



High court tie vote keeps candidate on county ballot.(News)

Daily Herald

Daily Herald (Arlington Heights, IL)

March 14, 2002 | Hixson, Heath

Byline: Heath Hixson Daily Herald Staff Writer

SPRINGFIELD - Lake County Circuit Court Judge Mary Schostok will remain on the March 19 Republican ballot after the Illinois Supreme Court rejected an attempt to disqualify her candidacy this week.

The court was unable to agree on whether Schostok, of Libertyville, violated Illinois election law by circulating nominating petitions containing biographical information. Six of the court's justices split 3-3 on the issue. In order for the court to issue a ruling, four judges must agree.

The seventh justice, Robert Thomas of Wheaton, did not take part in the case because he appointed Schostok to the bench and Schostok said the two are friends.

Schostok's primary opponent Robert Morton, of Antioch, originally challenged Schostok's candidacy in December. The inability of the state's high court to reach a decision Tuesday upheld an appellate court ruling restoring Schostok on the ballot.

"I'm relieved and ready to go on and finish this campaign," Schostok said.

The decision, or lack thereof, ends a three-month battle by Morton to remove Schostok from the ballot. It also resolves an election dispute that has bounced around courtrooms in Springfield for the last month.

It all began when Morton's wife, Nancy, filed objections to the paperwork Schostok had filed with the state in order to get on the ballot. Specifically, she complained that Schostok was identified as a judge five different times. Mrs. Morton said that violated election laws, which prohibits candidates from using titles on the nomination petitions.

The campaign flyer also mentions Schostok was appointed to the seat by the Supreme Court, and contains a photo of Schostok in judicial robes, both of which Morton said

causes undue influence on the voter.

Although Nancy Morton filed the objection, Robert Morton served as lawyer for his wife, and argued in court that state law prohibits a candidate from using a title, even on the back side of the petition.

"She wins merely by the fact that the Supreme Court could not decide on the case," Robert Morton said after the proceedings. "We are of course disappointed by this three-to-three decision tie vote of the justices and that they are unable to decide this important piece of election law. We continue to believe that the statute is clear and that my opponent's nominating petitions violated that statute and should require her disqualification."

But Patrick Salvi, Schostok's attorney, argued in the Supreme Court that the statute did not include the back side of a petition and only referred to the front side.

In January, the Illinois State Board of Elections split on whether to accept Morton's objection, leaving Schostok on the ballot.

Nancy Morton appealed to the Circuit Court in Springfield, and on Feb. 6 a judge agreed with the objection, ruling Schostok off the ballot.

Schostok then appealed to the Fourth District Appellate Court in Springfield, where a three-judge panel ruled in her favor March. 1 and reinstated her on the ballot. Morton promptly appealed to the Supreme Court.

COPYRIGHT 2009 Paddock Publications. This material is published under license from the publisher through the Gale Group, Farmington Hills, Michigan. All inquiries regarding rights or concerns about this content should be directed to [Customer Service](#). For permission to reuse this article, contact [Copyright Clearance Center](#).