

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

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Objections of: INGLESIA TONEY )  
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To the Nomination ) No.: 19-EB-ALD-044  
Papers of: TRACI "TREASURE" JOHNSON )  
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Candidate for the office of )  
Alderman of the 24th 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 INGLESIA TONEY ("Objector") to the nomination papers ("Nomination Papers") of TRACI "TREASURE" JOHNSON, candidate for the office of Alderman of the 24th 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 Richard Zulkey 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, INGLESIA TONEY, and/or her Attorneys, KEVIN MORPHEW and MICHAEL J KASPER; and the Candidate, TRACI "TREASURE" JOHNSON, and/or her Attorney, ANDREW FINKO.

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 her 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 number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,875.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,171.

D. The remaining number of signatures deemed valid as a result of the records examination total 704.

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 24th 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 704 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 24th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

15. The Objector then filed a Rule 20 motion requesting further argument before the Electoral Board on the issue of whether the Candidate's nickname "Treasure" is a prohibited ballot name under 10 ILCS 5/10-5.1. The Electoral Board provided the parties an opportunity to present further argument, but the Objector's additional argument was unpersuasive.

16. The Electoral Board finds that the nickname "Treasure" is not a title or degree, or does it suggest or imply a professional status within the community. The Board further finds that the word "Treasurer" is not, itself, a political slogan. While section 10-5.1 of the Election Code does prohibit those kinds of nicknames from being used on the ballot, it does not prohibit the Candidate from using an otherwise acceptable nickname within a political slogan.

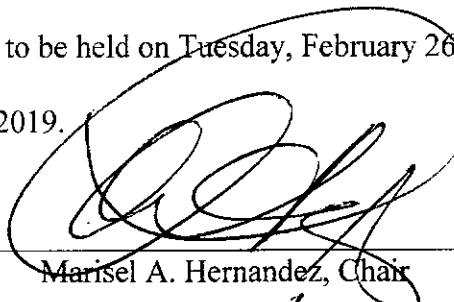
17. The Objector has cited to prior Electoral Board and court decisions in which the following nicknames were prohibited as titles, degrees, political slogans or suggestive of a professional status: "Coach," "Reverend," "Mother Diva," "C.C. For the People" and "Joseph 'the Libertarian' Schreiner." Those cases clearly involve titles (Coach and Reverend), political slogans (For the People and the Libertarian) and suggestions of the professional status of a distinguished female singer (Diva). But the nickname "Treasure" is not a title, degree, political slogan or professional status, and the subsequent use of an acceptable nickname is not prohibited by the Election Code. That is why, for example, a candidate with the name Michael "Mike" Kasper could use that as a ballot name while also printing campaign materials with the slogan "We Like Mike."

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.

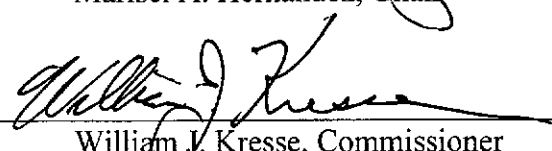
19. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of TRACI "TREASURE" JOHNSON are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of INGLESIA TONEY to the Nomination Papers of TRACI "TREASURE" JOHNSON, candidate for the office of Alderman for the 24th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of TRACI "TREASURE" JOHNSON, candidate for the office of Alderman for the 24th 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.

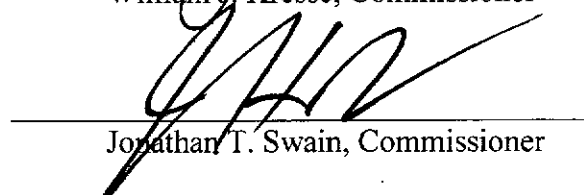
Dated: Chicago, Illinois, on Friday, January 25, 2019.



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  
CITY OF CHICAGO, ILLINOIS**

<b>INGLESA TONEY</b>		
<b>Petitioner-Objector</b>		
<b>vs.</b>		<b>19-EB-ALD-044</b>
<b>TRACI "TREASURE" JOHNSON</b>		
<b>Respondent- Candidate</b>		

**RECOMMENDATION BY HEARING OFFICER**

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For Objector

For Candidate

1. **Background:** The Candidate filed her nomination papers for the office of Alderman of the 24<sup>th</sup> Ward of the City of Chicago. These papers must contain no fewer than 473 qualified, registered and legal notes of the 24<sup>th</sup> Ward and present the qualifications of the Candidate in the form provided by law.
  
2. **Objector's Claims:** The Objector filed certain challenges to the nomination papers starting that:
  - a. The Petition sheets contain signers not registered at the addresses shown, signatures not genuine, signers residing outside the district, signers missing addresses, and signers signing more than once, Paragraphs 5, 6, 7, 8, 9; and

b. That the nomination papers contain an impermissible designation – “Treasure” in the Candidate’s name in violation of 5/10-5.1 of the Illinois Election Code.

3. **Proceedings:** As to the valid signatures, a signature exam was ordered. It has not yet been undertaken. It has not been scheduled. Regarding the name, “Treasure”, the Candidate filed a Motion to Strike with affidavits supporting the name of “Treasure” as the Candidates lifelong nickname originating in childhood by her parents and continuing to the present time even in her present occupation.

The Objector filed a Response stating the name “Treasure” implies a status the other candidates lack giving an unfair advantage to Ms. Johnson.

Argument occurred on December 19, 2018 where the attorneys for the parties presented their positions.

4. **Argument:** Section 10-5.1 of the Illinois Election Code provides that:

*In the designation of the name of a candidate on a petition for nomination, the candidate’s given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate’s surname... No other designation such as a political slogan, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidates’ surname.*

In the pleadings filed, this statute was parsed:

The Objector argues that the name “Treasure” implies a status that the rest of the candidates lack. It is compared to the use of specified prohibited names “implying possession of a title degree or professional status.” These are names like “coach”, “reverend” “doctor”, “sir” and the like.

These names were deemed to be impermissible in Rita v. Mayden, 364 Ill. App 3d 913, 847 N.E. 2d 578 (First Dist, 2006), and Jones v. Municipal Offices Electoral Board, 112 Ill App 3d 926, 446 N.E. 2d 256, 68 Ill Dec. 522 First Dist. (1983).

The Candidate argues that the use of nicknames in the designation of her name is authorized. Fowler v. Phelan, 11-EB-ALD-055, Dec. 21, 2011, and Bocanegra v. Ortiz, 11-EB-ALD-200, January 7, 2011. Ortiz is of particular interest.

In Ortiz, the Candidate used the name "Chula" which means pretty, cute or beautiful in Spanish. Here, the Board found that this term did not constitute a political slogan, title or degree nor does it suggest or imply possession of a title degree or professional status. In the instant case with the name "Treasure", the same conclusion is reached.

The Recommendation is that the objections against the use of the nickname "Treasure" by the Candidate is overruled.

5. **Recommendation:** The objections made to the use of the nickname "Treasure" are overruled, and the use of this nickname shall not bar the candidacy of Traci "Treasurer" Johnson.

The Candidate still must face the signature check that has been raised by the Objector and ordered to occur.

Date: December 27, 2018

Respectfully submitted,



Richard E. Zulkey  
Hearing Officer

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