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

Objections of: Brian Iggins	)	
	)	
	)	
To the Nomination	)	No.: 26-EB-SBD-027
Papers of: Marlo Barnett	)	
	)	Rel. 26-EB-SBD-006
	)	
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 Brian Iggins ("Objector") to the nomination papers ("Nomination Papers") of Marlo Barnett, candidate for the office of Member of the Chicago Board of Education, Unspecified ("Candidate") at the General Election to be held on Tuesday, November 3, 2026, having convened on Tuesday, June 9, 2026, at 10:00 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, Brian Iggins, by Attorneys, MICHEAL WEINSTEIN, MICHAEL ALBERT and MICHAEL KASPER. The Candidate, Marlo Barnett, was not present at the initial hearing, but later appeared *pro se* in this case.

8. 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.

9. 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.*

10. 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.

11. 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.

12. 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.

13. 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).

14. 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 Brian Iggins 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

BRIAN IGGINS, Petitioner-Objector, v. MARLO BARNETT, Respondent-Candidate.	)	No. 26 EB SBD 027 John Ashenden Hearing Officer

HEARING OFFICER'S FINDINGS AND RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Objector's Petition of Brian Iggins ("Objector") to the nomination papers of Marlo Barnett ("Candidate") for the position of Member of the 9B District of the Chicago Board of Education, with John Ashenden serving as Hearing Officer, the Hearing Officer finds and recommends as follows:

1. On June 10, 2026, the Candidate appeared pro se in person for hearings involving two separate Objectors. When the Objector's Petition of Brian Iggins (SBD-027) was called, the pro se Candidate had already left the hearing room. Objector Brian Iggins appeared through Attorneys Michael Weinstein, Michel Albert, and Michael Kasper (whose appearance was on file). The following exhibits were received and reviewed: Candidate's Nomination Papers (Exhibit A); Objector's Petition (Exhibit B); appearances of Objector's Attorneys (Exhibit C); and non-disclosure agreement (Exhibit D).

2. During the earlier hearing in the related case (SBD-006), which involved the same Candidate and the same legal issue, the pro se Candidate initially indicated she would file a motion to dismiss the Objector's petition. After reviewing the Electoral Board Rules of Procedure, however, she stated on the record: "this is ridiculous" and "I'm not going to do this." She then placed the Rules of Procedure booklet on the table, rose, and walked out of the hearing room without filing an appearance or a motion. SBD-027 was subsequently scheduled for a status hearing on the Objector's petition on June 16, 2026.

3. 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.) Specifically, each petition sheet identifies the district only as "District 9" without

specifying whether the Candidate seeks election from Subdistrict 9A or 9B — two legally distinct offices created by 105 ILCS 5/34-21.10 and 5/34-3(b-15). There is no office designated simply as "District 9." The Objector argues that this failure to identify the specific subdistrict renders the nomination papers invalid in their entirety, including the Statement of Candidacy. The Objector's Petition also raised standard factual objections: (a) petition sheets contain signatures of persons not registered to vote, or not registered at the addresses shown (Column A); (b) petition sheets contain signatures of persons whose addresses are outside Chicago Board of Education District 9B (Column B); (c) petition sheets contain forged or non-genuine signatures (Column C); and (d) certain signers signed the nomination papers more than once (Column D). In light of the dispositive legal objection raised in paragraphs 8 through 12 of the Objector's Petition, a records examination was not ordered.

4. Because the Candidate failed to appear at the initial SBD-027 hearing on June 10, 2026, the matter was scheduled for a default motion and status conference on the Objector's Petition on June 16, 2026.

5. On June 16, 2026, SBD-027 was reconvened for hearing on the Objector's motion to default. The Candidate did not attend. The Board's file contained a copy of the Candidate's "Response to Objector," file-stamped June 12, 2026 at 10:57 a.m. That response had been served only on Objector Iggins directly, rather than on opposing counsel or the Hearing Officer. In her response, the Candidate stated that she is a full-time employee with limited ability to attend daytime hearings; that she does not wish to abandon or withdraw her candidacy; that she requests permission to appear remotely by video for future hearings; that she requests all notices and orders be sent to her email address on file; that she relied on official candidate forms and instructions provided by election authorities; that she reserves all rights and defenses regarding the objections and any challenge to her petition signatures; and that she requests clarification on whether a motion pursuant to Electoral Board Rule 5 is required and, if so, the applicable filing deadline.

6. The Hearing Officer issued a written Directive dated June 17, 2026, recounting the Candidate's failure to appear at either the June 10 or June 16 hearings and noting that the

Candidate's June 12 response had been improperly served. The Directive set a briefing schedule and originally ordered a mandatory hearing on June 23, 2026 at 11:00 a.m., with all parties — including the pro se Candidate — required to attend or face default. That hearing was subsequently rescheduled to June 30, 2026 at 11:00 a.m., to be held remotely via Microsoft Teams.

7. The Candidate's Response to the Hearing Officer's Directive (filed June 17, 2026) apologized for her conduct at the June 10, 2026 hearing, explaining that her confusion and absence stemmed from unfamiliarity with the Electoral Board's procedural rules, full-time work obligations, and the burden of responding to two simultaneous objection cases. She requested permission to participate remotely by telephone or video conference, asked to be heard on the merits rather than defaulted, and reserved all rights and defenses regarding the validity of her nomination papers.

8. Objector's counsel Michael J. Kasper filed a Response to the Candidate's Motion to Strike and Dismiss (filed June 19, 2026), stating: (a) the Objector has no objection to the Candidate's remote participation; (b) the Candidate has not alleged that the Objector's Petition fails to comply with any of the four mandatory requirements of 10 ILCS 5/10-8 (objector's name and address, nature of objections, interest, and relief requested), *see Pochie v. Cook Cty. Officers' Elec. Bd.*, 289 Ill. App. 3d 585 (1st Dist. 1997); (c) the Objector agrees the Candidate has the right to contest any allegations in the Objector's Petition on the merits; and (d) the Candidate cannot assert detrimental reliance for errors or omissions in her own nomination papers. *See Corbin v. Schroeder*, 2021 IL 127052.

9. On June 30, 2026, the hearing was convened via Microsoft Teams. The pro se Candidate appeared remotely and confirmed that she had not filed a motion to dismiss the Objector's Petition. Objector's counsel did not appear but had filed a written response in advance. The Candidate stated that she had read portions of the Electoral Board's Rules of Proceedings. No evidence of any kind was presented by the Candidate against the Objector's Petition. The Hearing Officer advised the parties that he would submit recommended findings and a decision.

10. The nomination papers fail to identify the office sought and the specific subdistrict, referring only to "District 9" without specifying whether the Candidate seeks election

from Subdistrict 9A or 9B. There is no Chicago Board of Education office designated as "District 9." By writing "District 9" on her nomination papers, the Candidate did not substantially comply with the requirements of the Illinois Election Code.

11. In *Lewis v. Dunne*, 63 Ill. 2d 48 (1976), the Illinois Supreme Court held that a candidate substantially complied with the Election Code even though her statement of candidacy failed to identify the specific judicial vacancy, because the vacancy was correctly identified on all of the petition sheets circulated to and signed by voters — meaning the voters were not misled. That rationale is inapplicable here. Not a single petition sheet circulated by the Candidate correctly identified the subdistrict from which she sought election. Accordingly, none of the signatories had accurate notice of the specific office the Candidate was seeking, and substantial compliance cannot be found.

12. In *Zapolsky v. Cook Cty. Officers' Electoral Bd.*, 296 Ill. App. 3d 731 (1st Dist. 1998), the candidate's nomination papers wholly omitted any designation of a particular vacancy among numerous vacancies up for election, and the court held that this failed the substantial compliance standard of *Lewis v. Dunne*. The same result is required here. Because the Candidate's nomination papers identified "District 9" rather than the legally existing office of Subdistrict 9B, the papers failed on every sheet to identify the specific office sought. The Objector's Petition has therefore established a *prima facie* case that the Candidate's nomination papers are legally insufficient.

CONCLUSION

13. The Hearing Officer recommends a finding that the Nomination Papers of Marlo Barnett are insufficient in law and in fact. It is therefore recommended 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 from Subdistrict 9B at the General Election to be held on November 3, 2026.

John Ashenden, Hearing Officer
No. 26 EB SBD 027
July 2, 2026