

Karla Katz Oberholtzer,)	CASE NO. <u>19 SOEB GP 508</u>
Petitioner-Objector)	
v.)	
)	
Caroline Patricia Jamieson,)	
Respondent-)	
Candidate)	

1. The Objector, Karla Katz Oberholtzer, resides at 1335 Ashland Avenue, River Forest, Illinois, 60305, and she is a duly qualified and registered legal voter at that address in the County of Cook, State of Illinois.
2. The Objector's interests in filing the following objection is that of a citizen desirous of seeing that the election laws governing the filing of nominations papers for the office of Judge of the Circuit Court, Cook County Judicial Circuit, State of Illinois, vacancy of Hon. Colleen F. Sheehan, are properly complied with, and that only qualified candidates appear on the Democratic Party Primary ballot for said office as candidates for the March 17, 2020 General Primary Election.
3. The Objector challenges the placement of the candidates name on the Democratic Party Primary ballot.

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4. The Objector makes the following objections to the Nomination Papers of Caroline Patricia Jamieson as a candidate for the Democratic Party Nomination for election to the office of Judge of the Circuit Court, Cook County Judicial Circuit (Vacancy of the Hon. Colleen F. Sheehan), State of Illinois, to be voted upon at the March 17, 2020 General Primary Election.
5. Pursuant to 10 ILCS 5/7-10.2, if the candidate has changed his or her name within three years before the last day for the filing of petitions for public office, those petitions, and her statement of candidacy, must contain a designation as "formerly known as" listing all prior names during the three-year time period until the name changed, and listing the date of the name change.
6. Further the petition must be accompanied by a candidate's affidavit stating the candidate's previous names during the period specified and the date or dates of each of the name changes.
7. Failure to meet these requirements is grounds for denying certification of the candidate's name for the ballot or removing the candidates name from the ballot as appropriate. This candidate within the last three years has ran for public office using the name CAROLINE JAMIESON GOLDEN, and, by appointment, held public office under the name CAROLINE P. GOLDEN. The candidate has now changed her name to run for this public office as CAROLINE PATRICIA JAMIESON.

8. The candidate has failed to follow the provisions of 10 ILCS 5/7-10.2 and her name must be stricken from the ballot.

WHEREFORE, your Objector prays that the nomination papers of Caroline Patricia Jamieson as a candidate for the Democratic Party Nomination for election to the office of Judge of the Circuit Court, Cook County Judicial Circuit (Vacancy of the Hon. Colleen F. Sheehan), State of Illinois, at the March 17, 2020 General Primary Election be declared to be insufficient and not in compliance with the laws of the State of Illinois, and that this name be stricken and that this Board enter its decision declaring that the name of Caroline Patricia Jamieson as a candidate for the Democratic Party Nomination for election to the office of Judge of the Circuit Court, Cook County Judicial Circuit (Vacancy of the Hon. Colleen F. Sheehan), State of Illinois, be excluded and not printed upon the official Democratic Party Primary ballot for the General Primary Election to be conducted March 17, 2020.

Respectfully submitted,


The Objector, Karla Katz Oberholtzer

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**BEFORE THE DULY CONSTITUTED COOK COUNTY OFFICERS
ELECTORAL BOARD FOR THE HEARING AND PASSING ON
OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE
OFFICE OF JUDGE OF THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS TO FILL THE VACANCY OF HON. COLLEEN F. SHEEHAN**

Karla Katz Oberholtzer,)	
Petitioner-Objector)	
v.)	CASE NO. _____
)	
Caroline Patricia Jamieson,)	
Respondent-)	
Candidate)	
)	

MEMORANDUM IN SUPPORT OF OBJECTOR'S PETITION

INTRODUCTION

The Objector, by and through her counsel, Andreou & Casson, Ltd., presents her memorandum in support of her Petition and seeks relief from the Board as follows:

FACTS

The Candidate was admitted to the Illinois Bar on November 5, 1992, as **Caroline Patricia Jamieson**. (Bar No. 6211227). Exhibit 1. The Candidate petitioned the Illinois Supreme Court for a change of name to **Caroline P. Golden**. Exhibit 2. The Candidate was admitted to the General Bar of the United District Court for the Northern District of Illinois on September 7, 2004, and is currently registered under the name **Caroline P. Golden**. Exhibit 3. The Candidate is currently registered to vote at the address of 7116 Pleasantdale Dr., Countryside, IL 60525, under the name **Caroline Golden**. Exhibit 4.

On November 27, 2017, Candidate filed nominating papers for the General Primary election to the office of Judge of the Circuit Court, 4th Judicial Subcircuit, Cook County Judicial Circuit (Vacancy of the Hon. Thomas M. Davy), under the name **Caroline Jamieson Golden**. Exhibit 5. On October 15, 2018, The Candidate was appointed to serve an unexpired term on the Board of School Trustees for the Lyons Township Trustees of Schools under the name **Caroline P. Golden**. Exhibit 6. The Candidate served on the Board of School Trustees for the Lyons Township Trustees of Schools at least until April 8, 2019, under the name **Caroline P. Golden**. Exhibit 7.

On August 12, 2019, Candidate entered an appearance for a defendant in the case *Serrano v. Guevara, et. al*, No. 17-cv-02869, U.S. Dist. Ct. N.D. Ill., under the name **Caroline P. Golden**. Exhibit 8. For the 2018 General Primary Election, the Candidate was evaluated by the Alliance Bar Associations under the name of **Caroline Jamieson Golden**. Exhibit 9.

In August, 2018, the Candidate applied for the position of Associate Judge, Circuit Court of Cook County, under the name **Caroline Patricia Golden**. Exhibit 10. On November 25, 2019, Candidate filed Nominating Papers, including her Statement of Candidacy, for the to the office of Judge of the Circuit Court, Cook County Judicial Circuit (Vacancy of the Hon. Colleen F. Sheehan), under the name **Caroline Patricia Jamieson**. Exhibit 11.

Candidate is married to Kevin Golden. Exhibit 12. The Candidate remains married and is known legally and professionally as Caroline Golden. Exhibit 13. The Candidate has also incurred joint indebtedness as CAROLINE P. GOLDEN. Exhibit 14.

LEGAL ARGUMENT

The Illinois Election Code protects the public from candidates who seek to conceal their past public and professional life from the electorate by changing their name prior to running for public office in Illinois. The Illinois Legislature thought that such protection was important enough to amend the statute in 2007 to require that candidates provide notice to the public for *any* name change that occurs within 3 years before the last day for filing a petition for office. 10 ILCS 5/7-10.2; Publ. Act. 94-1090 (eff. 6/1/2007).

The statute requires that the name of a candidate who has changed his or her name within the period to be followed by “formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change).” The candidate’s petition must also be accompanied by an affidavit stating the candidate’s previous names and the date changed. 10 ILCS 5/7-10.2. Failure to meet these requirements “shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot.” *Id* (emphasis added).

The statute does provide that the requirements do not apply to “name changes resulting from adoption to assume an adoptive parent’s or parents’ surname, marriage to assume a spouse’s surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.” *Id.*

The name change requirement was added to the Election Code through Public Act 94-1090, effective June 1, 2007. As the name change provision is only concerned with name changes that occur within 3 years of the last day to file petitions, it is only logical that the exceptions for name changes due to adoption, marriage and dissolution of marriage only apply to events that happened within the three year period. In other words, it would be illogical for the exception to apply to a candidate who begin using a spouse’s name ten years after the date of marriage, but right before an election. Likewise, it would make no sense for the exception to apply to a candidate who had been using the spouse’s surname throughout the marriage then resumed his or her former surname right before an election without a dissolution or annulment of the marriage. Lastly, it would also be illogical to allow a candidate to assume an adoptive parent’s name twenty years after an adoption.

In summary, the only logical interpretation of the exceptions to the name change requirements is that the name change that occurred within three years of the filing deadline must have been timely precipitated by the one of the events in the exception: an adoption, a marriage, or the dissolution or annulment of a marriage. Any other interpretation would be illogical within the context of the amendment to the Act.

Here, however, none of the exceptions apply. There is no evidence that the Candidate changed her name through adoption. Likewise, there is no evidence that she took the name JAMIESON as a result of dissolution of marriage or annulment of marriage. A thorough review of the public records of the Court indicate that the Candidate has not petitioned for dissolution of marriage or to resume the use of her former name, is married currently and has remained so for in excess of 3 years prior to the filing of her nominating petitions, and has used the name CAROLINE GOLDEN in every instance and legal context—except for her efforts to become a judge in the County of Cook.

This Board has considered the 10 ILCS 5/7-10.2 on at least two occasions. In *Harris v Orr*, 17 COEB JUD 18 (Jan. 9, 2018), the Board considered the case where a candidate's petitions listed her maiden name as her surname. The objector asserted that her real surname was her spouse's surname based on the fact that the candidate changed her voter registration to that name after her marriage. The candidate, however, was always known professionally by her maiden name, and prior to filing the petitions at issue, the candidate voluntarily changed her voter registration name back to her maiden name. The objector did not offer any other evidence of the candidate using her spouse's surname. The Board found no violation of the statute, "[i]n our opinion, the purpose of the statute in question is to force Candidates who have recently acquired new names in processes outside of the "ordinary" name changes that occur in life, to divulge those former names." (*Id.*, p.2).

Shortly thereafter, in *Featherston v. McDonald*, 17 COEB CC 03 (Feb. 20, 2018), the Board considered the case where a candidate's petitions listed as her surname her former-spouse's surname, which the candidate had used during her marriage. After dissolution of her marriage, the candidate resumed the use of her maiden name, including petitioning the Illinois Supreme Court for a name change on the master rolls of attorneys. The candidate further filed nomination papers for public office and registered to vote using her maiden name. The candidate then changed her name to using her maiden name as a middle name and her former married name as a surname by registering to vote, obtaining a drivers license and receiving a Notary. The candidate's nominating petitions contained her name in that form. The Board noted the evidence of the candidate's names, but stated that "the Candidate here came by all of the components of her name through the commonplace events of life, and feels entitled to make use of each of them." The Board relied on its expression of the purpose of the statute from *Harris* to find no violation of the statute.

This case is factually different from both *Harris* and *Featherston* in that other than the Candidates use of her maiden name for this election, there is no evidence that the Candidate has used her maiden name as a surname, either professionally or personally, since the time of her marriage. There is no evidence Candidate intends to use the surname of JAMIESON for anything other than the current election.

The Illinois constitution says that a judge must be "a licensed attorney-at-law of this State." Art. VI, Sec. 11. Rule 756(b) of the Illinois Supreme Court provides that the ARDC will maintain a master roll of attorneys registered in the State, and that "[a]n attorney who is not listed on the master roll is not entitled to practice law or to hold himself or herself out as authorized to practice law in this state." Currently, there is no attorney listed on the master roll under the name CAROLINE PATRICIA JAMIESON. Thus, a candidate by that name is not qualified for the office of Judge in the State of Illinois. Furthermore, since the Candidate is not qualified under the name on the nominating petitions, the affidavit on Candidate's Statement of Candidacy - namely that Candidate is "legally qualified (including being the holder of any license that may be an eligibility requirement for the office to which I seek the nomination) to hold such office" - is false. Accordingly, Candidate's name should be stricken from the primary ballot for these additional reasons.

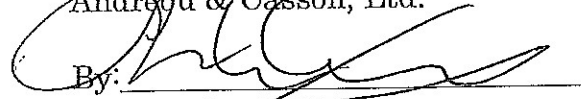
At a minimum, the failure to change her name on the Illinois Supreme Court's Master Rolls of Attorneys back to her maiden name is conclusive evidence that the Candidate has no intention of again using her maiden name professionally.

CONCLUSION

Illinois law prevent a candidate for elected office from deceiving the public as to her true identity. 10 ILCS 5/7-10.2. The Candidate legally changed her name to GOLDEN upon her marriage and has been known legally and professionally by that name. It is only now, after perceiving a negative taint to her name, that she has

chosen to use a different name. Doing so deceives the voters of Cook County and is in violation of a basic understanding of fair elections and must not be countenanced by the Board.

Respectfully submitted,
Andreou & Casson, Ltd.

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