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

Objections of: SABRINA ANGELICA RODRIGUEZ and DAVID ABRAHAM COLIN	)	
To the Nomination Papers of: JAVIER YAÑEZ	)	No.: 22-EB-SS-008
Candidate for the nomination of the Democratic Party for the office of State Senator, 12th Legislative 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 SABRINA ANGELICA RODRIGUEZ and DAVID ABRAHAM COLIN ("Objectors") to the nomination papers ("Nomination Papers") of JAVIER YAÑEZ, candidate for the nomination of the Democratic Party for the office of State Senator, 12th Legislative District of 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 was held on these Objections commencing on March 28, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Lynne Ostfeld 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 Call. The following persons, among others, were present at or filed appearances during such hearing; the Objector, through attorney Andrew Finko; and the Candidate, through attorney Eric Madiar, who was later joined by attorney Elias D. Mossos.

6. At this initial hearing, the Candidate's attorney requested a substitution of Hearing Officer Ostfeld pursuant to Electoral Board Rule 2(e). Thus, the Board's general counsel re-assigned the case to Hearing Officer Barbara Goodman, who served in that capacity for the remainder of the proceedings (hereinafter, the "Hearing Officer").

7. 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.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. 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.

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 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 650.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,655.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 751.

D. The remaining number of signatures deemed valid as a result of the records examination total 904.

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party to the office of State Senator, 12th Legislative District of the State of Illinois.

13. 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. However, neither party presented any such evidence in support of their Rule 8 motions.

14. During the evidentiary hearing, the Hearing Officer further allowed the Objectors to present evidence in support of the pattern-of-fraud allegations contained in the Objectors' Petition. The Objectors submitted a total of 23 affidavits, and then withdrew three of them. However, the Hearing Officer found that even of all of the Objectors' affidavits were deemed reliable, and even if all of the Objectors' pattern-of-fraud allegations were proven to be true, the result would be to strike an additional 77 signatures from the Candidate's Nomination Papers, which would be insufficient to invalidate the entire candidacy. Even if the Objectors were fully successful with these remaining claims, the Nomination Papers would still contain 827 valid signatures for an office that requires only 650.

15. 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 no fewer than 827 valid signatures, or as many as 904 valid signatures, both of which exceed the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of State Senator, 12th Legislative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

16. 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.

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

IT IS THEREFORE ORDERED that the Objections of SABRINA ANGELICA RODRIGUEZ and DAVID ABRAHAM COLIN to the Nomination Papers of JAVIER YAÑEZ, candidate for nomination of the Democratic Party for the office of State Senator, 12th Legislative District of the State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JAVIER YAÑEZ, candidate for nomination of the Democratic Party for the office of State Senator, 12th Legislative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, June 28, 2022.

Dated: Chicago, Illinois, on Friday, April 29, 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.