

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

Objections of: JOSEPH A. BARTON )  
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 )  
 To the Nomination ) No. 08-EB-WC-12  
 Papers of: KAREN S. ROOTHAAN )  
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 )  
 Candidate for the office of )  
 Ward Committeeman for the 10th Ward of )  
 the City of Chicago, Green Party )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of JOSEPH A. BARTON ("Objector") to the nomination papers ("Nomination Papers") of KAREN S. ROOTHAAN, candidate for election to the office of Ward Committeeman for the 10th Ward of the City of Chicago, Green Party ("Candidate"), having convened on November 26, 2007, at 10:00 a.m., at 69 W. Washington Street, 8<sup>th</sup> Floor Conference Room, 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 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 Chairman 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 November 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Linda R. Crane for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, JOSEPH A. BARTON, appearing on his own behalf; and the Candidate, KAREN S. ROOTHAAN, appearing by counsel, Scott Summers.

7. The Objector raised objections to the Candidate's Nomination Papers, including the allegation against the validity of individual signatures identifying them by sheet and line and that the Candidate's petition did not contain a sufficient number of valid signatures to meet the minimum signature requirement for the office sought.

8. The Hearing Examiner ordered that an examination of the 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.

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

10. The Candidate or her duly authorized representative(s) was present during the examination of the registration records.

11. The Objector or his duly authorized representative(s) was present during the examination of the registration records.

12. 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

13. The results of the records examination conducted in this case as corrected indicate that:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 29;
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 33;
- C. The number of signatures deemed invalid because of objections sustained during the records examination total 11;
- D. The remaining number of signatures deemed valid total 22.

14. Subsequent to the records examination, an evidentiary hearing was conducted and the Candidate presented affidavits from 7 persons who purportedly signed her petition but whose signatures were objected and sustained during the records examination. The Hearing Examiner, after reviewing the affidavits and considering the evidence, increased the number of valid signatures to 28, which was still 1 short of the

minimum signature requirement of 29. Due to a mistake in the tallying of the record examination results that resulted in the Candidate being credited with 23 valid signatures instead of the correct number of 22 valid signatures, the Hearing Examiner continued the hearing for 5 days to allow the Candidate to obtain additional evidence. When the hearing continued on December 5, 2007, the Candidate stated for the record that she had no additional evidence to offer.

15. The Hearing Examiner found that the Candidate had only 28 valid signatures on her nominating petition sheets and failed to meet the minimum signature requirement of 29.

16. The Hearing Examiner has tendered to the Electoral Board her report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

17. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

18. The Electoral Board finds, therefore, that objections to signatures listed on certain sheets and lines of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

19. The Electoral Board finds that the Candidate has an insufficient number of valid signatures on her Nomination Papers to be placed upon the official ballot as a

candidate for election to the office of Ward Committeeman for the 10th Ward of the City of Chicago, Green Party.

20. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Nomination Papers of KAREN S. ROOTHAAN are not valid.

IT IS THEREFORE ORDERED that the Objections of JOSEPH A. BARTON to the Nomination Papers of KAREN S. ROOTHAAN, candidate for election to the office of Ward Committeeman for the 10th Ward of the City of Chicago, Green Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of KAREN S. ROOTHAAN, candidate for election to the office of Ward Committeeman for the 10th Ward of the City of Chicago, Green Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 16th day of December, 2007.



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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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Marisel A. Hernandez, 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 10 days after the decision of the Electoral Board.

**BEFORE THE CHICAGO BOARD OF ELECTION COMMISSIONERS**  
**SITTING AS THE DULY CONSTITUTED MUNICIPAL OFFICERS**  
**ELECTORAL BOARD FOR THE CITY OF CHICAGO**

<b>JOSEPH A. BARTON</b>	)	
	)	
<b>Petitioner-Objector</b>	)	
	)	<b>08-EB-WC-12</b>
<b>and</b>	)	
	)	
	)	
<b>KAREN S. ROOTHAAN</b>	)	
	)	
<b>Respondent-Candidate</b>	)	

2007 DEC 13 P 12:52

**HEARING EXAMINER'S RECOMMENDED DECISION**

The Respondent-Candidate, **KAREN S. ROOTHAAN**, filed Nomination Papers in support of his nomination for election to the position of Republican Ward Committeeman for the 10<sup>th</sup> Ward, City of Chicago, County of Cook, State of Illinois to be voted upon at the primary election on February 5, 2008 Primary Election (election).

The Petitioner-Objector, **JOSEPH A. BARTON**, filed an Objector's Petition objecting to the sufficiency of the Candidate's nomination petition sheets (petitions) for the reason that Candidate's petitions contains fewer than the required minimum number of 29 valid signatures necessary to qualify her to have her name placed on the ballot for the election as a candidate for the Green Party. The Objector's petition contained no additional objections to the Respondent's candidacy.

On November 26, 2007 at 1:30, the matter was set for the initial trial. The Candidate-Respondent appeared and answered ready. The Objector-Petitioner was not present. The case file confirmed that the attempts to serve the Objector with notice of the initial trial date had been unsuccessful. The Objector called the Board's General Counsel and expressed a strong desire to continue the matter to a soon date. In addition, the Objector sent his wife to speak on his behalf and to request a continuance. Over the Candidate's objection, the initial call was rescheduled for a new date and time of 1:00 p.m. on Friday, November 30, 2007; and a new summons was issued for the sheriff to serve Mr. Barton.

On Friday, November 30, at 1:00 p.m., all of the parties were present and filed their appearances. Mr. Barton did not bring an attorney and proceeded pro se. Attorney Scott Summers filed an appearance on behalf of the Candidate. Both parties stated that they had received proper notice of the proceedings and that they had received, read and understood the newly adopted amendments to the Electoral Board's Rules of Procedure. The Objector stated that the only issue of importance to his objection is whether the Candidate's nominating petitions contained 29 valid signatures. *(transcript, page 7-8)* A Records Examination Directive was issued for a Records Examination to be conducted to determine whether the Respondent-Candidate's petitions contained the minimum number of legal valid signatures. The hearing officer explained to the Candidate that the burden of proof would shift to her following a finding of too few valid signatures following the Record Examination. *(transcript, pages 11-15, 20-23)*

On December 1, 2007, the Respondent-Candidate filed a Motion to Strike. On December 2, 2007 the Petitioner-Objector filed a response to the Motion to Strike and Dismiss. The Candidate's Motion to Strike and Dismiss is denied.

A Records Examination was completed Saturday, December 1, 2007. The results were:

Number of Signatures on Petition	33
Number of Objections Overruled	11
Number of Objections Sustained	10
Number of Signatures Invalid Because of Circulator	0
Number of Valid Signatures (corrected*)	22*
Minimum Signature Requirement	29
Number of Valid Signatures in Excess of or (Below) the Minimum Signature Requirement	(7)
Number of Signatures - Post-Hearing	27
Number of Valid Signatures in Excess of or (Below) the Minimum Signature Requirement	(2)

On December 4, 2007, the Records Examination Results were read into the record. Both parties were present at the reading of the results of the Records Examination -- the Respondent-Candidate with her attorney of record, Scott Summers; and the Petitioner-Objector was present without counsel. The candidate was informed that the burden had shifted back to her to prove that she had enough valid signatures on her petitions. The candidate clearly stated her intention to rehabilitate six signatures necessary to meet the minimum number of



29. Note: it was later established that there was an error in the official record examination results and that the accurate number of valid signatures, according to the Registrations Department of the Board, was only 22, not 23 thus increasing the minimum number of signatures that the Candidate needed to rehabilitate to 7, not 6. The Board of Elections has sustained the objections to eleven the Candidate's signatures. Candidate filed a total of 33 signatures with her nomination papers. The maximum number of signatures that can be filed for this race is 89. *(2008 Chicago Board of Elections Election Calendar, page 11).*

Neither the candidate nor her attorney filed a Rule 8 Motion or Rule 7 Request for Records. The hearing proceeded with the Candidate presenting affidavits to meet her burden of proving why the signatures for which objections had been sustained by the records examination should be added back to her total number of valid signatures. We used the process of checking voters' registration records and taking testimony from the Board staff and the witnesses. The candidate, through counsel, presented affidavits from seven of the voters whose signatures were stricken during the Records Examination. Each affidavit contained a statement by the affiant that (s)he was a registered voter in the 10<sup>th</sup> Ward and that s(he) had voluntarily signed the candidate's petition. The Hearing Examiner compared each affidavit to each signer's signature on the candidate's petition. The Board of Elections worksheets completed during the Records Examination were consulted for proof of the tally totals and for its record of the candidate's timely appeals from the objections as they were sustained. Every sheet, line, name, address and reason for disqualification of each signature was

argued vigorously by both parties. The Hearing Examiner conducted a close comparative visual examination of the evidence presented as proof offered by Candidate.

Below find my recommendations for each objection line by line.

1. Sheet 3, Line 1. Voter name: Diana Ramirez. Objection: ...not signed in proper person. Recommendation: Overrule objection and increase number of valid signatures from 22 to 23. (adjusted) Note: transcript recorded before discovery of error in tally that increased the number of objection sustained by board to 11 instead of 10 reducing Candidate's remaining number of valid signatures to 22 from 23. Witness: Lionel Trapanier, Notary Public before whom all affiants appeared and signed their affidavits.
2. Sheet 1, Line 7. Voter name: Elmore Fernandez. Objection: ...not signed in proper person. Recommendation: Overrule objection and increase number of valid signatures from 23 to 24. (adjusted) (*transcript, page 31*) Witness: Lionel Trapanier, notary public before whom affiant appeared to sign his affidavits.
3. Sheet 1, Line 14. Voter name: Regina L. McDaniel. Objection: ...not signed in proper person. Recommendation: Overrule objection and increase number of valid signatures from 24 to 25. (adjusted) (*transcript, pages 40-41*) Witness: Lionel Trapanier, notary public before whom affiant appeared to sign her affidavit.

4. Sheet 2, Line 6. Voter name: Ricardo Escotto. Objection: ...not signed in proper person. Recommendation: Overrule objection and increase number of valid signatures from 25 to 26.(adjusted) *(transcript, page 46-49)*

Witness: Lionel Trapanier, notary public before whom affiant appeared to sign their affidavits.

5. Sheet 3, Line 2. Voter name: Richard Paz. Objection: ...signer not registered at address shown. According to the affidavit, the he is a resident at 8938 S. Houston, Chicago which is the address where the voter is registered to vote. Mr. Paz's address next to his signature on the Candidate's petition sheet is 8943 S. Houston. Both addresses are in the 10<sup>th</sup> Ward and Mr. Paz has family members at both addresses.

Recommendation: Sustain objection and leave number of valid signatures at 26. Witness: Lionel Trapanier, notary public before whom affiant appeared to sign his affidavit.

6. Sheet 2, Line 9. Voter name: Tony Carrillo. Objection: ...address shown is out of the district. According to the affidavit, he resides at 9535 Avenue N, 10<sup>th</sup> Ward, Chicago which is also his address on his passport and Illinois driver's license. The voter is still registered to vote at an old address, 8235 S. Buffalo, 7<sup>th</sup> Ward in Chicago. *(transcript, page 61)*

Recommendation: Sustain objection and leave number of valid signatures at 26. Witness: Lionel Trapanier, notary public before whom affiant appeared to sign his affidavit.

On December 5, 2007 board staff who conducted the calling and tallying portions of the search of the master files testified under oath that the Candidate did not make a timely objection to the decision during the record examination to sustain the objection to the signature on sheet 3, line 7 of her nomination petitions. These employees also testified that there was a mistake in the final tally of the report of the Record Examination Results that were completed on December 1, 2007. Because of the mistake, the Candidate was informed that she still needs to rehabilitate 3 additional signatures instead of only 2 in order to reach the minimum number of 29 valid signatures. (*Transcript pages 61-64*)

7. Sheet 2, Line 2. Voter name: Marcella Ramirez. Objection: ...signer not registered at address shown. According to the affidavit, she resides at 8410 S. Green Bay, 10<sup>th</sup> Ward, Chicago. The voter's affidavit states that she is still registered to vote at an old address, 8414 S. Buffalo, 10<sup>th</sup> Ward in Chicago. (*transcript, page 13*) This was confirmed by the Executive Director of the Chicago Board of Election Commissioners) (*transcript, page 28*) Recommendation: Sustain objection and leave number of valid signatures at 26. Witness: Lionel Trapanier, notary public before whom affiant appeared to sign her affidavit.
8. Sheet 2, Line 9. Voter name: Ralph Medrano. Objection: ...signer not registered at address shown. According to the affidavit and the records from the Cook County Treasurer's Office of addresses of property in the City of Chicago, Mr. Medrano owns 8508 and 8510 S. Mackinaw Avenue, Chicago. He signed the Candidate's nomination petition and listed his

address at 8510 S. Mackinaw. His voter's registration address is 8508 S. Mackinaw, but states that he resides at both addresses. (*transcript, page 32*) Recommendation: Overrule objection and increase the number of valid signatures from 26 to 27. Witness: Lionel Trapanier, notary public before whom affiant appeared to sign his affidavit.

9. Sheet 1, Line 8. Voter name: Maria Luna Estrada. Objection: ...voter did not sign in own proper name. According to the affidavit, she both resides and is registered to vote at 8450 S. Burley, 10<sup>h</sup> Ward, Chicago (*transcript, page 34, 71*) Recommendation: Overrule the objection and increase the number of valid signatures from 27 to 28. Witness: Lionel Trapanier, notary public before whom affiant appeared to sign his affidavit. A married woman who adopts her married name and signs it to a nomination petition before changing her name on the voter's registration master records. See 2005 amendments to Section 6-54 that allow a married woman who changes her name by marriage can vote or sign candidate petitions as long as the voter's precinct remains the same after the change. *Sumlin v. Newell, 07-EB-ALD-174, CBEC, January 29, 2007.*

Because of the mistake in the tally the matter was continued for 5 days, until December 10, 2007 at 10:15 a.m. to allow the Candidate generously ample time to collect evidence in support of at least one additional signature. The Candidate, appearing without Mr. Summers, stated simply that she had no additional proof that was not the same as previously presented evidence that certain signatures should be found to be valid if the

voter is, in fact, a resident at an address different from the one used on the nomination petition as long as their actual address is in the 10<sup>th</sup> Ward. My understanding of the prevailing standard for such signatures is that they are not valid and the Objector's objections are sustained for those signatures. The exception was made for the rather extraordinary situation proven to exist in the case of the voter, Ralph Medrano, who owns and resides at a building, though physically adjoined, have two different addresses.

Any motions not specifically granted are denied.

Based on the foregoing, the Candidate Karen Roothaan has failed to meet the requirement of 29 valid signatures of voters in the 10<sup>th</sup> Ward insofar as the final tally following the hearings and the record examination stands at 28. Consequently, I cannot recommend that her name be placed on the ballot for the upcoming election as a candidate for the Green Party for the office of Ward Committeeman.

**Respectfully submitted,**

**December 13, 2007**

  
**LINDA R. CRANE, Hearing Examiner**