MOOT

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

Objections of: DALIAH GOREE	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-ALD-020
Papers of: LAWACO TOE	)	
	)	Rel.: 23-EB-ALD-003,
	)	23-EB-ALD-038 and
	)	23-EB-ALD-055
Candidate for the office of	)	
Alderperson for the 21st Ward, City of	)	
Chicago	)	
	)	

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 DALIAH GOREE ("Objector") to the nomination papers ("Nomination Papers") of LAWACO TOE, candidate for the office of Alderperson for the 21st Ward ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on December 9, 2022, at 4:00 p.m., and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate were duly and timely filed.

2. The Electoral Board was legally constituted under 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.

4. A public hearing held on these Objections commenced on Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Terence Flynn for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board's Call served upon them 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, DALIAH GOREE through her attorneys, BURTON S ODELSON AND ROSS D. SECLER; and the Candidate, LAWACO TOE. .

6. The Board finds that this case is mooted by virtue of the decision rendered by the Electoral Board in related case 23-EB-ALD-003 and 23-EB-ALD-055, wherein the Candidate's Nomination Papers were found to be invalid.

IT IS THEREFORE ORDERED the name of LAWACO TOE, candidate for the office of Alderperson for the 21st Ward, SHALL NOT be printed on the official ballot for the Municipal General and Alderperson Elections to be held on February 28, 2023.

Dated: Chicago, Illinois, on January 13, 2023

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.

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 21ST WARD OF THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 28, 2023 MUNICIPAL GENERAL ELECTION

DALIAH GOREE,	)	
	)	
Petitioner-Objector	)	
	)	No. **23-EB-ALD-020**
vs.	)	
	)	
LAWACO TOE,	)	
	)	
Respondent-Candidate	)	

Report and Recommendation

Summary of Recommendation:

The Objection is moot given the recommendation and Rule 6 results in related ALD-055.

Procedural Background:

There were multiple services; Attorney Centeno appeared for the Objector at the initial hearing on 12/12/22. The Candidate (upon whom service was never perfected) first appeared (pro se) at the second hearing on 12/22/22.

The Objection did not contain an Appendix-Recapitulation attachment. The Objection centered on allegations of massive fraudulent signatures with a request that the Board forward that information to the State's Attorney's Office.

This Hearing Officer thought that the Rule 6 examination might not proceed without an Appendix-Recapitulation attachment, which turned out to be correct. This case *might* have involved the potential tension between a "shotgun objection" that challenges every signature versus a "likelihood" of "round tabling" and consequent "pattern of fraud". However, given

the Rule 6 result in ALD-055, those questions need not be addressed.

This matter was consolidated with ALD-038 (also an Objection without an Appendix-Recapitulation exhibit attached) and with ALD-055, which contained an Appendix-Recapitulation attachment. The consolidation was for hearing/status purposes, with the same Candidate-Respondent and a Rule 6 proceeded in ALD-055.

The preliminary Rule 6 results were available at the hearing of 1/3/23 and the Final Summary Report Rule 6 results were available at the 1/5/23 hearing: The results were the same with Candidate having a total of 22 valid signatures and therefore 451 below the required minimum.

Recommendation:

Given the circumstances that the Objection here in ALD-020 was never tested, and given the Rule 6 results in ALD-055 and consequent recommendation there (as well as ALD-003 before another Hearing Officer), I recommend that this Objection be dismissed as moot.

Dated: 1/6/23 s/Terence Flynn – Hearing Officer