Elections: Chicago Requirement That Candidates Collect 12,500 Signatures From City Voters Within 90-Day Window Is Constitutional

Stone v. Board of Election Commissioners for the City of Chicago, No. 10-cv-7727 (7th Cir. Apr. 25, 2014).

Chicago's requirement that candidates for mayor, city treasurer and city clerk must collect a threshold number of signatures within a specific window of time in order to appear on the ballot has been upheld at the Seventh Circuit.

In order to be placed on the ballot, candidates for mayor, city treasurer and city clerk of Chicago must collect 12,500 signatures from "legal voters in the city." Candidates have ninety days to perform the task, and voters may not sign more than one nominating petition for the same office in a single election cycle. Of the twenty-one individuals who submitted nominating petitions in 2011 (not all of which collected 12,500 signatures), four filed suit against the city arguing the signature requirement, the ninety-day window, and the limit against signing more than one nominating petition were unconstitutional. The District Court rejected the argument, holding both Supreme Court and Seventh Circuit precedent proscribed such a claim. The candidates appealed.

HELD: The Seventh Circuit affirmed the District Court. It held that, although burdening candidates to some degree, the scheme furthers the state's interests in avoiding ballot overcrowding and preventing voter confusion while still allowing reasonably diligent candidates to get on the ballot.

DISCCUSION: The Supreme Court recognizes that candidate eligibility requirements impact both the constitutional right to associate politically with likeminded voters and for those voters to cast a meaningful vote, but that simultaneously states can enact "reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder." There is no hard-and-fast rule to separate valid and invalid regulations; rather courts perform a practical assessment of the justifications and effects of the scheme at issue by considering the "character and magnitude" of a party's asserted First and Fourteenth Amendment injuries by "identify[ing] and evaluat[ing] the precise interests put forward by the State as justifications for the burden imposed by its rule[s] . . . [and] consider[ing] the extent to which [the] interests make it necessary to burden the plaintiff's rights."

Plaintiffs argued the 12,500-signature requirement burdened "average 'Joe' and 'Jane'" candidates that cannot afford to assemble a political infrastructure and hire signature collectors, a burden which is "amplified" by the two complementary requirements. Second, they pointed out Chicago's requirement was much more burdensome than the election rules in other big cities. The Court began its assessment by looking at the number of candidates that have achieved the 12,500-signature goal, and, seeing that nine did in 2011, said that "reasonably diligent candidates" were able to meet the requirement. The Court also pointed out that one of the plaintiff's in the case had in fact met the threshold himself. Another element the Court found relevant was that Chicago's mayoral elections are nonpartisan, meaning every candidate has to meet the requirement in the same time frame from the same voter pool, further evidencing the reasonableness of the regulation and its furtherance of the city's legitimate goals of reducing voter confusion and ballot overcrowding. As for the number 12,500, the Court looked to

Supreme Court precedent and noted that it had approved a signature requirement mandating candidates collect signatures of 5% of registered voters (Chicago's requirement amounted to 1%).

The Court also found the other requirements of the ballot rules—timeframe and single nominating petition) were acceptable under Supreme Court case law. The ninety day window was a full forty days longer than the shortest period the Supreme Court had approved -- in that case candidates had to collect 22,000 signatures--almost twice as many signatures in nearly half the time. And the rule that voters only sign one nominating petition did not concern the Court given that there were no other restrictions on voters. (The one time the Seventh Circuit had found such a restriction unreasonable was when only independent candidates were subject to the rule, each had to collect signatures from 10% of the voting population ninety days before the primary, and the signatories could not vote in the primary election).

Overall, the scheme was deemed reasonable and non-discriminatory, and a legitimate means to serve the important government interests of preventing voter confusion and reducing ballot overcrowding.

http://law.justia.com/cases/federal/appellate-courts/ca7/13-2733/13-2733-2014-04-25.html (Last accessed May 15, 2014).

Employment: No Retaliation or Common Purpose Where Seven Schools Independently Decline Job Applicant

Davis v. Unified School District 500, No. 13-3224 (10th Cir. May 5, 2014).

In the absence of evidence of conspiracy, a custodian fired for sunbathing nude at one school could not sustain claims of retaliation or common purpose when his application for a head custodian position at seven other schools was declined.

In 1991 Charles Davis began working as a custodian for Unified School District 500 in Kansas. In 2007, he was found lying naked on his stomach sunbathing on the roof of the elementary school where he worked. The school board considered terminating his employment, but instead suspended him without pay for thirty days and demoted him from head custodian. He stayed on with the school district and between 2008 and 2012 and, during that time, applied to seven different schools within the district to regain a head custodian position. He was not hired at any of the schools.

In 2012 Davis sued the district, as well as the Human Resources (HR) director, alleging both retaliated against him by refusing to promote him. The issue, which the District Court answered in the negative, was whether a common purpose to retaliate against Davis could be inferred from the sheer volume of the promotion denials. Davis appealed.