BCCON

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

Objections of: TANYA PATINO and JAZMIN RUIZ	)	
To the Nomination Papers of: RAUL REYES	)	No.: 23-EB-ALD-076
Candidate for the office of Alderperson of the 14th 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 TANYA PATINO and JAZMIN RUIZ ("Objectors") to the nomination papers ("Nomination Papers") of RAUL REYES, candidate for the office of Alderperson of the 14th 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 Yamil E. Colón 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, TANYA PATINO and JAZMIN RUIZ, through their attorney ED MULLEN; and the Candidate, RAUL REYES, through his attorneys, PRISCILLA CENTENO, ROSS D SECLER and BURTON S ODELSON.

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 1,068.

C. The remaining number of signatures deemed valid as a result of the records examination total 746.

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 14th 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 746 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 14th 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 RAUL REYES are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of TANYA PATINO and JAZMIN RUIZ to the Nomination Papers of RAUL REYES, candidate for the office of Alderperson for the 14th Ward, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of RAUL REYES, candidate for the office of Alderperson for the 14th 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.

BOARD OF ELECTION COMMISSIONER OF THE CITY OF CHICAGO AS THE DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATNG PAPERS OF CANDIDATES FOR THE FEBRUARY 28, 2023 ELECTION FOR ALDERPERSON OF THE FOURTEENTH (14th) WARD OF THE CITY OF CHICAGO

TANYA PATINO and JAZMIN RUIZ,	)	
Petitioner-Objectors,	)	
v.	)	NO. 23 EB-ALD 076
RAUL REYES,	)	
Respondent- Candidate.	)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter came to be heard initially on December 12, 2022. The Objectors Tanya Patino and Jazmin Ruiz appeared by counsel, Mr. Ed Mullen. The Candidate appeared by counsel, Odelson, Sterk, Murphey, Frazier & McGrath. After a preliminary discussion about the pending issues with the attorneys, this Hearing Officer set a motion briefing schedule. In addition, a record examination was scheduled for December 20, 2022.

ISSUES RAISED BY OBJECTORS' PETITION

In their petition, the Objectors raised issues regarding the Candidates nomination papers, including the following allegations:

a) Voters whose address were not shown on petitions;

b) Non-genuine signatures of registered voter;

c) Voters residing outside of district;

d) Missing/incomplete address of signer;

e) Individuals not registered to voter;

f) Voters not registered at address shown on petition;

g) Repeat voter signatures.

h) Various other circulator and notary defects or irregularities.

i) Circulator did not "circulate affidavit" and did not witness all signatures thereby

j) And non-consecutive sheet numeration.

FACTS, EVIDENCE AND ANALYSIS

On December 27, 2022 the Record Examination Report was completed and published. The Candidate had filed a Motion to Strike Paragraphs 15, 16 and 17. The case was then set hearing to January 6, 2023.

The Record Examination Reported that the Candidate had a total of 1068 signatures. A total of 746 of the 1068 signatures were found to be valid. The Candidate then had 273 signatures above and beyond the minimum 473 signatures needed for Alderperson.

CONCLUSIONS AND RECOMMENDATION

At the January 6, 2023 hearing, the Objectors' counsel did not appear. Instead, Mr. Mullen sent an email to opposing counsel and the Hearing Officer stating that he had a conflict in schedule and was not able to appear. In addition, he stated that his clients were withdrawing the objection to the pagination issue, and would be resting on the results of the record examination. Mr. Mullens email was read into the record.

Consequently, the Objectors' Objections having been withdrawn and the Candidate having 273 signatures more than the minimum necessary, his nomination papers qualify him as a lawful candidate for office. Therefore, the Candidate's name Raúl Reyes may be placed on the ballot for the February 28, 2022 municipal election for Alderperson of the Fourteenth Ward (14th) of the City of Chicago.

Respectfully Submitted,

Yamil E. Colón, Hearing Officer
January 7, 2023