NBCON

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

Objections of: INGLESA TONEY	)	
	)	
	)	
To the Nomination	)	No.: 19-EB-ALD-052
Papers of: TORIANO A. SANZONE	)	
	)	
Candidate for the office of Alderman for the	)	
24th Ward of the 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 Jonathan T. Swain, 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 INGLESA TONEY ("Objector") to the nomination papers ("Nomination Papers") of TORIANO A. SANZONE, candidate for the office of Alderman for the 24th Ward of the City of Chicago ("Candidate") at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, 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 Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Christopher Agrella 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, INGLESA TONEY, and/or her Attorney MICHAEL J KASPER; the Candidate, TORIANO A. SANZONE, and/or his Attorney ANISH PARIKH.

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 Objector and/or his 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 2009.

C. The remaining number of signatures deemed valid as a result of the records examination total 624, said number being 151 above the statutory minimum.

12. Neither party filed motions pursuant to Rule 8 of the Board's Rules of Procedure.

13. 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 Alderman for the 9th Ward of the City of Chicago.

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IT IS THEREFORE ORDERED that the Objections of INGLESA TONEY to the Nomination Papers of TORIANO A. SANZONE, candidate for the office of Alderman for the 24th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of TORIANO A. SANZONE, candidate for the office of Alderman for the 24th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on Tuesday, January 8, 2019.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

Jonathan T. Swain, 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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PETITIONS OF CANDIDATES FOR THE FEBRUARY 26, 2019, MUNICIPAL GENERAL ELECTION FOR MAYOR, CLERK, TREASURER AND ALDERMAN IN THE CITY OF CHICAGO

INGLESA TONEY, Petitioner – Objector, v. TORIANO A. SANZONE, Respondent – Candidate.	)	No. 19 EB ALD 052

HEARING OFFICER'S RECOMMENDATION

This matter first came before the hearing officer on December 10, 2018. It was set on the call for 10:00 a.m., and at that time the matter was first called for hearing. The objector appeared through counsel, Mr. Michael Kasper, Esq., and the candidate appeared through counsel, Mr. Anish Parikh, Esq. Each filed their appearances, executed non-disclosure/confidentiality agreement and acknowledged receipt of a copy of the rules.

The official file contained the original nomination papers of the candidate and the objections of the objector, which the hearing officer marked as Group Exhibit A and Group Exhibit B, respectively. The proof of service of notice of the call was marked as Group Exhibit C, and the appearances of the parties were marked as Group Exhibit D. Group Exhibits A through D were accepted into evidence without objection.

The candidate seeks election to the office of Alderman of the 24th Ward of the City of Chicago, to be voted upon at the February 26, 2019, Municipal General Election.

The objection, Group Exhibit B, raised a line by line signature allegation or challenge,

incorporating a standard index recapitulation sheet exhibit.

The parties were informed at this initial hearing date of the briefing schedule for any preliminary motions, and both sides indicated that in all likelihood they would not be filing any such motions, and in fact no such motions were ever filed.

The matter was immediately scheduled for a record examination, scheduled to start on December 12, 2018, at 10:00 a.m., and the parties each received notice of the start of the record examination before the initial December 10, 2018, hearing concluded.

On December 19, 2018, the Rule 6 record examination completed and the Final Rule 6 Record Examination Report was served on each side, evidencing that at that juncture the candidate's nomination papers contained 624 otherwise valid signatures for an office requiring 473 signatures, i.e. 151 signatures in excess of the required minimum.

On December 20, 2018, objector, through counsel, indicated via email that objector would not be filing a Rule 8 motion and would instead rest upon the results of the Final Rule 6 Record Examination Report, and in fact no such Rule 8 motion was filed.

The hearing officer also notes that the Final Rule 6 Record Examination Report revealed that objector's side only preserved 125 record examination results for further review.

The hearing officer set this matter down for further proceedings on December 26, 2018, at 9:45 a.m.

Each side, by prior email exchanges with the hearing officer, sought leave to be excused from formally appearing at this date, each side further acquiescing and stipulating to the results of the Final Rule 6 Record Examination Report and the hearing officer's stated

intent to overrule the objection, As such, their request for leave to be excused from appearing was granted by the hearing officer.

On December 26, 2018, at 9:45 a.m. the matter reconvened, and in fact neither side appeared at that time and the matter, by agreement, proceeded in their absence.

The results of the final Rule 6 Record Examination Results were duly marked as Exhibit E and accepted into evidence.

Having been made of record and accepted into evidence, the results of the Rule 6 Record Examination are set forth here, as follows:

Signatures Required:	473
Total Pages:	117
Total Signatures Filed by the Candidate:	2,009
Total Objections:	2,505
Total Objections Ruled On:	2,505
Total Remaining to be Ruled On:	0
Total Objections Sustained:	1,747
Total Objections Overruled:	758
Findings Preserved For Review (Candidate):	87
Findings Preserved For Review (Objector):	125
Total Valid Signatures:	624
Total Unchallenged Signatures:	245

151 Signatures greater than the required minimum

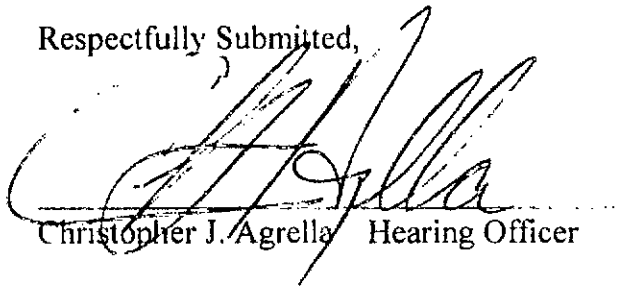
There being nothing further, the hearing officer placed on the record his recommendation to the Board that it overrule the objection to the candidate's nomination papers and that the candidate's name appear on the ballot. At that juncture the case concluded.

It is this hearing officer's findings and recommendation that objector Inglesa Toney's

objection be overruled, that the candidate's nomination papers be deemed valid in law and fact, and that the name of the candidate, Toriano A. Sanzone, appear on the ballot for election to the office of Alderman of the 24th Ward of the City of Chicago, to be voted upon at the February 26, 2019, Municipal General Election.

WHEREFORE your hearing officer recommends to this Board that it adopt the above findings, decisions and recommendations of the hearing officer, that the Board overrule the objection of the objector, that the Board declare the candidate's nomination papers sufficient in law and fact, and that the candidate's name, Toriano A. Sanzone, appear on the ballot for election to the office of Alderman of the 24th Ward of the City of Chicago, to be voted upon at the February 26, 2019, Municipal General Election.

Respectfully Submitted,



Christopher J. Agrella Hearing Officer

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