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

Objections of: MARTA A. AVILES	)	
	)	
	)	
To the Nomination	)	No.: 20-EB-WC-014
Papers of: ANGEE GONZALEZ	)	
RODRIGUEZ	)	
	)	
Candidate for the office of Democratic Party	)	
Ward Committeeperson,	)	
th 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 MARTA A. AVILES ("Objector") to the nomination papers ("Nomination Papers") of ANGEE GONZALEZ RODRIGUEZ, candidate for the office of Democratic Party Ward Committeeperson, 26th 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 Jeanette Samuels 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, MARTA A. AVILES through her Attorney, THOMAS A. JACONETTY; and the Candidate, ANGEE GONZALEZ RODRIGUEZ, through her Attorney, ANDREW FINKO.

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. The Candidate and/or her 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 686;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 935;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 272;

D. The remaining number of signatures deemed valid as a result of the records examination total 663.

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 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, 26th 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 in which she determined that the total number of valid signatures on the petition was 684 signatures, said number being 2 below the minimum number of required valid signatures. The Electoral Board hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates them herein by this reference, but for the exceptions set forth below.

12. The Candidate filed a timely Rule 20 Motion in which she requested that the Hearing Officer's recommended rulings as to the validity of certain signatures be reconsidered. The Candidate also requested that the recommended rulings as to the registration status of certain signatures be reconsidered.

13. In response to the Candidate's Rule 20 Motion, the Electoral Board finds that the Hearing Officer considered testimony, affidavits, signature clips and other evidence before her as to the validity of signatures contained on the nominating papers. The Electoral Board therefore will not reopen the proofs and will not disturb the Hearing Officer's findings as to the individual rulings on each of the signature considered at the Rule 8 Hearing. However, in response to the request to reconsider rulings made in regard to the registration status of certain petition signers, the Board finds that there is a sufficient basis for such reconsideration.[1]

14. The Board reviewed the following exhibits:

a. Candidate's Exhibit 43 consisting of petition sheet 53 notarized on October 12, 2019 and wherein petition signer **Rosemary Henry** signed at Line 8, an affidavit by Rosemary Gordon-Henry indicating that she signed the petition and that she sometimes uses the names Rosemary Gordon and Rosemary Gordon-Henry, a certification from Lance Gough, Executive Director of the Chicago Board of Election Commissioners dated January 7, 2020 that Rosemary Gordon is registered to vote at 1530 N. Kolin Ave., Chicago, IL., the same address on the petition, and a registration card and a voter history for Rosemary Gordon from said address.

[1] The Electoral Board notes that the Hearing Officer's decision regarding Candidate's Exhibit 45 erroneously listed no change in the written recommendation, although the record reflects that the finding was changed in favor of the Candidate during the Rule 8 hearing. It was accounted for properly in the Hearing Officer's total count, so the error in the recommendation is inconsequential.

b. Candidate's Exhibit 44 consisting of petition sheet 92 which was notarized on October 12, 2019 and wherein petition signer **Lucerito Morroy** signed at line 3, a certification from Lance Gough, Executive Director of the Chicago Board of Election Commissioners dated January 7, 2020 that Lucerito Morry is registered to vote at 5537 S. Fransisco Ave., Chicago, IL. 60629, a registration card for Lucerito Morroy with a registration address of 1624 N. St. Louis, Chicago, IL. 60647, the same address listed on the petition, and a Board record indicating that the registration was changed from the St. Louis address to the Fransisco address on 11/26/19.

15. Having examined Candidate's Exhibits 43 and 44, the Electoral Board finds that the aforementioned petition signers were registered to vote from the addresses shown on the petition at the time they signed the Candidate's petition and their signatures are therefore valid.

16. The Electoral Board further finds that in light of the findings in paragraph 15 above, the Candidate's Nomination Papers contain 686 valid signatures, which is 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, 26th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of ANGEE GONZALEZ RODRIGUEZ are, therefore, valid.

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IT IS THEREFORE ORDERED that the Objections of MARTA A. AVILES to the Nomination Papers of ANGEE GONZALEZ RODRIGUEZ, candidate for the office of Democratic Party Ward Committeeperson, 26th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ANGEE GONZALEZ RODRIGUEZ, candidate for the office of Democratic Party Ward Committeeperson, 26th 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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF DEMOCRATIC WARD COMMITTEEPERSON OF THE 26TH WARD OF THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS

MARTA AVILES,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	No. 20-EB-WC-014
	)	
ANGEE GONZALEZ RODRIGUEZ,	)	
	)	
Respondent-Candidate.	)	

HEARING EXAMINER'S FINAL REPORT AND RECOMMENDATION

This matter coming before the undersigned Hearing Officer of the duly constituted Chicago Board of Election, the Hearing Officer makes the following Report and Recommendation:

PRELIMINARY FACTS

1. The Candidate timely filed Nomination Papers as a Candidate for Democratic Ward Committeeperson for the 26th Ward for the City of Chicago, County of Cook, State of Illinois.

2. Objector's Petition to the Nomination Papers of the candidate was timely filed.

3. The Candidate filed a motion to partially strike Objector's petition, which was granted in its entirety.

4. This case then proceeded to a records examination which was concluded on 3 January 2020. As a result of the record's examination, the Candidate was short 23 valid signatures to appear on the ballot.

5. Both the Objector and Candidate filed timely Rule 8 motions. At the 7 January 2020 status, the parties were ordered to exchange evidence and witness lists by Friday, 11 January 2020.

6. A hearing was held on the parties' Rule 8 Motions on 12 January 2020.

7. At that hearing, the Candidate introduced in their case-in-chief 41 affidavits related to the authenticity of various petition signatures.

8. Lauren Weber testified that she collected nine affidavits with notary Michilla Blaise, and that no other person went with them.

9. Lizette Alarcon is a notary who testified that she collected one affidavit.

10. Hector Villafuente testified that he collected all the affidavits wherein the challenged signature was gathered on his petition sheet. In addition, he was present when the Candidate would collect petitions at night. Finally, the Candidate testified that she gathered most of the petitions herself with either just a notary present, Tracy Bartels, or with Mr. Villafuente there as well.

11. At the close of testimony, a signature comparison was then conducted between the affidavits, the petition sheet, and the signatures on file with the board. Pursuant thereto, the following rulings were made with regard to Exhibits 1-41:

Ex. 1	No Change	Ex. 22	Change
Ex. 2	Change	Ex. 23	No Change
Ex. 3	No Change	Ex. 24	Change

Ex. 4	Change	Ex. 25	No Change
Ex. 5	Change	Ex. 26	No Change
Ex. 6	Change	Ex. 27	No Change
Ex. 7	Change	Ex. 28	No Change
Ex. 8	No Change	Ex. 29	No Change
Ex. 9	No Change	Ex. 30	No Change
Ex. 10	Change	Ex. 31	No Change
Ex. 11	Change	Ex. 32	No Change
Ex. 12	No Change	Ex. 33	No Change
Ex. 13	Change	Ex. 34	Change
Ex. 14	Change	Ex. 35	No Change
Ex. 15	No Change	Ex. 36	Change
Ex. 16	No Change	Ex. 37	Change
Ex. 17	No Change	Ex. 38	Change
Ex. 18	No Change	Ex. 39	Change
Ex. 19	No Change	Ex. 40	No Change
Ex. 20	No Change	Ex. 41	No Change
Ex. 21	Change		

12. The Candidate then presented Exhibits 42-50in relation to whether the signed person was a valid registered voter at the address listed on the sheet. In further support, the Candidate additionally provided walk sheets from March of 2019 as evidence.

13. Pursuant thereto, the following rulings were made with respect to those affidavits:

Ex. 42	Change	Ex. 47	Withdrawn
Ex. 43[1]	No Change	Ex. 48	Change
Ex. 44	No Change	Ex. 49	Change
Ex. 45	No Change	Ex. 50	Change
Ex. 46	Change		

[1] The hearing officer initially reserved ruling to allow the parties to contemplate a signature comparison as the signature on file was not for the affiant. However, the candidate objected to the use of any extraneous evidence. Accordingly, when the matter was taken up again at the conclusion of the hearing, based upon the record before it, the ruling was made for a no change.

14. At that point, the Candidate rested their case-in-chief.

15. In their case-in-chief, the Objector requested the hearing officer to do a duplicate signature comparison based upon the results of the records examination. The Candidate strenuously objected.

16. In order to preserve the record, in case of appeal, the Objector was allowed to present argument with respect to duplicate signatures.

17. The Objector initially challenged whether correct rulings regarding duplicate signatures were made regarding:

a. Sheet 19, Line 4 and Sheet 20, Line 4

b. Sheet 24, Line 2 and Sheet 7, Line 10

c. Sheet 4, Line 2 and Sheet 56, Line 4

18. The Objector ultimately withdrew all of their duplicate signature objections upon a closer review of the original petition sheet. Furthermore, the hearing officer ruled that no change would be made with respect to challenges regarding duplicate signatures.

19. The Objector then presented Objector's Exhibit 1, an affidavit of a petition signer alleging that her signature was not valid.

20. The Court initially ruled that the affidavit, in and of itself, was not sufficient to overcome the presumption of validity for the signature.

21. A brief recess was then held so that the Objector's witness, who was previously disclosed and identified prior to hearing, could appear. The candidate did not object to the recess.

22. Ivan Gonzalez, the notary on Objector's Exhibit 1, then testified that he remembered with specificity the affiant, the day the signature was collected, and that she was the only person he spoke with who stated that their signature as shown on the petition sheet was not valid.

23. The candidate cross-examined Mr. Gonzalez regarding the objector's policy and practices for gathering these rebuttal affidavits.

24. The Candidate was then called as a rebuttal witness to testify regarding possible untoward practices in the gathering of rebuttal affidavits and the objector's policy and practice in gathering these affidavits, to wit sending persons alone without a notary present. In so doing, however, the Candidate confirmed the accuracy of Mr. Gonzalez' description of the affiant and her home.

25. Based upon the totality of the circumstances, the hearing officer concluded that Mr. Gonzalez was credible and the Candidate's testimony supported his contention that he did, in fact, collect the rebuttal affidavit. Accordingly, the hearing officer overruled her prior position and accepted the affidavit.

FINDINGS

26. The Candidate was required to have 686 valid signatures of legal voters of the Ward.

27. The Candidate's Nomination Papers contains a total of 684 valid signatures, 2 signatures fewer than the required minimum.

28. At the conclusion of the hearing, the Candidate remained two signatures shy of the statutory minimum to appear on the ballot.

RECOMMENDATION

29. Based upon the foregoing, the hearing examiner recommends the following:

a. Objector's Petition be SUSTAINED;

b. Candidate's Nomination Papers be found NOT VALID; and

c. the name of the Candidate ANGEE GONZALEZ RODRIGUEZ not appear on the ballot for the office of Democratic Ward Committeeperson of the 26th Ward of the City of Chicago, State of Illinois.

Dated: 13 January 2020

Hearing Officer Jeanette Samuels