

# Alton Electoral Board rules Rauschkolb cannot be on ballot

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**ALTON** - At a Thursday, Jan. 26 hearing, the **Alton Electoral Board** unanimously ruled **Alton Police** officer **Dan Rauschkolb** cannot be on the April 4, 2017, ballot as a candidate for Mayor of Alton.

Following the hearing, Rauschkolb and his attorney, **Shari Murphy of Wood River**, said they will be seeking a judicial review through the **Madison County Clerk's** office. The ruling of the board, which included Aldermen **Charlie Brake** and **Gary Fleming** as well as **Alton City Clerk Mary Boulds**, with **Alton Corporate Counselor Jim Schrempf** as its legal adviser, was a result of an objection entered into the city clerk's office on Dec. 27, 2016, by Alton citizen, **Patrick Schwarte**.

Another objection filed by another candidate for the race, **Joshua Young**, was dismissed by the board, because Young did not provide his address on his Dec. 27, 2016. objection.

Both Young and Schwarte cited the same Illinois Appellate Court case in their objections, ***Rudd v. Lake County Electoral Board***. The ruling in that 2016 case was describe as "pretty straightforward" by Schrempf during Thursday's hearing. Schrempf said the case clearly states someone who has declared his or her candidacy as a partisan candidate for a primary cannot later switch parties to run as an independent in a general election.

The case states the following:

*A person who filed a statement of candidacy for a partisan office as a qualified primary voter of an established political party or who voted the ballot of an established political party at a general primary election may not file a statement of candidacy as a candidate of a different established political party or as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person filed the statement or voted the ballot.*

Rauschkolb did file as a Democrat, and was going to run against Young in a first-of-its-kind mayoral primary scheduled to take place at the end of February. However, both men failed to provide a statement of economic interest with the Madison County Clerk by the filing deadline, and therefore could not run as Democrats in that hypothetical primary. Both Young and Rauschkolb blamed Boulds for not providing them with the proper filing information following their disqualifications. Each said he had a receipt from the City of Alton saying all the necessary paperwork was filed.

After being disqualified for running in a primary as a Democrat, Rauschkolb subsequently filed to run as an Independent in the Alton mayoral race, which resulted in the objections from Young and Schwarte.

While the Alton Electoral Board rejected Young's objection due to his failure to provide his residential address, they voted to uphold Schwarte's objection, despite several objections from Murphy on Rauschkolb's behalf. Murphy objected on the grounds Schwarte "fails to fully state the nature of his objection."

"Mr. Schwarte's objection fails to fully state the nature of the objection, leaving Candidate-Respondent to guess at the nature of the objection or objections," Murphy objected.

The Alton Electoral Board did not dismiss Schwarte's objection, citing the first sentence of it as stating its nature.

"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," Schwarte wrote in the objection.

Murphy also objected to Schwarte's objection on the grounds he failed to state what his interest is. The board dismissed this objection, stating Schwarte had no mandate to state his interest when filing such an objection.

In its statement, provided to all parties in attendance Thursday morning in **Alton City Council Chambers**, the board stated: "...this Electoral Board does find that the Objection as filed by Patrick Schwarte does sufficiently state his interest, especially when one reviews the *Rudd* case upon which his objection is filed. Mr. Schwarte states that he is registering his protest based on precedence set in the *Rudd* case. It is not unreasonable to conclude that his reasons for filing his objection are the reasons upon which the *Rudd* case decision is based and the interests protected therein."

**In conclusion, the board stated the following:**

*Therefore the Electoral Board finds that the objection of Patrick Schwarte to allowing the name of Danny Rauschkolb to appear as a candidate on the ballot for Office of Mayor of the City of Alton at the election to be held on April 4, 2017, is sustained. The Clerk shall not certify the name of Danny Rauschkolb as a candidate for the Office of Mayor of the City of Alton at the election of April 4, 2017.*

That document was then signed by each member of the electoral board.

Rauschkolb and Murphy said their fight is far from over, however. They said they intend on taking the case for judicial review through the Madison County Clerk's Office.

Each of them has objections pertaining to the people on the Alton Electoral Board and their possible political ties as well - especially its legal adviser.

"I'm concerned with his campaign contributions to **Brant Walker**," Rauschkolb said of Schrempf. "He has a lot of influence with the board and met with each of them individually. I'm concerned they met privately and not in an open meeting setting. Something this important to the people should not be decided in private."

According to the **Illinois Board of Elections**, Schrempf did contribute \$500 on Oct. 11, 2016, to Citizens for Brant Walker.



Young and Schwarte, however, feel as if justice was served at Thursday's hearing.

"I entered the process with a bit of naivety," Schwarte said. "I feel it is the right decision. I would not have entered into this challenge if I did not feel strongly about justice being done."

Young seconded Schwarte's statement. He sat next to Schwarte during the hearing, despite his own objection being dismissed.

"I think justice was done," he said. "The law upheld, and it was done."

None of the members of the Alton Electoral Board have made campaign contributions to any candidate running in the current Alton Mayoral Race, according to the Illinois Board of Elections.