

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

Objections of: RAUL REYES)
)
)
To the Nomination) No.: 19-EB-ALD-015
Papers of: TANYA G. PATINO)
)
Candidate for the office of)
Alderman of the 14th Ward of the City of)
Chicago)
)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the 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, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of RAUL REYES (“Objector”) to the nomination papers (“Nomination Papers”) of TANYA G. PATINO, candidate for the office of Alderman of the 14th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 were duly and timely filed.
2. The Electoral Board was legally constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair 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 was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer David Kadzai 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 Call. The following persons, among others, were present at or filed appearances during such hearing; the Objector, RAUL REYES, and/or his Attorney, ROSS D SECLER; and the Candidate, TANYA G. PATINO, and/or her Attorney, MICHAEL KRELOFF.

7. 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.

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

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

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

11. 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 Board's file in this case and a copy has been provided or made available to the parties.

12. 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 remaining number of signatures deemed valid as a result of the records examination total 1,144.

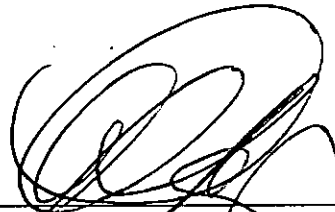
13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for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

14. 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 1,144 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 14th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

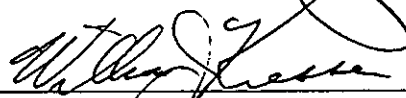
15. The Hearing Officer further found, and the Electoral Board agrees, that sections 10-3 and 10-5 of the Election Code do not prohibit a candidate from signing his or her own statement of candidacy form after having signed a different candidate's petition in the same race in the election cycle. 10 ILCS 5/10-3 and 10-5. Using the legal analysis for ballot-access restrictions as set forth in *Stone v. Board of Election Commissioners for the City of Chicago*, 750

IT IS THEREFORE ORDERED that the Objections of RAUL REYES to the Nomination Papers of TANYA G. PATINO, candidate for the office of Alderman for the 14th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of TANYA G. PATINO, candidate for the office of Alderman for the 14th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

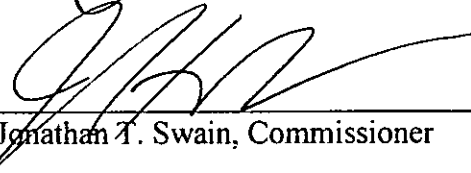
Dated: Chicago, Illinois, on Friday, January 18, 2019.



Marisel A. Hernandez, Chair



William J. Kresse, Commissioner



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.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO MUNICIPAL OFFICES IN THE CITY OF
CHICAGO**

Objections of)
Raul Reyes)
To the Nomination Papers of) Case No. 19 EB ALD 015
Tanya G. Patino)
Candidate for the Office of)
Alderman of the 14th Ward of)
the City of Chicago)
)

HEARING OFFICER'S FINAL RECOMMENDATION

THIS MATTER, coming before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners, and before the undersigned hearing officer, the hearing officer hereby makes the following Report and Recommendation:

Preliminary Facts

The candidate filed Nomination Papers as a Candidate for the Office of Alderman of the 14th Ward of the City of Chicago. Such nomination papers consist of (i) Statement of Candidacy; (ii) Nomination Petition Sheets; (iii) Loyalty Oath; and (iv) Statement of Economic Interests.

The Objectors' Petition to the Nomination Papers of the Candidate was timely filed December 3, 2018. In the Petition, the Objectors allege the petition pages contain: (i) petition signer signatures which are not genuine; (ii) the names of persons who are not registered at the address shown; and (iii) failure of candidate to subscribe to one nomination in violation of the Election Code Section 10-3.

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 certified mail or by Sheriff's service, as provided by statute.

The initial hearing on the Objectors' Petition was called on December 10, 2018. Mr. Ed Mullen and Mr. Michael Kreloff appeared on behalf of the Candidate. Mr. Ross Secler appeared on behalf of the Objector. At the hearing, the Candidate requested the opportunity to file a Motion to Strike and Dismiss the Objectors' Petition ¶16. A briefing schedule was set pursuant to the Rules of Procedure for the Board of Election Commissioners of the City of Chicago. The Candidate's Motion to Strike, the Objector's Response, and the Reply in Further Support of the Motion to Strike Objector's Petition ¶16 were timely filed. A hearing on the Candidate's Motion to Strike and Dismiss Objector's Petition ¶16 was continued from time to time and set for oral argument December 20, 2018 at 8:30 a.m. before the undersigned Hearing Officer. Attorneys Ed Mullen and Michael Kreloff appeared on behalf of the Candidate. Mr. Ross Secler appeared on behalf of the Objector. After oral argument this matter was taken under advisement for the Hearing Officer's Report and Recommendation and continued to December 27, 2018 for Ruling on the Candidate's Motion to Strike ¶16 of the Objector's Petition.

On December 27, 2018, a written ruling and recommendation to sustain the Candidate's Motion to Strike ¶16 the Objector's Petition was circulated to the parties' attorneys and the Election Board. The arguments advanced by the Objector in ¶16 required the joinder of Sections 10-3 of the Election Code and Sections 10-5 of the Election Code to arrive at the conclusion the Candidate impermissibly presented her Statement of Candidacy in violation of the "one-voter, one-signature" Rule found in Section 10-3 of the Election Code. The Hearing Officer recommended ¶16 of the Objector's Petition be stricken pursuant to *Stone v. Board of Election Commissioners for the City of Chicago*, 750 F.3d 678, 680 (7th Cir. 2014), and the matter be set

for status on Records Examination on December 31, 2018. In *Stone*, the Court declined to combine separate sections of the Election Code to arrive to a result that was clearly not intended by the legislature. Similarly, in the matter at hand, we believe the arguments advanced by the Objectors in ¶16 cannot be sustained as they require an impermissible extension of Section 10-3 of the Election Code.

Thereafter the matter was continued from December 31, 2018 to January 3, 2019 where the Candidate and Objector received the final results of the Records Examination. After review by a handwriting expert, it was found the Candidate met a threshold number of valid signatures to be placed on the ballot for Candidate for the Office of Alderman for the 14th Ward of the City of Chicago. In addition, counsel for the Candidate, Ed Mullen and Michael Kreloff, stipulated on the record that the Candidate signed the Petition of another Candidate prior to submitting her own Statement of Candidacy for the Office of Alderman for the 14th Ward of the City of Chicago. The hearing then concluded.

RECOMMENDATION

For the foregoing reasons, the Hearing Officer makes the following rulings:

1. That the Candidate's Motion to Strike ¶16 of the Objector's Petition be granted;
2. That Candidate, Tanya G. Patino, be placed on the ballot for Candidate for the Office of Alderman of the 14th Ward of the City of Chicago, having met the threshold level of support as required under the Election Code; and
3. The Hearing Officer finds there are no further controversies to be presented before the Hearing Officer in case no. 19 EB ALD 015 at this time and, as such, no future hearings/status be set before the undersigned Hearing Officer in this matter.

January 15, 2019

/s/ David Kadzai

David Kadzai
Hearing Officer