

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

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Objections of: SHAJAN KURIAKOSE,	)	
HARRIETTE MIMMS and CHANTIA	)	
KINDLE	)	
To the Nomination	)	No.: 19-EB-MUN-004
Papers of: CATHERINE BROWN	)	
D'TYCOON	)	Rel.: 19-EB-MUN-008, 19-EB-MUN-027
	)	
Candidate for the office of Mayor 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, 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 SHAJAN KURIAKOSE, HARRIETTE MIMMS and CHANTIA KINDLE (“Objectors”) to the nomination papers (“Nomination Papers”) of CATHERINE BROWN D'TYCOON, candidate for the office of Mayor for 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 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 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 June Brown for further hearings and proceedings.

6. The Objectors 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 Objectors, SHAJAN KURIAKOSE, HARRIETTE MIMMS and CHANTIA KINDLE, and/or their Attorney, KERI-LYN J KRAFTHEFER; and the Candidate, CATHERINE BROWN D'TYCOON, pro se.

7. 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 filed her nomination papers in multiple sets of individually bound volumes, none of which individually contained the minimum 12,500 petition signatures required for the office sought. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are 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. In a decision that was affirmed on judicial review by the Circuit Court of Cook County, this Electoral Board has previously ruled that filing petitions in multiple bound volumes does not necessarily invalidate the Nomination Papers, but the petition signatures contained in only one of said multiple volumes may be counted towards the statutorily required minimum. *Barnes v. Smith*, 95-EB-MUN-15 (CBEC 1995), affirmed: *Smith v. Barnes*, 95-CO-22 (Cir. Ct. Cook Co., 1995).

9. When none of the individual bound volumes contains the minimum number of signatures required, this Electoral Board has ruled that the candidate's nomination papers are invalid and the candidate's name may not be printed upon the ballot. *Moss v. Austin*, 11-EB-ALD-185 (CBEC 2011), and *Moses v. Thomas*, 11-EB-ALD-192 (CBEC 2011).

10. 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.

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IT IS THEREFORE ORDERED that the Objections of SHAJAN KURIAKOSE, HARRIETTE MIMMS and CHANTIA KINDLE to the Nomination Papers of CATHERINE BROWN D'TYCOON, candidate for the office of Mayor for the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CATHERINE BROWN D'TYCOON, candidate for the office of Mayor for 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 Wednesday, January 2, 2019.




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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF MAYOR OF THE CITY OF CHICAGO, COUNTY OF COOK AND STATE OF ILLINOIS TO BE VOTED ON AT THE FEBRUARY 26, 2018 GENERAL MUNICIPAL ELECTION.**

SHAJAN KURIAKOSE, HARRIETTE	)	
MIMMS and CHANTIA KINDLE,	)	
	)	
<i>Objectors</i>	)	
	)	Case No: 19-EB-MUN-004 <i>related</i>
	)	Case No: 19-EB-MUN-008
CATHERINE BROWN D'TYCOON,	)	
	)	
<i>Candidate</i>	)	
	)	
	)	
	)	

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

The above-named cause came to be heard before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners ("CBOE"). Pursuant to section 10-10 of the Illinois Election Code (10 ILCS 5/10-10), and the Rules and Regulations of the Chicago Board of Election Commissioners ("CBOE"). The official appointment by the Chicago Board of Election Commissioners ("CBOE") to act in the above-designated matter, assigned June A. Brown as that Hearing Officer for hearings and passing on Objectors Petitions at the Offices of the Chicago Board of Election Commissioners ("CBOE"). at 69 W. Washington Lower Level.

The initial hearing on the Objector's Petition was called on December 10, 2018. The Objectors appeared by Counsel, **Keri-Lyn J. Krafthefer, Ancel Glink, P.C.**, and the Candidate, **Catherine Brown D'Tycoon** appeared "**Pro Se**". The Candidate filed Nomination Papers as a Candidate for Election to the Office of Mayor of the City of Chicago, County of Cook, State of Illinois. The Nomination Papers consist of: a) Statement of Candidacy; b) Nomination Petition Sheets; c) Loyalty of Oath and d) Receipt for Statement of Economic Interests. At the initial hearing, the file exhibits were read and admitted into the record, service was waived and the Rules of Procedure were introduced to parties.

The Candidate, **Catherine Brown D'Tycoon**, requested the opportunity to file a Motion to Strike and Dismiss Objectors' Petition. For the record, the Motion was denied and the Matter was to proceed to an evidentiary hearing scheduled for December 27, 2018. The Matter was rescheduled to January 2, 2019, after the candidate, Catherine Brown D'Tycoon, experienced a medical emergency during the December 27, 2018 hearing. The candidate, Catherine Brown D'Tycoon informed the Hearing Officer that she was suffering with the flu. The Hearing Officer emailed all parties informing them that, due to Ms. Brown's medical issue and the time restriction of this process, the parties were to submit written memo detailing evidence that would provide proof for the parties, by December 31, 2018 by 5:00PM.

The Hearing Officer received a timely Memorandum from Objector's Counsel, **Keri-Lyn J. Krafthefer, Ancel Glink, P.C.** For the record, the candidate, Catherine Brown D'Tycoon did not submit a Memorandum. This Recommendation is based on evidence, timely submissions and prior hearings in this Matter.

### ANALYSIS

The Objectors' Petition filed allegations that 1.) *the Candidate's nomination papers failed to comply with the mandatory provisions of the Election Code*; and 2.) *the Candidate's nomination papers do no contain a sufficient number of properly bound valid signatures* required to be placed on the February 26, 2019 General Municipal Election ballot for the Office of Mayor of the City of Chicago.

The candidate, Catherine Brown D'Tycoon, testified that when she filed her nomination papers they were bound. Upon review of the file and nomination papers, the Hearing Officer found that the filings were bound, *but as individual books*, with no evidence of them having all been bound together as one package for all 17 volumes of nomination petitions.

Illinois Election law addresses the filing nomination papers with Section 10-4 setting the standard. In the Illinois Election Code, Section 10-4 provides that petition sheets shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner. 10 ILCS 5/10-4.

This requirement is mandatory. **Bendell v. Educational Officers Electoral Board for School Dist. 148**, 338 Ill.App.3d 258, 263, 788 N.E.2d 173 (1st Dist. 2003). The Section 10-4 states that *noncompliance with its provisions shall invalidate the signatures on a nomination petition*. 10 ILCS 5/10-4. The case law also reflects that *...a candidate's failure by any manner to bind or fasten the petition sheets together in a secure and suitable manner does not substantially comply with the mandatory requirements of Section 10-4 and renders the candidate's nomination papers invalid*. **Wilson v. Rowans**, 03-EB-ALD-122, CBEC, January 14, 2003; **Brummit v. Brewer**, 07-EB-ALD-062, CBEC, January 23, 2007. In **Moss v Austin** the matter of binding for several volumes of nomination papers was discussed and found consistent with precedent set in *Barnes v. Smith*, *...the electoral board will consider only one of the candidate's two books or sets of papers*. **Moss v. Austin**, 11-EB-ALD-185, CBEC, January 11, 2011; **Smith v. Barnes**, 95 CO 22 (Cir. Ct. Cook Co., 1995), affirming decision of CBEC (**Barnes v. Smith**, 95-EB-MUN-15, January 19, 1995).

The February 26, 2019 Municipal Election requires candidates for the office of Mayor of Chicago, Illinois to file 12,500 valid signatures of registered voters in Chicago. The Chicago Board of Elections cases reflect the rule that, if a candidate files multiple volumes, the Board will consider only that volume which is most favorable to the candidate to determine whether it satisfies the mandatory requirements. If the one volume satisfies the mandatory requirements of the Election Code, then the candidate's nominating papers will be considered valid, notwithstanding that several volumes were filed. See **Smith v. Barnes**, 95 Cook 22 (Cir. Ct. Cook Co. 1995), in which the circuit court



affirmed the decision of the Board's decision that a candidate who filed two volumes satisfied the requirements because one volume alone satisfied the requirements. **However, if the volume that is *most favorable to the candidate does not satisfy the requirements, the candidate will be removed from the ballot.* See *Moses v. Thomas*, 11-EB-ALD192.**

I find that there were seventeen ( 17) volumes of nomination petitions filed by the candidate, Catherine Brown D'Tycoon for the office of Mayor of the City of Chicago, County of Cook, State of Illinois for the February 26, 2019 Municipal Elections. However, while they were individually bound, there was no a single binding connecting ALL seventeen (17) volumes as one book. The Candidate's nomination papers were not fastened together in book form as required by Section 10-4 of the Illinois Election Code.

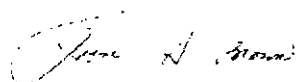
Furthermore, Chicago Board of Election case law provides that ... *only the volume that is most favorable to the candidate is used as the filing for office.* Based on the evidence and hearings, even the volume most favorable to the Candidate, Catherine Brown D'Tycoon, does not contain the requisite 12, 500 valid signatures of Chicago voters to be place on the February 26, 2019 ballot for the Office of Mayor of the City of Chicago, Illinois. For the record, there was no rebuttal by the Candidate, Catherine Brown D'Tycoon, to this allegation that no single volume contained the requisite 12, 500 valid signatures, nor was there a Rule 6, Records Examination request made.

I find that the Candidate, Catherine Brown D'Tycoon's nomination papers fail to comply with the **mandatory** requirements of the Election Code, the Candidate's Nomination Papers are insufficient as a matter of law. Therefore, the candidate did not have the 12,500 valid Chicago voter signatures as required by the Illinois Election Code to be on the ballot for the Office of Mayor of the City of Chicago. This finding impacts all cases related to the nomination papers filing as they were found to be invalid. The failure to comply with the mandatory requirements of Section 10-4 standard of the Illinois Election Code, renders this matter and all associated Objections sustained and the nomination papers filing invalid, *in toto*.

### RECOMMENDATION

In light of the foregoing, it is the recommendation of this Hearing Officer that the **OBJECTIONS** to the Candidate's Nomination Papers in this Matter Case No. 2019-EB-MUN-004 and related case(s) Case No. 2019-EB-MUN-008 be **SUSTAINED**, and the name of **CATHERINE BROWN D'TYCOON**, Candidate for the **OFFICE OF MAYOR OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, SHALL NOT** appear on the ballot for the February 26, 2019 General Municipal Elections.

Respectfully Submitted,



J. A. Brown, Hearing Officer/ALJ