NBCON

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

Objections of: KIRK J. ORTIZ	)	
	)	
	)	
To the Nomination	)	No.: 26-EB-RGA-011
Papers of: LILIAN JIMENEZ	)	
	)	
Candidate for the nomination of the Democratic	)	
Party for the office of Representative in the General	)	
Assembly, 4th Representative District of the State of	)	
Illinois	)	

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, June A. Brown, and Laura Kotelman[1], 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 KIRK J. ORTIZ ("Objector") to the nomination papers ("Nomination Papers") of LILIAN JIMENEZ, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District in the State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, March 17, 2026, having convened on November 19, 2025, at 9:30 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.

[1] Commissioner Kotelman was sworn into office and joined the Board on November 26, 2025.

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 November 19, 2025 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. Appearances were filed by or on behalf of the following persons: the Objector, KIRK J. ORTIZ, by Attorney PERICLES ABBASI; and the Candidate, LILIAN JIMENEZ, by Attorney MICHAEL J. KASPER.

6. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be dismissed and that the Nomination Papers be declared valid.

7. The Electoral Board finds that the basis for striking and dismissing the objections is that the Objector's address as contained in the Objector's Petition was not in the 4th Representative District of the State of Illinois and, accordingly, the Objector did not have standing as an Objector under 10 ILCS 5/10-8. The Electoral Board further finds that the recommendation of the Hearing Officer is consistent with the controlling case of *Pochie v. Cook County Officers Electoral Board*, 289 Ill.App.3d 585 (1st Dist. 1997);

8. 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 and incorporates them herein.

9. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of KIRK J. ORTIZ to the Nomination Papers of LILIAN JIMENEZ, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District of the State of Illinois, are hereby stricken and dismissed and said Nomination Papers are hereby declared VALID and the name of LILIAN JIMENEZ, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 17, 2026.

Dated: Chicago, Illinois, on December 17, 2025.

Marisel A. Hernandez, Chair

June A. Brown, Commissioner

Laura Kotelman, 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 DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR NOMINATION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE
4TH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Kirk J. Ortiz,	)	
	)	
Petitioner-Objector	)	
	)	
	)	**26-EB-RGA-011**
	)	
Lilian Jimenez,	)	
	)	
Respondent-Candidate	)	

REPORT AND RECOMMENDATION

Procedural Background

This matter was assigned by the Electoral Board to Hearing Officer Terence Flynn. The initial status was held on November 19, 2025. Michael Kasper appeared for the Candidate and Pericles Abassi appeared for the Objector.

At that initial hearing, pursuant to agreement of the parties, a Rule 6 directive was issued. The nature of the objections included the not-uncommon litany of objections centered around signatures that were not genuine, out-of-district, or address incomplete. The Petition also alleged in detail a conflict between the roles of circulator and notary and alleged "round tabling" of signatures. Therefore, a Rule 6 exam was not only necessary but mandatory and, as said above, agreed to by the parties.

At that initial hearing, Candidate's counsel was unsure if any preliminary motions might be filed, but of course had the ability to do so by 5:00 p.m. on the following day, November 20th.

The matter was adjourned with a status date set for December 3rd for the purposes of receipt of the Rule 6 results and argument on motions, if any.

The Motions

Candidate did file a timely motion on November 20th. Her Motion to Strike Objector's Petition was premised upon the address given for the Objector being outside the 4th representative district boundaries and therefore Objector lacked standing to object. Objector filed a response on November 21st, admitting that there had been an error in the address as a result of a failure to correct the address from a "template" used for the Objection, in effect, a failure to proofread the document. However, Objector went on to argue that this error was "*de minimus*" because Candidate knew full well that Objector lived in the district and in fact knew the Objector's correct address, which was affirmed by exhibits to the Response. According to Objector's assertions, the Objector himself ran against Candidate in the prior election and, more importantly, was running against her again in this election cycle. Objector asserted that his own Nomination papers stated his own in-District address and they went unchallenged by Ms. Jimenez or forces allied with her. Therefore, said Objector, the Candidate was fully "on notice" of Objector's correct address and the *fact* that he lived in-District and therefore in fact had standing to object.

On November 24th, Candidate filed a Motion to Terminate the Rule 6 Records Exam based solely on the pendency of the Motion to Strike. Objector was ordered to respond to the motion by the morning of the next day, November 25th, which he did. In essence, he stated that while his argument was "novel", Rule 6 results would provide a "full record", possibly for purposes of appeal. As said above, prior to filing her Motion to Strike, Candidate had *agreed* to a Rule 6 directive being issued and the Rule 6 exam had commenced or was about to commence at the time of the filing of the Motion to Terminate on November 24th.

On that same day, November 25th, this Hearing Officer entered a 4-page order denying the Motion to Terminate, confirming that argument on the Motion to Strike would be held at the previously-scheduled December 3rd hearing and specifically noting that "one specific aspect" of the hearing would involve whether "actual knowledge" of the in-district status of Objector had any effect on the decision on the Motion to Strike.

The November 25th Order contained more questions than answers, as this Hearing Officer was mulling over the issues provoked by the Motion to Strike and by the Motion to Terminate the Rule 6 exam. This Hearing Officer hoped that the litany of issues in that order put the parties on notice of his concerns. It is axiomatic that a tribunal has jurisdiction to determine if jurisdiction exists in the first instance. This Hearing officer decided the December 3rd date should stand for argument and that certainly no harm was done to any party by completing the already agreed-to Rule 6 exam in the interim.[1]

The December 3rd Hearing and Discussion of Relevant Decisions

The analysis in this matter basically revolves around 4 cases: *Pochie v. Cook County Officers Electoral Board*, 289 Ill.App.3d 585 (1st Dist. 1997); *Morton v. State Officers Electoral Board*, 311 Ill.App.3d 982 (4th Dist. 2000); *Horton v. Chicago Board of Election Commissioners*, 2019 IL App (1st) 190240-U (of course, unpublished); and *Manker v. Electoral Board of the Village of South Jacksonville*, 2021 IL App (4th) 210094-U (again, unpublished).

In *Pochie, supra,* the street name was left off the address of the Objector and that error was sufficient to strike the Objector's petition as non-compliant with Section 5/10-8 of the Election

[1] In fact, by the time of the December 3rd hearing, the Rule 6 preliminary exam results were available and showed the Candidate well-above the minimum signature requirement. While perhaps not precisely within the four corners of analysis, that result fully rebutted any future claim that the tribunal was ignoring clear deficiencies in Nomination papers.

Code. Here, argues Candidate, the entire address is apparently incorrect and admittedly out-of-District, a necessary requirement for standing to object. Candidate essentially argues for a mechanistic application of *Pochie, supra,* that requires dismissal of the Objector's petition.

The problem with any "mechanistic" approach lies in the other cases cited. It is clear that "it does not follow that every noncompliance will invalidate an objection", *Morton, supra,* citing *Pullen v. Mulligan,* 138 Ill.2d 21, 47 (1990). Where "substantial compliance" with election code requirements is involved, it is always a line-drawing exercise, the opposite of a mechanistic application. *Morton* involved a name discrepancy that the Court found "inside" the line of *de minimus* non-compliance. (And, interestingly, none of these courts involved in "substantial compliance" analysis seem concerned with the "no amendment" proscription.)

In *Horton, supra,* there was an address discrepancy in the numerals, which the Board and Appellate Court found not adequate grounds for "ignoring ... objections", even though the Court recited the *Pochie* admonition that "[W]hether or not an objector has standing is determined according to the face of the petition and not according to what can be found in the records of the election commission." Despite that seeming lip service to the admonition, a line was drawn, again, in favor of an objector not strictly compliant with 10-8 of the Code.

In *Manker, supra,* the allegation was that the Objector did not include the relief requested, another statutory required element in 10-8. The 4th District found no "negative consequences if the objector does not include a description of his interest in the matter or the relief he seeks by filing the objection. Both his interest and relief sought is readily apparent." *Manker, supra* at ¶ 23. The court went to say the Candidate was "well aware" of objector's interest and the failure to include these statutory requirements "did not affect [Candidate's] ability to respond to the objection" *Id.*

Yet again, a statutorily required element of 10-8 is waived – the line was drawn via substantial compliance – this time because Candidate was "well aware".

Objector did not cite these cases in defense of his "novel" theory that actual knowledge of the Objector's correct address absolves the proofreading error. And certainly, no case has so held with regard to the complete omission of the correct in-District address, though they (*Morton, Horton and Manker)* have absolved errors regarding similar statutory requirements.

The Necessary Result Here

As mentioned in this Hearing Officer's interim Order denying the Motion to Terminate the Rule 6 exam, this electoral system is "address-centric": From registration to the address requirements for candidates, objectors, circulators, petition signers, it is the address that triggers inclusion in the system and many subsequent inquiries. Yet, we see some waiver in that requirement (*Horton, supra).* Similarly, other statutorily required elements of 10-8 are loosened by "substantial compliance". In *Manker, supra,* the Court presumed knowledge to the Candidate that obviated the necessity of strict compliance with *two* statutory required elements. That is not unlike the "novel" argument Objector makes here.

However, *Manker* and *Morton* are both 4th District cases. While *Horton* is a 1st District case, it involves a numeral discrepancy, not as here, the entire address. Thus, *Pochie, supra,* does control the decision here, though not in any mechanistic application. Under present precedent, the line drawn regarding "substantial compliance" does not include an out-of-District (though incorrect) address.

If in *Pochie*, the failure to include the street name is dispositive, then the wrong, out-of-District, address, though explained, falls outside "substantial compliance", at least in the cases

discussed here. (Further, *if* anyone thought it a good idea to extend the "actual knowledge" rationale of *Manker,* the preliminary results of the Rule 6 exam militate for no such extension here.)

Findings of Fact

1) The Objection was timely filed.
2) The Motion to Strike was timely filed.
3) The Objector's address was admittedly out-of-District.
4) In the specific circumstances here, it is more likely than not that Candidate was "well aware" of Objector's actual in-District address.

Conclusions of Law

1) Amendments to an Objector's petition are proscribed.
2) The implicit substitution of addresses requested here would amount to an amendment.
3) Under *Pochie, supra,* though not necessarily other cases, both the actual knowledge of the Candidate and the Board's records are insufficient and irrelevant to correct a major address error, such as occurred here. As a First District case, *Pochie* is binding.
4) The Objector's petition should be stricken.

Recommendation

It is the recommendation of this Hearing Officer that the name Lilian Jimenez should appear on the ballot for the Democratic nomination for the 4th Representative District in the General Assembly in the March 17, 2026 primary election.

s/Terence Flynn

Terence Flynn
Hearing Officer

Dated: 12/10/25