

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS A DULY CONSTITUTED ELECTORAL BOARD**

Objections of: JOSEPH C. SANCHEZ)
)
)
To the Nomination) No.: 15-EB-ALD-053
Papers of: ALBERTO BOCANEGRA)
)
Candidate for the office of)
Alderman of the 15th Ward, City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of JOSEPH C. SANCHEZ (“Objector”) to the nomination papers (“Nomination Papers”) of ALBERTO BOCANEGRA, candidate for the office of Alderman of the 15th Ward in the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014 at 9:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, JOSEPH C. SANCHEZ, by his attorney, James P. Nally P.C.; and the Candidate, ALBERTO BOCANEGRA, by his attorney, Frank Avila.

7. The Candidate filed a motion to strike and dismiss on various grounds the Objector's Petition, including a claim that the minimum signature requirement for the office of Alderman is too high and unconstitutional. As reflected in his report, the Hearing Officer denied the Candidate's motion; however, the Objector did withdraw paragraphs 7-12, 17, and 19-23.

8. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

9. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

10. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

11. The Objector and/or his duly authorized representative was present during the examination of the registration records.

12. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and a copy has been provided or made available to the parties.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,457;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,099;

D. The remaining number of signatures deemed valid as a result of the records examination total 358.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was 115 less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 15th Ward of the City of Chicago.

15. The Candidate timely filed a motion pursuant to Rule 8 of the Board's Rules of Procedure. Paragraph 7 of the Candidate's Rule 8 motion requested that the Candidate be

allowed to rehabilitate the signatures and their corresponding sheet and line numbers in the Appendix attached to his Rule 8 motion. However, the Candidate also asked for a Rule 8 review of all 1,032 objections made by the Candidate during the course of the records examination and he sought to attach and incorporate as part of his Rule 8 motion a copy of the Board's records examination Petition Summary Results and Petition Detail Report. The Candidate argued that by incorporating the record exam results that included every objection made at the records examination he preserved the right to seek review of all 1,032 objections to the clerk's findings. For reasons stated in his report, the Hearing Officer denied the Candidate's request to incorporate the Board's records examination reports as part of the Candidate's Rule 8 motion.

16. The Hearing Officer found that the Candidate listed only 103 specific sheet and line numbers in his Rule 8 motion and appendix, which would permit the Candidate under Rule 8 to present evidence only as to those 103 signatures. The Hearing Officer further found that even if the Candidate successfully rehabilitated all 103 signatures listed in his Rule 8 papers, he would still be 12 signatures short of the minimum signature requirement of 473. Therefore, the Hearing Officer recommends that the Objector's Petition be sustained.

17. The Hearing Officer also addressed the Candidate's constitutional claims that the minimum signature requirement for the office of Alderman of the 15th Ward is too high and violates the Candidate's fundamental right to ballot access and that, due to redistricting, registered voters of adjoining wards that contain a part of the old 15th Ward should be allowed to sign the Candidate's nomination papers. The Hearing Officer noted that in the City of Chicago, nominating petitions for candidates for Alderman must be signed by the number of legal voters of the ward as will aggregate not less than 4% of the total number of votes cast for Alderman in such ward at the last preceding general election. 65 ILCS 20/21-28(a), as amended by P.A. 98-

115, eff. July 29, 2013. For the election following the redistricting of wards petitions for nominations of candidates shall be signed by the number of legal voters of the ward as will aggregate not less than 4% of the total number of votes cast for mayor at the last preceding municipal election divided by the number of wards. Id.

18. The Electoral Board finds that at the last preceding municipal election (February 22, 2011), 590,391 votes were cast for Mayor. Four percent (4%) of 590,391 is 23,615.64, which, divided by the number of wards (50), yields a minimum signature requirement of 472.3128, or 473.

19. The Electoral Board further finds that 65 ILCS 20/21-28(a) requires that nominating petitions for candidates for Alderman must be signed by the number of legal voters “of the ward” in which the candidate is seeking election. There is no provision in the statute allowing legal voters residing outside the 15th Ward to sign nominating petitions for candidates in the 15th Ward after redistricting, even if they live in an area that was once part of the old 15th Ward prior to redistricting.

20. As the Hearing Officer correctly noted in his report, all statutes are presumed to be constitutional and administrative agencies such as an electoral board have no authority to declare statutes unconstitutional or even to question their validity, citing *Goodman v. Ward*, 241 Ill.2d 398 (2011), and other cases. Therefore, the statutes must be applied as written.

21. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate’s Nomination Papers contained less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of

Alderman of the 15th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

22. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

23. The Candidate filed a motion under Rule 20 of the Electoral Board's Rules of Procedure to address the Hearing Officer's report and recommendations. The Candidate again raises the constitutional arguments raised before the Hearing Officer. For the reasons stated above and in the Hearing Officer's report, those arguments need not be addressed again.

24. The Candidate also contends that the Board's software and database used to conduct the records examination in this case is "flawed and defective," arguing, for example, that the records examination could not locate 84 registered voters who were in fact registered voters. The Candidate attached an exhibit showing voter registration cards for voters that purportedly were not located during the Rule 6 records examination. Candidate claims the exhibit demonstrates a "grievous flaw" in the process and renders the entire process of "no merit, or validity." However, an examination of the first 42 of the registration cards in the Candidate's exhibit, or half of the registration records the Candidate claims could not be located during the Rule 6 records examination, reveals that 36 of those voters were, in fact, found in the system during the Rule 6 records examination and are listed in the Board's Final Petition Detail Report. Only in 6 instance (S33/L11, S37/L20, S40/L3, S41/L20, S42/L2, and S44/L4) did the Board Final Petition Detail Report list the voter as "NOTINSYS," or not in system. Of those 6, three

voters either were not registered at the address listed on the Candidate's petition (S37/L20, S44/L3) or there was a name change where the voter did not re-register as required by law (S41/L20). Of the voters not found in the system, the Candidate included only one (S41/L20) on his Rule 8 motion. The Candidate's Rule 20 motion and exhibits hardly demonstrate that there is a "grievous flaw" in the Board's Rule 6 records examination software or database that renders the process invalid or meritless and the Electoral Board rejects such a claim. Whatever human mistakes made during the records examination could have been and should have been identified, raised and addressed in the Candidate's Rule 8 motion, which is the purpose of Rule 8.

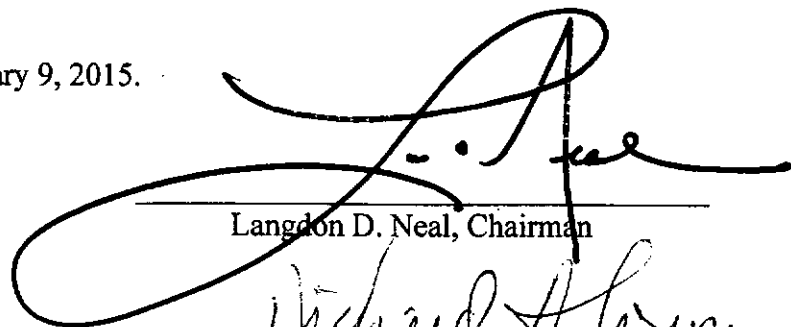
25. The Candidate also contends that the Hearing Officer erred by not allowing the Candidate to incorporate the Board's records examination Petition Detail Report as his appendix for the Rule 8 motion, arguing that the practice of incorporation by reference is not new to this Electoral Board. However, the Candidate has not identified a single instance when this Electoral Board has allowed a candidate or an objector to simply incorporate the Board's records examination reports as the party's Rule 8 motion. Rule 8(d)(i) requires a motion requesting an evidentiary hearing concerning the results of a Rule 6 records examination to identify the sheet and line number for any signature for which the moving party wishes to challenge the ruling on such challenge. The purpose of the rule is to precisely identify and narrow the issues for evidentiary hearing. The issues addressed above in paragraph 24 herein show why it is important for parties to draft thorough and accurate Rule 8 motions. For this and for the reasons stated in the Hearing Officer's report, the Electoral Board finds that the Hearing Officer was correct to deny the Candidate's request to incorporate and use the Board's Petition Summary Report and Petition Detail Report as his Rule 8 motion.

26. Finally, the Candidate claims that the Hearing Officer should have allowed the Candidate's affidavits in support of his Rule 8 motion. However, the Hearing Officer correctly noted that under Rule 8(d)(ii), the Candidate would not have been permitted to present evidence or argument related to any signature if it was not listed in his Rule 8 motion. In addition, because the Candidate's Rule 8 motion identified only 103 signatures, and the Candidate was short 115 signatures on his petition sheets, the Candidate would still have been below the minimum signature requirement even if he could have successfully rehabilitated all 103 signature.

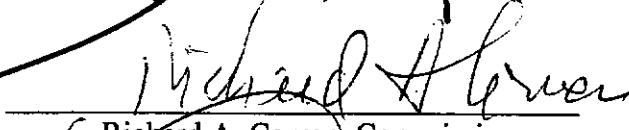
27. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of ALBERTO BOCANEGRA are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of JOSEPH C. SANCHEZ to the Nomination Papers of ALBERTO BOCANEGRA, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ALBERTO BOCANEGRA, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

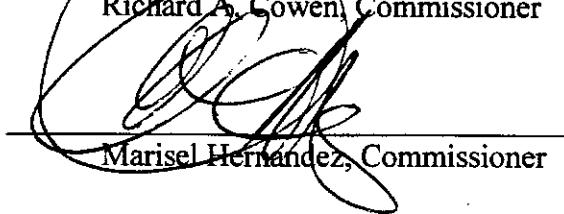
Dated: Chicago, Illinois, on January 9, 2015.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel Hernandez, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF
CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE
FIFTEENTH (15TH) WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS TO
BE VOTED UPON AT THE FEBRUARY 24, 2015 MUNICIPAL GENERAL ELECTION**

JOSEPH C. SANCHEZ,)
Petitioner – Objector,)
)
 v.)
)
ALBERTO BOCANEGRA,)
Respondent – Candidate.)

15-EB-ALD-053

CHICAGO BOARD OF
 ELECTION COMMISSIONERS
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HEARING EXAMINER'S RECOMMENDED DECISION

1. That the Respondent – Candidate, ALBERTO BOCANEGRA, filed Nomination Papers for Election to the Office of Alderman of the 15th Ward of the City of Chicago, to be voted upon at the February 24, 2015 Municipal General Election .
2. That the Petitioners– Objector, JOSEPH C. SANCHEZ, filed a petition objecting to the Nomination Papers of the Candidate.
3. That on December 9, 2014 this matter appeared on the Board’s Initial Trial Call. The Hearing Officer received the following Board Group Exhibits into evidence: Board Group Exhibit A consisting of the Candidate’s nomination papers; Board Group Exhibit B consisting of the Objector’s Petition and Attachments; Board Group Exhibit C consisting of a copy of the call and proof of service; and Group Exhibit D consisting of the parties’ appearance and signed non-disclosure and confidentiality agreements. The parties acknowledged service and waived any and all issues regarding service. The Hearing Officer granted the Candidate leave to file a Motion to Strike and Dismiss and set a briefing schedule. The Hearing Officer also signed a directive for a Rule 6 Record’s Examination. The Hearing Officer continued the matter until

December 12, 2014 for hearing on Candidate's Motion to Strike and Dismiss, for status on the results of the Records Examination, and the scheduling of a hearing on any Rule 8 Motions.

MOTION TO STRKE AND DISMISS

4. The Candidate filed a Motion to Strike and Dismiss the Objector's Petition requesting the Board of Elections dismiss the Objector's Petition for the following reasons:

- a) The Objector did not number the pages of the Objector's Petition.
- b) The objector signed a verification of the Objector's Petition pursuant to 725 ILCS 5/1-109, and Candidate alleges the Objector, Joseph C. Sanchez, is a straw objector who did not review the petitions of Alberto Bocanegra, did not review Board documents, and thus cannot know nor verify under oath what was plead in the petition.
- c) The Objector's Petition is a shot gun challenge that randomly challenged signatures.
- d) The Objector is not a U.S. Citizen and has no knowledge of the laws governing the nomination and election process; therefore, he has no interest in enforcing the election laws.
- e) The Objector did not sign the Objector's Petition.
- f) Minimum signature requirement is too high and unconstitutional.

5. The Objector filed a written response to the Candidate's Motion to Strike and Dismiss arguing as follows:

- a) On a Motion to Dismiss, "all pleadings are construed in the light most favorable to the non-moving party, and all well plead facts in the Complaint, as well as reasonable inferences drawn there from, are taken as true." *Weiss v. Waterhouse Securities*, 335 Ill. App. 3d. 875 at 882 (1st Dist. 2002).

- b) 10 ILCS 5/10-8 provides that "Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on... having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition... in the office of the election authority... The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board." 10 ILCS 5/10-8.
- c) The Objector and his petition meet all the statutory requirements under the law. Joseph C Sanchez is a registered voter in the 15th Ward in the city of Chicago: he filed his objections with the Chicago Board of Election Commissioners, the local election authority. The Objector's Petition gives his name and residence address, states fully the nature of the objections and states the interest of the objector and the relief being sought of the electoral board.
- d) There is no statutory or legal requirement that the objector review each and every one of the petitions submitted by the candidate.
- e) The verification of the Objector's Petition simply states that the objector "has read the foregoing Objector's Petition and to the best of his/her knowledge and belief the facts set forth therein are true and correct."
- f) That the objector's petition fully state's the nature of the objections and makes numerous specific objections contained in a detailed "Appendix Recapitulation" that is attached and incorporated to the Objector's Petition.

g) The Illinois Appellate Court in *Havens v Miller*, 102 Ill App 3d 558, 556 (First District 1981) made clear that beyond stating his interest as a citizen desirous of seeing that the election laws are complied with, no further evidence regarding the interest or motives of the Objector is required, and that an objector's motive in filing objections is irrelevant to the determination of whether the candidate complied with the election laws.

h) Signature requirements have been found constitutional multiple times: "The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates with demonstrated initiative and at least a minimum appeal to eligible voters." *Merz v Volberding*, 94 Ill App 3d 1111, 1118 (First District 1981). The signature requirement of 473 for the office of 15th Ward Alderman in a Ward containing over 55,000 people is designed to show a modicum of support in the community for the candidacy and is legal and constitutional.

6. On December 12, 2014, the Hearing Officer heard argument on the Motion to Dismiss. The hearing officer made the following recommended findings of fact and law:

a) The Objector withdrew the objections contained in paragraphs 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, and 23 of the Objector's Petition.

b) When addressing a Motion to Strike and Dismiss "all pleadings are construed in the light most favorable to the non-moving party, and all well plead facts in the

Complaint, as well as reasonable inferences drawn there from, are taken as true."

Weiss v. Waterhouse Securities, 335 Ill. App. 3d. 875 at 882 (1st Dist. 2002).

- c) 10 ILCS 5/10-8 provides that "Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on... having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition... in the office of the election authority... The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board." 10 ILCS 5/10- 8.
- d) There is no statutory requirement that an objector's petition be consecutively numbered.
- e) There is no statutory requirement that the Objector personally compare the petition sheets to the Board records.
- f) The Objector's Petition does not constitute a shot gun objection.
- g) Beyond stating his interest as a citizen desirous of seeing that the election laws are complied with, no further evidence regarding the interest or motives of the Objector is required. *Havens v Miller*, 102 Ill App 3d 558, 556 (First, District 1981).

- h) That the Candidate's allegations that the objector is not a U.S. citizen and did not personally sign the objector's petition are affirmative defenses and ruling on said paragraphs were reserved until further hearing on the Objector's Petition.
- i) The minimum signature requirement of 473 is constitutional.

RECORDS EXAMINATION

7. On December 20, 2014, a Records Examination conducted pursuant to Rule 6 was completed. The results of the Records Examination were as follows:

*Number of Signatures on Petition:	1457
*Total Objections:	1191
*Number of Objections Overruled:	92
*Number of Objections Sustained:	1099
*Valid Signatures:	358
*Minimum Signature Requirement:	473

A copy of the Petition Summary Sheet is attached hereto as Hearing Officer's Exhibit 1.

CANDIDATE'S RULE 8 MOTION

8. The Candidate filed a timely Rule 8 Motion. In paragraph four (4) of the Rule 8 Motion, Candidate asks for a Rule 8 review of all 1032 objections made by the Candidate during the course of the Records Examination. The Candidate attached and incorporated the "summary for the specific names and corresponding sheet and line numbers to be incorporated into this motion." (Candidate's Rule 8 Motion). In paragraph 7 of the Rule 8 Motion, Candidate asks for review of the signatures and corresponding sheet and line numbers in the attached Appendix to the Rule 8 Motion "but not limited to the appendix we ask to review all signatures that we

objected to (Summary Results attached along with Appendix). The Candidate also renewed his claim that the minimum signature requirement of 473 is unconstitutional.

9. On December 31, 2014, this matter appeared before the Hearing Officer for an evidentiary hearing. The Objector argued that the Candidate only requested review of the 103 signatures which the Candidate identified by specific sheet and line numbers in his Rule 8 Motion. The Objector moved that the Hearing Officer sustain the Objector's Petition in that even if the Candidate prevailed on each and every one of the 103 signatures identified in its Rule 8 Motion that the Candidate would still have 12 signatures below the minimum signature requirement of 473. The Candidate argued that by incorporating the summary of the records exam that included every objection made at the Records Examination that he preserved the right to seek review of all 1032 objections to the clerk's findings.

10. Rule 8(d)(i) provides "A motion requesting an evidentiary hearing concerning the results of a Rule 6 records examination must identify the petition sheet and line number for any signature that was examined and objected to during the Rule 6 records examination and concerning which the moving party wishes to challenge the ruling on such signature." *Rules of Procedure 2015 Municipal Election*.

11. Rule 8(d)(ii)(2) provides that as follows:

"A party shall, in presenting any evidence or argument relating to any signature examined in a records examination, be limited to those signatures identified by petition sheet and line number in the party's written motion and shall not be permitted to present evidence or argument as to any signature not contained in such written motion." *Rules of Procedure 2015 Municipal Election*.

12. In *Tuck v. Ammons, 07-EB-ALD-102, CBEC, January 25, 2007*, the hearing Officer barred the Candidate from presenting any evidence to rehabilitate signatures where the Rule 8 Petition fails to include the petition sheet and line number for the signatures he sought to

rehabilitate. *Tuck v. Ammons*, 07-EB-ALD-102, CBEC, January 25, 2007. Similarly, the Candidate was denied an evidentiary hearing in *Sheppard v. Young*, 07-EBALD-123, January 26, 2007 when the Rule 8 petition did not contain the required information stating the sheet and line numbers of the names that would be rehabilitated by the candidate as required by Rule 8. *Sheppard v. Young*, 07-EBALD-123, January 26, 2007.

13. In this case, the Candidate attached an Appendix to his Rule 8 motion that gave specific notice of 103 signatures and their corresponding petition sheet and line numbers of signatures he sought to rehabilitate at an evidentiary hearing. The Candidate also stated in his Rule 8 Motion that he sought the Hearing Officer to review all objections made during the records examination as set forth in the Summary of the Records Examination. *Rule 8(d)(ii)(2)* provides that "A party shall, in presenting any evidence or argument relating to any signature examined in a records examination, be limited to those signatures identified by petition sheet and line number in the party's written motion and shall not be permitted to present evidence or argument as to any signature not contained in such written motion." *Rules of Procedure 2015 Municipal Election*. The Hearing Officer finds that the Candidate only listed 103 specific sheet and line numbers in his Rule 8 Motion; therefore, the Candidate would be allowed to present evidence only as to the 103 signatures identified in the Rule 8 Motion. The Hearing Officer further finds that even if the Candidate was successful in rehabilitating all 103 signatures, the Candidate would be 12 signatures short of the minimum signature requirement of 473. The Hearing Officer recommends that the Objector's Petition be sustained in that the Candidate's Nomination Papers do not contain the minimum required 473 valid signatures.

CANDIDATE'S CONSTITUTIONAL CLAIMS

14. Candidate argues that the minimum signature requirement for the Office of Alderman of the 15th Ward is too high and violates Candidate's fundamental right to ballot access. Candidate claims that as to the 15th Ward, in particular, a minimum signature requirement of 473 is unconstitutional because of the 15th Ward's low voter registration and voter turnout as compared to other Wards of the City of Chicago. The Candidate also claims that due to redistricting, registered voters of adjoining wards that contain part of the old 15th Ward should be allowed to sign Candidate's Nomination Petitions, because Candidates that are similarly situated can run for election in the New 15th Ward. The Candidate did not offer any evidence in support of his argument.

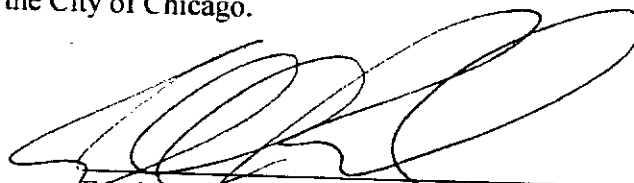
15. Administrative agencies such as the electoral board have no authority to declare statutes unconstitutional or even to question their validity. *Goodman v. Ward* 241 Ill.2d 398, 948 N.E.2d 580 (Ill., 2011) citing *Texaco-Cities Service Pipeline Co. v. McGaw*, 182 Ill.2d 262, 278, 230 Ill.Dec. 991, 695 N.E.2d 481 (1998); see *Wiseman v. Elward*, 5 Ill.App.3d 249, 257, 283 N.E.2d 282 (1972). All statutes are presumed to be constitutional. The party challenging the constitutionality of a statute bears the burden of rebutting this presumption and clearly establishing a constitutional violation. *State v. Funches*, 212 Ill.2d 334, 818 N.E.2d 342 (Ill., 2004); *Greco*, 204 Ill.2d at 406, 274 Ill.Dec. 73, 790 N.E.2d 846; *In re R.C.*, 195 Ill.2d 291, 296, 253 Ill.Dec. 699, 745 N.E.2d 1233 (2001). In the City of Chicago, nominating petitions for candidates for Alderman must be signed by the number of legal voters of the ward as will aggregate not less than 4% of the total number of votes cast for Alderman in such ward at the last preceding general election. 65 ILCS 20/21-28(a), as amended by P.A.

98-115. *eff. July 29, 2013*. For the election following the redistricting of wards petitions for nominations of candidates shall be signed by the number of legal voters of the ward as will aggregate not less than 4% of the total number of votes cast for mayor at the last preceding municipal election divided by the number of wards. *Id.* The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by limiting ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. *Briscoe v. Kasper*, 435 F.2d 1046, 1054 (7th Cir. 1970); see also, *Lockhart v. Cook County Officers Electoral Board*; *Merz v. Volderhing*, 94 IllApp.3d 1111, 1118, 419 N.E.2d 628 (1st Dist. 1981) "Signature requirements reduce voter confusion by restricting access to the ballot to more serious candidates." *Taman v. Illinois Board of Elections*, 2000 WL 521708 (N.D.Ill, 2000).

16. The Hearing Officer finds that the Candidate presented no evidence in support of his argument that the 473 minimum signature requirement is unconstitutional. The statute in question has a presumption of constitutionality and the Electoral Board lacks authority to address the Constitutionality of a statute.

HEARING OFFICER RECOMMENDED DECISION

17. The Hearing Officer recommends the Objector's Petition be sustained and the Candidate, Alberto Bocanegra, not appear on the February 24, 2015 Municipal Election ballot as a candidate for Alderman of the 15th Ward of the City of Chicago.


Frank A. Tedesso, Hearing Officer