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

Objections of: PHILLIP R. LOPEZ	)	
	)	
	)	
To the Nomination	)	No.: 24-EB-SBD-008
Papers of: RAQUEL DON	)	
	)	
Candidate for the office of	)	
Member of the Chicago Board of Education,	)	
7th District	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of the 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 PHILLIP R. LOPEZ ("Objector") to the nomination papers ("Nomination Papers") of RAQUEL DON, candidate for the office of Member of the Chicago Board of Education, 7th District in the City of Chicago ("Candidate") at the General Election to be held on Tuesday, November 5, 2024, having convened on Tuesday, July 9, 2024, at 10:30 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 Nomination Papers of the Candidate 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 statutory service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on Tuesday, July 9, 2024 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Daniel R. Hernandez 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. Appearances were filed by or on behalf of the following persons: the Objector, PHILLIP R. LOPEZ, by Attorneys KEVIN MORPHEW, STEVEN H. FINE, MICHAEL KRELOFF, AND MICHAEL J. KASPER; and the Candidate, RAQUEL DON, by Attorneys ROSS D. SECLER, PRICILLA E. CENTENO AND JAYMAN A. AVERY III of, ODELSON, MURPHEY, FRAZIER & McGRATH, Ltd.

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 or waived their right to do so.

9. The Objector and/or his duly authorized representative was present during the examination of the registration records or waived their right to do so.

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 1,000;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,890;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 941;

D. The remaining number of signatures deemed valid as a result of the records examination total 949.

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 fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Member of the Chicago Board of Education, 7th District, City of Chicago.

13. However, the Candidate filed a motion pursuant to Rule 8 of the Board's Rules of Procedure and an evidentiary hearing was held.

14. The Hearing Officer has tendered to the Electoral Board an amended (corrected) recommended decision. Based upon the evidence presented, the Hearing Officer found that after the Rule 8 hearing, the Candidate's Nomination Papers contained 1,000 valid signatures, which is the minimum number of valid signatures required by law to be placed upon the ballot as a

candidate for the office of Member of the Chicago Board of Education, 7th District, City of Chicago, 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 amended report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's amended recommended findings and conclusions of law and incorporates them herein.

16. The Electoral Board finds that the Objector filed a motion pursuant to Rule 20 of the Board's Rules of Procedure in which he requested reconsideration of certain rulings on signatures. Shortly after the filing of said motion, the Hearing Officer submitted an amended report and recommended decision, which appears to have rectified the errors described in paragraph 3 of the Objector's Rule 20 Motion. The Hearing Officer reported the Electoral Board that his original report and recommendation contained typographical errors in the larger of the two tables of petition sheet and line numbers that appears on page 3 of said report. The Objector rightfully took issue with this incorrect numbers in the original report, and specified in paragraph 3 of his Rule 20 Motion those sheet and line numbers that be believed were not accurately included in the Hearing Officer's table. None of those sheet and line number combinations set forth in the Rule 20 motion appear in the Hearing Officer's amended report and recommendation, which is the version of the Hearing Officer's filings that is hereby adopted by the Electoral Board.

17. The remaining issues in the Rule 20 Motion involved three signatures identified in paragraph 6 of the Motion where the Objector conceded that the affidavits submitted matched the registration records of the voters, yet argues that the affidavits should have been rejected because the two matching signatures are not similar to the corresponding petition signature. The Electoral

Board finds that the Hearing Officer properly found that the affidavits were a sufficient evidentiary basis to conclude that the petition signatures of the voters were genuine, and that the evidence presented served to rehabilitate the three signatures in question.

18. The Objector conceded in his Rule 20 Motion that the signatures on the subject affidavits matched the registration signatures for the proper voters, and the Objector presented no further evidence to disprove the legitimacy and veracity of those affidavits. Thus, the preponderance of the evidence shows that the correct voter signed the affidavits in which they swore under oath that their genuine signatures appear on the Candidate's petition sheets, despite whatever apparent deviations that might exist.

19. For each of the specified signatures, the Objector conceded that "the signature in the affidavit ... matches her voter registration record." This is an admission that the person who signed the affidavit is reasonably found to be the proper registered voter residing at the corresponding address on the petition sheet. There is no other evidence in the record of the case to suggest that these affidavits were not executed by the proper people, and they all stated under oath in their affidavits that the corresponding petition signatures were their own. For these reasons, the Rule 20 Motion should be denied.

20. 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 RAQUEL DON are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of PHILLIP R. LOPEZ to the Nomination Papers of RAQUEL DON, candidate for the office of Member of the Chicago Board of Education, 7th District, City of Chicago are hereby OVERRULED and said Nomination

Papers are hereby declared VALID and the name of RAQUEL DON SHALL be printed on the official ballot for the General Election to be held on Tuesday, November 5, 2024.

Dated: Chicago, Illinois, on Tuesday, August 27, 2024.

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 FOR THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD

Objections of: Phillip R. Lopez

To the Nomination Papers of: Raquel Don

Candidate for School Board Member, 7th District

NO. 24-EB-SBD-008

Hearing Officer: Daniel R. Hernandez

HEARING OFFICER'S FINAL RECOMMENDED DECISION TO OBJECTOR'S PETITION

Procedural Posture

On July 1, 2024, Objector Phillip R. Lopez ("Objector") filed a Petition of Objections against Raquel Don ("Candidate") for failing to comply with the Illinois Election Code and the Illinois School Code. The objector claimed that the Candidate failed to obtain the required 1,000 signatures to be on the ballot. Upon the first hearing, a records examination was ordered before the hearing officer. The records examination began on July 11, 2024, at 9:30 a.m.. The records examination was completed on July 22, 2024, at 1:27 p.m. According to the results, there were 1,890 signatures, 2,135 objections, and 949 valid signatures. On July 23, 2024, the Candidate filed a Rule 8 Motion. On August 14, 2024, there was a status hearing on this matter before the hearing officer. At said hearing, Counsel for the Candidate presented 68 affidavits, which the hearing officer reviewed. At the end of the Rule 8 Hearing, 51 signatures were overruled, and 13 were sustained.

Analysis

Rule 8 of the Electoral Board Rules of Procedure for the Board of Election Commissioners for the City of Chicago requires that the Objector bears the burden of proving, by operation of law and by a preponderance of the relevant and admissible evidence, that the objections made are true and that the Candidate's nomination is invalid. Regarding the order of

proceeding, the Objector is permitted to present their evidence and argument first. The Candidate is then given an opportunity to cross-examine the objector's witnesses, present his or her own witnesses or present evidence. The Objector is then permitted to present testimony and evidence limited to rebutting the testimony presented by the Candidate. In the event that upon examination, the petition contains fewer valid signatures than the number of valid signatures required by law, the Electoral Board or the hearing officer, as the case may be, may reverse the order of proofs, the Candidate may be assigned the burden of going forward and presenting evidence for their appeal and, if successful in reversing the findings, the burden shifts back to the Objector.

In accordance with the Rule 8 procedures, both the Objector and Candidate gave opening statements. During the hearing, the Candidate presented a total of 68 affidavits in support of the contested signatures accompanied by oral arguments. The affidavits were entered into evidence. The Objector entered counterevidence, as needed, and provided counter-oral-arguments, and the hearing officer concluded as follows:

Given the evidence, 13 signatures should not be counted as the objections were sustained by the hearing officer for the reasons stated on the record. These signatures are indicated below. To note, the affidavits provided were not sufficient evidence to overrule the original finding. Thus, there was no change to the count of valid signatures for those signatures indicated in the table below.

Sheet 3, Line 10	Sheet 53, Line 9	Sheet 108, Line 5
Sheet 10, Line 1	Sheet 94, Line 6	Sheet 187, Line 3
Sheet 22, Line 3	Sheet 96, Line 1	Sheet 188, Line 8
Sheet 48, Line 6	Sheet 97, Line 2	
Sheet 50, Line 8	Sheet 99, Line 10	

Furthermore, the following 43 signatures should be overruled and counted as valid signatures. The hearing officer for these signatures found that the affidavit provided was sufficient to overrule the original finding and actualize these signatures as valid. To note, each of these individuals provided an affidavit, signed under penalties of perjury, stating that the signature on their respective petition line is their actual signature. The Objector was provided the opportunity to present evidence to question the credibility of the affidavit provided. For the reasons stated on the record, the hearing officer found these affidavits to be credible and requests that each line be overruled and that the signatures be counted as valid.

Sheet 2, Line 4	Sheet 28, Line 2	Sheet 96, Line 3	Sheet 197, Line 6
Sheet 2, Line 7	Sheet 32, Line 4	Sheet 96, Line 10	Sheet 199, Line 3
Sheet 3, Line 1	Sheet 42, Line 7	Sheet 99, Line 9	Sheet 206, Line 5
Sheet 5, Line 1	Sheet 46, Line 8	Sheet 119, Line 6	Sheet 208, Line 4
Sheet 6, Line 1	Sheet 48, Line 6	Sheet 121, Line 6	
Sheet 11, Line 3-5	Sheet 50, Line 2	Sheet 121, Line 8	
Sheet 14, Line 6,7	Sheet 54, Line 1	Sheet 145, Line 3	
Sheet 19, Line 6	Sheet 62, Line 2	Sheet 183, Line 7	
Sheet 21, Line 9	Sheet 68, Line 8	Sheet 184, Line 1	
Sheet 21, Line 10	Sheet 93, Line 1	Sheet 184, Line 2	
Sheet 22, Line 6	Sheet 93, Line 5	Sheet 184, Line 9	
Sheet 23, Line 1	Sheet 94, Line 4	Sheet 196, Line 6	

Additionally, during the hearing and for the reasons stated on the record, the following eight signatures were overruled by agreement of the parties. Thus, these eight signatures should be overruled and counted as valid.

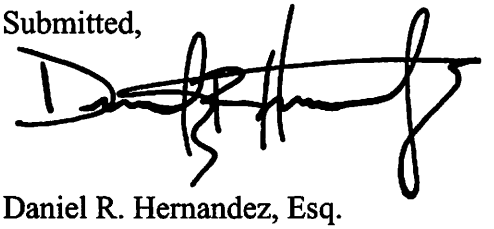
Sheet 25, Line 1	Sheet 61, Line 6
Sheet 33, Line 2	Sheet 76, Line 6
Sheet 40, Line 3	Sheet 104, Line 3
Sheet 61, Line 2	Sheet 115, Line 1

This brings the total number of overruled signatures to 51 and brings the total number of valid signatures for the candidate to 1,000. The Illinois Election Code and the Illinois School Code require that a candidate receive and file 1,000 valid signatures in order to be on the ballot. Here, the Candidate has exactly 1,000 signatures and thus her name should be placed on the ballot for Candidate for School Board Member, 7th District.

Conclusion

Upon consideration of the foregoing, I recommend that a total of 51 signatures should be rendered valid, that the Candidate's Nomination Papers therefore contain the required minimum number of 1,000 valid signatures, and that the Objector's Petition should therefore be denied.

Submitted,



Daniel R. Hernandez, Esq.
Hearing Officer
DATED: August 22, 2024