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

Objections of: Rose M. Munizzo	)	
	)	
	)	
To the Nomination	)	No.: 26-EB-SBD-006
Papers of: Marlo Barnett	)	
	)	Rel. 26-EB-SBD-027
	)	
Candidate for the office of Member of the Chicago Board of Education, Subdistrict (unspecified), 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, June A. Brown, and Laura Kotelman, 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 Rose M. Munizzo ("Objector") to the nomination papers ("Nomination Papers") of Marlo Barnett, candidate for the office of Member of the Chicago Board of Education, Subdistrict unspecified, City of Chicago ("Candidate") at the General Election to be held on Tuesday, November 3, 2026, having convened on Tuesday, June 9, 2026, at 10:30 a.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 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 Objector and the

Candidate, by registered or certified mail and by Sheriff's service, as provided by statute, or service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on Tuesday, June 9, 2026, and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer John Ashenden 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, Rose M. Munizzo, by Attorneys BURTON S ODELSON, PRISCILLA CENTENO and JAYMAN AVERY, III; and the Candidate, Marlo Barnett *Pro Se*.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that, while the petition sheets and the Statement of Candidacy specified a "district 9," the Nomination Papers failed to identify the district in which the Candidate is seeking election. Accordingly, the Hearing Officer determined that the petition signers were not adequately apprised as to the office the Candidate is seeking. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

8. The Electoral Board agrees with the Hearing Officer and finds that section 10-4 of the Illinois Election Code requires that the Candidate's signature petition sheets fully, accurately, and uniformly identify the office to which the Candidate is seeking election. 10 ILCS 5/10-4. That section requires that the petition signers be "duly registered voters ... of the political subdivision or district for which the candidate or candidates shall be nominated." *Id.* Section 10-

4 also contains a penalty provision for non-compliance: "Except as otherwise provided in this Code, no signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." *Id.*

9. In this case, the Candidate's Nomination Papers, including the petition sheets and the Statement of Candidacy form, merely identify a "district 9," whereas the Chicago School Board is divided into 20 different subdistricts, each identified in the establishing statute with a number (1 through 10) followed by a letter (either an A or a B). 10 ILCS 115/1-1, *et seq.* (See also 105 ILCS 5/34-3 (b-15) and 105 ILCS 5/34-21.10.) Thus, a failure to designate the proper and specific subdistrict results in a failure to accurately describe the office sought by the Candidate, and the political subdivision or district in which the Candidate is seeking election.

10. In the landmark 1976 election law decision of *Lewis v. Dunne*, the Illinois Supreme Court ruled that "substantial compliance" with this mandatory provision of the Election Code on the Statement of Candidacy form is sufficient, if the correct information was presented to the voters in the headings of the signature petition pages. *Lewis v. Dunne*, 63 Ill. 2d 48 (1976). However, in the case at hand, the required office and district information is wholly missing from the Candidate's Nomination Papers – no school board subdistrict is identified on the petition sheets or the Statement of Candidacy form. Thus, the Candidate has failed to show substantial compliance with section 10-4's mandatory requirements, and the Nomination Papers are therefore legally invalid under the *Lewis v. Dunne* test for substantial compliance.

11. Moreover, the Electoral Board agrees with the Hearing Officer and finds that the 1998 decision by the First District Appellate Court in *Zapolsky v. Cook Cty. Officers Electoral Board* is equally binding upon the case at hand. In *Zapolsky,* the candidate's petition sheets only partially identified the judicial office the candidate was seeking, as the petition headings omitted

any information about the particular judicial vacancy in which the Candidate was seeking election. *Zapolsky v. Cook Cty. Officers Electoral Board*, 296 Ill. App. 3d 731 (1st Dist. 1998). Thus, in the case at hand, the Candidate's failure to identify on her petition sheets whether she was seeking election in subdistrict 9A or subdistrict 9B renders the Nomination Papers legally invalid.

12. 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, and having heard further argument by the Candidate in a hearing before the Electoral Board pursuant to the Candidate's Rule 20 request for review, hereby adopts and incorporates the Hearing Officer's recommended findings and conclusions of law regarding the above legal issue as it relates to the necessary, full, and complete disclosure on a candidate's nominating petition sheets of the precise district in which the candidate is seeking office. (The Electoral Board hereby vacates any preliminary finding of candidate default that the Hearing Officer also described).

13. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

[Continued on next page.]

IT IS THEREFORE ORDERED that the Objections of Rose M. Munizzo to the Nomination Papers of Marlo Barnett, candidate for the office of Member of the Chicago Board of Education (Subdistrict unspecified), City of Chicago, are hereby SUSTAINED, said Nomination Papers are hereby declared INVALID, and the name of Marlo Barnett SHALL NOT be printed on the official ballot for the General Election to be held on Tuesday, November 3, 2026.

Dated: Chicago, Illinois, Tuesday, July 14, 2026.

Marisel A. Hernandez, Chair

June A. Brown, Commissioner

Laura Kotelman, 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 ELECTION COMMISSIONERS

ROSE M. MUNIZZO, Petitioner-Objector, v. MARLO BARNETT, Respondent-Candidate.	)	No. 26 EB SBD 006 John Ashenden Hearing Officer

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Objector's Petition of Rose M. Munizzo ("Objector") to the nomination papers of Marlo Barnett ("Candidate"), with John Ashenden serving as Hearing Officer, the Hearing Officer finds and recommends as follows:

1. An objection was timely filed by Objector Rose M. Munizzo to the nomination papers of Candidate Marlo Barnett, who filed nomination papers purporting to seek election to the office of Member of the Chicago Board of Education, District 9, at the November 3, 2026 General Election.

2. This matter was assigned to the undersigned Hearing Officer of the Chicago Board of Election Commissioners. An initial hearing was convened on the record. The Candidate, appearing pro se, was present at the initial hearing. The Objector was represented by counsel, Priscilla E. Centeno.

3. At the initial hearing, the Hearing Officer inquired of the Candidate whether she intended to file a motion to strike or dismiss the Objector's Petition. The Candidate initially indicated she wished to do so. The Hearing Officer provided the Candidate with a copy of the Chicago Board of Election Commissioners' Rules of Proceedings to assist the pro se Candidate in understanding the applicable procedures.

4. After reviewing the Rules of Proceedings, the Candidate stated, "This is ridiculous, I am not going to do this." The Candidate then placed the Rules of Proceedings booklet on the table, stood up, and departed the hearing room without filing an appearance, requesting a briefing schedule, or presenting any argument on her behalf. The Hearing Officer advised Objector's counsel that the matter would be reconvened the following week for status.

5. On June 16, 2026, the matter was reconvened for status. The Candidate again failed to appear. The Objector moved for a finding of default. The Hearing Officer granted the motion and found the Candidate in default.

6. Upon a finding of default, the well-pled factual allegations of the Objector's Petition are taken as true, and the Hearing Officer must determine whether the Petition, as pled, states a prima facie case for the relief requested.

7. The Objector's Petition alleges that all of the Candidate's petition sheets are legally void because none of them identify any valid legal office sought. (See Obj. Pet. ¶¶ 5, 8–12.) Each petition sheet identifies the relevant district only as "District 9," without specifying whether the Candidate seeks election from Subdistrict 9A or Subdistrict 9B — two legally distinct offices created by 105 ILCS 5/34-21.10(a) and 105 ILCS 5/34-3(b-15). No office exists under Illinois law styled simply as "District 9." The Objector contends that this failure to identify an existing, specific subdistrict office renders the nomination papers, including the Statement of Candidacy, invalid in their entirety.

8. The Illinois Election Code requires that nomination papers truthfully and specifically identify the office sought by the candidate, and that the heading of each petition sheet be uniform and accurate. 10 ILCS 5/7-10; 10 ILCS 5/10-4. In **Zapolsky v. Cook County Officers Electoral Board**, 296 Ill. App. 3d 731 (1998) (1st Dist.), the candidate's statement of candidacy and economic-interest statement correctly identified the specific vacancy, but her nominating petition sheets (the ones voters actually signed) described the office only generically. The First District held that petition sheets have a distinct purpose — informing the voters who sign them — and a defect there cannot be cured by accuracy elsewhere in the nomination papers. The petitions were invalidated even though everything else was correct. A petition sheet that misidentifies or fails to identify an existing office is insufficient as a matter of law, and such a defect, appearing on the face of every sheet, voids the petition in its entirety rather than merely the signatures on the affected sheets.

9. Having reviewed the Objector's Petition and the record, and the Candidate having been defaulted, the Hearing Officer finds that the Objector's Petition states a prima facie case that the Candidate's nomination papers fail to identify a valid, existing office in violation of the Illinois Election Code, and that this defect is not subject to cure by reference to extrinsic evidence or the Candidate's apparent intent.

CONCLUSION

10. The Hearing Officer recommends a finding that the Nomination Papers of Marlo Barnett are insufficient in law and in fact, and recommends that the name of Marlo Barnett shall NOT appear on the ballot for election to the office of Member of the Chicago Board of Education, District 9, at the November 3, 2026 General Election.



John Ashenden, Hearing Officer
July 1, 2026