral Board’s dismissal of the Objectors’ grounds one and two regarding the absence of a weighted vote would have changed the outcome.

¶ 44 Further, the Resolution executed by the Republican Committee chair and secretary, and filed with the county clerk, identifying Decker as the Republican Committee’s nominee, met the statutory requirements of the Election Code. The resolution to fill a vacancy in nomination must be acknowledged before a qualified officer and shall include on its face the following information: (a) the name of the original nominee and the office vacated; (b) the date on which the vacancy occurred; and (c) the name and address of the nominee selected to fill the vacancy and the date of the section. 10 ILCS 5/7-61 (West 2024). The Resolution named the original nominee and the office vacated, the date of the vacancy, identified Decker as the nominee selected to fill the vacancy, and was duly acknowledged.

¶ 45 Although the Electoral Board construed its authority under section 10-10 (*id.* § 10-10) too narrowly, we may affirm its ultimate disposition on any basis in the record. *Carlasare*, 2012 IL App (3d) 120699, ¶ 15. Because we have found that a weighted vote was not required under the circumstances presented here, we need not address the Objectors' remaining arguments. Accordingly, we find no error in the Electoral Board's decision to overrule the objections to the nomination of Decker as the Republican nominee for Marion County Sheriff.

¶ 46 III. CONCLUSION

¶ 47 For the foregoing reasons, we affirm the judgment of the circuit court that affirmed the Electoral Board's decision.

¶ 48 Affirmed. Mandate to issue immediately.