

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

Objections of: Marjan Marjanovic)	
)	
)	
To the Nomination)	No.: 16-EB-WC-67
Papers of: Melanie Fialkowski)	
)	
Candidate for the office of Republican Party)	
Ward Committeeman for the 45th Ward, 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, Langdon D. Neal, and William J. Kresse, 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 Marjan Marjanovic (“Objector”) to the nomination papers (“Nomination Papers”) of MELANIE FIALKOWSKI, candidate for the office of Republican Party Ward Committeeman for the 45th Ward of the City of Chicago (“Candidate”) at the General Primary Election to be held on March 15, 2016, having convened on December 14, 2015, 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 14, 2015 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them 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, Marjan Marjanovic, by his attorney, Scott B. Erdman; and the Candidate, Melanie Fialkowski, by her attorney, Sharee S. Langenstein.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found:

A. The Objections alleged that the Candidate's Nomination Papers contained, on their face, only 190 signatures, which is below the 296 signatures required by law for candidates for the office of Republican Party Ward Committeeman for the 45th Ward.

B. The Hearing Officer independently counted the signatures on the Candidate's petition sheets and verified that only 190 signatures appeared on those sheets.

C. The Hearing Officer concluded that the minimum signature requirement is mandatory, citing *Jackson-Hicks v. East St. Louis Board of Election*


Commissioners, 2015 IL 118929, ¶ 24. The Hearing Officer concluded, therefore, that the Candidate failed to comply with the mandatory requirements of the Election Code and recommends that the Candidate's Nomination Papers be declared invalid.

8. 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.


9. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Marjan Marjanovic to the Nomination Papers of Melanie Fialkowski, candidate for the office of Republican Party Ward Committeeman for the 45th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Melanie Fialkowski, candidate for the office of Republican Party Ward Committeeman for the 45th 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.

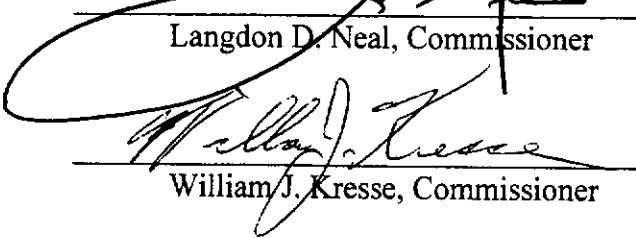
Dated: Chicago, Illinois, on December 22, 2015.



Marisel A. Hernandez, Chairman



Langdon D. Neal, Commissioner



William J. Kresse, 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.