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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: EDDIE JOHNSON, III	)	No.: 23-EB-ALD-062
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 EDDIE JOHNSON, III, candidate 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 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 was held on these Objections commencing on December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Rodney Stewart 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 Call. The following persons, among others, were present at or filed appearances during such hearing; the Objectors, JACQUELINE SLAUGHTER and CURLY HALL, through their attorney TIFFANY NELSON-JAWORSKI; and the Candidate, EDDIE JOHNSON, III, and/or his attorney, FRANK AVILA.

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.

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

10. 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 Board's file in this case and a copy has been provided or made available to the parties.

11. 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 1,397.

C. The remaining number of signatures deemed valid as a result of the records examination total 685.

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderperson for the 16th Ward.

13. No motions were filed pursuant to Rule 8 of the Board's Rules of Procedure.

14. 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 685 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderperson for the 16th Ward, and that the Candidate's Nomination Papers should be found valid.

15. 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.

16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of EDDIE JOHNSON, III are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of JACQUELINE SLAUGHTER and CURLY HALL to the Nomination Papers of EDDIE JOHNSON, III, candidate for the office of Alderperson for the 16th Ward, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of EDDIE JOHNSON, III, candidate for the office of Alderperson for the 16th Ward, SHALL 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 CHICAGO BOARD OF ELECTIONS COMMISSIONERS

In Re:

JACQUELINE SLAUGHTER and CURLY HALL,
Objector(s),

vs **Case No, 23-EB-ALD-062**

EDDIE JOHNSON, III,
Candidate.

Hearing Examiner's Final Recommendation

The matter was called for the initial hearing on December 12, 2022 with respect to the Objector's Verified Petition. Service of Notice of the Hearing upon the Candidate. Appearances were filed. The Objector is represented by Attorney Tiffany Nelson Jaworsky. The Candidate was initially Pro Se and then was later and is presently represented by Attorney Frank Avila. A briefing schedule was entered pursuant to a Directive permitting the filing of any motions. A Records Examination Directive was issued.

With respect to the Objections filed, the Candidate filed a Rule 5b Motion to Strike and Dismiss. The Objector filed a Response to the Candidate's Motion to Strike and Dismiss the Objector's Petition. The Candidate filed a Reply (labeled "Response") .

On December 20, 2022, the parties reconvened to argue the merits of the Candidate's Motion to Strike and Dismiss. The Candidate objected to going forward stating that the Response filed by the Objector had not been received. Upon further examination, it was determined that the Objector inadvertently missed a letter in the email address for the attorney representing the Candidate resulting in the failure of the Candidate's attorney to receive the Response. The matter was continued to January 5 2023 for hearing on the motion.

On or immediately before January 5, 2023, Attorney Frank Avila filed an Appearance on behalf of the Candidate. Arguments with respect to the Candidate's Motion to Strike and Dismiss were heard and the matter was taken under advisement. The matter was continued to January 11, 2022 for ruling. The Hearing Officer requested a copy of the transcript from the proceedings. In the interim it was requested by the attorney for the Board of Elections, Adam Lasker, that the matter be advanced from January 11, 2023 so that ballots could be sent to those oversees who requested them. It was then decided between the parties that the matter would be continued to January 7, 2023 by remote hearing.

With respect to the Candidate's Motion to Strike and Dismiss the Objector's Petition and following the arguments made in the Motion, the following recommendation is made:

1. The Candidate argues that the objections are too numerous. Numerous objections, in and of itself, is not a basis for striking the objections or denying the Objector's Petition.

2. The Candidate argues that the Objector's Petition fails to give adequate notice and fails to state with specificity the nature of the objections. In addition, the Candidate argues that the Objector fails to present any credible evidence to support the objections. The Objector is not required to present any evidence at the time of filing of the Objections The Objector is only required to give sufficient notice to the Candidate with respect to the objections by pleading facts. This is done in the Objector's Petition when stating the nature of the objections.

3. The Candidate argues that there are "no signatures". Stating so does not constitute a proper objection

4. The Candidate argues that the required minimum of 473 valid signatures for Office of Alderperson in the City of Chicago is "to high". The Candidate relies upon the case of Liberterian Party v. Pritzker, 20-cv-2112, requires that only 10% of this number is required to be placed on the ballot for this office. A reading of this case indicates that the present law is now changed but instead was restricted only to that period of time during the Covid pandemic when stringent restrictions were put into place. Restrictions resulting from Covid are now lifted and the requirement of 473 valid signatures for the Office of Alderperson in the City of Chicago is the present state of the law.

For the above stated reasons, it is recommended that the Candidate's 5b Motion to Strike and Dismiss the Objectors' Petition is **DENIED.**

Records Examination

The results of the Records Examination states that the Candidate has 685 valid signatures. The minimum required number of valid signatures is 473 for the Candidate's name to be placed on the ballot for the Office of Alderperson in the City of Chicago. The Candidate has 212 signatures greater than the required minimum.

It is recommended that the name Eddie Johnson, III be placed on the ballot of the Office of Alderperson for the 16th Ward in the City of Chicago.

*Following the receipt of the results of the Records Examination, the parties stipulated that the Candidate has a sufficient number of signatures to be placed on the ballot for the Office of

Alderperson for the 16th Ward in the City of Chicago. The parties further stipulated that based upon the Records Examination, the Candidate's Motion to Strike and Dismiss is a moot issue.

Respectfully submitted,

Rodney W. Stewart
Rodney W. Stewart
Hearing Office

Date: January 8, 2023