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

Objections of: QUINTELLA BENSON and AVA THOMAS	)	
To the Nomination Papers of: ANTHONY A. BEALE	)	No.: 20-EB-WC-007
Candidate for the office of DEMOCRATIC Party Ward Committeeperson, 9th Ward, 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 QUINTELLA BENSON and AVA THOMAS ("Objectors") to the nomination papers ("Nomination Papers") of ANTHONY A. BEALE, candidate for the office of Democratic Party Ward Committeeperson, 9th 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 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 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 Maurice Sone for further hearings and proceedings.

5. The Electoral Board directed the Objectors and Candidate 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 Objectors, QUINTELLA BENSON and AVA THOMAS, through their Attorney, LAURA JACKSACK; and the Candidate, ANTHONY A. BEALE, through his Attorneys, ROSS D SECLER and BURTON S ODELSON.

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.

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

9. 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.

10. 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 891;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1844;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 986;

D. The remaining number of signatures deemed valid as a result of the records examination total 858.

11. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was 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, 9th Ward of the City of Chicago.

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

13. 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 only 858 valid signatures, which is six signatures fewer 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, 9th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

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 and incorporates them herein by this reference, except for those matters discussed below where the Board has rejected the Hearing Officer's recommended findings in relation to nine of the Objectors' affidavits submitted during the Rule 8 hearing of this case.

15. In response to the Candidate's Rule 20 Motion filed in opposition to the Hearing Officer's recommended findings and conclusions of law, the Electoral Board has reconsidered the Hearing Officer's recommended decision to bar any evidence and testimony at the Rule 8 hearing regarding the six petition signers who allegedly signed the Candidate's petition more than once. Candidate asserted in his Rule 8 Motion and during the Rule 8 hearing that the record examiners invalidated every single one of the signatures signed by the six individuals who signed the petition more than once, even though one of those multiple signatures should still be considered valid. Candidate is correct that such is in accord with the Electoral Board's past precedent, but the Objector and Hearing Officer were correct that the record reflects that the Candidate's watchers failed to preserve those issues for further review at the time those decisions were made during the Rule 6 records exam. Electoral Board Rule 6(h) expressly requires, **in bold, emphasized text,** as follows:

> **"IMPORTANT: If a party's watcher does not appeal a finding made by the records examiner at the time of the records examiner's entry of the finding during the records examination, that party shall not be allowed to present any evidence or argument of any kind with respect to the record examiner's finding or the issue to which it relates and any future appeal or reconsideration of the records examiner's finding is waived."**

Electoral Board Rule 8(d)(ii) contains a similar explanation of this rule, also shown in bold, emphasized text.

16. Furthermore, the Electoral Board finds that the Hearing Officer did not err in reviewing the 16 affidavits submitted by the Objector in which the affiants claim to have *not* signed the Candidate's petition on the sheets and lines bearing their names and addresses. The Hearing Officer accepted 10 of those affidavits, and rejected six. In so doing, the record is clear that the Hearing Officer fulfilled his duty of comparing those affidavit signatures to both the petition signature and the applicable registration record signature. The fact that the Hearing Officer had the registration signatures at hand during the Rule 8 hearing, and that he used them while analyzing these affidavits, is apparent in the transcripts of two different days of the Rule 8 hearing. (See Transcripts, 1/7/2020 at p. 12, lines 17-20, and 1/9/2020 at p. 78, lines 4-6.)

17. However, the Hearing Officer made his recommended findings in relation to the Objectors' affidavits without the benefit of any review or report from the Electoral Board's certified forensic document analyst. The Candidate challenged these recommendations in his Rule 20 Motion and the Electoral Board continued the Rule 20 hearing to obtain an expert opinion from its handwriting analyst. In the expert's report, which has been entered into the record of this case as a Board Exhibit, she finds sufficient indicia of common authorship between the respective registration signature, petition signature and affidavit signatures to conclude that each affidavit was signed by the same registered voter who signed the corresponding sheet and line of the Candidate's Nomination Papers. (The expert's report inadvertently included a review of only 15 of the Objectors' 16 affidavits.) The Electoral Board therefore finds that 15 of these 16 affidavits lack credibility and carry no weight in support of the Objectors' allegations.

18. Petition signatures are presumed to be valid under Section 10-8 of the Election Code unless an objection is duly filed against them.[1] The 15 signatures related to the affidavits reviewed by the Electoral Board's handwriting expert were found to be genuine during the Rule

[1] "Certificates of nomination and nomination papers ... shall be deemed valid unless objection thereto is duly made in writing within 5 business days after the last day for filing the certificate of nomination or nomination papers." 10 ILCS 5/10-8.

6 records exam, which itself included a review by the Board's certified forensic document analyst of the applicable petition and registration signatures. Therefore, the burden of proof remained with the Objectors when they submitted the affidavits during the Rule 8 hearing, which did not involve any analysis by the Board's handwriting expert. Despite the Hearing Officer's nonbinding recommendations, the Objector still carried the burden of proving their case to the Electoral Board during the Rule 20 hearing. Having reviewed the report from the Board's handwriting expert, the Electoral Board found the affidavits not credible and not supportive of the Objectors' allegations. The record therefore does not contain any credible evidence to prove that these 15 signatures are invalid or not genuine, and they therefore shall be credited towards the Candidate's minimum signature requirement.

19. In the Hearing Officer's Final Report and Recommended Decision, he found 9 of the 15 affidavits credible, and he therefore discounted those 9 signatures from the Candidate's total. The Hearing Officer therefore recommended finding that the Candidate was 6 signatures under the minimum requirement. However, in light of the handwriting expert's report and conclusions about these 15 affidavits, the Board finds the preponderance of the evidence shows that the Hearing Officer's recommended decisions should be reversed for those 9 signatures, which leaves the Candidate with 3 signatures *more than* the required minimum. The Electoral Board therefore rejects and reverses the Hearing Officer's recommended findings and decisions in regards to the signatures contained on the following sheets and lines of the Candidate's Nomination Papers: Sheet 4, Line 7 // Sheet 49, Line 5 // Sheet 73, Line 14 // Sheet 96, Line 7 // Sheet 99, Line 3 // Sheet 100, Line 5 // Sheet 102, Line 5 // Sheet 130, Line 3. The Electoral Board adopts the remainder of the Hearing Officer's report and recommendations.

20. For the reasons stated above, the Electoral Board finds that the Candidate's Rule 20 Motion should be denied for the reasons set forth in paragraph 15 of this Final Decision, and

granted for the reasons set forth in paragraphs 16 through 19 above. The Electoral Board further finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of ANTHONY A. BEALE are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of QUINTELLA BENSON and AVA THOMAS to the Nomination Papers of ANTHONY A. BEALE, candidate for the office of Democratic Party Ward Committeeperson, 9th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ANTHONY A. BEALE, candidate for the office of Democratic Party Ward Committeeperson, 9th Ward of the City of Chicago, SHALL 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.

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD

Objections of:	)	
Quintella Benson and	)	
Ava Thomas,	)	
	)	
Objectors.	)	
	)	
To the Nomination Papers of:	)	
Anthony A. Beale,	)	**No. 20-EB-WC-007**
	)	
Candidate.	)	
	)	
For the Election for the Office of Democratic Ward Committeeperson for the 9th Ward in the City of Chicago, Cook County, Illinois, to be voted on At the March 17, 2020, General Primary Election	)	

Recommended Decision

This matter came before the Chicago Board of Election Commissioners on the Objectors' Petition of Quintella Benson and Ava Thomas ("Objectors") to the nomination papers of Anthony A. Beale ("Candidate") for the Office of Democratic Ward Committeeperson for the 9th Ward in the City of Chicago, Cook County, Illinois. The Hearing Officer, Maurice A. Sone, finds and recommends as follows:

The initial hearing commenced at 11:00AM on December 16, 2019. The Objectors appeared by their attorney, Ms. Laura Jacksack. The Candidate appeared by his attorney, Mr. Ross D. Secler of Odelson & Sterk, Ltd. The Objectors' Petition alleges that the nominating papers are insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken.

The parties were given the opportunity to file preliminary motions and the Candidate and the Objectors declined. However, it was determined that this matter required a Records

Examination. A Records Examination Directive was issued setting the Records Examination for December 19, 2019, at 9:15AM, and the matter was continued to December 23, 2019, for a Status Hearing on the Records Examination. On the Candidate's motion via e-mail, the Records Examination was continued to December 20, 2019. On the status date of December 23, 2019, it was determined that the records examination had not yet been concluded. Thus, the matter was continued to December 30, 2019, at 9:30AM for further status on the results of the records examination.

A Final Petition Summary Report stated that the record examination was completed on December 26, 2019, at 3:23:30PM. A total of 891 valid signatures are required for the office sought. The petitions contained 1,844 signatures. The Summary Report found 858 total valid signatures which are 33 signatures less than the required minimum for the office sought. The Candidate timely filed a Rule 8 Motion request for an evidentiary hearing. The Objectors also timely filed a Rule 8 Motion request for an evidentiary hearing.

The matter was continued for hearing on the Rule 8 Motions to January 7, 2020. Generally, the objector presents their evidence first, however, since the results of the records examination conducted pursuant to Rule 6 indicated that the Candidate's petitions contained fewer valid signatures than the minimum number of valid signatures for the office sought, the Candidate was allowed to present his evidence first.

The Candidate offered into evidence 47 affidavits from individuals affirming that they signed a nomination petition for the Candidate. Rule 10 (c) of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago ("Rules") provides that "Affidavits may be considered in determining whether the signatures found not to be genuine during a records examination are, in fact, the genuine signatures of those signing the petition". The

Objectors stated that three of the Affidavits to be presented at hearing were not a part of the Candidate's Rule 8 Motion and thus could not be considered at hearing. Upon review, these three Affidavits were, in fact, not included in the Candidate's Rule 8 Motion and were not considered at the Rule 8 Hearing, leaving a total of 44 Affidavits for review. A line by line review was then conducted at the Rule 8 Hearing comparing the signatures on the voter's registration records to those on the petition sheets and on the affidavits. After a review of each affidavit, it was determined that 34 of the voters' signatures were substantially similar enough to the signatures on the nomination petition and to the signatures on the Electoral Board's records to overrule the determination of the records examination and rehabilitate the signatures as valid signatures. The 34 signatures rehabilitated pertain to the following sheet and line numbers: 5/12, 12/11, 15/7, 15/9, 19/2, 21/4, 21/6, 21/8, 22/2, 22/5, 23/3, 23/4, 23/9, 24/13, 27/14, 32/9, 36/7, 40/8, 42/2, 42/12, 45/11, 57/11, 68/4, 70/6, 75/5, 77/9, 78/3, 87/4, 98/4, 109/4, 113/15, 115/5, 132/7 and 132/8. At the conclusion of the Candidate's affidavits being considered, it was determined that the Candidate had rehabilitated 34 signatures to now put him one (1) signature above the required minimum for the office sought.

The Rule 8 Hearing was continued by the agreement of the parties to January 9, 2020. The Candidate continued his case in chief by presenting eight (8) live witnesses who testified that they signed nomination petitions on behalf of the candidate. Six (6) of the witnesses were highly credible in light of the fact that they took the time to travel downtown and wait to testify at a hearing to state that they had signed a nomination petition for the Candidate. There were two witnesses, however, who were not credible. One was Mr. Charlie Howard, Jr. who testified that his wife signed his name on line 4 of sheet 17 of the nomination petitions, thus the signature on said petition sheet and line number is deemed to be invalid. The other witness who was not

credible was Ms. Velma Gholston who responded when asked if she signed line 4 of sheet 13 of the nomination papers that: "I don't remember seeing that.". Ms. Gholston further testified that she did not understand what the Affidavit that she signed was for, thus the signature on said petition sheet and line number is deemed to be invalid. At this point the Candidate has rehabilitated six (6) additional signatures bringing his total to seven (7) signatures more than the required minimum for the office sought.

After the Candidate's presentation of affidavits, the Objectors were allowed to present their Rule 8 evidence and presented 16 affidavits from individuals attesting that they did not sign the nomination petitions of the Candidate. After a review of the affidavits, it was determined that 10 of the signatures were not substantially similar to the signatures on the nomination petition, and thus not valid signatures. The 10 signatures determined to be invalid pertain to the following sheet numbers and line numbers: 4/7, 49/5, 73/14, 96/1, 96/7, 99/3, 100/5, 101/2, 102/5 and 130/3. At the conclusion of the Objectors' 16 affidavits being considered, the Candidate is now three (3) signatures short of the required minimum for the office sought.

The Objectors continued their case in chief by taking exception to rulings rendered by the Board's staff as to certain signatures where an objection of "Signer resides outside district" was overruled. Evidence was presented that the signer of Sheet 65 Line 8 of the Candidate's Nomination Petitions lived outside of the district in the form of Voter Search Results indicating that Ms. Alicia L. Cochran is registered to vote at 57 W. 116th St., Chicago, IL 60618, which is in the 9th Precinct of the 34th Ward, and, thus, outside of the 9th Ward where the Candidate is seeking the office of Committeeperson. Ms. Cochran printed this street address next to her printed name and signature at Sheet 65 Line 8 of the Candidate's Nomination Petitions. Evidence was also presented in the form of Voter Search Results that the signer of Sheet 70 Line 3 of the

Candidate's Nomination Petitions, Ms. Annie Bass, lived outside the district. According to the Voter Search Results presented by the Objectors, Ms. Bass is registered to vote at 1357 N. Leavitt, Chicago, IL 60622, which is in the 16th Precinct of the 2nd Ward, and, thus, outside of the 9th Ward where the Candidate is seeking the office of Committeeperson. Ms. Bass printed this street address next to her printed name and signature at Sheet 70 Line 3 of the Candidate's Nomination Petitions. Thus, the results of the Records Examination as to these two signatures is overruled and they are to be removed as part of the Candidate's count of total valid signatures. Removing these two (2) signatures from the Candidate's count of total valid signatures now leaves the Candidate five (5) signatures short of the required minimum for the office sought.

The Objectors next continued their case in chief by taking exception to rulings rendered by the Board's staff as to certain signatures where an objection of "Signer not registered at address shown" was overruled. Objections were made as to the validity of the signatory at Sheet 104 Line 4 and as to the signatory at Sheet 107 Line 8. The Objectors argued that the addresses shown for these voters on the Candidate's Nomination Petitions and the addresses shown for these voters on the "Final Petition Detail Report-Including the Results of the Handwriting Expert" presented by the Board did not match. However, the Objectors did not offer any evidence in the form of Voter Search Records or any other records as proof that these voters are not registered to vote at the address shown on the Candidate's Nomination Petitions. Thus, the results of the Records Examination as to these two signatures is sustained and they are to remain as part of the Candidate's count of total valid signatures.

The Objectors concluded their case in chief by taking exception to rulings rendered by the Board's staff as to certain signatures where an objection of duplicate signature was overruled, resulting in more than one signature of the same signer erroneously being counted in the

Candidate's number of total valid signatures. Objections were made as to Sheet 106 Line 13 and to Sheet 108 Line 14. In reviewing these sheets and line numbers it is apparent that Mr. Alan C. Amerson's signature appears on each of these sheets of the Candidate's Nomination Petitions. Thus, one of Mr. Amerson's signatures will be removed as part of the Candidate's count of total valid signatures and one of Mr. Amerson's signatures will remain as part of the Candidate's count of total valid signatures. Removing Mr. Amerson's duplicate signature from the Candidate's count of total valid signatures leaves the Candidate a total of six (6) signatures short of the required minimum for the office sought.

In light of the foregoing, the Hearing Officer recommends that the objections of Quintella Benson and Ava Thomas to the nominating papers of Anthony A. Beale be granted and that the nominating papers of Anthony A. Beale for the Office of Democratic Ward Committeeperson for the 9th Ward in the City of Chicago, Cook County, Illinois be deemed invalid and that the name of Anthony A. Beale for said office not be printed on the ballot at the March 17, 2020, General Primary Election.

January 11, 2020.

/s/Maurice A. Sone
Maurice A. Sone, Hearing Officer