

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

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Objections of: RENEE G. ELMS, PETER )  
RIVERA, RENEE WOZNIAK, MARIA G )  
OREGEL and EVELYN RAZO )  
To the Nomination ) No.: 19-EB-ALD-104  
Papers of: JOEL RIOJAS )  
)  
Candidate for the office of )  
Alderman of the 15th 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 RENEE G. ELMS, PETER RIVERA, RENEE WOZNIAK, MARIA G OREGEL and EVELYN RAZO (“Objectors”) to the nomination papers (“Nomination Papers”) of JOEL RIOJAS, for the office of Alderman of the 15th 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 Objectors 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 Samuel V. Jones for further hearings and proceedings.

6. The Objectors 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objectors, RENEE G. ELMS, PETER RIVERA, RENEE WOZNIAK, MARIA G OREGEL and EVELYN RAZO, and/or their Attorney, JAMES P. NALLY; and the Candidate, JOEL RIOJAS, pro se.

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 his 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 Electoral 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 352.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman of the 15th 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 only 352 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman for the 15th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

15. 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.

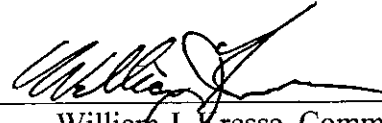
16. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of JOEL RIOJAS are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of RENEE G. ELMS, PETER RIVERA, RENEE WOZNIAK, MARIA G OREGEL and EVELYN RAZO to the Nomination Papers of JOEL RIOJAS, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOEL RIOJAS, candidate for the office of Alderman for the 15th 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.

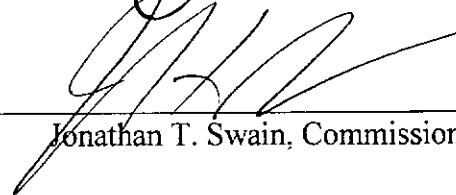
Dated: Chicago, Illinois, on Tuesday, January 22, 2019.



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 THE NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF ALDERMAN FOR THE 15<sup>th</sup> WARD, CITY OF CHICAGO, STATE OF ILLINOIS, TO BE VOTED ON AT THE 2019 MUNICIPAL ELECTION TO BE HELD ON FEBRUARY 26, 2019**

Case No. 19-EB-ALD-104

**RENEE G. ELMS, PETER RIVERA, RENEE M. WOZNIAK, MARIA G. OREGEL, EVELYN RAZO**, Petitioners-Objectors

vs.

**JOEL RIOJAS**, Respondent-Candidate.

**Report and Recommendation of Hearing Officer Samuel V. Jones**

1. On November 19, 2018, the Respondent-Candidate, **JOEL RIOJAS**, (hereinafter ("Candidate")), filed Nomination Papers in support of his nomination to the office of Alderman for the 15<sup>th</sup> Ward, City of Chicago, in the State of Illinois ("Nomination Papers").
2. On December 3, 2018, Petitioners-Objectors, **RENEE G. ELMS, PETER RIVERA, RENEE M. WOZNIAK, MARIA G. OREGEL, and EVELYN RAZO**, (hereinafter, "Objectors") objected to the sufficiency of the candidate's Nomination Papers, for various reasons stated in paragraphs 1-8 of Objection's Petition, claiming Candidate lacks 473 valid signatures as required under Illinois law.
3. On December 10, 2018, the initial hearing was conducted. At such time, Objectors appeared by and through their attorney, James P. Nally. Candidate appeared *pro se*.
4. During the initial hearing, Candidate confirmed receipt of the Call to the Meeting of the Electoral Board, Objector's Petition, and the Rules of Procedure. Mr. Nally acknowledged Receipt of Call and Rules of Procedure. Both parties confirmed they each read and fully understood the Rules of Procedures.
5. After reviewing the issues and facts identified in the filed documents, it became readily clear to me that the issues raised by the Objectors could be resolved by a Records Examination. During the initial hearing, when I asked Mr. Nally to state the factual and legal issues that formed the basis of Objector's allegations, Mr. Nally confirmed that this matter was a "records examination case."

6. Pursuant to Rule 6 of the Rules of Procedure, during the initial hearing, a Records Examination was ordered to determine the adequacy of the Objector's allegations relative to whether Candidate had filed the minimum number of required valid signatures under Illinois law.
7. On December 11, 2018, Candidate filed a "**Motion with Respect To Pleadings**" that appears to fail to state any claim upon which relief could be granted. Objectors did not respond.
8. On January 13, 2019, the Final Petition Summary Report of the Records Examination was completed. The reported results were as follows:
  - Total pages: 34
  - Total signatures: 679
  - Total objections: 650
  - Total ruled on: 650
  - Total sustained lines: 327
  - Total overruled lines: 119
  - Total valid signatures: 352**
  - Total unchallenged Signatures: 233
9. The results of the Record Examination indicated that Candidate has "**121 Signatures fewer than the required minimum.**"
10. Candidate did not file for a Rule 8 evidentiary hearing after release of the final results of the records examination.
11. On January 15, 2019, a second hearing was conducted. Candidate chose not to appear despite being notified of date and time of the hearing. Mr. Nally was present. The results of the Records Examination were read into the Record.

**Findings and Recommendation:** Based on the results of the records examination, I find that the Nomination Papers fail to satisfy the minimum requirements for Candidate's name to be placed on the ballot for the office of Alderman for the 15<sup>th</sup> Ward, City of Chicago, State of Illinois, during the municipal general election to be held February 26, 2019. I therefore recommend that: (1) Candidate's Motion With Respect to Pleadings be denied as the action requested appears moot and insufficiently identified; (2) Petitioners objection to the candidacy of Mr. Joel Riojas be **sustained** because the Nomination Papers do not contain the minimum number of valid signatures required under Illinois law; and (3) Candidate name, Joel Riojas, be excluded from the ballot during the upcoming Alderman election.

*Samuel V. Jones*

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Samuel V. Jones  
Hearing Officer