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

Objections of: JASON MONSOUR	)	
	)	
	)	
To the Nomination	)	No.: 22-EB-RES-004
Papers of: ROBERT L. FORTUNE II	)	
	)	
Candidate for election to the office of	)	
Representative in the General Assembly of	)	
the 5th Representative District, State of	)	
Illinois	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, 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 JASON MONSOUR ("Objector") to the nomination papers ("Nomination Papers") of ROBERT L. FORTUNE II, REPUBLICAN Party candidate for the office of Representative in the General Assembly of the 5th Representative District in the State of Illinois ("Candidate") at the General Election to be held on Tuesday, November 8, 2022, 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 August 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Linda R. Crane for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer August 9, 2022 at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, JASON MONSOUR through his Attorneys, KEVIN MORPHEW and MICHAEL J. KASPER; and the Candidate, ROBERT L. FORTUNE II through his Attorney, JOHN FOGARTY.

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 Objector and/or his 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 134;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 333;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 211;

D. The remaining number of signatures deemed valid as a result of the records examination total 122.

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 REPUBLICAN Party candidate for the office of Representative in the General Assembly of the 5th Representative District of the State of Illinois.

12. The Candidate and the Objector each filed a Rule 8 motion. The Hearing Officer conducted a hearing to allow the Candidate and the 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. The Candidate's attorney and the Objector's attorney each stated that they would "stand on the results of the Records Exam".

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 122 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a

REPUBLICAN Party candidate for the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois, 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.

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 ROBERT L. FORTUNE II are, therefore, invalid.

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IT IS THEREFORE ORDERED that the Objections of JASON MONSOUR to the Nomination Papers of ROBERT L. FORTUNE II, for election to the office of Representative in the General Assembly of the 5th Representative District of the State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ROBERT L. FORTUNE II, candidate for the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Election to be held on Tuesday, November 8, 2022.

Dated: Chicago, Illinois, on Tuesday, September 6, 2022.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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.