

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

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Objections of: Paulina Roman )  
)  
)  
To the Petition for Referendum for a ) No.: 16-EB-QPP-01  
Moratorium on Creating New, Expanding )  
Existing, or Relocating Existing Charter )  
Schools in the 49th Ward of the City of )  
Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Paulina Roman (“Objector”) to the Petition for Referendum for a Moratorium on Creating New, Expanding Existing, or Relocating Existing Charter Schools in the 49th Ward of the City of Chicago (“Referendum Petition”) to be voted upon at the General Primary Election to be held on March 15, 2016, having convened on December 28, 2015 at 9:00 A.M., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Petition in the above-entitled matter, finds that:

1. Objections to the Referendum Petition 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 Proponent of the Referendum Petition, 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 28, 2015 and was continued from time to time.

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

6. The Objector and the Proponent 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, Paulina Roman, by her attorney, Tracy Demaj; and the Proponent of the Referendum Petition, pro se, who indicated that he was represented by attorney Ed Mullen, who was unable to appear that day.

7. The Proponent filed a motion to strike and dismiss paragraph 8 of the Objector's Petition, which contended that the proposed referendum did not ask a single question capable of being answered yes or no and was in violation of Section 28-3 of the Election Code (10 ILCS 5/28-3). The Hearing Officer granted the motion to strike and dismiss, finding that the proposed referendum was a single yes or no question submitted on a single subject – whether there should be a moratorium on new, expansion of existing, or relocation of charter schools in the 49<sup>th</sup> Ward. The Hearing Officer held that the referendum did not cause confusion and was subject to a single yes or no vote.

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

11. The Objector and/or her 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 is 1,022;

B. The number of purportedly valid signatures appearing on the petition filed total 1,478;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 728;

D. The remaining number of signatures deemed valid as a result of the records examination total 750.

14. The Electoral Board finds that the number of valid signatures appearing on the Referendum Petition following completion of the records examination was less than the minimum number of valid signatures required by law for a question of public policy to be placed upon the official ballot in the 49th Ward of the City of Chicago.

15. The Proponent did not file a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

16. The Proponent of the Referendum Petition did, however, file a document requesting to withdraw the Referendum Petition. The Hearing Officer found that Article 28 of the Election Code does not contain a provision authorizing a withdrawal of a referendum petition once filed.

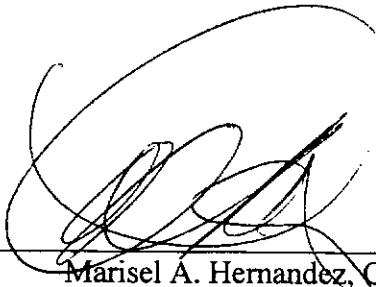
17. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Referendum Petition contained only 750 valid signatures, which is less than the minimum number of valid signatures required by law for a question of public policy to be placed upon the official ballot in the 49th Ward of the City of Chicago, and that the Referendum Petition should be found invalid.

18. 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 Examiner's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

19. For the reasons stated above, the Electoral Board finds that the Referendum Petition has an insufficient number of valid signatures and that the Referendum Petition is, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of Paulina Roman to the Petition for Referendum for a Moratorium on Creating New, Expanding Existing, or Relocating Existing Charter Schools in the 49th Ward of the City of Chicago are hereby SUSTAINED and said Referendum Petition is hereby declared INVALID and the Referendum for a Moratorium on Creating New, Expanding Existing, or Relocating Existing Charter Schools in the 49th Ward of the City of Chicago SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 15, 2016.

Dated: Chicago, Illinois, on January 19, 2016.



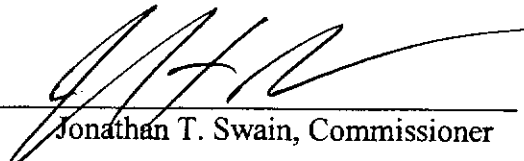
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Marisel A. Hernandez, Chairman



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William J. Kresse, Commissioner



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Jonathan T. Swain, 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.



following Board Documents 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 of the call; and "Board Group Exhibit D" consisting of the parties' appearances and executed non-disclosure agreements. The hearing Officer granted the Proponents of the Referendum leave to file a Motion to Strike and set a briefing schedule. The hearing Officer also ordered a Rule 6 Records Examination.

4. Proponents filed a Motion to Strike and Dismiss the objection in paragraph 8 of the Objector's Petition that objected to the proposed referendum appearing on the ballot in that it did not ask a single question capable of being answered yes or no and was in violation of Section 5/28-3 of the Election Code. The Hearing Officer granted the Motion to Strike and Dismiss finding that the proposed referendum was a single yes or no question submitted on a single subject a moratorium on new, expansion of existing, or relocation of Charter Schools in the 49<sup>th</sup> Ward. The proposed referendum did not cause confusion and was subject to a yes or no vote.
5. On January 7, 2016, a Records Examination was completed with the following results:

• Number of Signatures on Petition:	1478
• Total Objections:	1176
• Number of Objections Overruled:	448
• Number of Objections Sustained:	728
• Valid Signatures:	750

- Minimum Signature Requirement: 1022

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

6. The proponents filed a withdrawal. 10 ILCS 5/28-1 et seq. does not contain a provision authorizing a withdrawal of a proposed referendum once filed.
7. Proponents of the Referendum did not file a Rule 8 Motion. The Petition for Referendum contains 272 signatures below the minimum signature requirement for placement on the ballot. It is the Hearing Officer's Recommended Decision that the proposed referendum not appear on the March 15, 2016 General Primary Ballot.



H.O. Frank A. Tedesso



Cook County Clerk  
Chicago Board of Election Commissioner

# Petition Summary Report

Last Printed  
1/17/2016  
4:21:43 PM

Petition: 16-EB-QPP-01  
Election: 031516  
Objector Name: PAULINA ROMAN  
Candidate Name: 49 WARD CHARTER SCHOOL MORATORIUM



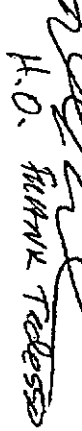
Candidate Contact:  
Phone:  
Fax:  
Signature Required: 1022  
Alderman 49th Ward Referendum

Objector Contact: PAULINA ROMAN  
Phone: 1478  
Fax: 1476  
Total Ruled On: 1176  
Total Remaining: 0  
Total Sustained: 728  
Total Overruled: 448

For Review (Candidate): 624  
For Review (Objector): 1025  
Total Valid Signatures: 750  
Total Unchallenged Sigs: 302

272 Signatures fewer than the required minimum

I acknowledge the completion of the records examination at 1/17/2016 4:21:43 PM

  
Candidate Representative  
  
Objector Representative  
  
County / City Representative  
H.O. *Handwritten Name*