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

Objections of: PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI	)	
To the Nomination Papers of: JANE LUCIUS	)	No.: 23-EB-ALD-029
Candidate for the office of Alderperson of the 40th 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 PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI ("Objectors") to the nomination papers ("Nomination Papers") of JANE LUCIUS, candidate for the office of Alderperson of the 40th 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 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 December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer John Ashenden 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 Call. The following persons, among others, were present at or filed appearances during such hearing; the Objectors, PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI, through their attorney SCOTT B ERDMAN; and the Candidate, JANE LUCIUS, 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.

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 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 473.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,320.

C. The remaining number of signatures deemed valid as a result of the records examination total 909.

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 office of Alderperson for the 40th Ward.

13. No motions were filed pursuant to Rule 8 of the Board's Rules of Procedure.

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 909 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderperson for the 40th Ward, and that the Candidate's Nomination Papers should be found valid.

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 a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of JANE LUCIUS are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI to the Nomination Papers of JANE LUCIUS, candidate for the office of Alderperson for the 40th Ward, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JANE LUCIUS, candidate for the office of Alderperson for the 40th Ward, SHALL be printed on the official ballot for the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023.

Dated: Chicago, Illinois, on Friday, 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 CHICAGO BOARD OF ELECTION COMMISSIONERS

PAUL W. COLSON, MICHAEL BENJAMEN ABBINANTI,	)	
	)	No. 23 -EB-ALD -029
Petitioner-Objectors,	)	
v.	)	John Ashenden
	)	Hearing Officer
JANE LUCIUS,	)	
Respondent-Candidate.	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Petitioner-Objectors' Petition of Paul W. Colson and Michael Benjamen Abbinanti, ("Objectors") to the nomination papers of Jane Lucius ("Candidate") for the position of Alderperson of the 40th Ward of the City of Chicago, Illinois, with John Ashenden, serving as Hearing Officer, finds and recommends as follows:

1. Candidate appeared at the initial hearing on December 12, 2022, through Attorney Andrew Finko. Objectors appeared through Attorney Scott B. Erdman. Candidate's Nomination Papers (A), Objector's Petition (B), Service documents, Waivers of Statutory Service, Receipt of Call and other electoral board documents (C) Appearances and Non-Disclosure and confidentiality agreements (D), were marked and admitted as Board Group Exhibits A through D respectively. The Counsels agreed that in this case the sole issue is signatures. Candidate requested and was given leave to file a Motion to Strike and Dismiss. Briefing schedules were set by agreement and Candidate's motion to strike was set for hearing on December 16, 2022, at 1 pm.

2. Objectors' Petition alleges Candidate's Nomination Papers contain names of persons who are not registered voters. (Par. 8, Obj. Pet.); Contain the names of persons who Signatures are not genuine. (Par. 9, Obj Pet.); Contains petition sheets with names of persons who reside outside the 40th Ward (Par. 10, Obj. Petition); Contains petition sheets with the names for whom the addresses given are missing or incomplete. (Par. 11, Obj Pet.); Contain the names of persons who have signed the papers more than one time. (Par. 12, Obj. Pet.). No other issues were raised in the Objector's petition.

3. The Candidate's counsel did not file a motion to strike even though at the initial December 12th hearing Candidate's counsel said agreed to a briefing schedule. No motion to strike was received by the Board.

4. On December 16th Objectors' and Candidate's Attorneys appeared and Candidate's counsel acknowledged that he did not file a motion to dismiss. Counsels requested that a Record Exam Directive be submitted to the Board. The directive was prepared, and the Board's John Powell stated that the directive was now "in the cue." The parties Councils requested a hearing on the status of the record exam be scheduled for December 28, 2022.

5. On December 28, 2022, the case was reconvened with Attorney Finko and the the Objector's Counsel Erdman present when the hearing was recalled. According to the Board personnel John Powell, the records exam started on December 27th and that it may be completed on December 29. Attorney Finko argued from the preliminary report that the Objector's petition is not well founded and was brought in bad faith because 400 objections were overruled, with 380 unchallenged. Attorney Erdman disagreed with that argument. Since 303 objections remained to be reviewed by the handwriting expert, Counsels requested scheduling a status hearing for Wednesday, January 4, 2023.

6. On December 29, 2022, the Final Petition Summary Report was issued. The Office of Alderman has a signature requirement of 483. The Candidate submitted 1320 signatures all of which were ruled upon. The handwriting expert determined that the Candidate's nominating papers contained 909 valid signatures which is significantly more than is required by law.

7. On January 2, 2023, Candidate's counsel emailed the Board and the Hearing Officer that Objector's petition was frivolous and a shot gun objection. Candidate's Counsel stated that the Objector did not file a Rule 8 motion. In his email Candidate respectfully requested that the Objections be overruled and that a finding be entered that the Objector's petition was not filed in good faith insofar as the results show Candidate has twice the minimum required signatures deemed valid and that there are no other remaining allegations made that could reduce the number of valid signatures.

8. On January 4, 2023, a status hearing was held with Candidate's Attorney Finko and Objector's counsel Erdman present. Objector's counsel stated that he did not file a rule 8 motion and that the Objector accepts the results of the final petition summary report. The Board's final petition summary report was summed up as follows: The Office of 40th Ward Alderperson requires 473 valid signatures. There were 1322 signatures objected to by Objectors and all 1322 Objections were ruled upon by the handwriting expert. The total sustained objections were 411. The total overruled objections were 509. For Review Candidate had 404 signatures and the Objector had 824. The total valid signatures were 909. The total unchallenged signatures were 400. The Candidate has 436 greater than the required minimum. Objector's Counsel repeated that his client

accepts the Board's petition summary results. The hearing officer to file findings and recommended decision.

CONCLUSION

9. The Hearing Officer recommends that the objections of Paul W. Colson and Michael Benjamin Abbinanti to the nominating papers of Jane Lucius be denied and that the nominating papers of the Candidate be deemed to be legally and factually sufficient and that the name of the Candidate, Jane Lucius, shall be printed upon the official ballot for the office Alderperson of 40th Ward to be voted upon at election to be held on February 28, 2023.

John Ashenden, Hearing Officer
January 6, 2023