



Judge candidate challenge is dismissed



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By virtue of a 3-3 tie vote, with the seventh justice recusing himself, the Illinois Supreme Court on Tuesday dismissed a challenge to the nominating petitions of incumbent Lake County Circuit Court Judge Mary Schostok. As a result, the names of both Schostok and Robert Morton, an Antioch-based attorney, will actively remain on the ballot in the March 19 Republican primary election.

They are competing for one of the judge openings in Lake County Circuit Court.

The Supreme Court heard oral arguments Tuesday afternoon, beginning at 2 p.m., for approximately one hour.

Afterward the court took the issue "under advisement," and discussed it in their Springfield chambers for about 45 minutes before the outcome was announced.

Justice Robert "Bob" Thomas, a former Chicago Bears player, recused himself, without explanation.

The Thomas and Schostok families have been social acquaintances.

The other six justices split their votes, without indicating how their votes fell, or explaining the basis for the decision.

The constitution requires a minimum of four votes to uphold an appeal, said a court spokesman, adding "so this Supreme Court appeal is dismissed and the Appellate Court ruling stands."

Afterward, a jubilant Schostok exclaimed, "We won!"

She added, "I'm just relieved that now we can get on with the campaign.

It has been very stressful.

And it has been a very educational process."

Schostok, interviewed from Springfield, had representatives in Lake County ready to file as a write-in candidate before the 5 p.m. deadline, if the Supreme Court had upheld the appeal.

"We're calling those people off, right now," Schostok said.

Calling it a "battle of epic proportions," Morton thanked the Supreme Court "for taking the case and considering it on an expedited basis."

He added that he is "very disappointed that it ended in a 3-3 tie, and the court was unable to decide this important case."

"It is significant that half of the members of the same Supreme Court that appointed my opponent believe she doesn't belong on the ballot and were apparently prepared to throw her out of office," Morton said.

Morton said he "continues to believe that election law was clearly violated by my opponent's nominating petitions.

"Nevertheless, we look forward to the election and believe we'll win, with voters bringing an independent viewpoint to the judiciary in Lake and McHenry counties," Morton said.

The Supreme Court justices were under no required deadline to reach a decision, and could have taken days or even weeks.

Instead they chose to quicken the process, given the looming election.

Schostok's name would have remained on the ballot regardless.

However the Supreme Court decision determined whether or not votes cast for her on the ballot would be counted.

Had the state's highest court ruled in favor of Morton's challenge, the only election hope for Schostok would have been as a write-in candidate.

Chances for a countywide write-in candidate are usually slim at best.

Morton had challenged Schostok's nominating petitions, many of which contained biographical information on the backs of the signature forms.

His challenge failed with the Illinois Election Board, through a tie vote, but was successful on his appeal through Circuit Court in Springfield (home county of the state election board).

Schostok filed an appeal of the circuit ruling, and was successful with a decision by

the Appellate Court for the second district (northern Illinois). Morton had appealed that ruling to the Illinois Supreme Court.

Morton contends that including the biographical information on the nominating petitions violates state election law.

Attorneys for Schostok argue that the front and back of the nominating petitions are separate elements.

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