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.

DISCUSION: 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.

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

No "Reasonable Suspicion" for Vehicle Stop Based Solely On Automated License Plate Identification

A police officer who did not confirm the accuracy of an automated license plate identification before pulling an allegedly stolen vehicle over and publicly arresting the driver was not entitled to summary judgment on the plaintiff's section 1983 claim, according to the Ninth Circuit.

Denise Green's 1992 Lexus was stopped by the San Francisco Police Department (SFPD) when its Automatic License Plate Reader (ALPR) mistakenly identified her car as having been stolen. Based on the incorrect description, and without personally confirming Green's license plate, Sergeant Ja Han Kim of the SFPD made a "high-risk" stop at 11:15 pm during which Green, a 47-year old African American, was surrounded at gunpoint, handcuffed, forced to her knees, and detained for twenty minutes. She was released only after officers ran her actual plate number and verified that the Lexus was not stolen.

Sergeant Kim knew from police radio transmissions that the plate number had been matched to a gray GMC truck, while the ALPR photo captured a dark Lexus. Kim did he not visually confirm her license plate number, even though nothing obscured his view as he trailed the Lexus. Nor did he verify the plate number with his dispatcher. He admitted that if he had read the plate, he would not have had reasonable suspicion to make the stop.

Green sued Kim, the City and County of San Francisco and SFPD, alleging Fourth Amendment violations for unreasonable search, seizure and use of force, violation of California laws, intentional infliction of emotional distress, assault and negligence. Defendants moved for summary judgment, arguing that Kim merely subjected Green to an investigatory detention and not an arrest, that he had reasonable suspicion to stop her vehicle, and that the force used was reasonable in the context of a lawful investigatory stop.

The District Court for the Northern District of California granted Defendants' motion for summary judgment. It held that Sergeant Kim reasonably assumed a fellow officer communicating the ALPR data had visually confirmed Green's plate, because the officer did not expressly state otherwise. The court concluded that Kim's belief that the plates had been matched to the ALPR

Continued on page 37