BCCOFF

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

Objections of: JACQUELINE SLAUGHTER and CURLY HALL	)	
To the Nomination Papers of: OTIS WOODS	)	No.: 23-EB-ALD-060
Candidate for the office of Alderperson of the 16th Ward, 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 June A. Brown, 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 JACQUELINE SLAUGHTER and CURLY HALL ("Objectors") to the nomination papers ("Nomination Papers") of OTIS WOODS, for the office of Alderperson of the 16th Ward ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on Friday, December 9, 2022 at 4:00 p.m. 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 or service was waived.

4. A public hearing held on these Objections commenced on Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman for further hearings and proceedings.

5. 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, JACQUELINE SLAUGHTER and CURLY HALL, through their attorney, TIFFANY NELSON-JAWORSKI; and the Candidate, OTIS WOODS, through his Attorney, BRADEN TILGHMAN.

6. 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.

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

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

9. 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.

10. 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 864;

C. The remaining number of signatures deemed valid as a result of the records examination total 432.

11. 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 Alderperson of the 16th Ward.

12. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination. However, the Hearing Officer found that the Candidate failed to submit a sufficient number of restorative affidavits, or other evidence, to bring the Candidate's signature count above the mandatory minimum.

13. 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 432 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 Alderperson for the 16th Ward, and that the Candidate's Nomination Papers should be found invalid.

14. The Electoral Board, having considered the evidence and arguments tendered by the parties, the Hearing Officer's report of recommended findings and conclusions of law, and further arguments from the parties during a Rule 20 hearing, hereby adopts and incorporates the Hearing Officer's recommended findings and conclusions of law.

15. Additionally, the Electoral Board finds that it was proper for the Hearing Officer to deny the Candidate's request to dismiss the Objector's Petition on the grounds of being a bad-faith "shotgun" objection. In that regard, Candidate argued that approximately 73% of the Objector's signature-not-genuine objections were *overruled* during the records exam. Also, Candidate argued that Approximately 81% of the signer-resides-outside-ward objections were *overruled* in the records exam, and that it was bad-faith for the Objector to lodge multiple styles of objections against a single signature line.

16. In contrast to those claims by the Candidate, the Electoral Board finds that in its prior decision in *Stearns v. Latiker*, 08-EB-RGA-12 (Chi. Elec. Bd. 2007), this Electoral Board ruled that there is no *per se* rule prohibiting 'dual objections,' including but not limited to objections alleging both that the petition signer was not registered at the address shown and that the signer's signature is not genuine. Such objections are not necessarily inconsistent nor are they necessarily evidence of a bad faith or 'shot gun' objection."

17. The case at hand appears to be another good example of why dual objections can be lodged in good faith. The Electoral Board finds that in this case, the Objectors successfully invalidated exactly half of the signatures on the Candidate's petitions (432 out of 864 signatures were ruled invalid during the records exam). Furthermore, approximately 75% of the signer-not-registered objections were *sustained* in the records exam. In total, the Objectors lodged one or more objections against 555 of the signature lines in the Candidate's petitions, and 432 of those

signature lines were found to be invalid during the records exam. Thus, the Objectors successfully invalided 77.8% of the signature lines against which they lodged objections.

18. Additionally, in regard to the pagination issue, the Electoral Board agrees with the Candidate's assertion that prior courts have found that the consecutive-numbering requirement fulfills two main purposes: (1) allowing each petition sheet to be readily identified by a unique numeral, and (2) to protect against "tampering" with the petition so as to help preserve the integrity of the election. (See *Nader,* 354 Ill.App.3d at 343.) The Candidate asserted that the petition sheets do not have to be *consecutively* numbered to fulfill both of those stated purposes.

19. However, in order to reach that conclusion, the Candidate must completely ignore the word "consecutive" in the statute, and render that word fully meaningless. The Electoral Board finds it is inappropriate to interpret a statute in a way that renders any part of it to be meaningless. The Electoral Board agrees that the first purpose (a unique identifying number for each petition sheet) can, indeed, be accomplished whether or not the sheets are numbered consecutively. Thus, the Electoral Board may concede that the word "consecutive" is not relevant to the first purpose of the rule.

20. That requires, however, that the word "consecutive" be given some statutory meaning in relation to the second purpose, of protecting against tapering and preserving the integrity of the election. The Electoral Board finds that the Election Code requires petition sheets to be numbered "consecutively" in order to fulfil this second purpose of the rule. The Electoral Board also finds that the Candidate's petitions are *not* in substantial compliance with this provision of the Election Code.

21. In support of his petitions, Candidate cited prior case decisions in which the courts found substantial compliance with the pagination requirement: *King v. Justice Party* (2 out

of 4,427 sheets were missing); *Marti v. Olivier-Harris* (3 out of 81 sheets were missing); and *Ivory v. Curtis* (only 1 sheet was numbered inconsecutively). These cases do not help the Candidate in the case at hand, as the extremely minor irregularities in those cases pale in comparison to the 58.6% of the 99 sheets in the case at hand that were essentially shuffled together in the petition package and are not in "consecutive" order. It is not "substantial" compliance when more than half the sheets are noncompliant with the rule.

22. 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 OTIS WOODS are, therefore, invalid.

[Continued on next page.]

IT IS THEREFORE ORDERED that the Objections of JACQUELINE SLAUGHTER and CURLY HALL to the Nomination Papers of OTIS WOODS, candidate for election to the office of Alderperson of the 16th Ward, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of OTIS WOODS, candidate for the office of Alderperson for the 16th Ward, SHALL NOT be printed on the official ballot for the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023.

Dated: Chicago, Illinois, on Friday, January 13, 2023.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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 BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD

JACQUELINE SLAUGHTER and CURLY HALL	)	
	)	
Objectors	)	23 EB ALD 060
-v-	)	
	)	
OTIS WOODS	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 12, 2022. The Objectors appeared through counsel Tiffany Nelson-Jaworski of the firm of Del Galdo Law Group, LLC and Candidate appeared through counsel Braden Tilghman. The parties were given an opportunity to file preliminary motions. The Candidate timely filed a Motion to Strike and Dismiss Objector's Petition, the Objectors filed Objectors' Motion to Strike and Dismiss Objectors' Petition and the Candidate filed Candidate's Reply in Support of its Motion to Strike and Dismiss Objectors' Petition.

A hearing was held on the Candidate's Motion. The motion was taken under advisement and a records examination was also conducted.

THE RECORDS EXAMINATION

The final results of the records examination were as follows:

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 864.

C. The number of signatures deemed invalid because of objections sustained in the records examination total 432.

D. The remaining number of signatures deemed valid because of objections sustained in the records examination total 432.

The results of the records examination indicated that the candidate had 41 signatures **below** the statutory minimum. Pursuant to Rule 8 of the Board's Rules of Procedure ("Rule 8 Motion"), Candidate filed Candidate's Motion for an Evidentiary Hearing Regarding the Results of the Records Examination. The parties were given a deadline of December 2, 2022 to tender their evidence to the other party and the matter was scheduled for an evidentiary hearing on December 3, 2022.

The Candidate's Rule 8 Motion addressed genuineness allegations only. On December 2, 2022, the Candidate filed his submission of evidence which contained an insufficient number of affidavits to bring the Candidate above the statutory minimum. The Candidate also requested a two day postponement of the hearing scheduled for December 3, 2022. The Motion for a continuance was denied but the hearing scheduled for December 3 was postponed because this Hearing Officer was ill and the matter was continued for further hearing on December 4, 2022. On December 4, 2022, a final hearing was held.

THE MOTION TO STRIKE AND DISMISS

In his Motion to Strike and Dismiss, the Candidate alleged that the Objectors' Petition constituted bad faith objections and were shotgunned. This allegation was repeated even after the results of the records examination established that half of the signatures on the Candidate's nominating papers were invalid. The Candidate argued that the sustained rate of the allegations regarding the genuineness of the signatures and regarding the out of district allegations established that the objections were, in fact, shotgunned. This argument ignores the fact that the sustained rate for the not registered allegations was approximately 75% and the ultimate result

was that half of the signatures submitted by the Candidate were invalid. Therefore, the totality of the Objectors' Petition clearly established that adequate inquiry was made and that the Objectors' Petition did not constitute a bad faith pleading as the Candidate argued. Accordingly, Candidate's argument that the objections were shotgunned was without merit and Candidate's motion should be denied in relation to the allegation of shotgunned objections.[i]

The Candidate also alleged that the body of the Objectors' Petition at paragraphs 12 and 13 should be stricken in that these paragraphs incorrectly reference columns in the recap sheets that are inconsistent with the allegations. A review of the Objectors' Petition established that the Candidate's argument was correct and Objectors' counsel conceded the inconsistencies. Accordingly, the motion to strike paragraphs 12 and 13 of the Objectors' Petition should be granted.

The Candidate further argued that defects in page numbering as alleged by the Objectors were insufficient to invalidate the nominating papers. Specifically, Objectors alleged in paragraphs 3-8 of their Objectors' Petition that the Candidate failed to consecutively number the pages of his nominating papers in violation of Section 10-4 of the Election Code. 10 ILCS 5/10-4. Objectors alleged that while the first eleven pages of the Petitions are consecutively numbered, the remaining seventy seven pages are completely out of order with some "numbered in ascending order, some in descending order, and some numbers are completely missing". (Objector's Petition at paragraph 7). A review of the nominating papers established that the petition sheets were not consecutively number.

The order of the page numbering was as follows:

1,2,3,4,5,6,7,8,9,10,11,24,23,22,21,20,19,16,45,44,43,17,18,42,

41,40,39,38,37,36,35,34,33,32,31,30,29,28,27,25,15,14,13,12,57

,56,55,54,53,52,51,40,49,48,47,46,58,59,60,61,62,63,64,65,66,

67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87

Candidate argued that because all of the petition sheets were, in fact, numbered, there was substantial compliance with Section 10-4 of the Election Code. However, the Candidate ignores the requirement that the sheets be numbered consecutively. Candidate inexplicably points to the fact that the petition sheets were correctly numbered at the beginning and end and that this fact alone should establish consecutive numbering. Additionally, Candidate's creative description of the sheets being "slightly misordered" (Candidate's Reply, Paragraph C) is contrary to a simple review of the petition sheets.

Factually, the Candidate's argument fails as a simple search of the definition of the word *consecutive* establishes that the word means "following one after the other in order". Writing numbers on petition sheets and placing them in any order simply fails to constitute c*onsecutive* numbering under any definition. Further, there are two fundamental rules of statutory construction that must be considered here. First, where the words of a statute are clear, plain and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. The second rule is when interpreting a statute, meaning must be given to every word. Candidate's argument seeks to have these basic rules ignored.

Candidate's reliance on *King v Justice Party, 284 Ill. App 3d 886 (1st Dist. 1996)* to justify a finding of substantial compliance is also wholly misplaced. In *King*, 4,427 pages were numbered with only the absence of pages 1791 and 1792 making them nonconsecutive. This case does not involve a de minimis deviation in page numbering as with the *King* case. This case involves a wholesale failure to consecutively number the majority of the petition sheets.

There is no way to conclude that the Candidate's petition sheets were, in fact, consecutively numbered. Moreover, there is no cognizable basis to conclude that the page numbering here substantially complied with Section 10-4. For this reason, the Motion to Strike

and Dismiss as to the page numbering issue should be denied and the Objectors' objections alleging a violation of Section 10-4 of the Election Code should be sustained.

CONCLUSION

As indicated above, the Candidate's nominating papers contain less than the statutory minimum number of signatures required for placement on the ballot. Additionally, the Candidate failed to *consecutively* number the petition sheets in violation of Section 10-4 of the Election Code. In light of the foregoing, it is my recommendation that the objections of Jacqueline Slaughter and Curly hall to the nominating papers of Otis Woods be **sustained,** that the nominating papers of Otis Woods for the office of Alderman of the 16th Ward of the City of Chicago, Illinois be deemed **invalid** and that the name Otis Woods for said office **not be** printed on the ballot at the Municipal General and Alderpersons Elections to be held on February 28, 2023

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
1/10/23

[i] The Objectors' petition contains allegations regarding various issues with circulators and the Candidate's Motion to Strike addressed these issues. These issues were not addressed in the hearing and no ruling is necessary as the Candidate's nominating papers were invalid for other reasons.