

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

Objections of: Rosalinda Reynolds)
)
)
To the Nomination) No.: 14-EB-RGA-31
Papers of: Maria Antonia "Toni" Berrios)
)
Candidate for the nomination of the)
Democratic Party for the office of)
Representative in the General Assembly for the)
39th Representative District, State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago 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 Rosalinda Reynolds ("Objector") to the nomination papers ("Nomination Papers") of Maria Antonia "Toni" Berrios, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 39th Representative District of the State of Illinois ("Candidate") at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013, at 9:00 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 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 December 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso 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, Rosalinda Reynolds, by her attorney, Laura Jacksack; the Candidate, Maria Antonia "Toni" Berrios, by her attorney, Thomas A. Jaconetty.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition on several grounds, including an allegation the Objector lacked standing to file an objection because she purportedly was not a registered voter and an allegation that the Objector failed to object to a sufficient number of signatures to bring the Candidate below the statutory minimum of 500 valid signatures.

8. The Hearing Officer found that the Objector was a registered voter at the time she filed her Objector's Petition and thus has standing to file said Objections. Accordingly, the Hearing Officer denied the motion to strike and dismiss on this ground.

9. The Hearing Officer further found, however, that the Objector's Petition failed to object to a sufficient number of signatures so that even if all of the Objections were sustained, Candidate's nominating petition would still contain 643 valid signatures without any objection whatsoever, leaving the Candidate with 143 signatures above the statutory minimum of 500 for placement on the ballot. Accordingly, the Hearing Officer granted the Candidate's motion to strike the Objector's Petition.

10. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be stricken and dismissed and that the Nomination Papers be declared valid.


11. 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 report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

12. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

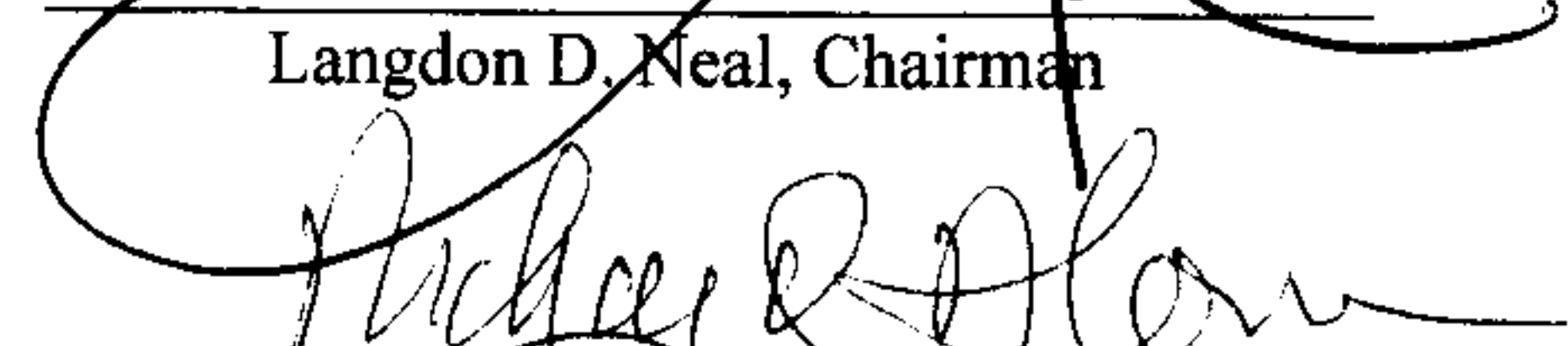
IT IS THEREFORE ORDERED that the Objections of Rosalinda Reynolds to the Nomination Papers of Maria Antonia "Toni" Berrios, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 39th Representative District of the State of Illinois, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of Maria Antonia "Toni" Berrios, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly

for the 39th Representative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

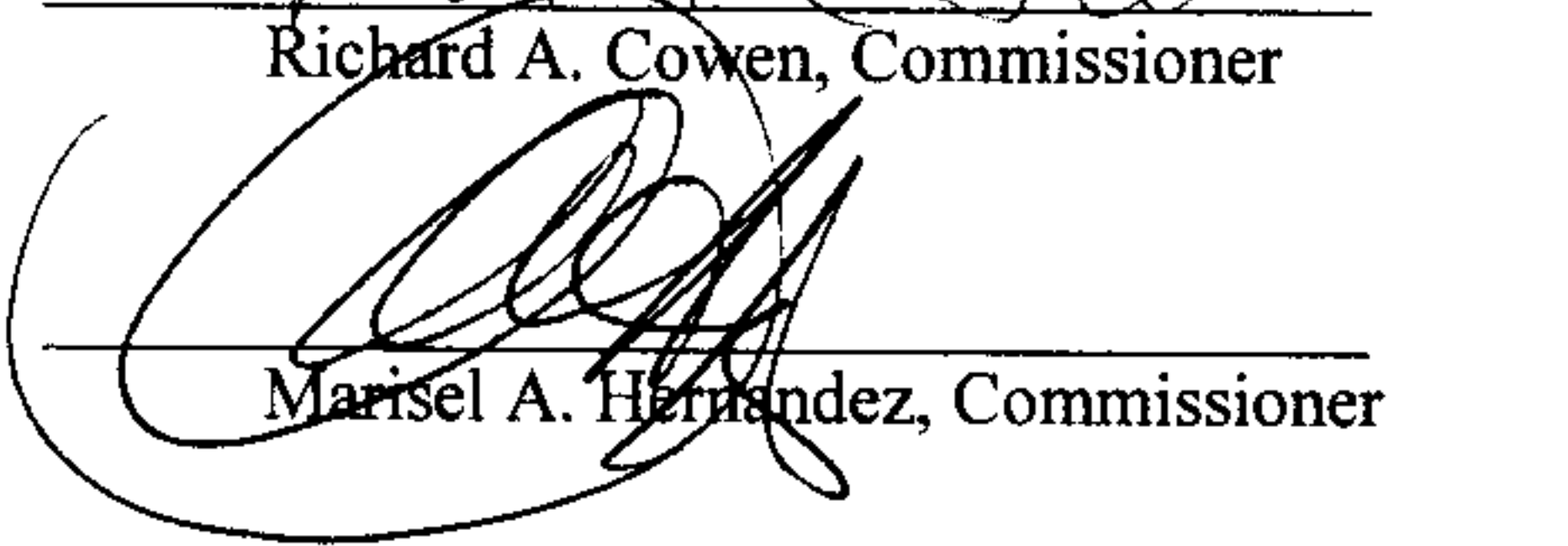
Dated: Chicago, Illinois, on January 6, 2014.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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 5 days after service of the decision of the Electoral Board.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
 HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION
 PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN
 THE GENERAL ASSEMBLY FOR THE 39TH REPRESENTATIVE DISTRICT
 OF THE STATE OF ILLINOIS TO BE VOTED UPON AT THE MARCH 18, 2014
 PRIMARY ELECTION**

ROSALINDA REYNOLDS,)
 Petitioner – Objector,)
))
 v.))
))
MARIA ANTONIA “TONI” BERRIOS,)
 Respondent – Candidate.)

14-EB-RGA-31

BOARD OF ELECTIONS
 COMMISSIONER

2013 DEC 27 P 1:31

HEARING EXAMINER’S RECOMMENDED DECISION

1. That the Respondent – Candidate, MARIA ANTONIA “TONI” BERRIOS, filed Nomination Papers for the Democratic Nomination to the Office of Representative in the General Assembly for the 39th Representative District of the State of Illinois to be voted upon at the March 18, 2014 General Primary Election .

2. That the Petitioner– Objector, ROSALINDA REYNOLDS, filed a petition objecting to the Nomination Papers of the Candidate.

3. That on December 16, 2013 this matter appeared on the Board’s Initial Trial Call. The Hearing Officer received the following Board Group Exhibits into evidence: Board Group Exhibit A consisting of the Candidate’s nomination papers; Board Group Exhibit B consisting of the Objector’s Petition and Attachments; Board Group Exhibit C consisting of a copy of the call and proof of service; and Group Exhibit D consisting of the parties appearance. The parties acknowledged service and waived any and all issues regarding service. The Candidate was granted leave to file a Motion to Strike and Dismiss the Objector’s Petition, and the Hearing Officer set a briefing

schedule. The Hearing Officer continued the matter until December 20, 2013 for hearing on the Motion to Strike and Dismiss.

4. The Respondent Candidate filed a Motion to Strike and Dismiss the Objector's Petition alleging the following:

- a. the objector lacked standing in that she is not a registered voter;
- b. the objector failed to object to a sufficient number of signatures to bring the candidate below the statutory minimum of 500 valid signatures;
- c. the objector's petition is made in bad faith and is a shot gun petition;
- d. paragraph 7 of the objector's petition that certain signatures objected to are printed and not written should be stricken;
- e. paragraph 19 of the objector's petition should be stricken in the it is vague and unsupported by factual allegations

5. On December 20, 2013, the matter appeared on the Hearing Officer's call for hearing on the Candidate's Motion to Strike and Dismiss. The Hearing Officer heard arguments on the motion by the parties and makes the following recommended findings of fact and law:

- a. The Objector was a registered voter at the time she filed her Objector's Petition and has standing to file said Objections. (See Objector's Exhibit A). The Motion to Strike and Dismiss as it relates to Petitioner-Objector lack of standing is denied.
- b. The Candidate filed in excess of the statutory maximum of 1500 signatures. The 1500th signature on the Candidate's Nomination Petitions is the last signature on sheet 112. The Objector's Petition only challenges

770 line by line objections and an additional 97 signatures placed at issue by a generalized allegation that the “circulator affidavit is not properly notarized” bringing the total of signatures objected to as 857 signatures leaving the Candidate with 643 valid signatures without objection. The Hearing Officer recommends the Motion to Strike be granted as to the allegation that the Objector’s Petition is insufficient in that even if every objection made to the Candidate’s Nomination Papers are sustained, the Candidate still has 143 signatures above the statutory minimum for placement on the ballot.

- c. Due to the Hearing Officer’s Findings that the Objector’s Petition is legally insufficient the hearing Officer does not make any recommended finding in regard paragraphs B, C, or D of the Candidate’s Motion to Strike and Dismiss.
6. That it is the recommended decision of the Hearing Officer that the Candidate’s Motion to Strike and Dismiss the Objector’s Petition be granted and the Candidate’s name appear on the March 18, 2014 ballot as a candidate for the Democratic Party Nomination for Election to the Office of Representative in the General Assembly for the 39th Representative District of the State of Illinois.



Hearing Officer, Frank A. Tedesso