

Continuance filed in Rauschkolb hearing

by Cory Davenport, Contributing Writer
January 5 2017 11:21 AM



ALTON - A continuance was issued during a Thursday, Jan. 5, hearing regarding objections to the legitimacy of Alton mayoral candidate **Dan Rauschkolb's** position on the April 4, 2017, ballot.

The hearing was moved to at **9:30 a.m. on Friday, Jan. 13, 2017** after Rauschkolb's attorney, **Sherry Murphy**, was unable to attend. It will take place in front of the **Alton**

Electoral Board, which only exists as necessary. It usually contains the mayor, city clerk and the most senior board member, but **Alton Mayor Brant Walker** is a candidate in this race himself, so he was replaced by **Fourth Ward Alderperson Charlie Brake**. **Sixth Ward Alderperson Gary Fleming** was tied with Brake for longest-serving alderperson. Brake, Fleming and **Alton City Clerk Mary Boulds** sat on the electoral board for the hearing for which corporate counselor **Jim Schrempf** was the adviser.

Rauschkolb's recent "party switching" was the complaint of the objections to his position on the ballot, which were filed by **Patrick Schwarte** on behalf of mayoral candidate Scott Dixon and another mayoral candidate, **Joshua Young**. Young and Rauschkolb each filed as Democrats, which would have caused a costly primary election - a first in the city's history. Neither was allowed to run as a Democrat due to neither filing a statement of economic interest by a Dec. 19, 2016, deadline.

According to information provided to Riverbender.com by Schwarte, Rauschkolb may be ineligible to be on the ballot due to his switching from a Democrat to an independent during the race. Schwarte referenced a 2016 case in the **Illinois Appellate Court, Rudd vs. Lake County Electoral Board**, in which a similar issue caused a candidate not to be able to run for office. He cited that case in a letter to Boulds on Dec. 27, 2016, which read:

Dear Madam Clerk,

The intent of this letter is to register my protest regarding the inclusion of Dan Rauschkolb on the April 2017 ballot for Mayor of Alton, Illinois based on precedence set in the case of Rudd v. Lake County Electoral Board, 2016 IL App (2d) 160649.

Reference Paragraph 6 of the Illinois Official Report:

As the United States Supreme Court noted in Storer v. Brown, 415 U.S. 724 (1974): “protects the direct primary process by refusing to recognize independent candidates who do not make early plans to leave a party and take the alternative course to the ballot. It works against independent candidacies prompted by short-range political goals, pique, or personal quarrel. It is also a substantial barrier to a party fielding an ‘independent’ candidate to capture and bleed off votes in the general election that might well go to another party.” Id. at 735.

I ask that you and the City Attorney evaluate the grounds for my protest and act upon removing Rauschkolb from the ballot if appropriate.



Rauschkolb did not have a comment regarding Thursday's hearing, but was dismayed upon the filing of petitions objecting his position on the ballot by both Schwarte and Young.

"I'm not surprised my petition was challenged," he said. "The dirty politics of Alton have gotten out of control. I chose to run for mayor so I could give voters a choice. It is more difficult to get on the ballot in Alton than winning the election. At the end of the day, it's about the voters' choice, not the drive to eliminate the competition. People continue to tell me they're tired of the dirty politics. I am absolutely going to still run as a candidate; as a write-in if needed."

Rauschkolb said he was not aware of any laws regarding his ineligibility to switch from running as a Democrat to running as an independent. Both he and Young said they felt ill informed during their candidacy processes and blamed Boulds for keeping them in the dark.

Young also blames Rauschkolb for declaring himself as a Democrat, which would have created a costly mayoral primary if not for the lack of proper paperwork. He said what is happening now is "karma" for Rauschkolb allegedly working with the **Madison County**

Democratic Party to eliminate him in a primary. Young believes Rauschkolb's declaration as a Democrat was a conspiracy against him by the upper echelons of the party, because Young did not seek permission to run as a Democrat.

"It's karma for him," Young said of Rauschkolb. "They tried to press us into running as independents. He took the bait, and I asked him not to. I'm sure he took that deal to force that primary. I'm sure they told him if he ran independent, they would let him slide. He declared himself an independent at first."

Young, who describes himself as a futuristically transparent anti-establishment candidate, said he filed the petition to remove Rauschkolb from the ballot himself in order to create transparency. He believed Schwarte filing on behalf of Dixon is an example of Dixon "starting to show where his political ethics lie at."

Dixon responded to Young's comments while being understanding of Young's message to Altonians

"Josh Young has an important message to share about the injustices he sees, but Josh doesn't know me, and he's making a prejudgment about me of the type he preaches against," Dixon said in an email. "Josh and Dan being on the ballot against me as Democrats would have hurt my chances more than running against me as an Independent, yet I didn't file any objections against their initial paperwork errors. When I found out that the law clearly prohibits Dan's filing as Independent, I thought the media should have aired this issue, and it would have become obvious what needed to be done. I discussed the issue with my supporters, including Pat Schwarte. But in the end, Pat did this on his own, and he did the right thing. If I was trying to be sneaky, I would have chosen someone besides one of my more vocal supporters to file an objection. I really admire Pat because he has very strong convictions for doing what's right. He knew that the election would likely be challenged if Dan was allowed to run, and that obviously would have been a huge problem for the city."

A "political reset" is what Young is seeking through his objection, he said. He is currently running as a write-in candidate and a Progressive Democrat on a platform of "futuristic transparency."

"I'm running this race to show citizens you're free, you're American," he said. "You belong wherever your passion takes you. The establishment fears change from my promise to give the city back to the people. Everybody has a measure of progression that can be had. We'll increase people's purchasing capacities by raising the city's purchasing capacity."

Both Young and Schwarte agreed they were able to attend the suggested date established by Murphy's continuance. The Alton Electoral Board also established no member had a prior scheduling conflict. Both Schrempf and Young said they were contacted by Murphy prior to Thursday's hearing and asked if such a continuance would be permissible.