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

Objections of: LAUREN WEBER	)	
	)	
	)	
To the Nomination	)	No.: 20-EB-WC-003
Papers of: DANIEL LA SPATA	)	
	)	rel.: 20-EB-WC-005
Candidate for the office of Democratic Party	)	
Ward Committeeperson, 1st Ward of the City	)	
of Chicago	)	

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 LAUREN WEBER ("Objector") to the nomination papers ("Nomination Papers") of DANIEL LA SPATA, candidate for the office of Democratic Party Ward Committeeperson, 1st Ward in the City of Chicago ("Candidate") to be elected at the General Primary Election to be held on 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 Objector 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 held on these Objections commenced on December 16, 2019 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Edna Turkington for further hearings and proceedings.

5. The Objector 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, LAUREN WEBER, her Attorney FRANK AVILA; and the Candidate, DANIEL LA SPATA through his Attorneys, ED MULLEN and SCOTT B. ERDMAN.

6. 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. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives.

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

8. 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 Electoral Board's file in this case and a copy has been provided or made available to the parties.

9. 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 1,032;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,958;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 919;

D. The remaining number of signatures deemed valid as a result of the records examination total 1,039.

10. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was greater than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Democratic Party Ward Committeeperson, 1st Ward of the City of Chicago.

11. 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. Following the conclusion of the Rule 8 hearing, the Hearing Officer submitted a final report and recommended decision, and the Objector thereafter timely filed a Rule 20 Motion seeking further review and argument before the Board. Prior to a hearing on that motion, the Board granted the motion in part and remanded the case to the Hearing Officer for the limited purpose of clarifying the record of what previously transpired at the Rule 8 hearing. The Hearing Officer then submitted a second amended final report and recommended decision indicating that the Candidate had fallen below the minimum number of required valid signatures. The Candidate thereafter filed a timely Rule 20 Motion.

12. In the Hearing Officer's has second amended report and recommended decision, the Hearing Officer found, based upon the evidence presented in the original Rule 8 hearing, that the Candidate's Nomination Papers contained 1,031 valid signatures, said number being 1 signature less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Democratic Party Ward Committeeperson, 1st Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

13. Specifically, in response to Candidate's Rule 20 Motion, the Electoral Board finds that the Candidate had ample time to prepare for the Rule 8 hearing. Indeed, the record reflects that the Candidate had notified the Objector in their exchange of evidence that Candidate intended to introduce over 50 affidavits at the Rule 8 hearing. However, at the hearing, the Candidate chose to introduce only two affidavits. As to Candidate's request to admit counter affidavits of Aleah Arundale, Erindera Alcantara, Sarah Kaminsky and Ariel Garcia more than 20 days after the conclusion of the Rule 8 hearing in the matter, the Board finds this request to be untimely and there is no good cause to reopen the evidentiary record. Further, the Candidate's contention that the Hearing Officer refused to review the signature clips of the affiants is not supported in the record or in the Recommendation of the Hearing officer. The Electoral Board therefore will not reopen the proofs and will not disturb the Hearing Officer's findings as to the individual rulings on the each of the signatures considered at the Rule 8 Hearing.

14. 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.

15. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of DANIEL LA SPATA are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of LAUREN WEBER to the Nomination Papers of DANIEL LA SPATA, candidate for the office of Democratic Party Ward Committeeperson, 1st Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DANIEL LA SPATA, candidate for the office of Democratic Party Ward Committeeperson, 1st Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 17, 2020.

Dated: Chicago, Illinois, on 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.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE MARCH 17, 2020 GENERAL PRIMARY ELECTION
IN THE CITY OF CHICAGO

LAUREN WEBER	)	
	)	
Petitioner - Objector,	)	
	)	
vs	)	**Case No. 20-EB-WC-003**
DANIEL LA SPATA	)	
	)	
Respondent -Candidate.	)	

Hearing Officer's Second Amended Report and Recommended Decision

This matter first came before the hearing officer on December 16, 2019. The Objector, **Lauren Weber,** was represented in these proceedings by Lauren Weber (pro-

se) and later by Attorney Frank Avila. The Candidate, **Daniel La Spata** was represented in these proceedings by Attorney Ed Mullen. Both parties acknowledged receipt of the Call to the meeting of the Electoral Board, Objector's Petition and the Rules of Procedure.

The parties stipulated as to the manner of service of documents to be made upon each other. Further, the parties acknowledged having read and understood the Rules of Procedure. The hearing officer stressed the importance of meeting filing deadlines, emphasized Rule 6 concerning the procedure and deadlines when the records examinations are completed and Rule 16 with respect to the necessity of redacting personal identity information in documents.

The Hearing Officer received into evidence the following documents:

1. **Group Exhibit A**, consisting of the Candidate's Nomination Papers, including a Statement of Candidacy for 1st Ward Democratic Committeeperson and Nominating petition sheets consisting of 252 sheets with 1,958 signatures.
2. **Group Exhibit B**, consisting of Objector's Petition, including any exhibits, appendices or attachments thereto.
3. **Group Exhibit C**, consisting of proof of service of the Call to

each Objector and of the Call and the Objector's Petition to the Candidate.

4. **Group Exhibit D,** consisting of the Appearance forms filed on behalf of the Objector and the Candidate.

The parties identified the factual and legal issues involved in the case. The objections to the Nomination Papers of **DANIEL LA SPATA** for the office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago alleged that the nomination papers did not contain the signatures of 1,032 qualified, registered and legal voters of the 1st Ward of the City of Chicago, State of Illinois. If true, the Nomination Papers were insufficient in law and fact thus prohibiting the name of **DANIEL LA SPATA** from being printed on the ballot for election to the Office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago, State of Illinois, to be voted on at the General Primary Election to be held on March 17, 2020.

The parties identified the factual and legal issues involved in the case. It was agreed that the issues could be resolved by a records examination. The objection to the Nomination Papers of **DANIEL LA SPATA** for election to the Office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago, State of Illinois, to be voted on at the General Primary Election to be held on March 17, 2020 was that the

nomination papers did not contain the signatures of 1,032 qualified, registered and legal voters of the 1st Ward of the City of Chicago. If true, the Nomination Papers were insufficient in law and fact thus prohibiting the name of **DANIEL LA SPATA** from being printed on the ballot for election to the Office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago, to be voted on at the Municipal General Primary Election to be held March 17, 2020.

The hearing examiner scheduled a records examination to be held on December 17, 2019 at 2:15 P.M.

The hearing officer inquired if the Candidate intended to file any preliminary motions to strike or dismiss Objector's Petition. The Candidate indicated that no motions would be filed at this time. The results of the records examination were set for status from time to time in accordance with the Chicago Board of Elections record examination schedule. All parties were notified of the records examination. Both parties participated in the records examination.

OBJECTIONS PRESENTED

The Objector argues in her verified petition that the Nomination Papers are insufficient in fact and law for the following reasons:

(1) That the nomination papers for the Office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago contained fewer than 1,032 duly qualified, registered and legal voters of the 1st Ward of the City of Chicago, collected in a manner prescribed by law.

(2) That the Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the address specified in the petition, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

(3) That the Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

(4) That the Nomination Papers contain petition sheets with names of persons whom the addresses state are not in the 1st Ward of the City of Chicago, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

(5) That the Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are

incomplete, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

(6) That the Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

FINDINGS OF FACT

The Chicago Board of Election completed the records examination on December 26, 2019 at 8:21:58 A.M . All parties were timely served with the following Final Petition Summary Report:

Objector Name: Lauren Weber

Candidate Name: Daniel La Spata

Signatures Required	1032
Ward Committeeman 1st Ward	
Total Pages	252
Total Signatures	1958
Total Objections	1270
Total Ruled On:	1270
Total Remaining	0

Total Sustained Lines: 919

Total Overruled Lines: 217

For Review (Candidate): 429

For Review (Objector): 150

TOTAL VALID SIGNATURES: 1,039

Total Unchallenged Signatures 822

7 Signatures greater than the required minimum.

Following the receipt of the above Final Petition Summary Report, both parties timely filed Rule 8 motions for evidentiary hearings to appeal the above Rule 6 records examination.

The hearing officer conducted hearings for the purpose of receiving evidence and hearing arguments relating to the findings made during the records examination conducted under Rule 6 which the moving parties contested and timely appealed during the records examination.

Following the hearings, the following facts were determined by the hearing officer:

The hearing officer reviewed the signatures and other evidence presented by the Objector and the Candidate during the Rule 8 evidentiary hearing and made the following findings.

SHEET/LINE NAME	RECORDS EXAM RULING	MEANDERING EXPERT RULING	FINAL RULING
182/6 Jane Goldshetyn	Overruled	Overruled	Sustained
182/4 Greg A. Leyser	Overruled	Overruled	Sustained
161/4 Erendira Alcantara	Overruled	Overruled	Sustained
8/5 Josefina Soto	Sustained	Overruled	Sustained
186/7 Sarah Kaminsky	Overruled	Overruled	Sustained
151/4 Juistiniano Hernandez	Sustained	Overruled	Sustained
151/2 Kevin Ryan	Overruled	Overruled	Sustained
153/6 Lexes Ann Garcia	Overruled	Overruled	Sustained
182/5 Meggan M Macfarlane	Overruled	Overruled	Sustained
180/4 Ariel Garcia	Overruled	Overruled	Sustained
9/1 Rosa Bahena	Sustained	Overruled	Overruled
10/4 Luis E. Mathews	Sustained	Overruled	Overruled
246/2 Sandra Van Opstal	Sustained	Sustained	Overruled
234/1 Ravi B. Ricker	Sustained	Sustained	Overruled

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Candidate's witness, Marcus Rodriquez, a pattern of fraud should be imputed to the entire Nominating Petitions of the Candidate. I find there to be no valid basis to make such a finding and I further find that the Objector did mot establish a pattern of fraud.

In summary, the following facts were determined by the hearing officer.

1. The hearing officer reviewed the signatures and other evidence presented by the parties on the Nomination Papers of the Candidate and determined that ten (10) signatures on the Nomination Papers that were previously determined to be valid by the Chicago Board of Elections on its Final Petition Summary Report are now found to be invalid and not to be counted towards the required minimum of signatures necessary for the Candidate's name to appear on the ballot.

2. The hearing officer reviewed the signatures and other evidence presented by the parties on the Nomination Papers of the Candidate and determined that two (2) signatures on the Nomination Papers that were previously determined to be in invalid by the Chicago Board of Elections on its Final Petition Summary Report are now found to be valid and are to be counted towards the required minimum of signatures necessary for the Candidate's name to appear on the ballot.

3. Where the affidavit changes the findings from overruled to sustained or where it continues to be sustained, I find that the signatures on the affidavits favorably compare with the signature clips of the applicable petition signers, and not with the signature on the petition.

4. Where the objection is overruled, I find that the signature on the affidavit favorably compares with the signatures on the signature clips and the signature on the petition.

The results of the Rule 8 hearing appealing the Rule 6 records examination placed the Candidate with 1,031 valid signatures from voters of the 1st Ward in the City of Chicago. This result is one (1) less than the 1,032 signatures required.

RECOMMENDATION

Based upon the factual and legal findings outlined and discussed above, the Objector's Petition to the Candidate's Nomination Papers is granted. It is further recommended that the name of **DANIEL LA SPATA** should not be printed on the ballot for election to the Office of Democratic Ward Committeeperson of the 1st Ward of the City of Chicago , State of Illinois, to be voted on at the General Primary Election to be held March 17, 2020 , in the City of Chicago, State of Illinois.

_//S Edna Turkington_____
Edna Turkington
Hearing Officer

January 17, 2020