

Bond Case Briefs

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ELECTIONS - ILLINOIS

Atkinson v. Schelling

Appellate Court of Illinois, Second District - April 9, 2013 - N.E.2d - 2013 IL App (2d) 130140

Appeals court affirms electoral board's decision that mayoral candidates were entitled to rely on village clerk's miscalculated minimum signature number, citing equitable estoppel.

Two candidates timely filed nomination papers to have their names appear on the ballot for the office of mayor. One candidate's papers contained 110, the other's 105. Both candidates relied on a letter from the village clerk stating that mayoral candidates must obtain a minimum of 80 signatures.

Petitioner filed objections to the candidates' nominating papers, arguing that the papers did not contain the minimum number of signatures required by section 10-3 of the Illinois Election Code, which in this case was actually 123. All parties subsequently agreed that the village clerk had miscalculated the formula contained in section 10-3.

The Electoral Board overruled petitioner's objections and ordered the candidates' names to be included on the ballot, citing equitable estoppel. The trial court affirmed the Electoral Board's decisions, as did the appeals court.