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

Objections of: IDA D. WALKER and ANITA ARCHIBALD	)	
To the Nomination Papers of: TYJUAN "TY" CRATIC	)	No.: 20-EB-RGA-008
Candidate for the nomination of the DEMOCRATIC Party for the office of Representative in the General Assembly, 9th Representative District of the State of Illinois	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of 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 IDA D. WALKER and ANITA ARCHIBALD ("Objectors") to the nomination papers ("Nomination Papers") of TYJUAN "TY" CRATIC, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District of the State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, March 17, 2020, having convened on December 16, 2019 at 9:00 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 Candidate's Nomination Papers were duly and timely filed.

2. The Electoral Board was constituted according to 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 Objectors and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute or service was waived.

4. A public hearing was held on these Objections commencing on December 16, 2019 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 Objectors and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at or filed appearances during such hearing; the Objectors, IDA D. WALKER and ANITA ARCHIBALD through their Attorney, SCOTT B ERDMAN; and the Candidate, TYJUAN "TY" CRATIC through his Attorneys, ROSS D SECLER and BURTON S ODELSON.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

11. 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.

12. 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 500.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,500.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,059.

D. The remaining number of signatures deemed valid as a result of the records examination total 441.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was fewer than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party to the office of Representative in the General Assembly, 9th Representative District of the State of Illinois.

14. The Hearing Officer conducted a hearing to allow the parties an opportunity to present evidence in support of their Rule 8 motions objecting to the Board's clerk's findings during the records examination.

15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 502 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

16. 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, hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates them herein by this reference.

17. Specifically, and in response to the issues raised in the Objectors' Rule 20 Motion, the Electoral Board finds that, for the following reasons, the Hearing Officer properly refused to sustain the various objections involving the notarization of several petition sheets:

A. Those petition sheets on which the notary failed to provide his or her notary stamp, but did provide his or her signature, are deemed to be technical violations that do not invalidate the petition sheet under this Electoral Board's past precedent. See, for example, *Griffin v. Hazard*, 04-EB-WC-24 (Chi. Electoral Bd. 2004), and *Linchecky v. Rundle,* 97-EB-ALD-001 (Chi. Electoral Bd. 1997).

B. Those petition sheets on which a name other than the proper circulator's name appears in the notarial jurat are clerical errors that are not a proper basis for invalidating the petition sheet under this Electoral Board's past precedent. See, for example, *Catherine and Streeter v. Butler*, 99-EB-ALD-108 (Chi. Electoral Bd.

1999), citing *Cintuc Inc. v. Kozubowski,* 596 N.E.2d 101 (1st Dist. 1992); Accord *Riani v. Education Officers Electoral Bd. for School Dist. No. 87,* 93 CO 456 (Cir. Ct. Cook Co. 1993). As a specific response to paragraph 8 of the Objectors' Rule 20 Motion, the Electoral Board finds that its prior rulings are not affected by any subsequent amendment to the Notary Act because the Electoral Board is not authorized to impose the penalties enumerated in the Notary Act, and the Board has previously excused technical errors committed by notaries in violation of mandatory provisions of the Notary Act by declining to penalize candidates for those notarial errors or omissions. See, for example, *Gregory v. Tines,* 95-EB-ALD-137 (Chi. Electoral Bd. 1995), and *Gilbert v. Lavelle,* 80-CO—75 (Cir. Ct. Cook Co., Feb. 11, 1980) (notary public's commission was expired or otherwise legally defective at the time of notarization), and *Hendon v. Davis,* 02-EB-SS_10 (Chi. Electoral Bd. 2002) (notary failed to indicate the date of notarization in the jurat).

C. Those petition sheets on which the notary failed to provide his or her signature, but did provide his or her notary seal, substantially comply with the requirements of the Election Code and the notary's error does not invalidate the petition sheet under this Electoral Board's past precedent. See, for example, *Delgado v. Ladien,* 99-EB-ALD-126 (Chi. Electoral Bd. 1999), and *Sanders v. Bradley,* 03-EB-ALD-156 (Chi. Electoral Bd. 2003).

D. Petition sheet 166 is legally valid because the circulator's complete address is shown, despite the statement that she lives at the stated address "in the ___ of Chicago, County of Cook, and State of Illinois." The Election Code does

not require use of the term "in the City of" when stating that a person resides within "Chicago, County of Cook, State of Illinois."

E. Those petition sheets on which the circulator failed to indicate the city in which he or she resides is in substantial compliance with the Election Code requirements, where the circulator included his or her street address, county and state and the missing information can be observed on other sheets circulated or signed by that individual. See, for example, *Panarese v. Hosty*, 104 Ill.App.3d 627 (1st Dist. 1982), *Lowe and Hurston v. Orozco,* 99-EB-ALD-070 (Chi. Electoral Bd. 1999), *Smith v. Dates*, 99-EB-ALD-133 (Chi. Electoral Bd. 1999), and *Schumann v. Kumarich,* 102 Ill.App.3d 454 (1st Dist. 1981).

18. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of TYJUAN "TY" CRATIC are, therefore, valid.

[Continued on next page.]

IT IS THEREFORE ORDERED that the Objections of IDA D. WALKER and ANITA ARCHIBALD to the Nomination Papers of TYJUAN "TY" CRATIC, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District of the State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of TYJUAN "TY" CRATIC, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 17, 2020.

Dated: Chicago, Illinois, on Tuesday, January 21, 2020.

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 PAPERS OF CANDIDATES FOR NOMINATION TO THE OFFICE TO BE VOTED UPON AT THE MARCH 17, 2020, ELECTION

IN THE MATTER OF THE OBJECTIONS OF:

IDA D. WALKER and ANITA ARCHIBALD,

Petitioner(s)-Objectors(s),

v.

TYJUAN "TY" CRATIC,

Respondent-Candidate.

No. 2020-EB RGA 008

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing officer on December 16, 2019, set on the call for 10:30 a.m. at which time it was called for hearing. Candidate appeared through Ross Secler, Esq., objectors appeared through Scott Erdman, Esq. Each filed their appearances within which each side agreed to service via email.

The file contained the original petition papers of the candidate and the objections of the objectors, which were 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 objectors and candidate were marked as Group Exhibit D. Group Exhibits A through D were accepted into evidence without objection by either side.

The candidate's nomination papers seek nomination to the Democrat primary ballot for nomination to the office of Representative in the General Assembly for the 9th Representative District of the State of Illinois to be voted upon in the March 17, 2020, General Primary Election. The Candidate filed 1,579 signatures within his nomination papers for an office requiring 500 valid signatures.

The objection raised a standard signature by signature challenge to the petition signers,

incorporating an attached appendix – recapitulation sheets, a "pattern of fraud" argument, allegations against the circulator and notary, and an allegation that the candidate's Statement of Candidacy is inconsistent with petition sheet headings such as to fatally flaw the nomination papers.

At this initial hearing the attorneys for the parties each acknowledged possession of a copy of the Board's rules and were informed of the briefing schedule for any preliminary motions.

Candidate's side indicated an intent to file a motion in the nature of a motion to strike, and each side was informed of the day by day filing requirements for the motion, response, and any reply, with any motion due by 5:00 p.m. Tuesday, December 17, 2019.

The Board scheduled a Rule 6 Record Examination to start the next day, December 17, 2019, at 9:30 a.m., and both parties were informed of the date and time of Rule 6 Record Examination on the record before the close of the hearing on this date.

The matter was continued to December 20, 2019, at 9:30 a.m. for case management and for hearing of any motions that may be filed, including the candidate's stated motion to strike.

Candidate did, in fact, file a timely motion to strike. Objectors filed a written response. Candidate did not file a reply.

On December 20, 2019, at 9:30 a.m. the case was called at the appointed time for case management and for hearing on the candidate's motion to strike. Both sides appeared through their respective counsel.

Candidate's motion to strike attacked paragraphs 17 and 18 of the objection. Paragraph 17 alleged a "pattern of fraud" and paragraph 18 alleged a fatal difference between the designation in the candidate's Statement of Candidate and the petition sheet headings.

Candidate's position regarding the "pattern of fraud" allegation is that it lacked sufficient specificity to permit the candidate to defend, and as such, was fatally deficient. A similar

argument was advanced as to paragraph 18 of the objection, with the further argument, more in the nature of an offer of proof, that the offices set forth in the respective candidate documents were identical such that the objection fails on its face.

Objectors' response regarding paragraph 17 was two-fold. Objectors asserted that an allegation pointing to all circulators objected to in the recapitulation sheets constituted sufficient notice, and also cited *Fortas v. Dixon*, 122 Ill.App.3d 697 as support for the theory that an objector does not even have to raise a "pattern of fraud" issue in the objection at all; that it can be raised at any time. Objectors voluntarily withdrew objection paragraph 18 regarding the fatal dissimilarity between the Statement of Candidacy and petition sheets.

This hearing officer granted candidate's motion in regards to paragraph 17. In paragraph 17 objectors alleged bare claims of round-tabling by the circulators, tying that allegation only to sheets and lines where a signature was challenged in Column A (signer not registered at address shown) **and** Column E (Other). As an initial matter, the fact that a signer was not properly registered at the address shown does not typically evidence round-tabling, the latter being in the nature of a forgery allegation, and for the very few (10 A + E marks on 1,579 signatures) objections, the marks in column E were nothing more than explanatory comments as to why other column objections were made on the line. (Ex. Pg. 74 – "424 is not 1424 go by what's written"; Pg. 114 – "Address Incomplete"; Pg. 129 "11011 S. St. Louis"; Pg. 157 "No address"; Pg. 167 & 175 "address incomplete"). Objectors' allegations as pleaded on these few lines do no support any claim of a round tabling pattern of fraud, nor was there anything evident on the face of the nomination petitions (nor did objectors point to any) that would give rise to a *Fortas* situation. To the extent objectors would stretch *Fortas* to permit objectors to simply demand electoral boards routinely conduct a "*Fortas* review" of every set of nomination papers objected to, the objectors stretches the *Fortas* holding beyond its intended reach.

With the Rule 6 record exam not yet completed, the case was continued to December 27, 2019, at 10:00 a.m. for status of the Rule 6 exam, at which time it was expected that firm cut-offs and hearing dates would be set for any required evidentiary hearing on any Rule 8 Motion.

The Final Record Examination Report[1] issued on the morning of December 26, 2019, indicating that the candidate's petition signatures totaled 38 signatures less than the 500 minimum signature requirement. Both sides were served notice of the final results by the close of business December 26, 2019.

With the status of pleadings in doubt as to what each side intended to do, this hearing officer deemed the previously set December 27, 2019, hearing date to be premature, and continued matters by agreement to December 30, 2019 at 10:00 a.m.

On December 27, 2019, each side filed a timely motion pursuant to Rule 8, seeking to challenge certain calls made during the Rule 6 examination, each employing a line by line recap sheet exhibit detailing the grounds upon which each Rule 6 decision would be challenged by the respective party.

On December 30, 2019, at 10:00 a.m. this matter reconvened, objectors and candidate both appeared *pro se*, at which time the hearing officer then entered into the record the results of the December 26, 2019, Rule 6 Record Examination [*See fn. 1*] and supporting record clerk tallies, accepting it into evidence as Board Group Exhibit E. At this juncture the hearing officer read the results of the record examination into the record, as follows:

Signatures Required:	**500**
Total Pages:	**187**
Total Signatures Filed by the Candidate:	**1579**

[1] Subsequent to the issuance of this purported final report it was revealed (in the course of the first day of the Rule 8 hearing) that Board personnel had continued counting petition signatures beyond the 1,500 maximum, in violation of Board Rule 11. Pointed out by objectors's counsel on January 8, 2020, this error required the issuance of a corrected Final Petition Summary Report and certain changes to the Rule 8 hearing, this hearing officer deeming it appropriate to craft a remedy, discussed in detail below.

Total Objections:	**2467**
Total Objections Ruled On:	**2467**
Total Remaining to be Ruled On:	**0**
Total Sustained Lines:	**1117**
Total Overruled Lines:	**203**
Findings Preserved For Review (Candidate):	**1162**
Findings Preserved For Review (Objectors):	**165**
Total Valid Signatures:	**462**
Total Unchallenged Signatures:	**259**

38 Signatures less than the required minimum

With both sides having filed a Rule 8 motion, this hearing officer set down specific deadlines for the exchange of witness lists and actual copies of any documents either side intended to introduce at the Rule 8 hearing. The deadline for initial exchange was set for January 3, 2020, at 5:00 p.m., rebuttal witnesses and documents for January 6, 2020, with the Rule 8 hearing commencing on January 8, 2020, at 10:00 a.m.

On January 8, 2020, at 10:00 a.m. the matter reconvened and both sides appeared through counsel and announced they were ready to proceed. At this juncture, candidate being down some 38 signatures, the burden was upon him to recover sufficient signatures to shift the burden back to the objectors.

Prior to getting started on the evidentiary hearing objectors' counsel raised an issue on the record with regards to the Rule 6 Exam Final Report. Objectors' counsel made the hearing officer aware of a potential problem objectors found while reviewing the Rule 6 records, noting that the record results evidence that all 1579 signatures had been reviewed at the Rule 6 examination and that as a result objectors believed all of those signatures were scored towards the candidates totals, in violation of the 1500 maximum signature submission and Board Rule 11, improperly adding 21 additional "good" signatures towards the candidate's total.

Objectors further argued that as a result of this discovery the true state of the record evidenced that the candidate was short an additional 21 signatures such that, being 59 signatures short, the candidate's document disclosure had only proffered documents sufficient to recover, at most 58 (or 59) signatures, and therefore candidate was either mathematically eliminated or nearly so.

In response the hearing officer stated that while all 1579 signature lines had seemingly been checked at the Rule 6 exam the hearing officer was not sure all had been scored/counted towards the candidate's totals, and that during a break in the hearing the hearing officer would determine the status of the totals counted. In the interim, the hearing officer declared that the candidate, being down signatures, would proceed to put on such evidence in his case as the candidate had to offer.

In opening the Rule 8 hearing the candidate indicated his intent to introduce 26 Certified Registrations as well as 31 affidavits of genuineness of signatures. Objectors, in their Rule 8 motion, listed several dozen potential sheet and line challenges; however, objectors had not followed up by turning over any documents or other evidence to candidate by the January 3, 2020, exchange cut-off.

Commencing the actual Rule 8 hearing, candidate first offered Candidate's Group Exhibit 1, consisting of 26 Certified Registrations. Candidate's Group Exhibit 1 was accepted came into evidence, after which it was reviewed for what weight or applicability it had. These registrations were reviewed on several points: candidate's preservation of the call at the Rule 6; candidate's preservation of the call in the Rule 8 motion; and for general applicability / validity (e.g., was the signature even struck for the registration and/or multiple grounds).

During the course of this review, as well as for other sheet and line evidence proffered by candidate, several documents related to adverse calls by the Rule 6 personnel wherein the

candidate's watcher did not preserve the adverse call. At this point candidate's counsel asserted that there were failures on the part of the board personnel to properly reserve the candidate's objection during the Rule 6 exam.

The hearing officer noted that this was the first time candidate had raised this issue to the hearing officer's knowledge and asked where it had been raised previously.

Candidate pointed to candidate's January 3, 2020, witness and document disclosure within which witness Christian Angeles was listed as a witness who would testify to: **"Facts and foundation for the affidavits and other documentary evidence submitted as part of Candidate's case-in-chief; facts regarding the signing and circulation of the nomination papers."**

Candidate contended this was sufficient to incorporate the issue of unrecorded objections by candidate's watcher and allow Mr. Angeles to testify to the issue. Objectors' counsel objected to lack of notice and failure to disclose.

The hearing officer agreed with objectors. Nothing in the candidate's disclosure indicated any failure or problem with the Rule 6 record examination, and the hearing officer also noted there were two hearings since the start of the Rule 6 record exam wherein the candidate could have brought this issue to light, as well as the ability to email the hearing officer to alert him to this issue. The hearing officer deemed candidate's claim of error in the conduct of the Rule 6 record examination to have been waived or otherwise denied for lack of proper notice.

As the review of candidate's certified registration records proceeded, objectors argued that the signature in the petition, when compared to the signature clip (if available) evidenced that the registration was not even for the same person. This hearing officer rejected what was little more than a blanket, collateral attack on the decision of the Rule 6 board personnel and the handwriting expert. However, to the extent the hearing officer's review of the **name** on the sheet and line at issue was not even remotely the same as the registration, (literally a "Smith v. Jones" difference)

that would be taken into consideration as to whether to accept the registration. To be clear, illegible or anything remotely similar to the registration name was sufficient to tie the registration to the sheet and line. Upon completion of these reviews, Candidate's Exhibit 1 had restored 21 signatures to candidate's totals.

Candidate's Exhibit 2 consisted of 31 affidavits of genuineness of signature. As with Candidate's Exhibit 1, these affidavits were reviewed on several points: candidate's preservation of the call at the Rule 6; candidate's preservation of the call in the Rule 8 motion; and for general applicability / validity (e.g., was the signature even struck for lack of genuineness and/or multiple grounds). In keeping with the hearing officer's above stated procedure with registrations, unless it was literally a "Smith v. Jones" name difference, or a handwriting so wildly divergent as to style, size and other factors as to be patently different, the affidavit would be accepted as rehabilitating the signature. Illegible or anything reasonably similar to the affidavit signature was sufficient to tie the affidavit to the sheet and line. Upon completion of these reviews, Candidate's Exhibit 2 had restored 15 more signatures to candidate's totals.

Candidate sought to introduce as Candidate' Exhibit 3 a set of screen shots purportedly evidencing additional registrations for 5 individuals. These proffered documents were not certified nor otherwise authenticated. Objectors objected upon foundation grounds. Objectors' objection was sustained and these screen shots were not admitted into evidence.

During a break in the hearing the hearing officer conferred with board personnel and confirmed that, not only had the additional 79 signatures above the 1500 maximum been checked during the Rule 6 examination, the "good signatures" had been tabulated as part of the candidate's total in violation of Board Rule 11.

An amended and updated total was re-tabulated by board personnel and the results were transmitted to the parties before the January 8, 2020, hearing ended. Board personnel determined

that the 1500 signature maximum ended on page 174, line 3. This Amended Final Petition Summary Report, marked as Board Group Exhibit E-1, was then read into the record as follows:

Signatures Required:	**500**
Total Pages:	**187**
Total Signatures Filed by the Candidate:	**1500**
Total Objections:	**2345**
Total Objections Ruled On:	**2345**
Total Remaining to be Ruled On:	**0**
Total Sustained Lines:	**1059**
Total Overruled Lines:	**194**
Findings Preserved For Review (Candidate):	**1110**
Findings Preserved For Review (Objectors):	**160**
Total Valid Signatures:	**441**
Total Unchallenged Signatures:	**247**

59 Signatures less than the required minimum

Candidate, at this juncture, had no further evidence to produce. Objectors, as stated above, disclosed no evidence to the candidate and as such put no evidence on. It was agreed between the parties (without anyone waiving any arguments or objections that were made during the hearing) that the candidate, at this juncture, had recovered 36 of the initial 38 signatures that the candidate needed to recover to reach the minimum signature requirement.

At the close of the available evidence objectors sought to end the hearing with a recommendation by the hearing officer to sustain the objection, arguing that the candidate, even under the lower figure, had failed to meet his burden after having sufficient time to gather and disclose evidence. Candidate objected to this argument asserting that the candidate should be allowed to confront the actual, correct signature figure and should be given a short amount of additional time in which to do so.

Without knowing or wanting to speculate what effort the candidate employed in facing the 38 signature deficiency versus what the candidate might have mounted against the 59 signature deficiency, the hearing officer, deeming the error to be of the board's making, determined that as a matter of equity and fairness the candidate should be permitted a very short time frame in which to confront the actual, accurate signature total from the corrected Rule 6 Final Record Exam Report, rather than rule upon a hearing that proceeded on the results of an erroneous report.

As such, the hearing officer gave both parties until 5:00 p.m. January 9, 2020, in which to exchange evidence and witness lists for any additional evidence that either party could gather. However, neither party was permitted to supplement their Rule 8 disclosure, nor could either party offer new evidence on a sheet and line that had previously been reviewed.

The case was continued to January 10, 2020, at 10:30 a.m. to complete the Rule 8 hearing.

On January 10, 2020, at 10:30 a.m. this matter was called for further proceedings, with both sides appearing through counsel. Each side had disclosed additional evidence to each other in a timely fashion since the prior hearing date.

Candidate, still being down 23 signatures, again proceeded first. The candidate produced an additional 25 Certified Registration records, marked as Candidate's Group Exhibit 4, and 19 additional affidavits, marked as Candidate's Group Exhibit 5. One sheet and line related to both documents, such that the maximum possible recovery for candidate would be 44 signatures. Both sets were accepted into evidence and subjected to the same review procedure as candidate's prior set of documents.

At the close of the candidate's documentary evidence, 13 of the 25 registrations had recovered signatures for the candidate's total, and 13 of the 19 affidavits had recovered signatures towards the candidate's total, leaving the candidate with 503 valid signatures. At this juncture the candidate rested.

Objectors then presented objectors' case in rebuttal. In relation to the initial January 8, 2020, Rule 8 hearing, as stated above, objectors had not disclosed any evidence or witnesses in relation to objectors' Rule 8 motion. As a result of the 24 hour extension, objectors had disclosed 3 Certified Jurisdiction Records but no witnesses. Employing the same procedure as was used to review candidate's evidence, these certified jurisdiction records were reviewed on several points: objectors' preservation of the call at the Rule 6; objectors' preservation of the call in the Rule 8 motion; and for general applicability / validity (e.g., was the signature line even struck for the "out of district" objection). it was determined that only one of the records related to a validly preserved "out of district" objection. This certified record reversed one signature call of the Rule 6 board personnel, such that the candidate possessed 502 valid signatures at that point.

Objectors, after being asked if they had any further evidence and answering in the negative, rested.

Neither side offered anything further in evidence relative to any issue, with both sides resting, at this juncture the hearing officer stated on the record that his written recommendation to the Board would be to overrule objectors' petition, further declare the candidate's nomination petition valid in law and fact, and that the candidate's name appear on the ballot. There being nothing further, the hearing officer concluded the case.

Several hours after the hearing concluded, approximately 6:21 p.m., the hearing officer received an email from objectors' counsel seeking to re-open proofs. Candidate's counsel and Board counsel, Mr. Adam Lasker, Esq. were cc'd on the email, which stated:

"Mr. Agrella, The Objectors have made circulator objections in Paragraphs 6 through 16 that have not been ruled on by the Hearing Officer. Those sheets are 34, 40, 44, 166, 167, 169, and 172. The Objector's request a date and time to reconvene so that rulings on these sheets and the relevant objections can be ruled upon. Thank you, Scott Erdman"

In a responsive email candidate's counsel objected, asserting (correctly) that objectors had

rested their case on the record and that no evidence, argument, or anything else has been offered or disclosed about these claims.

In a responsive email approximately an hour later, this hearing officer denied objectors' request to re-open proofs to allow objectors to proceed on these objections, stating:

"All,

The Rule 8 hearing has concluded. No extension or reopening of proofs as requested by the Objector is warranted nor will be granted by the hearing officer.

Candidate went first, starting on Wednesday and finishing today after the 24 hour opportunity to add witnesses and/or documents to address the change in totals caused by the board personnel overcount errors that were brought to the hearing officer's attention by Objector on Wednesday.

After Candidate rested, Objector presented a rebuttal case.

Each side was pointedly asked if they rested their case.

Both Candidate and Objector rested their case. (in that order)

This hearing office notes that both sides had an opportunity supplement their witness lists and documents as a result of the board's overcount error.

Objector's Rule 8 Motion, filed December 21, 2019, was timely and in the nature of a line by line format reversal style motion. While timely filed, Objector listed no documents nor were any turned over by the Objector in support of the Rule8 position as of the first cut off and only three more documents were turned over during the second one on Wednesday, all of these latter documents which related to "out of district" claims and all of which were introduced into the Rule 8 hearing and Ruled upon.

At no time did Objector list any live witnesses nor did Objector seek any subpoenas or in any fashion indicate Objector's intent to proceed upon objection paragraphs 6 – 16, all of which relate to claimed circulator/notary issues.

All of the objections which Objector NOW seeks to advance were available to Objector to produce evidence and/or proof at the Rule 8 hearing today. None of these issues were raised by Objector, and as aforesaid, after Objector placed into evidence three certified copies of board records and making arguments and having the hearing officer make rulings on them, Objector rested Objector's case.

There is no basis upon which any relief now requested by Objector should be granted.

Thanks for your attention to this email,

Chris Agrella"

There is little that this hearing officer can add to his above stated response. However, it bears noting that the paragraphs objectors referenced in the email not only were never mentioned by objectors throughout the handling of this case, including the status dates and hearings convened on this matter, objector never, at any time, disclosed any evidence, whether documentary or witnesses, that could possibly bear on the question of, for instance:

Circulator's Affidavit Not Properly Notarized – Pg. 34, 40, 44, 167, 172;

Circulator Did Not Sign Sheet, Circulator Did Not Circulate Sheet – Pg. 44;

Circulator's Address Incomplete – Pg. 166, 169.

Leaving aside that objectors rested and have no basis for reopening proofs, each of these objections are of the type that typically require testimony, at a minimum by the notary and/or circulator, as to whether a circulator's affidavit was properly notarized, signed, circulated the sheet, etc. This is particularly true when an objector seeks to prove a named circulator did not, in fact, circulate the sheet. Without going through all the case law bearing on these issues, a review of the objections evidence that objectors, without witnesses, would not have succeeded on these issues.

A notary putting the wrong name in a jurat (34, 40, 44) will not invalidate a petition sheet. *Cintuc, Inc. v. Kozubowski*, 596 N.E.2dd 101 (1st Dist. 1992); *Riani v. Education Officers Electoral Board for School Dist. No. 87* (Cir. Ct. Cook Co. 1993)

Failure of the notary to sign the sheet, where a notary stamp is present on the petition sheet, (Pg. 167) will not invalidate a petition sheet. *Delgado v. Ladien*, 99 EB ALD 126 (CBEC, January 12, 1999); *Sanders v. Bradley*, 03 EB ALD 156, (CBEC, January 24, 2003)

Failure of the notary to stamp a sheet with a notary seal, where the notary signs the petition sheet, (Pg. 172) will not invalidate a petition sheet. Young v. Cook County Officers Electoral Board, 90 CO 20 (Cir. Ct. Cook County, 1990)

Regarding the incomplete circulator address issue (Pg. 166, 169) not only was the missing information *de minimis*, that same circulator (with full address) can be found on a number of other petition sheets, satisfying the Election Code's desire that the circulator are capable of being found. *Cunningham v. Schaeflein*, 2012 Ill. App.(1st) 120529, ¶ ¶25-28.

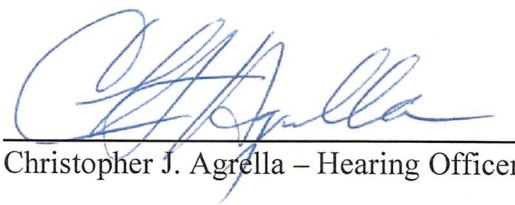
In sum, a cursory review of these circulator and notary issues indicate it was highly unlikely these issues would have been found in objectors' favor under the best of circumstances.

Objectors failed to disclose any evidence to the other side or the hearing officer bearing on any of these issues; objectors rested their case without once referencing any intent to proceed on these circulator and notary issues. Objectors waived any issue with regard to these matters and there exists no basis to allow objectors to re-open proofs.

It is the recommendation of this hearing officer that the Board adopt the above findings, decisions and recommendations of the hearing officer and overrule the objection of objectors, Ida D. Walker and Anita Archibald to the nomination papers of the candidate, Tyjuan "Ty" Cratic, that the candidate's nomination papers be declare valid and sufficient in law and fact, and that the candidate's name appear on the ballot for the Democrat primary ballot for nomination to the office of Representative in the General Assembly for the 9th Representative District of the State of Illinois to be voted upon in the March 17, 2020, General Primary Election, in the City of Chicago.

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Respectfully Submitted,



Christopher J. Agrella – Hearing Officer