

IN THE SPRINGFIELD CITY COUNCIL
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

RECEIVED

MAY 17 2019

City Clerk's Office

WILLIE "SHAWN" GREGORY,)
)
 Petitioner,)
)
 v.)
)
 GAIL SIMPSON, and DON GRAY as)
 COUNTY CLERK OF SANGAMON)
 COUNTY, ILLINOIS,)
)
 Respondents.)

No. _____

ELECTION CONTEST PETITION

NOW COMES the Petitioner, WILLIE "SHAWN" GREGORY, by and through his attorneys, Sorling Northrup, Gregory E. Moredock and James M. Morphew, of counsel, and respectfully states to the City Council of the City of Springfield, Illinois that he hereby contests the declaration of Respondent, GAIL SIMPSON, as the winner of the April 2, 2019 Consolidated Election to the Office of Alderman of Ward 2 of Springfield, Sangamon County, Illinois, and in support thereof, states as follows:

1. Petitioner is now, and at all times pertinent hereto, was a duly qualified, registered, and legal voter of Ward 2 of the City of Springfield, Sangamon County, Illinois ("Ward 2"). Petitioner voted at the April 2, 2019 Consolidated Election conducted by the County Clerk of Sangamon County, Illinois.

2. Petitioner, Willie "Shawn" Gregory, Respondent Gail Simpson, Tom Shafer, and Herman A. Senor were candidates for election to the office of Alderman of Ward 2 at the Consolidated Election held on April 2, 2019 ("the Election").

3. Respondent, Don Gray, is the duly elected County Clerk of Sangamon County, Illinois, and his office conducted the Consolidated Election for the office of Alderman of Ward 2 of the City of Springfield, Illinois.

4. Ward 2 consists of twelve (12) election precincts, all of which are under the jurisdiction of the County Clerk of Sangamon County, Illinois.

5. For the various precincts within Ward 2, judges of election and the Sangamon County Clerk did, after the close of the polls on the day of the Election, then proceed to count, tally, tabulate, canvass, announce, report, certify and return the number of votes cast for each of the candidates voted for at the Election, and it was the duty of the judges of election and the County Clerk to perform these functions in accordance with law.

6. On April 23, 2019, the Sangamon County Clerk completed its canvass of the votes cast at the Election in the precincts of Ward 2, and declared that the Petitioner received 465 votes, the Respondent, Gail Simpson, received 466 votes, Tom Shafer received 99 votes, and Herman A. Senor received 394 votes, and declared the Respondent, Gail Simpson, the winner of the Election to the office of Alderman of Ward 2 of the City of Springfield, Illinois. Exhibit "A", attached hereto and incorporated herein by this reference, is the Abstract of Votes at the Election for each precinct in Ward 2 as certified by the canvassing board for the City of Springfield, Illinois, Ward 2.

7. After the close of the polls in the respective election precincts of Ward 2, and after the completion of the counting and canvassing of the ballots cast, the ballots and other election materials were tied, locked, taped or otherwise secured as required by law, delivered to the Sangamon County Clerk to be counted and canvassed as required by law, and since the Sangamon County Clerk completed the counting and the canvassing of the ballots cast, such

election materials, including the electronic voting devices, have been in the Sangamon County Clerk's control and custody, and have been secured and preserved by the Sangamon County Clerk since their receipt, and are now in the same condition as when received. On May 6, 2019, a discovery recount was conducted by the Sangamon County Clerk, pursuant to Section 22-9.1 of the Election Code (10 ILCS 5/22-9.1), but the discovery recount did not affect the custody, control or condition of the voting devices, ballots, and other election materials used at the Election.

8. Notwithstanding the returns, canvasses, declarations and proclamations hereinabove described, the Petitioner did in fact receive more votes than Respondent at the Election and should have been declared and proclaimed the winner of the election to the office of Alderman of Ward 2. Contrary to the returns, canvasses, declarations and proclamations hereinabove described, the Respondent did not in fact receive more votes than the Petitioner at the Election and thus was illegally declared and proclaimed the winner of the Election to the office of Alderman of Ward 2. Were it not for the material and substantial mistakes, miscounts, mistallies, improper certificates, improper affidavits, and other improprieties complained of herein, the Petitioner would have been declared to have received more votes than the Respondent. In fact, a true and correct count of the votes cast at the Election would show that Petitioner was in fact the winner of the Election to the office of Alderman of Ward 2, and that the Respondent was not in fact the winner of the Election to this office.

9. The aforementioned discovery recount was conducted in three (3) precincts within Ward 2 of the City of Springfield, Illinois. The allegations specified in this Petition are upon information and belief and based upon Petitioner's personal observations at the discovery

recount, as well as reports transmitted to him by legal counsel and campaign staff who observed the retabulation of the ballots and examined election materials at the discovery recount.

10. In precinct Capital 87, the ballots that were cast and counted contained two (2) ballots uninitialed by any election judge that were cast in the polling place, erroneously counted in violation of 10 ILCS 5/17-19, and both ballots were marked for Respondent, Gail Simpson.

11. In precinct Capital 79, three (3) ballots marked with an "X" were counted for Respondent, Gail Simpson, but two (2) ballots in precinct Capital 87 that are marked with an "X" and one (1) ballot that was marked with a "/" next to the name of Petitioner were not counted and should be counted for Petitioner. In the alternative, none of the votes that placed a mark indicating a vote instead of filling in the circle designated for voting should be counted.

12. The following persons were allowed to vote in precinct Capital 87 and received the assistance of another person, but the assisted voter affidavit required by law to be completed was incomplete, in violation of the Election Code, and such votes were illegally cast and counted in that precinct:

Kevin Martin, 2960 Stanton, Springfield, Illinois

Anne Anderson, 2960 Stanton, Springfield, Illinois

Ellen Boxrud, 2960 Stanton, Springfield, Illinois

Bryce Minion, 2960 Stanton, Springfield, Illinois

Kim Martine, 2960 Stanton, Springfield, Illinois

Charles Band, 2960 Stanton, Springfield, Illinois

Theaibold Kennon, 2960 Stanton, Springfield, Illinois

William Smith, 2960 Stanton, Springfield, Illinois

Christy Tomaszewicz, 2960 Stanton, Springfield, Illinois

Greg Suddarth, 2960 Stanton, Springfield, Illinois

Phyllis Pence, 2800 Via Rosso, Lot 21, Springfield, Illinois

13. In precinct Capital 87, the number of ballots cast and counted illegally due to an incomplete assisted voter affidavit should be proportionally reduced for each candidate in accordance with Illinois law. The result of such a proportional reduction in Capital 87 results in a reduction of 3.5451 votes for Respondent, Gail Simpson and a reduction of 1.7229 votes for Petitioner, Willie "Shawn" Gregory. This results in a net loss of votes for Respondent, Gail Simpson, of 1.8222 votes in favor of Petitioner.

14. The errors, fraud, mistakes and irregularities complained of herein have resulted in votes having been counted incorrectly for Respondent Gail Simpson and in votes not having been correctly counted for Petitioner.

15. A true and correct count of the votes cast will show that the Petitioner received more votes than the Respondent, Gail Simpson, and that a recount of the votes cast for the office of Alderman of Ward 2 would change the results of the Election and result in Petitioner being declared the winner of the Election to this office as follows:

<u>Precinct</u>	<u>Official Canvas</u>		<u>Recount Will Show</u>	
	<u>Gregory</u>	<u>Simpson</u>	<u>Gregory</u>	<u>Simpson</u>
87	52	107	52.2271	101.4549
Remaining 11 precincts	<u>413</u>	<u>359</u>	<u>413</u>	<u>359</u>
TOTAL	465	466	465.2771	460.4549

WHEREFORE, the Petitioner, WILLIE "SHAWN" GREGORY, requests that the Honorable Springfield City Council:

A. Examine and recount the ballots in the precincts Capital 79 and 87 and correct the proclaimed results in accordance with the applicable law and as set forth above;

B. Examine the assisted voter affidavits from precinct Capital 87, and proportionately reduce the vote count for each candidate in accordance with applicable law and as set forth above.

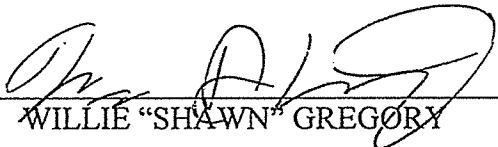
C. Declare WILLIE "SHAWN" GREGORY the winner of the Election and rightfully entitled to a seat on the Springfield City Council as Alderman of Ward 2;

D. Declare the Respondent, Gail Simpson, is not entitled to a seat on the Springfield City Council as Alderman of Ward 2;

E. Or, in the alternative, order a full and complete recount of the votes cast in the following precincts: Capital 03, Capital 06, Capital 23, Capital 39, Capital 65, Capital 75, Capital 76, Capital 77, Capital 79, Capital 83, Capital 84, and Capital 87.

F. Grant such other relief as may be proper.

Respectfully submitted,

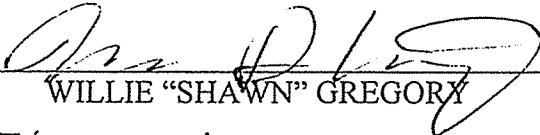


WILLIE "SHAWN" GREGORY

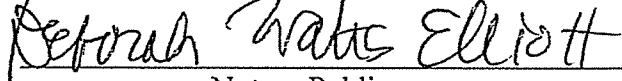
VERIFICATION

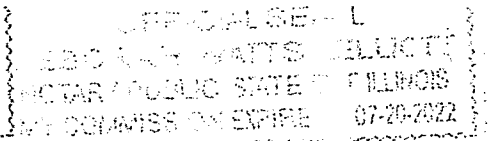
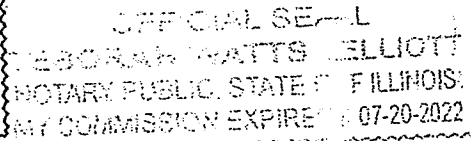
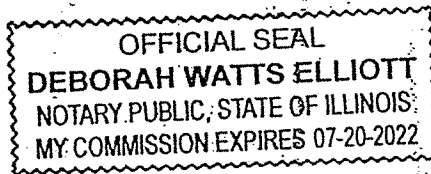
STATE OF ILLINOIS)
)SS.
COUNTY OF SANGAMON)

The undersigned, being first duly sworn, deposes and states that he is the Petitioner in the above Election Contest Petition, that he has read the contents thereof, and that the allegations therein are true to the best of the undersigned's knowledge and belief.


WILLIE "SHAWN" GREGORY

Subscribed and sworn to before me this 17th day of May, 2019.


Notary Public



PROOF OF SERVICE

STATE OF ILLINOIS)
)SS.
COUNTY OF SANGAMON)

The undersigned, being first duly sworn, states that a copy of the foregoing ELECTION CONTEST PETITION was served upon the following persons by Certified Mail, Return Receipt Requested, by enclosing the same in an envelope addressed to each person as indicated below, and by depositing the same with postage fully prepaid in the U.S. Mail on May 17, 2019.

Don Gray
Sangamon County Clerk
200 S. 9th St. #101
Springfield, IL 62701

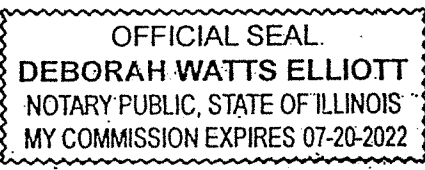
[Handwritten signature]

Gregory E. Moredock

Subscribed and sworn to before me this 17th day of May, 2019 by

Deborah Watts Elliott

Notary Public



DON GRAY
SANGAMON COUNTY CLERK



ELECTION OFFICE
ROOM 105, COUNTY BUILDING
200 SOUTH NINTH STREET
SPRINGFIELD, ILLINOIS 62701
TELEPHONE: 217-753-8683/FACSIMILE: 217-753-6739
www.sangamoncountyclerk.com

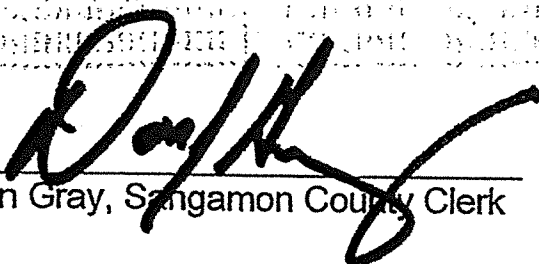
County of Sangamon

State of Illinois

ABSTRACT OF VOTES

I, Don Gray, Sangamon County Clerk, the undersigned member of the canvassing board for the **City of Springfield - Ward 2**, do hereby certify that on April 23, 2019, I canvassed the returns of the Consolidated Election held on April 2, 2019, and do proclaim that a total of **1,453 voters** requested and received ballots and that the attached list of candidates each received the number of votes recorded for him or her for the office listed.

I further certify that the attached canvass is a true and complete Abstract of Votes and was prepared in my presence on the 23rd day of April, 2019.



Don Gray, Sangamon County Clerk

EXHIBIT A

RUN DATE:04/16/19 11:34 AM

April 2, 2019
Sangamon County, IL

REPORT-EL86

PAGE 089

01 = BALLOTS CAST

VOTES PERCENT

1,453

ALDERMAN CITY OF SPRINGFIELD - WARD TWO

(VOTE FOR NOT MORE THAN) 1

02 = WILLIE "SHAWN" GREGORY

03 = GAIL SIMPSON

04 = TOM SHAFER

05 = HERMAN A SENOR

06 = OVER VOTES

07 = UNDER VOTES

VOTES PERCENT

465 32.65

466 32.72

99 6.95

394 27.67

5

24

	01	02	03	04	05	06	07
0003 CAPITAL 003	180	92	70	3	13	0	2
0006 CAPITAL 006	93	35	27	7	23	0	1
0023 CAPITAL 023	161	78	42	7	32	0	2
0039 CAPITAL 039	113	23	43	17	27	1	2
0065 CAPITAL 065	33	14	8	0	11	0	0
0075 CAPITAL 075	132	46	42	6	33	0	5
0076 CAPITAL 076	5	1	3	1	0	0	0
0077 CAPITAL 077	73	31	28	2	11	0	1
0079 CAPITAL 079	120	38	46	3	32	0	1
0083 CAPITAL 083	69	18	19	8	20	0	4
0084 CAPITAL 084	135	37	31	24	40	0	3
0087 CAPITAL 087	339	52	107	21	152	4	3

4/16/19 11:34 AM
SANGAMON COUNTY, IL
ALDERMAN CITY OF SPRINGFIELD - WARD TWO

APRIL 2, 2019 CONSOLIDATED ELECTION - CANDIDATE LISTING REFLECTING WINNERS (*)

Jurisdiction	Office	Term	Vote for	Party	First Name	Last Name	Winner
City of Springfield	Alderman - Ward 2	Four Year	1	Nonpartisan	Gail	Simpson	*

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SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

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JUN 28 2019

City Clerk's Office

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Petitioner,)
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No. 2019-EC-0001

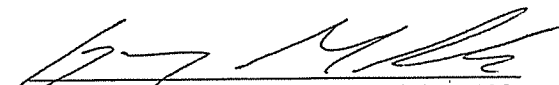
CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that on June 28, 2019, a copy of the Petitioner's Reply Brief filed with the Springfield City Clerk was served electronically on the following:

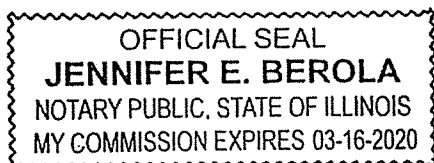
Attorney for Respondent
Allen Yow
Rammelkamp Bradney, P.C.
ayow@rblawyers.net

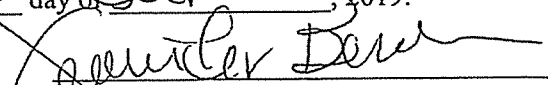
Hearing Officer
Judge John Melich
jjyo11@aol.com

Corporation Counsel
James Zerkle
James.Zerkle@springfield.il.us


Gregory E. Moredock, ARDC # 6313538
Sorling Northrup
1 North Old State Capitol Plaza, Ste. 200
P.O. Box 5131
Springfield, IL 62705
Telephone: 271-544-1144
E-Mail: gemoredock@sorlinglaw.com

Subscribed and sworn to before me this 28 day of June, 2019.




Notary Public