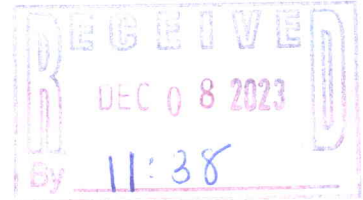


BEFORE THE DEKALB COUNTY OFFICERS ELECTORAL BOARD DULY
CONSTITUTED FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATING PAPERS OF CANDIDATES FOR ELECTION TO DEKALB COUNTY
OFFICES

JOHN LYON,)
)
 Petitioner-Objector,)
)
 v.)
)
 BRIAN K. ZARBOCK,)
)
 Putative Candidate,)
)



2023 DK EB NO.

OBJECTION TO NOMINATION PAPERS AND PETITIONS

NOW COMES JOHN LYON, of 6857 Old State Rd., Kirkland, Illinois, County of DeKalb, by and through his attorney David M. Gill, for his objection to the nomination petitions filed by BRIAN K. ZARBOCK, pursuant to 10 ILCS 5/10-8, and states as follows:

1. On or about November 27, 2023, BRIAN K. ZARBOCK filed nomination documents for the slated nomination of the Republican Party for the office of Coroner of DeKalb County, Illinois.
2. In order to be placed on the ballot, candidates are required to, among other things, file all nominating petitions where at the bottom of each sheet contains a circulator's affidavit. The circulator's affidavit must be signed by a registered voter and set forth that the signatures were signed by the voters in the presence of the circulator and that, to the best of the circulator's knowledge and belief, these voters were at the time of signing qualified voters who correctly stated their residences. 10 ILCS 5/7-10, 10 ILCS 5/10-4 and 10 ILCS 5/8-8.
3. Additionally, the circulator's affidavit must also include a certification indicating (1) the actual dates of circulation, or (2) the first and last dates of circulation, or (3)

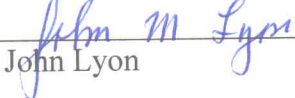
certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for filing of the petition, (10 ILCS 5/ 7-10, 10 ILCS 5/10-4 incorporated for reference) or (4) for the 2022 general primary election only, certify that the signatures on the sheet were signed during the period of January 13, 2022 through March 14, 2022 or certify that the signatures on the sheet were signed during the period of January 13, 2022 through the date on which this statement was sworn or affirmed to. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 for the filing of such petitions. 10 ILCS 5/8-8, 10 ILCS 5/10-4, 10 ILCS 5/7-10.

4. All twenty-six (26) nominating petitions filed by BRIAN K. ZARBOCK were circulated by the putative candidate himself. Each individual petition has a circulator's affidavit stating that the petitions were circulated during the time period of January 13th, 2022 and March 14th, 2022. BRIAN K. ZARBOCK signed and swore before an officer authorized to administer oaths in Illinois that the information was true and correct. The circulator's affidavit, as attested to by BRIAN K. ZARBOCK, does not comport with Illinois law. Under Illinois Election Code, 10 ILCS 5/8-8, "[t]he name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section." 10 ILCS 5/8-8. Furthermore, the language is mirrored in 10 ILCS 5/7-10 where "[t]he name of no candidate for nomination.....shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form {as noted above in paragraph 3}". Lastly, the law which provided the special circulation dates listed on the petition forms utilized by BRIAN K. ZARBOCK, enacted on January 7, 2022, contained a sunset clause and was repealed by its own terms on January 1, 2023, long before BRIAN K. ZARBOCK was eligible to circulate petitions for the March 19, 2024 primary. 10 ILCS 5/2A-1.1b. Under Illinois law, to qualify for the March 19, 2024 primary, petitions could only be circulated between September 5, 2023 and December 4, 2023. 10 ILCS 5/10-6. Therefore, BRIAN K. ZARBOCK does not meet the qualifications of the office for which he seeks and his name must be barred from being placed on the ballot. 10 ILCS 5/8-8, 10 ILCS 5/10-4, 10 ILCS 5/7-10.

5. Objector is a registered voter in DeKalb County, Illinois and is interested in ensuring that candidates meet the legal requirements for candidacy as set forth by Illinois law. The Objector's interest in filing the listed objection is that of a citizen voter who wants to guarantee that the laws governing the filing of nomination papers for elected office are complied with and that only qualified candidates have their names appear on the ballot for elected office in DeKalb County.

RELIEF REQUESTED

WHEREFORE, Objector JOHN LYON, in the interest of a fair election, respectfully requests this Honorable Board sustain the objection set forth above, specifically granting the following relief: strike the nomination papers of respondent BRIAN K. ZARBOCK for failure to comply with the mandatory provisions of the Illinois Election Code; and deny certification as a candidate for the nomination of the Republican Party for the office of the DeKalb County Coroner; and order that his name not be included on the March 19, 2024 Primary Election ballot.

By: 
John Lyon

Filed on this the 8th day of December, 2023.

John Lyon
6857 Old State Rd.
Kirkland, IL 60146

Prepared by:

Attorney David M. Gill
535 Loves Park Dr.
Loves Park, IL 61111