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

Objections of: CISILIAMMA CHACKO and RACHEL VOLKOWITZ	)	
To the Nomination Papers of: NAEMA ABRAHAM	)	No.: 22-EB-RGA-013
	)	Related case: 22-EB-RGA-012
Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 16th 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 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 CISILIAMMA CHACKO and RACHEL VOLKOWITZ ("Objectors") to the nomination papers ("Nomination Papers") of NAEMA ABRAHAM, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 16th Representative District in the State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, June 28, 2022, having convened on March 28, 2022 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 March 28, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Christopher Cohen for further hearings and proceedings.

5. 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 Hearing Schedule. Appearances were filed by or on behalf of the following persons: Objectors, CISILIAMMA CHACKO and RACHEL VOLKOWITZ, Attorneys, BURTON S ODELSON, and ROSS D. SECLER; and the Candidate, NAEMA ABRAHAM, Attorney, ED MULLEN.

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 her duly authorized representative was present during the examination of the registration records.

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

10. 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.

11. 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 400;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 952;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 620;

D. The remaining number of signatures deemed valid as a result of the records examination total 332.

12. 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 the nomination of the Democratic Party for the office of Representative in the General Assembly, 16th Representative District of the State of Illinois.

13. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination. However, the Hearing Officer found that the Candidate's Rule 8 motion was insufficient on its face as it only placed 42 signatures at issue, whereas at least 68 more valid signatures were needed to put the Candidate above the required minimum.

14. 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 332 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 16th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

15. 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.

16. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of NAEMA ABRAHAM are, therefore, invalid.

[Continued on next page.]

IT IS THEREFORE ORDERED that the Objections of CISILIAMMA CHACKO and RACHEL VOLKOWITZ to the Nomination Papers of NAEMA ABRAHAM, candidate for the nomination of the Democratic Party for election to the office of Representative in the General Assembly, 16th Representative District of the State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of NAEMA ABRAHAM, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 16th Representative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on Tuesday, June 28, 2022.

Dated: April 21, 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 by 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.

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

Objections of Cisiliamma Chacko and Rachel Volkowitz	)	
To the Nomination Papers of Naema Abraham	)	**Case 22-EB-RGA-13**
	)	**Related Case: 22-EB-RGA-12**
Candidate for the Nomination of the Democratic Party for the Office of State Representative in the General Assembly of the 16th Representative District, State of Illinois at the June 28, 2022, Primary Election	)	

HEARING OFFICER'S RECOMMENDED DECISION

This matter came before the Chicago Board of Election Commissioners sitting as the Duly Constituted Electoral Board ("Board") on the Objectors' Petition ("Objections") of Cisiliamma Chacko and Rachel Volkowitz ("Objectors") to the Nomination Papers of Naema Abraham ("Candidate") for the Nomination of the Democratic Party for the Office of State Representative in the General Assembly of the 16th Representative District, State of Illinois at the June 28, 2022, Primary Election. The Board appointed Attorney Christopher B. Cohen to preside as Hearing Officer for this case. The Hearing Officer finds and recommends to the Board as follows:

1. This Board is the duly constituted Electoral Board for hearing and passing on objections to Nomination Papers for the office that is the subject of these proceedings.

2. The Candidate filed Nomination Papers with the Illinois State Board of Elections. No objection was raised as to timeliness.

3. The Objectors filed Objections to the Candidate's Nomination Papers. No objection was raised as to timeliness.

4. The Board's official file contained the Nomination Papers of the Candidate and the Objections of the Objectors.

5. The Objectors' Petition In this matter alleged that the Candidate's Nomination Papers were insufficient in fact and law for the following reasons: (Paragraph 6) some signers were not registered at the address shown; (Paragraph 7) some signers did not sign in their own proper persons and thus those signatures were not genuine; (Paragraph 8) some signers resided outside the District for which this Candidate filed; (Paragraph 9 some signers' addresses were missing or incomplete; (Paragraph 10) some signers signed more than once; (Paragraph 13) certain specified petition sheets contained signatures where Objectors objected to every signature on each of those sheets for specified reasons including that the circulator did not sign the circulator's statement

and/or the circulator's statement was not properly notarized and/or the circulator was not an appropriate circulator; (Paragraph 14) five particular circulators submitted petition sheets on which the signers did not sign in the presence of the purported circulator and the purported circulator was not the true circulator of the specified petition sheet; and (Paragraph 17) the Candidate's Nomination Papers contained fewer than the minimum number of valid signatures required for the office for which the Candidate filed.

6. On March 28, 2022, the Board's Hearing Officer began a public hearing regarding the Objections in the nature of a case management conference. This March 28, 2022, hearing and subsequent proceedings on April 5, 2022, April 9, 2022, and April 15, 2022, were each held at 69 W. Washington, Chicago, Illinois, Lower Level and were each recorded for transcription by a court stenographer. Also present at this and each subsequent proceeding was this Board's Clerk, Monica Garcia.

7. At the March 28, 2022, hearing, Objectors appeared not personally but by Attorneys Ross Secler and Priscilla Centeno of the Odelson law firm. The Candidate appeared, not personally, but by Attorney Ed Mullen. Attorney Secler said that Candidate's counsel was in a hearing elsewhere. Mr. Mullen was not personally present at this hearing, however, he had previously filed a written appearance which was in the Board's file. The Board's official file contained Proofs of Service, Appearances, Non-Disclosure Agreements and Waivers of Service for each party. The Hearing Officer made available a copy of the Rules that the Board had adopted earlier that day.

8. The Hearing Officer indicated that documents were to be filed in pdf form, served on the opposing party, on the Hearing Officer at chris@chriscohen.com and on the Board at ElectoralBoard@ChicagoElections.gov with no service by fax. The Hearing Officer explained that Board's working hours were M-F 9-5 and Saturday and Sunday 9-2. The Hearing Officer reminded the parties that the deadline for Subpoena Request Submissions was Saturday, April 2 at 2 pm. He extended that deadline from 2 to 5 pm. The deadline for a written response was Sunday, April 3 at 5 pm. The Hearing Officer called attention to Board Rule 19(a) which indicates that requests for Board records do not require a subpoena.

9. During the March 28, 2022, case management conference, the Candidate via text message waived the filing of any preliminary motion. On the record, Objector orally waived the filing of any preliminary motion. The Hearing Officer signed an order directing that a Records Examination be conducted by Board staff with one team beginning at 9:30 am, Tuesday, March 29, 2022. The hearing was then continued to 11:20 am, Saturday April 2, 2022, to receive Records Examination Results with the admonition that if the results were not available by 5 pm, April 1, 2022, then the hearing would be continued to 11:20 am, Tuesday, April 5, 2022.

10. At the end of the day on April 1, 2022, via email, the parties notified the Hearing Officer that the Records Examination had not been completed. The Hearing Officer indicated by return email to the parties that the hearing would be continued to 11:20 am, Tuesday, April 5, 2022.

11. At the reconvened hearing April 5, 2022, the Candidate appeared by attorney Ed Mullen. Objectors appeared by attorney Jayman Avery of the Odelson law firm. The Hearing Officer noted that on April 1, 2022, the Objectors had filed a request for Subpoenas and a Motion to Produce the Candidate. The Board's Clerk delivered, and the parties discussed, the Preliminary Petition Summary Report which had been issued March 31, 2022. It indicated that the Candidate had 59 fewer valid signatures than the minimum required of 400 with 33 appealed for review by the Candidate. The Handwriting Expert had not yet reviewed this Preliminary Report. The hearing was then continued to 11:20 am, Saturday, April 9, 2022, for the purpose of receiving the Final Records Examination Results.

12. At the reconvened hearing April 9, 2022, the Candidate appeared by attorney Ed Mullen. Objectors appeared by attorney Priscilla Centeno of the Odelson law firm. The Board's Clerk delivered, and the parties discussed, the Final Petition Summary Report including results of the Handwriting Expert's review. This Final Report indicated that the Records Examination had been completed April 8, 2022. It stated that the Candidate's Nominating Papers contained 68 valid signatures fewer than the minimum required of 400 with 33 appealed for review by the Candidate. The Candidate indicated he would be filing a Motion for a Rule 8 evidentiary hearing. The Objectors confirmed receipt of subpoenas they had previously requested and noted that they had previously filed a Notice to Produce the Candidate. The Hearing Officer then continued the proceedings to Saturday, April 16. Subsequently, via email, he rescheduled this the April 16 hearing to 9 am, Friday, April 15 for the purpose of hearing argument on the parties' pleadings and to conduct an evidentiary hearing.

13. In preparation for the April 15 hearing, the Hearing Officer emailed the parties on April 12, 2022, designating 9 am, April 14, 2022, as the deadline for exchange of witness lists and 5 pm, April 14, 2022, as the deadline for exchange of evidence. The email also indicated that arguments on the pleadings previously filed by the parties would be heard prior to commencement of any evidentiary hearing.

14. The proceedings reconvened at 9 am, April 15, 2022. The Candidate appeared by attorney Ed Mullen. Objectors appeared by attorneys Ross Secler and Priscilla Centeno of the Odelson law firm. The attorneys provided argument regarding the Objectors' Response and Objection to Candidate's Rule 8 Motion and then provided argument regarding the Candidate's Rule 8 Motion. At this point in the proceedings, the Hearing Officer addressed the seven issues raised by the parties' attorneys.

15. Issue #1. The Candidate compares the Preliminary Report of April 31, 2022, with the Final Report of April 8, 2022, and notes that each Report states that the Candidate appealed 33 rulings for review. However, in Paragraph 3 and Paragraph 1 of her Rule 8 Motion, the Candidate suggests that the Board's records examiners or the Handwriting Expert made mistakes. The Candidate suggests that the number 33 should be increased by 9 to 42 appeals preserved by the Candidate.

16. Issue #2. Objectors cite Rule 6(h)(1) for their contention that by failing to appeal and preserve more than 33 (or 42) rulings for review, the Candidate's team concedes the invalidity of other rulings that go against the Candidate. The Hearing Officer agrees and

cites Board Rule 6(h) as well as Rule 8(d)(ii)(1). In the Electoral Board's Rules, 6(h) contains a paragraph for which every word is marked in a bold font. That paragraph states:

> **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 records examiner's finding or the issue to which it relates and any future appeal or reconsideration of the records examiner's finding is waived; provided, however, that if any finding of the records examiner is reversed by the Board's handwriting expert, both parties shall be deemed to have appealed the reversal of the finding of the records examiner and shall be allowed to present evidence and/or argument with respect to such reversal.**

17. Rule 8(d)(ii)(1) is also marked in bond font. It states:

> **(ii) IMPORTANT:**
> **(1) A party shall not be allowed to present any evidence or argument of any kind with respect to the records examiner's finding or the issue to which it relates and any future appeal or reconsideration of the records examiner's finding is waived unless such party's watcher appealed the records examiner's finding at the time the records examiner entered his or her finding in the system during the records examination or unless the records examiner's finding was reversed by the Board's handwriting expert.**

18. As applied to this proceeding, Rule 6(h) and Rule 8(d)(ii)(1) indicate that during the Records Examination, the Candidate's watcher was required to appeal decisions made by the Board's records examiner or else the Candidate would lose the opportunity to present evidence or argument at any subsequent Rule 8 evidentiary hearing. During the Records Examination, the Candidate appealed 33 decisions and would be limited to presenting evidence and argument as to those 33 sheet lines assuming other Board requirements are met. However, as applied to this proceeding, those same paragraphs mean the Candidate is deemed to have appealed the reversal of the additional 9 rulings of the records examiner that were reversed by the Handwriting Expert and that the Candidate should also be allowed to present evidence and argument regarding those nine rulings. Consequently, the Hearing Officer finds that this Board's Rules would permit the Candidate to present evidence and argument regarding 42 sheet/lines assuming other requirements of the Board are met. The Hearing Officer finds further that this Board's Rules, as applied in this fact situation, do not allow the Candidate to present evidence and argument regarding sheet and line decisions of the Board's records examiner other than the 42 that were preserved for appeal.

19. Rule 8 states that any objection not properly preserved is deemed waived. A previous decision by this Board indicates that for situations where the Candidate did not preserve

objections for an evidentiary hearing under Rule 8, the hearing officer need not conduct an evidentiary hearing and the candidate was precluded from presenting such unpreserved objections. *Smith vs. Johnson*, 03-EB-ALD-011 (Chicago Electoral Board 2003), affirmed by the Circuit Court in *Johnson v. Board of Election Commissioners*, 03 CO EL 18 (Cook County Circuit Court 2003. The Hearing Officer also cites *Ryan v. Katz*, 234 Ill. App. 3d 536, 537 (1992) as standing for the proposition that "The rules of procedure are rules and not merely suggestions."

20. Issue #3. Paragraphs 1 and 3 of the Candidate's Rule 8 Motion suggest that the Board's record examiners failed to enter additional appeals that the Candidate alleges were called out and preserved by the Candidate's team beyond the 33 printed on the Final Report. The Candidate argues that the Board calculated inaccurately. The Hearing Officer finds and recommends that the Board find that during the Records Examination, it was the job of the watcher for the Candidate to watch the Board's examiner and to appeal at that time and on the spot any adverse ruling that the watcher's side wants to appeal in the event that a Rule 8 Motion is filed and a subsequent evidentiary hearing takes place. In addition, a party alleging incorrect marking of decisions for review and appeal has the opportunity to file a Motion for the Board to Produce at an evidentiary hearing its records examiners who were assigned to this Candidate's Records Examination so that those examiners can be asked if they failed to record appeals of rulings they made. No such Motion to Produce or witness list was filed by the Candidate.

21. Issue #4. Objectors' pleadings take note of Paragraph 1 of the Candidate's Rule 8 Motion which raises the question of whether the records examiner properly wrote down and accurately entered the number of appeals made by the Candidate's watcher during the Records Examination. Objectors argue that the text of Rule 8 Motion fails to allege that during the Records Examination the Candidate's team had raised the issue of calculation mistakes by the Board's staff. As a result, Objectors seek a finding that the Candidate is barred from raising the issue or presenting any evidence regarding whether or not the record examiner failed to mark down appeals that the Candidate's team made to the examiner's decisions. The Hearing Officer recommends against such a finding. Board Rule 8(d), as applied in this instance, means that the party filing a Rule 8 Motion has to state the nature of the objection or list the legal issues, not plead every fact necessary to establish the party's case. After the word "Contents" in 8(d), the Board Rule says that:

> A motion requesting an evidentiary hearing shall contain a written statement or outline sufficient to advise the other parties of the factual and/or legal issues to be addressed by the moving party at such hearing.

22. The Hearing Officer concludes that the Candidate's Rule 8 Motion at issue meets the Rule's pleading standard for raising this issue because the text of the Motion states that the Candidate:

> ... requests an evidentiary hearing on the following issues:
> 1. Whether the records examiner properly entered appeals made by the observer(s) for Candidate;
> 2. Whether the Electoral Board may sustain an objection to a signature in one challenge that the Electoral Board overruled in another challenge; and

3. Whether the Electoral Board properly calculated the number of signatures for appeal pursuant to Rule 6(e) following changes made to the records examination by the handwriting expert.

23. Issue #5. Objectors allege the Candidate is not entitled to have a hearing on any sheet/lines because the Candidate did not specifically allege in her Rule 8 Motion that the Candidate's objections were preserved – even the 33 or 42. The Hearing Officer disagrees. He finds that there is no Board Rule requiring the moving party when requesting an evidentiary hearing to state that objections to the records examiner's rulings were preserved. Both the Preliminary and the Final Petition Summary Reports indicate on their face that the Candidate's watchers preserved 33 appeals for review. Rule 6(h) deems the 9 findings reversed by the Handwriting Expert to also be appealed for review. In light of Board Rule 6(h) and Board Rule 8(d)(ii)(1), no Rule 8 Motion need reiterate that these 42 preserved rulings were, in fact, preserved.

24. Issue #6. Objectors allege the Rule 8 Motion fails to state reasons for the challenge to each sheet/line and fails to notify Objectors of which arguments they need to defend in each instance. In the Motion for a Rule 8 hearing, the Candidate listed 134 sheet/line numbers as well as names of signers and addresses for 132 of those 134 sheet/line numbers. In its second paragraph, the Motion states:

> Candidate appeals the rulings made by the records examiners as set forth on Exhibit A, which rulings were based on genuineness of signature, voter registration, and /or residence in the 16th Representative District.

25. The Hearing Officer finds in favor of the Objectors' argument. A review of the Rule 8 Motion shows that it did not contain a chart or table or recapitulation sheet or other language next to each sheet/line that would have disclosed what reason or reasons the Candidate was claiming applied to each specific sheet/line number. The Motion provided three reasons that might or might not apply collectively but not specifically to any particular sheet/line – "genuineness of signature, voter registration and/or residence...." Some or all of these may have applied to some or all of the 134 sheet/lines, but no specific reason or reasons were connected to any specific sheet/line. This did not provide Objectors with an adequately clear idea of what they would need to defend against and what evidence would be necessary for an evidentiary hearing. The Motion did give a legal basis – three of them – but did not specify which basis applied to which sheet/line. The Motion fails to adequately notify Objectors what arguments they should be prepared to defend. The Rule 8 Motion did not meet the pleading standard in Board Rule 8(d) which says that:

> A motion requesting an evidentiary hearing shall contain a written statement or outline sufficient to advise the other parties of the factual and/or legal issues to be addressed by the moving party at such hearing.

26. It is true that Objectors could possibly go through the multi-page Petition Detail Report and review the reason or reasons for each decision of the records examiner and then go through the Handwriting Expert's report and review the reasons for the 9 decisions that were reversed. After these reviews, the Objectors might be able to discover what reasons they suspect the Candidate might attempt to use to challenge each of the 134 (or 132)

rulings during the evidentiary hearing. However, this an expedited proceeding. The time limit to file a Rule 8 Motion for an evidentiary hearing is short and the time for the opposing party to respond with affidavits, live witnesses or other evidence is limited. The Electoral Board's Rule 8 (d)(i) recognizes this by stating that:

> It is NOT acceptable to merely incorporate, adopt or use the Board's Petition Summary Report, Petition Detail Report or other Board record examination report as the party's Rule 8 motion.

27. As discussed, during the Records exam, the Candidate appealed 33 sheet lines. In addition, the Candidate is deemed to have appealed the 9 additional sheet lines reversed by the handwriting expert – for a total of 42, assuming all other applicable requirements are met. But the admonition found in Rule 8(d)(i) was not met. It is true that the Rule 8 Motion does identify the petition sheet and line number of each signature for which the Candidate wishes to challenge the ruling during the evidentiary hearing. But the Motion stops there. It does not contain an outline or statement sufficient to advise the Objectors of which issue is to be addressed by the Candidate for each sheet/line. The Appendix attached to the Rule 5 Motion contains 6 pages containing 132 sheet/lines, names and addresses. It also contains 2 sheet/line numbers with no names or addresses next to or connected to them. The Motion provided several reasons – "genuineness of signature, voter registration and/or residence...." However, the Rule 8 Motion did not connect any of those reasons to any of the 134 or 132 challenges. A 2015 decision by this Board indicates that the purpose of Rule 8(d)(i) is to precisely identify and narrow the issues for the evidentiary hearing. This makes it important for parties to draft thorough and accurate Rule 8 motions. *Sanchez v. Bocanegra*, 15-EB-ALD-053 (Chicago Electoral Board 2015), affirmed, *Bocanegra v. Chicago Board of Election Commissioners, et al.*, 2015 COEL 000008 (Cook County Circuit, 2015).

28. Because the Rule 8 Motion failed to provide a written statement or outline sufficient to advise the Objectors of the factual and/or legal issues to be addressed, no evidence can be introduced by the Candidate in an attempt to rehabilitate any of the sheet/lines challenged.

29. However, even if this finding were to be rejected on appeal and if a reviewing body determined that the Candidate did adequately provide a written statement or outline sufficient to advise the Objectors of the factual and/or legal issues to be addressed by the moving party, the Candidate would still be limited to attempting to show that a maximum of 42 sheet/lines are at issue for the evidentiary hearing. Because The Final Petition Summary Report including the Handwriting expert's report leaves the Candidate 68 signatures below the 400-signature minimum. Even if during an evidentiary hearing the Candidate were able to rehabilitate 100% of the 42 appeals, the Candidate would still be left with an insufficient number of valid signatures.

30. Issue #7. In Paragraph 2 of the Rule 8 Motion, the Candidate refers to the fact that two separate Objector's Petitions were filed against this Candidate resulting in two different cases – 22-EB-RGA-012 and 22-EB-RGA-012. The Candidate asks for a hearing on whether the Board may sustain an objection in one challenge that the Board overruled in

another challenge. Where, like here, there were two Records Exams, the resulting numbers can come out differently because the objections in the two Objectors Petitions and the sheet/lines they objected to were different. The Candidate had the ability to file a Notice to Produce on the Electoral Board so her attorney could examine the Record Examiner or Examiners and also the ability to add those names to the witness list. No witness list or Notice to produce was filed by the Candidate or exchanged by the deadline with the Objectors.

31. At this point in the proceedings, the Candidate made a Proffer or Offer of Proof and filed 68 affidavits from voters which the Board's Clerk marked as Candidate's Group Exhibit #1. The Objectors filed 2 affidavits of individuals who were watchers for the Objectors during the Records Exam. The Board's Clerk marked them as Objectors' Group Exhibit #1.

32. At this final hearing, the Hearing Officer confirmed that the Board's exhibits had been marked and admitted into evidence. No new hearing was scheduled.

ANALYSIS

33. The Hearing Officer concludes that the Candidate appealed 42 signatures for review. The Hearing Officer accepts the result in the Board's Final Petition Summary Report indicating that the Candidate's Nominating Papers contained 68 valid signatures fewer than the required minimum of 400. Even if during an evidentiary hearing the Candidate were able to rehabilitate 100% of the 42 appeals, the Candidate would still be left with an insufficient number of valid signatures. The Hearing Officer recommends that the Objectors' Petition be sustained.

34. The Hearing Officer took official notice of a related case, involving the same Candidate – Sean Arden (Objector) v Naema Abraham (Candidate), 22-EB-RGA-012.

RECOMMENDATION

In light of the above findings of fact and conclusions of law, it is this Hearing Officer's recommendation to the Board that the Objectors' Petition filed by Cisiliamma Chacko and Rachel Volkowitz be sustained in this case 22-EB-RGA-013, that the Candidate's Nomination Papers be deemed not valid in law and in fact and that the name of the Candidate, Naema Abraham, not appear on the ballot for the Nomination of the Democratic Party for the Office of State Representative in the General Assembly of the 16th Representative District, State of Illinois at the June 28, 2022 Primary Election.

Respectfully submitted,

Christopher B. Cohen
Hearing Officer
April 16, 2022