

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

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Objections of: SAMANTHA LYNN	)	
RODKEY	)	
	)	
To the Nomination	)	No.: 15-EB-ALD-074
Papers of: TYLER SOLARIO	)	
	)	
Candidate for the office of	)	
Alderman of the 33rd Ward, City of Chicago	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of 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 SAMANTHA LYNN RODKEY ("Objector") to the nomination papers ("Nomination Papers") of TYLER SOLARIO, candidate for the office of Alderman of the 33rd Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014 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 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer William P. Jones 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, SAMANTHA LYNN RODKEY, by her attorneys, John Thomas Donovan and Michael J. Kasper; and the Candidate, TYLER SOLARIO, pro se.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition. For the reasons stated in his report and recommendations, the Hearing Officer denied the Candidate's motion to strike and dismiss.

8. 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.

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

10. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

11. The Objector and/or her duly authorized representative 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 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.

13. 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 821;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 381;
- D. The remaining number of signatures deemed valid as a result of the records examination total 440.

14. 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 election to the office of Alderman of the 33rd Ward of the City of Chicago.

15. The Candidate did not file a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

16. 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 440 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 election to the office of Alderman of the 33rd Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

17. 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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

18. 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 TYLER SOLARIO are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of SAMANTHA LYNN RODKEY to the Nomination Papers of TYLER SOLARIO, candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of TYLER SOLARIO, candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on January 5, 2015.

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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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Marisel 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.

**Hearing Officer's Report**

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3. Candidate argued that objections were made without personal knowledge and in a “shotgun” fashion. Additionally, Candidate argued that the objections lacked specificity and violated Section 10-8 of the Election Code, 10 ILCS 5/10-8 (2012). Candidate argued that the Objector failed to include her address in the Objector’s Petition, citing to cases and the Election Code. Candidate also asserted that Section 10-8 of the Code violated the Federal Constitution.

4. Objector responded by asserting compliance with Section 10-8 of the Election Code. The Objector noted a clerical error in Paragraph 10 relative to a sheet and line number. Objector noted that the methods by which an objector's petition were compiled was irrelevant. Additionally, Objector asserts that issues directed to the constitutionality vel non of the Election Code are beyond the jurisdiction of the Board of Elections. Finally, the Objector noted that Objector's address was in fact contained in the Petition.

5. After full argument and hearing, the Hearing Officer denied Candidate's Motion to Strike and held that the Objector's Petition was legally sufficient. This ruling also included specifically addressing points in the Candidate's Motion to Strike. Thus, Goodman v. Ward, 241 Ill.2d 398, 948 N.E.2d 580 (2011) was cited to support denial on the basis of constitutional issues and subject matter jurisdiction. Nader v. Ill. State. Bd. of Elec., \_\_\_ Ill.App.3d \_\_\_, 819 N.E.2d 1148 (1<sup>st</sup> Dist. 2004) was cited to support the denial on the basis of irrelevancy of methods and motives behind the Objector's Petition. Crosby v. Beavers, 95-EB-ALD-202 (1/24/95) was cited to support the denial on the basis that the essential elements under Section 10-8 of the Election Code were met. Stearns v. Latiker, 08-EB-RGA-12 (12/14/07) was cited to support the denial on the basis of permissive alternative pleading and dual objections. Additionally, the Hearing Officer distinguished upon the facts, two (2) cases cited by Candidate: Derengowski v. Lamm, 96-EB-RGA-01 (1/17/96), aff'd, Derengowski v. Electoral Board of City of Chicago, 96 COEL 16 (Circuit Court of Cook County, 2/9/96) and Prince v. Colvin, 08-EB-RGA-33 (12/7/07).

6. Candidate's Motion to Strike having been denied and a records examination having been directed, this matter was continued to December 29, 2014 at 3:00 p.m. for status hearing upon results of the record examination.

7. A hearing commenced at approximately 3:00 p.m. on December 29, 2014. The records examination having been completed, the final results were marked and admitted as Board

Group Exhibit E, the Detail Summary and Board Exhibit F, the Final Petition Summary Report. Board Exhibit F discloses that the Nomination Papers contained 33 signatures fewer than the required minimum of 473 signatures. The Candidate stated that he accepted these figures as final and that he would not be proceeding further.

8. The result of the records examination indicates that:
  2. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473;
  3. The number of purportedly valid signatures appearing in the nominating petition filed by the Candidate total 821;
  4. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 381;
  5. The remaining number of signatures deemed valid as a result of the records examination total 440.
9. The Hearing Officer finds that the number of valid signatures is 33 signatures below the required minimum of 473 valid signatures. The Hearing Officer therefore recommends that the name of Tyler Solorio not appear on the ballot for Alderman of the 33<sup>rd</sup> Ward, City of Chicago.

Dated: December 30, 2014

  
Hearing Officer