

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

Objections of: LINDA J. BELL)
)
)
To the Nomination) No.: 19-EB-ALD-036
Papers of: SHERRI BOLLING)
) Rel.: 19-EB-ALD-030
)
Candidate for the office of Alderman 8th)
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 LINDA J. BELL (“Objector”) to the nomination papers (“Nomination Papers”) of SHERRI BOLLING, candidate for the office of Alderman for the 8th 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 held on these Objections commenced on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Yolanda Carrillo 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, LINDA J. BELL, and/or her Attorney, JAMES E HARTMANN; and the Candidate, SHERRI BOLLING, and/or her Attorney MAX SOLOMON.

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 the records examination.

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

10. The Objectors and/or their 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.

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 784.
- C. The remaining number of signatures deemed valid as a result of the records examination total 390, said number being 83 below the statutory number of required signatures.

The candidate filed a motion pursuant to Rule 8 of the Board's Rules of Procedure ("Rule 8 Motion").

12. The Hearing Officer determined that the Candidate's Rule 8 Motion failed to contain the elements required by said Rule.

13. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's Final Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

14. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all

judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer' Final Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

15. The Electoral Board further finds that there is another objection filed against the Candidate's Nomination Papers in related case 19-EB-ALD-030 which found that the Candidate's Nomination Papers are invalid.


16. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of LINDA J. BELL to the Nomination Papers of SHERRI BOLLING, candidate for the office of Alderman for the 8th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SHERRI BOLLING, candidate for the office of Alderman for the 8th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

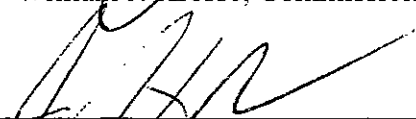
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY
CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON
OBJECTIONS TO THE NOMINATING PAPERS OF CANDIDATES FOR THE
FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR
ALDERMAN OF THE 8th WARD IN THE CITY OF CHICAGO**

LINDA J. BELL,)	
Petitioner-Objector)	
)	
v.)	19-EB-ALD-036
)	
SHERRI BOLLING,)	
Respondent - Candidate)	
)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

Objector Linda J. Bell ("Objector") filed an objection petition challenging the nominating papers for election of The Office of Alderman of the 8th Ward of the City of Chicago in the State of Illinois filed by the Candidate Sherri Bolling ("Candidate"). This matter was first heard on December 10, 2018. At that time, the parties did not anticipate filing any preliminary motions. Subsequently, a records examination was ordered. The records examination took place December 17, 2018 and the parties received notice of the Final Petition Summary Report on December 19, 2018.

A status hearing took place on December 20, 2018. The parties confirmed they received the Final Petition Summary Report and the Candidate indicated that she would be filing a Rule 8 Motion requesting an evidentiary hearing. The parties were informed that the deadline to file a Rule 8 Motion was December 20, 2018 at 5:00 pm. In anticipation of a Rule 8 motion being filed, a Rule 8 evidentiary hearing was scheduled for December 27, 2018 with exhibits, evidence and witness lists exchanged by December 26, 2018.

At the time of the hearing, Candidate raised the issue of signatures being invalidated during the records examination because the signer was "Not in the System". Candidate was told that the issue raised was noted and would be addressed, if appropriate at the Rule 8 Evidentiary Hearing, the Candidate was further told that she should include the issue raised in her motion. The Candidate stated the issue would be raised in the Rule 8 Motion.

The Candidate timely filed her Rule 8 Motion on December 20, 2018. The Candidate did not serve any exhibits, evidence or witness lists by December 26, 2018.

The Candidate's Rule 8 Motion

At the December 27, 2018 hearing, both parties appeared. At that time, no objections were raised. The Hearing Office, upon review of the motion, saw that the motion sought to rehabilitate over 160 signatures, listed by page number and line number that had been objected to during the records examination. The motion however failed to identify the basis for such objections to the findings made at the records examination.

The Rules of Procedure for the Board of Commissioners specify in Rule 8 how a party can request a hearing to present additional evidence and arguments related to the findings made during the records examination.

Specifically, Rule 8(d) states that the contents of the motion to request a hearing include the following: a written statement or outline sufficient to advise the other parties of the *factual and/or legal issues to be addressed by the moving party*. Section 8(d)(i) further, specifies that it is not acceptable to "merely incorporate,

adopt or use the Board's petition summary report, petition detail report or other Board record examination report as the Party's Rule 8 motion".

Here, the Candidate's Rule 8 Motion failed to state the legal or factual basis for the Candidate's objections. For example, the candidate did not specify whether the signatures were in fact authentic, the registered addresses were proper or otherwise. Without specifying the basis for the objection in its motion, as is the case here, the opposing party, would have to review the Final Petition Summary Report and Final Petition Detail Report to identify the basis for the objection, thus incorporating the Petition Summary Report to the Rule 8 Motion, something the rules specifically address as not acceptable. *See Sanchez v. Bocanegra*, 15 EB ALD 053 (CBEC 2015); *see also Salazar, et al. v. DeMay*, 15 EB ALD 052 (CBEC 2015).

Here, even if the Objector conducted a review of each page and line number identified by the Candidate against the Final Petition Detail Report, the Objector would be disadvantaged her preparation since a number of the signatures identified by sheet and line number have multiple objections by the Candidate, *see for example*, 6/2, 24/7, 27/3, 30/2, 37/5. This confusion by the lack of notice is what why Rule 8 requires that the basis for the objection to be identified.

At the December 27, 2018 hearing, in response to the deficiency found by the Hearing Office in the Candidate's Rule 8 Motion, the Candidate raised the fact that at the December 20, 2018 hearing, she raised the issue of signatures being invalidated because the signer was "Not in the System", thus arguing that the oral notice was sufficient for purposes of complying with Rule 8. However, such an argument fails because Rule 8 explicitly requires a written motion. At the December 20, 2018

hearing, the Candidate was informed that the issue was noted but that it should be addressed in the motion and the Candidate stated that it would be included in the motion. The issue however, was not raised in the motion. *See Tuck v. Ammons*, 07-EB-ALD-102 (Chicago Electoral Board 2007) (rejecting the candidate's argument that failing to comply with Rule 8 in its Rule 8 petition because of inadvertence was simply a technicality and rehabilitation of signatures should still be allowed). The Hearing Office also notes that a number of the signatures identified by the Candidate in her Rule 8 Motion do not indicate "Not in the System" when reviewing the Final Petition Detail Report, *see for example*, 16/8, 16/10, 27/7, 29/2, 29/5, 30/7, 34/5, 36/1.

Based on the foregoing, a finding that the Rule 8 Motion does not comply with Rule 8 is made and the Rule 8 Motion is stricken. Thus, a Rule 8 Evidentiary Hearing is not proper.

Further, a finding is made that the results of the records examination stand. Those results show that the Candidate is 83 signatures below the required 473.

Conclusion

It is my recommendation that 1) the nominating papers for the Candidate, Sherri Bolling, be found invalid and 2) that the Candidate's name, Sherri Bolling, not appear on the February 26, 2019 ballot for Alderman in the 8th Ward.

Date: December 31, 2018

Respectfully Submitted,

s/Yolanda Carrillo
Yolanda Carrillo
Hearing Officer