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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

ALAN H. PERES and PIERGIORGIO USLENGHI,	)	Appeal from the
	)	Circuit Court of
Petitioners-Appellants,	)	Cook County.
	)	
v.	)	No. 26COEL22
	)	
THE MUNICIPAL OFFICERS ELECTORAL BOARD	)	
FOR THE VILLAGE OF OAK PARK, AND ITS	)	Honorable
MEMBERS, VICTORIA SCAMAN, CHAIR, JAMES	)	Viviana Martinez,
TAGLIA, MEMER, CHIBUIKE ENYIA, MEMBER; and	)	Judge, presiding.
CAREN VAN SLYKE and JESSE SIMON BAUER,	)	
PROPONENTS,	)	
	)	
Respondents-Appellees.	)	

JUSTICE PUCINSKI delivered the judgment of the court.
Justice Evans concurred in the judgment.
Justice Hyman dissented.

ORDER

¶ 1 *Held:* Affirmed. The petition for public question substantially complied with the requirements of section 28-3 of the Illinois Election Code (West 2024).

¶ 2 This expedited appeal involves the validity of a petition seeking to place a referendum on the ballot of the Village of Oak Park (the “Village”) for the November 3, 2026, general election. Objectors seek to invalidate the petition because the circulator’s certification on each petition sheet fails to expressly state that the signatures “are genuine,” one of four attestations to be included in a circulator’s statement under section 28-3 of the Election Code (Code) (10 ILCS 5/28-3) (West 2024). Objectors did not submit evidence that any signatures made in support of the petition were, in fact, not genuine.

¶ 3 On appeal, we must first determine whether the Code requires strict compliance with respect to the certification that signatures “are genuine,” or whether the petitions are reviewed for substantial compliance with the Code. We find that the substantial compliance standard applies. We proceed to determine that the petition sheets, when read as a whole, substantially comply with the requirements of the Code. We therefore uphold the validity of the petition. The decision of the electoral board is affirmed.

¶ 4 I. BACKGROUND

¶ 5 Caren Van Slyke and Jesse Simon Bauer (“Proponents”) circulated a petition to Village residents to submit the following public policy question to Village voters on the November 3 ballot: “[s]hould the State of Illinois repeal laws that ban state investment in businesses that boycott the State of Israel?” Proponents filed the petition with 3,504 signatures. On each page of the petition, the circulator certified, and objectors do not dispute, that the signers were qualified electors and registered village voters.

¶ 6 Alan H. Peres and Piergiorgio Uslenghi (“Objectors”) filed an objection to the petition before the Oak Park Electoral Board (Board) seeking to prevent the public question from

appearing on the ballot, arguing that the circulator’s certifications on the petition sheets were defective because they did not specifically attest that the signatures were “genuine.”

¶ 7 The Code requires that petitions for public questions contain a circulator’s certification:

“At the bottom of each sheet of such petition shall be added a circulator’s statement, *** certifying that the signatures on that sheet of the petition were [1] signed in his or her presence and [2] are genuine, and that to the best of his or her knowledge and belief [3] the persons so signing were at the time of signing the petition registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted and [4] that their respective residences are correctly stated therein.” 10 ILCS 5/28-3 (West 2024) (numbering added).

¶ 8 In this case, each sheet of the petition contains the following attestation:

“[i] the signatures on this sheet were signed in my presence. [sic] and that [ii] “to the best of my knowledge and belief, the person [sic] so signing were, at the time of signing the Petition, [iii] qualified electors and registered [iv] voters in the Village of Oak Park, Cook County, Illinois and that [v] their respective residence addresses are correctly stated.” (Numbering added).

¶ 9 In their objection, Objectors argued that the circulator’s certifications were defective under section 28-3 of the Code because they fail to specifically state that the signatures “are genuine.” Objectors relied only on the absence of the attestation; they did not present evidence that any signature was inauthentic.

¶ 10 After the disqualification of Village Clerk, Christina Waters, (see *In re Disqualification of an Electoral Board Member*, 2026 COEL 0021), the Board voted 2-1 to overrule the objection.

The Board reasoned that the petition substantially complied with the requirements of section 28-3, and that the technical violation of the Code did not warrant invalidation of the petition, particularly where there was no evidence that any of the supporting signatures were not, in fact, genuine. On judicial review, the circuit court affirmed. The Objectors now appeal in this court.

¶ 11

II. ANALYSIS

¶ 12

On appeal, the sole issue before us is whether the circulator’s certification complied with the requirement of section 28-3 of the Code where the certification on each sheet did not specifically state that the signatures on the petition “are genuine.”

¶ 13

A. Substantial Compliance Applies

¶ 14

Election board decisions are subject to administrative review. *Burns v. Municipal Officers Electoral Board of Village of Elk Grove Village*, 2020 IL 125714, ¶ 10; see also 10 ILCS 5/10-10.1(a). On this posture, we review the decision of the Board, not the circuit court’s decision on judicial review. *Burns*, 2020 IL 125714, ¶ 10.

¶ 15

“Although the Code does not specifically adopt the Administrative Review Law, the standards governing judicial review of a final decision of an election board are substantially the same as those governing review of other agency decisions.” *Guerrero v. Municipal Officers Electoral Board.*, 2017 IL App (1st) 170486, ¶ 11. The Board’s findings of fact are presumed true and will not be overturned unless they are against the manifest weight of the evidence. *Gallagher v. Cook County Officers Electoral Board*, 2024 IL App (1st) 240224, ¶ 10. Issues of law, or matters of statutory construction, are reviewed *de novo*. *Id.* Further, “[d]eference must be given to the agency’s interpretation of a statute, even on *de novo* review.” *Id.*

¶ 16 The parties dispute whether the genuineness attestation called for by section 28-3 of the Code requires strict¹ or substantial compliance. In either case, there is no question of fact in this case, and whether the petition complied with the Code is a question of law reviewed *de novo*. See *id.* (“whether the candidates substantially complied *** is a question of law”); *Zurek v. Cook County Officers Electoral Board*, 2014 IL App (1st) 140446, ¶ 11. Thus, our standard of review in this appeal is *de novo*.

¶ 17 B. Substantial Compliance Applies

¶ 18 Objectors first argue that the genuineness requirement under section 28-3 is mandatory, requiring strict compliance. Section 28-3 provides that the circulator’s certification, including the attestation that the signatures are genuine, “shall” be included on each sheet of the petition. 10 ILCS 5/28-3 (West 2024). Section 28-3 further provides that “No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.” *Id.*

¶ 19 Objectors acknowledge that substantial, but not strict, compliance may be sufficient. See, e.g., *King v. Justice Party*, 284 Ill. App. 3d 886, 890 (1996) (“substantial compliance can satisfy even a mandatory provision of the Code”). Yet, Objectors argue that the substantial compliance standard does not suffice insofar as section 28-3 requires the circulator’s certification that the signatures are genuine. Per Objectors, provisions of the Code that are related to the honesty and integrity of the election process must be strictly complied with. See

¹ Objectors do not specifically use the phrase “strict compliance” in their briefs on appeal but instead frame the issue as whether the requirements of section 28-3 are “mandatory.” Under the case law, the requirements are “mandatory,” but nonetheless subject to substantial compliance. We thus use the phrase “strict compliance” to clarify the nature of the objection, and to avoid confounding the term “mandatory.”

Samuelson v. Cook County Officers Electoral Board, 2012 IL App (1st) 120581, ¶ 20 (“Strict compliance has been found applicable where the requirements of the [Code] ‘contribute substantially to the integrity of the election process.’ ”) (citing *Craig v. Peterson*, 39 Ill. 2d 191, 196 (1968)); see also *Madden v. Schumann*, 105 Ill. App. 3d 900, 903-4 (1982) (“substantial compliance is not operative to release a candidate from compliance with the provisions intended by the legislature to guarantee a fair and honest election”). According to Objectors, the more relaxed substantial compliance standard is reserved for technical or procedural violations of the Code; it does not excuse violations of provisions implicating election integrity, fairness, or honesty. See, e.g., *Sakonyi v. Lindsey*, 261 Ill. App. 3d 821, 825-27 (1994) (circulator’s failure to include their address on every page was a technical defect subject to the substantial compliance standard).

¶ 20 Objectors argue that section 28-3, especially its requirement that the certification state that signatures “are genuine,” implicates the honesty and integrity of the election process. They point out that the circulator’s affidavit serves a similar function to threshold candidate signature requirements, which we have recognized serves a legitimate state interest of “ ‘avoiding confusion, deception, and even frustration of the democratic process at the general election.’ ” *Druck v. Illinois State Board. of Elections*, 387 Ill.App.3d 144, 151 (2008) (quoting *Jenness v. Fortson*, 403 U.S. 431, 442 (1971)). The certification requirements of section 28-3 ensure that there is significant and legitimate support within the local electorate for placing the public policy question on the general election ballot.

¶ 21 The requirements under section 28-3 ensure that a petition seeking to submit a public policy question for vote is actually supported by qualified voters. This is readily apparent from the requirements that the circulator certify that the signers of the petition are registered voters and

reside within the relevant political subdivision. The circulator's certifications that the voters signed in their presence and the signatures are genuine serve as safeguards against forgeries or other manipulations of the petition process.

¶ 22 Objectors also urge that the affidavit serves a secondary purpose: the circulator's certification, sworn before a notary public, subjects her to possible perjury prosecution. *Sakonyi*, 261 Ill. App. 3d at 826. The circulator's certification therefore acts as a "meaningful and realistic method of eliminating fraudulent signatures and protecting the integrity of the political process." *Id.* Objectors note that the appellate court invalidated a petition in *Zurek v. Petersen* where the circulator did not attest to the timing of the signatures but instead certified the legal conclusion that "all of the signatures on this sheet were signed within the statutory time period for petition circulation." 2015 IL App (1st) 150508, ¶ 21. The court reasoned that "if the circulator's statement is a legal conclusion rather than a factual statement *** then it would be impossible to effectively question the circulator about when [she] obtained the voter signatures" which would defeat the purpose of the affidavit. *Id.*

¶ 23 Objectors argue that the failure to certify that the signatures "are genuine" is similarly fatal because the certification fails to attest that the signatures were not forged, and the omission prevents the threat of perjury from safeguarding the validity of the petition. Objectors speculate that the language of the certification in this case leave open the possibility that certain voters forged signatures or signed on behalf of others. Based on the foregoing, Objectors recommend that we follow *Zurek* and find that the petition failed to strictly meet the statutory requirements.

¶ 24 We disagree. Whereas Illinois courts treat the requirements of section 28-3 as "mandatory," they have declined to invalidate a petition where there is substantial compliance. For example, appellants cite *Brennan v. Kolman*, where this court stated that "the requirement that the

circulator of a petition attest that the signers were registered voters is mandatory ***. However, substantial compliance can satisfy even a mandatory provision of the Code.” 335 Ill.App.3d 716, 719-20 (2002). The court went on to find that, although the certification failed to explicitly state one of the four section 28-3 requirements, that the petitions still substantially complied with the Code and were valid. *Id.* at 721. The substantial compliance standard is well-recognized and applied routinely by our supreme court and state appellate courts. See, *e.g.*, *Lewis v. Dunne*, 63 Ill. 2d 48, 54 (1976) (applying substantial requirements to Code section 7-10 requirements); *Jackson-Hicks v. East St. Louis Board of Election Commissioners*, 2015 IL 118929, ¶¶ 36 (reiterating substantial compliance standard, but declining to apply it to statutory minimum signature requirement); *Bergman v. Vachata*, 347 Ill. App. 3d 339, 345-46 (according with *Brennan* and applying substantial compliance to Code section 28-3 requirements). *Brennan* and *Bergman* both applied a substantial compliance standard to section 28-3 requirements (the registered voter and circulator knowledge certifications, respectively). No case has specifically addressed whether the certification that signatures “are genuine” is excepted from the general rule.

¶ 25 “[S]ubstantial compliance with the Code is acceptable when the invalidating charge concerns a technical violation of the statute that does not affect the legislative intent to guarantee a fair and honest election.” *Reynolds v. Champaign County Officers Electoral Board.*, 379 Ill. App. 3d 423, 426 (2008) (citing *Madden v. Schumann*, 105 Ill.App.3d 900, 903-04 (1982)).

¶ 26 The case before us involves a technical violation that does not affect the legislature’s intent to guarantee a fair and honest election. As we find below, considering the language of the petition sheets in their totality, the petition substantially complied with all requirements of

section 28-3. The omission of the statement that the signatures “are genuine”—which the circulator characterized to the board as an “accidental scrivener’s error”—is only a technical defect that does not impair election integrity.

¶ 27 At the outset, we do not agree that Objectors have raised a valid distinction between the genuineness requirement and the other statutory requirements on the ground that the former uniquely implicates election integrity. “The general purpose of *all* election laws is to obtain fair and honest elections ***.” *Pullen v. Mulligan*, 138 Ill. 2d 21, 66 (1990) (emphasis added). In determining whether a defect impairs election integrity, courts take pragmatic considerations into account, including whether the objector has presented evidence of fraud or corruption related to the defect, whether other safeguards provide checks against the potential fraud or corruption, and the extent to which the attempted or partial compliance serves the purpose of the provision.

¶ 28 Multiple decisions of this court have treated petition requirements under the substantial compliance standard. *Shipley v. Stephenson County Electoral Board*, serves to demonstrate the point in practice. In *Shipley*, section 28-3 petition certifications were sworn before notaries that had lost their authority to administer oaths because they no longer resided in the county of appointment. 130 Ill. App. 3d 900, 905 (1985). An objector sought to invalidate the petition for failure to comply with the notarization requirement under section 28-3. While the court acknowledge that the notarization requirement was pertinent to “eliminating fraudulent signatures and protecting the integrity of the political process,” the court upheld the petition finding that the circulators “substantially, if not literally, complied with” the Code. *Id.* at 907. In reaching this conclusion, the court reasoned that the election integrity safeguards were still intact: “the circulators did in fact take an oath before a person who they believed was

authorized *** [and] believed they could be subjected to perjury prosecutions” and “there was no evidence of fraud or corruption” presented, thus “the integrity of the political process was not in jeopardy.” *Id.*

¶ 29 Similarly, in *Gallagher*, the court acknowledge that the circulator’s affidavit served election integrity purposes, and specifically that the “90-day time frame of section 7-10 helps ensure the integrity of the process by requiring that the nomination papers be signed during a statutorily prescribed reasonable period before the election.” 2024 IL App (1st) 240224, ¶ 18. The objector in *Gallagher* sought to invalidate candidate nomination papers on the ground that the circulator’s affidavit specified a certain date range in which the signatures were collected, rather than the statutory wording that “none of the signatures on the sheets were signed more than 90 days preceding the last day for the filing of the petition.” *Id.* ¶ 4 (internal quotation marks omitted). The court upheld the petition under the substantial compliance standard, observing that there was “no evidence of fraud,” the wording “[did] not in any way cast doubt on the validity of the signatures,” and where objectors did not suggest that any of the signatures were obtained outside of the proper timeframe. *Id.*

¶ 30 As we discuss in the following section, we believe that the technical defect at issue does not affect or interfere with the legislature’s intent to provide for fair and honest elections. The petition as a whole keeps intact the representation and certification that the signatures were authentically signed by qualified voters. And there is no evidence submitted that any of the 3,504 signatures is inauthentic. In this case, substantial compliance effectuates the legislature’s goal of election integrity.

¶ 31 As a final note, we find that Objector’s reliance on certain strict compliance cases is unavailing. Objectors point us to cases in which there was either (i) no compliance with a

statutory requirement, such as in *Bowe v. Chicago Electoral Board*, 79 Ill. 2d 469, 470 (1980), where the circulator failed to appear before a notary public, or (ii) the lack of compliance actually “defeated” the purpose of the affidavit, as in *Zurek*, where a conclusory statement of law that the signatures were timely rendered it “impossible to effectively question the circulator about when [she] obtained the voters’ signatures.” 2015 IL App. (1st) 150508, ¶ 21. No such circumstances are present in this case, so we apply a substantial compliance standard.

¶ 32 The dissent looks to *Let Forest Park Vote on Video Gaming v. Village of Forest Park Municipal Officers Electoral Board* for the proposition that a total failure to comply with a statutory requirement will invalidate a petition. 2018 IL App (1st) 180391, ¶ 21. We would distinguish this case for the same reasons as *Bowe*: we do not find that the absence of a certification as to genuineness constitutes a “total failure” to comply with a statutory requirement. The facts of our case are similar to *Brennan*, where the underlying certification omitted statutory language certifying that the signers of the petition were “registered voters.” 335 Ill. App. 3d at 721. Despite the absence of such language, the court ultimately upheld the petitions, finding that the prefatory representation that the signers were “registered voters” satisfied the statutory requirements. The absence of the phrase “are genuine” is not fatal to the petition on its own. We must evaluate whether the representations made on the petition sheets as a whole demonstrate substantial compliance.

¶ 33 C. The Petition Substantially Complied with the Code

¶ 34 “Substantial compliance is achieved when a deviation from the Election Code is minor or technical in nature and the deviation does not defeat the thrust, purpose, and effect of the Election Code.” *Atkinson v. Roddy*, 2013 IL App (2d) 130139, ¶ 16. Where a circulator’s certification fails to state each of the statutory requirements, the court may consider whether

the petitions holistically demonstrate substantial compliance. See *Brennan*, 335 Ill. App. 3d at 721. “ ‘[W]here *** the prefatory language of a candidate’s signature sheets sufficiently represents that all of the signers satisfy a particular certification requirement, it neither serves a useful purpose, nor aids in preserving the integrity of the electoral process [citation] to exclude the candidate *** for failure to demonstrate strict compliance.’ ” *Id.* (quoting *Nolan v. Cook County Electoral Board*, 329 Ill. App. 3d 52, 58 (2002)). Courts consistently uphold technically defective petitions where the petition’s language, considered as a whole, fulfills the purpose of the statutory requirement. See, e.g., *Brennan*, 335 Ill. App. 3d at 721 (prefatory language indicating signers were “registered voters of the Village of Brookfield” substantially complied despite absence of attestation to same requirement); *Sakonyi*, 261 Ill. App. 3d at 826 (omission of circulator’s address on several petition sheets did not invalidate petition where her address was listed on other petition sheets); *Bergman v. Vachata*, 347 Ill. App. 3d 339, (2004) (literal recitation of statutory “knowledge” requirement not required where certification contained the phrase “to the best of [the circulator’s] belief.”).

¶ 35

Proponents maintain that the certification, when read together with the preface, substantially complies with section 28-3. We agree. In this case, each page of the petition included the following prefatory language:

“We, the undersigned, qualified electors and registered voters residing in the Village of Oak Park, County of Cook, State of Illinois, pursuant to §28-1 et seq., of the [Code], do hereby petition that the following advisory question of public policy be placed on the ballot and submitted to the voters of the Village of Oak Park for their approval or disapproval by referendum ***.”

¶ 36 “Undersigned” means “one whose name is signed at the end of a document.” Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/undersigned> (last visited October 6, 2026). And as our supreme court has observed, “[t]o ‘sign’ a nominating petition, in the plain and ordinary sense of the word, means to add one’s signature to the nominating petition.” *Lucas v. Lakin*, 175 Ill. 2d 166, 173 (1997). Accordingly, the phrase “[w]e, the undersigned, qualified electors” represents that each of the signers signed in his or her own name. It is also clear from the full context of the petition, preamble, and certification, that the signatures should be understood as belonging to individual voters. A prefatory representation as to a statutory requirement may satisfy section 28-3 even in the absence of a certification to the same. See *Brennan*, 335 Ill. App. 3d at 721.

¶ 37 The other attestations that—the signatures were signed “in my presence”; to the circulator’s belief “the person [*sic*] so signing were *** qualified electors and registered voters *** and that their respective residence addresses are correctly stated”—also speak to the genuineness of the signatures. The circulator has certified to facts that confirm the identity of the supporters of the petition. The listed addresses accurately correspond to each voter, respectively. The language again contemplates that each voter signed on their own behalf; the addresses correspond to “their” (singular) “respective residence addresses.” The signatures are represented and certified to be authentic as made by the signer on their own behalf. The content of a certification by the circulator that the signatures “are genuine” amounts to a statement that the signers signed, in their own name and on their own behalf; that they have not signed in another person’s name. And a certification that signatures “are genuine” would rely on essentially the same information. Unless the circulator asked for personal ID, which is not required in Illinois, she cannot truly know whether a person is misrepresenting their identity

but must rely on the facts available to them—that they saw the person sign in their presence, and that the person’s name, address, and voter registration correspond.

¶ 38 The certifications and representations contained in the certification therefore fulfill substantially the same function as a certification that the signatures “are genuine.” They indicate that the signatures were “genuine” even if that precise word was not used. Even if, as Objectors argue, the language could be read to suggest the possibility of an individual registered and qualified voter signing on behalf of others, such a reading would obviously conflict with the purpose of the certification and the statutory requirements.

¶ 39 Other meaningful checks on the petition’s substantive compliance with the Code and the circulator’s certification bolster our confidence that substantial compliance with the genuineness requirement does not implicate election fairness. As the circuit court observed, the other attestations, particularly that the voters signed in the circulator’s presence, afford a reasonable opportunity to question and hold the circulator accountable about who they witnessed signing the petition. Cf. *Ramirez v. Andrade*, 372 Ill. App. 3d 68, 76 (2007) (Gordon, J., dissenting) (observing that circulator’s presence is meaningfully related to their ability to attest to genuineness). An objector seeking to challenge the petition on genuineness grounds would be able to meaningfully question the circulator about who they witnessed signing the petition, and what, if any, inquiry was made to verify the identity of the person signing. Besides this, an objector could always challenge the validity of the signatures themselves or argue that some defect in the manner of circulation undermined the attestation of genuineness. See, e.g., *id.* (challenging “presence” requirements where campaign workers collect signatures while the signing circulator watched from her car); *Moscardini v. County Officers Electoral Board of*

Du Page County, 224 Ill. App. 3d 1059, 1061 (1992) (challenging ability of circulator to attest to genuineness in light of medical conditions).

¶ 40 Read in full, we are satisfied that the petition substantially complies with the statutory requirements and fulfills the dual purpose of preventing forgeries and holding the circulator accountable for the contents of the petitions.

¶ 41 Our ruling rejects Objectors’ contention that upholding the petition would allow the circulator to avoid liability if signatures were found to have been forged, or that upholding the petition would suggest that circulators would not have to attest to genuineness in the future. As the circuit court observed, several provisions of the Code provide penalties for violations, including sections 5/29-12 (penalty for doing prohibited act or omission under the Code) and 5/29-10(a) (penalties for false statements in any “affidavit, certificate or sworn declaration” required by the Code). We are not persuaded that the failure to attest that the signatures “are genuine” would fully insulate a circulator from liability where section 28-3 requires that the signatures on submitted petitions be certified as genuine.

¶ 42 III. CONCLUSION

¶ 43 In reviewing this case, we are mindful that “[r]estrictions on access to the ballot burden two distinct and fundamental rights, the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively. *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979) (internal quotation marks omitted). Ballot access “is a substantial right not lightly to be denied.” *Jackson-Hicks*, 2015 IL 11829, ¶ 32. We must “tread cautiously when construing statutory language which restricts the people’s right to endorse and nominate the candidate of their choice.” *Lucas*, 175 Ill. 2d at 176.

¶ 44 The application of substantial compliance strikes an important and necessary balance between the legislature’s goals of ensuring that elections are fair and honest, and the rights of participation and ballot access. Where, as here, a violation of the Code is technical and does not impair the electoral process, strict compliance would deprive the thousands of voters who joined in the petition of a vote on the public policy question contained in the petition. Cf. *Nolan*, 329 Ill. App. 3d at 58 (where substantial compliance is met, “it neither serves a useful purpose nor aids in preserving the integrity of the electoral process [citation omitted] to exclude the candidate from participation for failure to demonstrate strict compliance”).

¶ 45 At the same time, while the absence of the specific certification that signatures “are genuine” was not fatal in this case, we do not encourage circulators to rely on prefatory language or substantial compliance with the Code to validate a petition. It is significant that no evidence of fraud or corruption was submitted in this case; a certification that adheres to the statutory requirements strictly will effectuate a greater confidence in the all-important integrity and fairness of our elections.

¶ 46 For the reasons stated, we affirm.

¶ 47 JUSTICE HYMAN, dissenting:

¶ 48 The majority takes substantial compliance too far. Section 28-3 requires a circulator to certify two separate facts: that the signatures on each petition sheet “were signed in his or her presence” and “are genuine.” 10 ILCS 5/28-3 (West 2024). The circulators certified the first and did not certify the second. The majority finds, however, that certifying that registered voters signed in the circulator’s presence “indicated that the signatures were ‘genuine’ even if that precise word was not used.” *Infra* ¶ 38.

¶ 49 Respectfully, I cannot agree. If that satisfies substantial compliance, the language requiring the signatures to be “genuine” becomes superfluous, which courts must avoid. *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, ¶ 25 (in giving meaning to statute’s words and clauses, no part should be rendered superfluous). In addition, it would excuse circulators from attesting that signatures on petitions are genuine.

¶ 50 Majority’s Cases Do Not Support Its Result

¶ 51 The majority relies on *Brennan v. Kolman*, 335 Ill. App. 3d 716 (2002) and *Nolan v. Cook County Officers Electoral Board*, 329 Ill. App. 3d 52 (2002). Neither supports the majority’s result.

¶ 52 In *Brennan*, the circulator’s affidavit omitted the certification that the signers were registered voters. But each petition began, “We, the undersigned, being registered voters of the Village of Brookfield.” *Id.* at 721. What the affidavit omitted appeared elsewhere in the petition. Reading the petition as a whole, the court found substantial compliance. *Id.*

¶ 53 *Nolan*, the decision on which *Brennan* relied, went no further. In *Nolan*, the court found that an affidavit missing the candidate’s legislative district substantially complied because the district number was in the prefatory paragraph on the same page. *Nolan*, 329 Ill. App. 3d at 58. The court cautioned that it was making “no sweeping statement that substantial compliance is sufficient to satisfy all certification requirements under the Election Code.” *Id.*

¶ 54 Nothing comparable appears here. The majority instead combines other statements to infer that the petitions “indicated that the signatures were ‘genuine.’” *Infra* ¶ 38. But those statements—that (i) the signers described themselves as “undersigned” qualified electors, (ii) the circulators certified that the signatures were made in their presence, and (iii) the circulators certified that the signers were registered voters—do not say the signatures are genuine. The

majority reaches genuineness only by combining these statements and none says the signatures are genuine.

¶ 55 Nor does the majority’s reliance on *Lucas v. Lakin*, 175 Ill. 2d 166 (1997), justify its inference. *Lucas*, the only authority cited in paragraph 35, said that to “sign” a nominating petition, in the plain and ordinary sense, means to add one’s signature to the petition to support the candidate. *Id.* at 173. *Lucas* explained that the statute before it “speaks of eligibility to sign a nominating petition, not of eligibility to circulate one.” *Id.* The majority ignores that the signer and circulator perform different functions. *Lucas* does not hold that the signer’s act can substitute for the circulator’s sworn certification that the signature is genuine.

¶ 56 Section 28-3 requires both presence and genuineness. It directs the circulator to certify that the signatures “were signed in his or her presence and are genuine.” 10 ILCS 5/28-3 (West 2024). If certifying presence also satisfies genuineness, the legislature’s intent to require both is disregarded.

¶ 57 Substantial compliance still requires compliance. See *Bergman v. Vachata*, 347 Ill. App. 3d 339, 345-46 (2004). The absence of evidence of forgery misses the point. *Bergman* rejected the idea that lack of fraud excuses noncompliance with a mandatory provision. 347 Ill. App. 3d at 345. The key distinction is between substantial compliance and no compliance. *Id.* at 345-46. The issue here is whether the circulator made the certification required by section 28-3.

¶ 58 The same distinction separates this case from *Shipley v. Stephenson County Electoral Board*, 130 Ill. App. 3d 900 (1985). There, the circulators took an oath before people they believed had authority to administer it and supplied “all the information required of them by the statute.” *Id.* at 907. The defect concerned the notaries’ authority. The court also noted the

absence of fraud or corruption. *Id.* Here, the problem is different: the circulators never certified that the signatures were genuine.

¶ 59 A similar distinction appears in *Gallagher v. Cook County Officers Electoral Board*, 2024 IL App (1st) 240224. There, the circulators gave the actual dates on which they collected signatures. *Id.* ¶¶ 3-4. Although the affidavits did not use the statutory 90-day language, the dates gave the facts the statute required. *Id.* ¶¶ 16-17. *Gallagher* distinguishes *Zurek v. Petersen*, 2015 IL App (1st) 150508, where the circulators stated only that the signatures had been collected “ ‘within the statutory time period for petition circulation.’ ” *Gallagher*, ¶ 17 (quoting *Zurek*, ¶ 21). In *Gallagher*, the circulators provided the required facts; in *Zurek*, they did not. Here, the required certification of genuineness is missing altogether.

¶ 60 No case cited by the majority permits a court to infer a sworn factual certification that was never made. Labeling the omission a “technical defect” does not make it one. *Infra* ¶ 26. *Let Forest Park Vote on Video Gaming v. Village of Forest Park Municipal Officers Electoral Board* holds that substantial compliance may excuse a technical deviation, but strict compliance “is required when the requirements of the statute ‘contribute substantially to the integrity of the election process.’ ” 2018 IL App (1st) 180391, ¶ 20 (quoting *Craig v. Peterson*, 39 Ill. 2d 191, 196 (1968)). It also states that a “total failure to comply with a statutory requirement will result in the invalidation of a petition.” *Id.* The majority invokes *Brennan* in response. *Infra* ¶ 32. But *Brennan* did not infer the missing fact. The petition expressly stated elsewhere on the petition; it did not derive that fact from other statements.

¶ 61 So where, in words or substance, did these circulators certify that the signatures were genuine? Nowhere.

¶ 62 Because section 28-3 requires the certification, I would reverse the Board’s decision.