

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

Objections of: RICHARD CONNER, DAVE)
MENDOZA)
)
To the Nomination) No.: 15-EB-ALD-110
Papers of: NATASHIA L. HOLMES)
) Rel. ALD-103
Candidate for the office of)
Alderman of the 7th Ward, City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of RICHARD CONNER and DAVE MENDOZA (“Objectors”) to the nomination papers (“Nomination Papers”) of NATASHIA L. HOLMES, candidate for the office of Alderman of the 7th Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014, 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 Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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.

4. A public hearing was held on these Objections commencing on December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer John R. Ashenden for further hearings and proceedings.

6. 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 such hearing; the Objectors, RICHARD CONNER and DAVE MENDOZA, by their attorneys, Brendan Shiller and Rasheda Jackson; and the Candidate, NATASHIA L. HOLMES, by her attorney, Ross D. Secler.

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 her duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or their duly authorized representative were present during the examination of the registration records.

11. 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.

12. 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 1,174.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 501.

D. The remaining number of signatures deemed valid as a result of the records examination total 673.

13. 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 election to the office of Alderman of the 7th Ward of the City of Chicago.

14. The Hearing Officer conducted a hearing to allow the Objectors and the Candidate an opportunity to present evidence in support of their positions on the remaining allegations.

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 484 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for

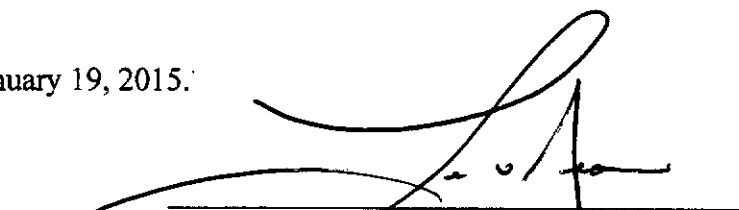
election to the office of Alderman of the 7th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

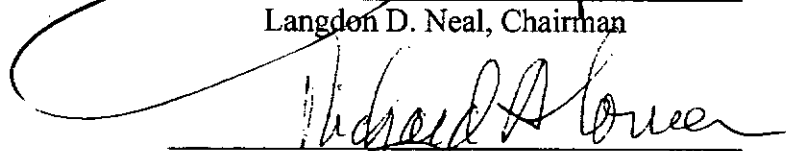
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of NATASHIA L. HOLMES are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of RICHARD CONNER and DAVE MENDOZA to the Nomination Papers of NATASHIA L. HOLMES, candidate for election to the office of Alderman of the 7th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of NATASHIA L. HOLMES, candidate for election to the office of Alderman of the 7th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

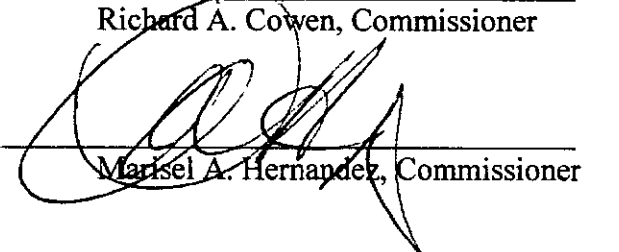
Dated: Chicago, Illinois, on January 19, 2015.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, 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

RICHARD CONNER and DAVE)	
MENDOZA,)	No. 15-EB-ALD-110
)	
vs.)	Objectors,
)	
)	John R. Ashenden
)	Hearing Officer
NATASHIA L. HOLMES,)	
)	
)	Candidate.

CHICAGO BOARD OF
 ELECTION COMMISSIONERS
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HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Objector's Petition of Richard Conner and Dave Mendoza ("objectors") to the nomination papers of Natasha L. Holmes ("candidate"), John R. Ashenden, Hearing Officer, finds and recommends as follows:

December 9, 2014 Hearing

1. The initial hearing commenced at 12:00 p.m., December 9, 2014. The candidate appeared through legal counsel Ross Secler. The objector appeared through legal counsel Brendan Schiller and Rasheda Jackson. Board Group Exhibits A through D were marked and admitted as Candidate Nomination Papers, Objector's Petition, Returns of Service and Appearances, respectively.

2. Objector's Petition alleges that Candidate failed to acquire 473 valid signatures because her nomination petitions included, *inter alia*, signatures of persons who are not registered voters or registered at address listed, signatures of persons who reside outside the 7th Ward. Candidate moved to strike and dismiss the Objector's Petition arguing that Objector's Petition contained "shotgun" allegations and was insufficient as a matter of law and fact. Candidate argued that Objector's Petition did not, on its face, adequately apprise Candidate of the objections alleged against her and that the minimal burden of proof was not met because of the Petition's nonsensical or contradictory form. A briefing schedule was set, and hearing on the Candidate's Motion was set for December 18, 2014 at 2:00 p.m.

December 18, 2014 Hearing

3. On December 18, 2014 at 2:00 p.m., the hearing on the Candidate's Motion to Strike and Dismiss Verified Objector's Petition commenced, with all briefs having been timely filed. After brief argument on the Candidate's Motion, the Hearing Officer recommended that the Motion be granted in part and that the remainder be denied. A records exam directive was ordered and scheduled for December 23, 2014 at 9:30 a.m. In the Objector's Response to Candidate's Motion, Objector conceded that 17 objections alleged against Candidate were either invalid or insufficient. The Hearing Officer recommended and submitted an Order that these 17 withdrawn objections be excluded from consideration by Records Examiners. The Hearing Officer also recommended that Objector's notes in Column G of the Appendix-Recapitulation of the Objector's Petition not be stricken and that Records Examiners, in their discretion, consider the notes as limiting or non-limiting.

4. During the December 18, 2014 hearing on the Candidate's Motion, Objector withdrew its "Motion for a Rule 8 Evidentiary Hearing to be conducted simultaneously with or in advance of the Records Exam." The Candidate objected to Objector's Motion, which was filed in the evening on December 16, 2014. The Hearing Officer requested additional briefs be filed regarding the Candidate's Motion to Strike Whole Sheet Objections. A briefing schedule was set, and hearing on this Motion and any and all Rule 8 or other Motions made pending the completion of the Records Exam was set for January 5, 2015.

Order Dated December 19, 2014

5. Candidate timely filed Candidate's Request to Issue Subpoenas on December 14, 2014. In an Order dated December 19, 2014, the Electoral Board denied Candidate's requests for subpoenas subject to subsequent conditions or limitations in the discretion of the Hearing Officer.

Results of Records Examination

6. A records examination was conducted by examiners beginning on December 23, 2014. The final petition summary report was dated December 27, 2014. In the summary report, records examiners determined that the Candidate had 673 valid signatures, which was 200 signatures more than the requisite minimum of 473. Of the objections pending during the records examination, 501 were sustained and 305 were overruled. Candidate requested review of 475 signatures, and Objector sought review of 295 signatures.

January 7, 2015 Hearing

7. The hearing reconvened on January 7, 2015, with Candidate and Objector's respective counsel present. Candidate and Objector presented argument on Candidate's Motion to Strike and Dismiss Objector's Petition. The Hearing Officer made the following recommended findings with respect to Candidate's Motion:

- i. Objections to Sheets 9 and 19 at Objector's Petition, ¶9, made on the basis of missing circulator address, should be stricken. The objections to Sheet 9 and 19 should be stricken because in both cases the circulator's address appears elsewhere in the nominating papers. Gerardo Becerra, circulator for Sheet 9, provided his address on the top of Sheet 9. Gana Harris, circulator of Sheet 19, provided her address on Sheet 21, which she also circulated. The purpose of including the circulator's address is to enable the Board to locate the circulator if the need were to arise. *See Sakonyi v. Lindsey*, 261 Ill. App. 3d 821, 826 (1994). Candidate's Memo indicates in ¶12 and Objector's Response confirms in ¶15 that the Objector's Petition mistakenly objected to Sheet 8, when the intention was to object to Sheet 9.
- ii. Objections to Sheets 14, 33, 34, 35, 36, and 37, made on the basis of lacking a notary date, should be stricken (Objector's Petition, ¶9). The failure to place a date in the notarial jurat constitutes an insufficient basis to invalidate the nominating papers. *Hendon v. Davis*, 02-EB-SS-10 (Chicago Electoral Bd. 2002). The absence of a notarization date is a technical violation, and does not invalidate the entire petition sheet. *See Lenzen v. Orozco*, 01-EB-ALD-04 (Chicago Electoral Bd. 2001).

iii. Objections to Sheets 38 and 39, made on the basis of an incorrect notary date of 2015, should be stricken (Objector's Petition, ¶9). The mistaken year of "2015" in the notary date is a technical violation, and does not invalidate the entire petition sheet. *See Lenzen v. Orozco, supra; Hendon v. Davis, supra.*

iv. Objector's request for a legal ruling that all reasonable negative inferences regarding the date of notary and the actual signatures were obtained be made against the Candidate should be denied (Objector's Petition, ¶10). The Board retains discretion to make a factual determination as to the date of the petition signing based on the evidence, not as a matter of law. *See Arrington v. Jenkins, 91-EB-ALD-083 (Chicago Electoral Bd. 1991).*

v. Objections to Sheets 3, 4, 5, 6, 37, 38, 39, 40, 50, 51, 52, 53, 54, 55, 56, 57 and 62, made on the basis of a pattern of fraud allegation were not stricken in that a fact may have been pled wherein Objector alleges at Objector's Petition, ¶11, that "certain sheets claimed to have been circulated by Natshia L. Holmes were not in fact circulated by her."

vi. Objections to Sheets 12, 13, 14, 15, 17, 18, 25, 26, 27 and 28, made on the basis of a round-tabling allegation, should be stricken (Objector's Petition, ¶13). Similar to other pattern of fraud allegations, Objector has not stated specific facts upon which to allege round tabling regarding these sheets, and has failed to meet the minimum fact-pleading requirements under the Election Code and Illinois Law. *See 10 ILCS 5/10-8.* Hearing Officer has reviewed the petition sheets in question and did not observe any indication of round tabling.

vii. Objections to Sheets 16, 19, 20, 29, and 30 should be stricken on the basis that Objector has voluntarily withdrawn them in Objector's Response to Candidate's Memorandum in Support of Motion to Strike Whole Sheet Objections, ¶44.

viii. Objections to Sheets 60 and 61, made on the basis of circulators including duplicate signatures, should be sustained (Objector's Petition, ¶12). After examination of sheets in question and the allegations in Objector's Petition, it is clear that there are irregularities in these sheets, and Hearing Officer requests further argument regarding Sheets 60 and 61.

8. As such the Hearing Officer recommended: (1) that the Candidate's Motion to Strike and Dismiss Objector's Petition be granted in part; (2) that Objector's Petition with respect to Sheets 3, 4, 5, 6, 37, 38, 39, 40, 50, 51, 52, 53, 54, 55, 56, 57 and 62, made on the basis of a pattern of fraud allegation, were not stricken; and (3) that Candidate's motion is denied regarding Objector's Petition ¶11 Sheets 60 and 61.

Evidentiary Hearings Conducted January 8 through January 10, 2015

9. The Rule 8 evidentiary hearing commenced On January 8, 2015. Candidate and Objector's respective counsel were present. Candidate presented several Motions in Limine regarding Objector's witness list form and witnesses to be examined. The Hearing Officer denied these motions, and the Objector was permitted to present Objector's witnesses. Objector introduced and moved into evidence Objector's Exhibits 1-15: the nominating papers of other candidates against which Candidate's own nominating papers were compared. Objector's co-counsel, Rasheda Jackson, was called as an Objector witness, over the objection of Candidate. She testified with respect to the preparation of demonstrative exhibits provided by Objector in

Objector's original Petition. Objector's other witnesses largely testified as to their roles in reviewing the nominating papers of candidates and searching for duplicate signatures. The following is a brief summary of each witness' testimony.

i. Carolyn Baynham testified that she works for Shiller Blaise Political Consulting filling out petitions, going door-to-door to acquire signatures, and collecting candidates' nominating petitions for comparison of signatures. She was recalled and testified that she obtained affidavits from voters who allegedly signed Candidate's petition sheets and another candidate's petition sheets.

ii. Richard Conner, who is also a named Objector, testified that he also works for Shiller Blaise and was tasked with comparing 16 sets of nominating papers for the 2015 7th Ward Aldermanic race. He stated that he personally double-checked signatures and recorded data, which he provided to witness and Objector co-counsel, Rasheda Jones. He recalled close to 200 signatures being duplicates on Candidate's petitions and other candidates' petitions, though he could not recall specifically which ones. He also obtained affidavits from those voters who allegedly signed another candidate's petition sheets in addition to Candidate's own sheets.

iii. Michilla Blaise is a political consultant and notary at Shiller Blaise. She testified that she coordinated the comparison of the nominating papers of 16 candidates for Alderman of the 7th Ward and the search for duplicate signatures on Candidate's petition sheets. She stated that she personally notarized many of the voter affidavits submitted by Objector.

iv. Jacquie Lewis is a chaplain for the Chicago Police Department and a former candidate for Alderman of the 7th Ward. She testified that she personally circulated many of her nominating petition sheets and that it was always her routine to ask a voter if they had signed another candidate's petition sheets before hers. If the voter had signed another candidate's sheets, Ms. Lewis did not permit the voter to sign her sheets. Ms. Lewis testified regarding a number of specific signatures which were alleged by Objector to be duplicates on Candidate's sheets; she recalled the signers and her encounters with each of them, testifying that she was the first candidate to obtain their signatures on her petition sheets.

v. David Mendoza is a volunteer circulator who circulated petition sheets on behalf of Keiana Barrett, candidate for the office of Alderman of the 7th Ward. He testified that he recalled circulating certain petition sheets but could not recall the precise dates of circulation.

vi. Keiana Barrett is another candidate for Alderman of the 7th Ward. She testified that she personally circulated some of her own nominating petition sheets and acquired, in person, approximately 600 signatures from qualified voters. She testified that she always followed the same routine when she obtained signatures in order to ensure that she was receiving valid signatures. Namely, she always asked whether the signer had already signed a petition for another candidate before she asked for the signer's signature. She was usually accompanied by a notary while she circulated, and it was her routine to have sheets notarized as soon as possible. She noted that Objector's counsel is also her election lawyer and that she does political consulting work for Shiller Blaise. Ms. Barrett stated that she did not write her own affidavit, which was entered into evidence, but that she did review it before signing it.

vii. Kimberly Garrett is a licensed private investigator who works for Objector's counsel. She testified that she obtained some of the affidavits Objector introduced into evidence from alleged signers of Candidate's petition sheets. She testified that it was her routine to always ask for identification from the affiants, to show the affiant Candidate's petition sheet, and to ask the affiants if they recognized their signatures on Candidate's petition sheets. She stated that she went door to door, showing her badge when someone answered, and that she sometimes carried her weapon with her. Out of 16 people she attempted to contact at their homes, Ms. Garrett personally obtained affidavits from four people. According to Ms. Garrett, two of these individuals, Brenda McGee and Beverly Long, claimed their signatures had been forged on Candidate's petition sheets.

viii. Julia Hunter is a social worker and occasional volunteer for co-7th Ward candidate for Alderman Keiana Barrett. She testified that she circulated petition sheets but could not recall when she circulated specifically. She testified that she went to door to door, and her testimony showed that her pattern and practice as a circulator was consistent with other circulators' testimony about their own routines.

10. Objector's comprehensive witness list contained approximately 55 witnesses. Objector's counsel candidly submitted to the Hearing Officer that he expected many more witnesses to testify; however, many of them did not appear at the continuation of the evidentiary hearing on January 10, 2015. Immediately following Objector's examination of the witnesses who were present, the Hearing Officer with counsel for Candidate and Objector examined additional line-by-line objections.

11. At the evidentiary hearing on January 10, 2015, the Hearing Officer and Objector reviewed the signature cards for some of the signers' signatures on appeal from the records examination results. Of 59 objections pertaining to the validity of signatures, 57 were overruled. The Hearing Officer allowed the two remaining objections to stand, absent rehabilitation by Candidate at later time if necessary.

12. At the conclusion of the January 10, 2015 evidentiary hearing, 82 pending objections were reserved for ruling at a later time. These objections were related to incomplete address objections and the like. Also reserved for ruling were all "pattern of fraud" allegations against Candidate Holmes as a circulator. Objector alleged that Candidate was not present when signers signed sheets purported to have been circulated by Candidate personally.

13. The Hearing Officer further reserved ruling on all objections related to whether a signer's signature on Candidate's petition sheets was rendered invalid by the same signer's signature appearing on another candidate's petition sheet containing an earlier date of notarization. Candidate alleged that this is a case of first impression in that many of the alleged duplicate signatures appear on the petition sheets of other candidates who have since withdrawn from the aldermanic race voluntarily or been disqualified from the race through Electoral Board proceedings. The particular objections at issue are referred to as "Column F objections" (see Objector's Petition, Appendix Recapitulation, Column F). The Hearing Officer requested that Candidate and Objector file briefs on this issue and prepare for argument in advance of the January 12, 2015 continuation of the evidentiary hearing.

January 12, 2015 Evidentiary Hearing

14. Prior to the January 12, 2015 hearing, Objector submitted a status document summarizing the objections remaining to be ruled upon. Per Objector's status document, Candidate had 671 valid signatures.

15. Objector and Candidate timely filed their respective briefs on the Column F objections and burden of proof. Each party's Memorandum of Law pertained to the burden of proof regarding Objector's pending objections on the grounds that certain signers of Candidate's petition sheets had signed other candidates' petition sheets earlier in time, thereby invalidating those signatures on Candidate's petitions. The hearing commenced at 8:00 a.m., and counsel for Candidate and Objector were present for oral argument.

16. Objector made several arguments in favor of invalidating duplicate signatures that appeared on other candidates' petition sheets with notarization dates earlier than Candidate's. Objector argued that the Election Code at 10 ILCS 5/10-3 is clear on the issue of the subject Column F objections. This section states "each voter may subscribe to one nomination for such office to be filled, and no more: provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office." A signature is not allowed if the signer previously signed the nomination papers of another candidate. One exception is explicitly carved out: if a candidate circulates sheets for more than one position and then chooses later to run for only one position, duplicates contained on the candidate's own two set of sheets do not invalidate the signatures. Objector argued that where the plain language is clear, it should be abided.

17. Furthermore, Objector argued that Objector sufficiently met its burden of production with respect to Column F objections such that the burden has now shifted to Candidate. Objector correctly states that the standard of proof for shifting the burden to Candidate is that of a preponderance of the evidence. In Illinois, the burden of preponderance of the evidence may be satisfied through inference; Objector noted that "the fact finder in a non-jury proceeding may 'draw reasonable inferences from the testimony, and generally consider the weight and the quality of the evidence.'" See Objector's Memorandum of Law ¶16 citing *Klemp v. Hergott Group, Inc.*, 267 Ill.App.3d 574 (1994).

18. Objector alleged that the notarization dates on Candidate's petition sheets, if later in time than the notarization date on other candidates' sheet in which apparent duplicate signatures appear, give rise to a reasonable inference that the duplicate signatures on Candidate's sheets should be invalidated. Objector stated that "the signature appearing on the petition first signed is valid and all subsequent signatures appearing on the nominating petitions of other parties are invalid." See *Watkins v. Burke*, 122 Ill.App.3d 499, 501-502. Objector pointed to prior witness testimony that circulators are trained to obtain signatures and get their petition sheets notarized as soon as possible such that the date of notarization is closely linked to when the individual signatures were obtained.

19. Candidate first argued that Objector failed to meet its burden of production with respect to Column F objections. Candidate alleged that, "at no time has this Board held that the notarization date appearing on the face of the petition sheet shall serve any purpose other than as evidence that the petition sheet was not circulated prior to the filing period." See Candidate's Memorandum in Opposition to Objector's Multiple Petition Signer Challenges, citing *Buffington v. Taylor*, 90-EB-REP-1 (Chicago Electoral Bd. 1990). Candidate further alleged that Objectors were merely attempting to create inferences about when other candidate's nominating petitions were signed through witness testimony and purported affidavits. Candidate strongly opposed Objector's heavy reliance on the notary date as sufficient to shift the burden of production to Candidate, arguing that Objector's had provided no evidence suggesting when signers actually signed Candidate's petition sheets or other candidates' petition sheets.

20. Candidate further argued as a matter of policy that where duplicates of Candidate's nominating petition signatures appear on petitions sheets for candidates who have withdrawn or had their nominating petition invalidated, Candidate's signatures should remain valid and the duplicates on other nominating papers be treated as if they cease to exist. The Hearing Officer found this argument persuasive and reserved ruling on Column F objections in order to more closely review the Candidate and Objector briefs and consider the January 12, 2014 oral arguments.

21. The Hearing Officer further reserved ruling on objections against petition sheet lines that contained: (1) ditto marks ("...") that were used to convey information, (2) apparent "strike outs" of names and voter information, and (3) married names, maiden names, or a combination of the two that allegedly contradicted information on voter registration cards. The Hearing Officer requested that Candidate identify relevant authority supporting the validity of the signatures implicated. Candidate timely provided this information via email in advance of the final hearing on January 13, 2015.

January 13, 2015 Final Hearing

22. The final hearing occurred on January 13, 2015. The Hearing Officer made the following recommended findings and rulings with respect to all pending objections for which ruling was reserved:

Miscellaneous Objections

i. All of the objections related to the use of ditto marks that were reviewed during the January 12, 2015 hearing should be overruled. The ditto marks properly conveyed the requisite voter information when viewed within the context and pattern of the petition sheet contents. When viewed on the whole, the Hearing Officer determined that the ditto marks provided adequate information about the qualified voters and their residence addresses. See *Marx v. Craven*, p. 6 (Sangamon Cty. Electoral Bd. Jan. 15, 2002); see also *White v. Kunik*, No. 92 CO 82, p. 9-11 (Cook Cty. Cir. 1992), citing *Whitman v. Moore*, 59 Ariz. 211 (1942).

ii. The objections related to allegedly improper "strike outs" of names and voter information contained on some of Candidate's petition sheets should be overruled and the signatures deemed valid. The Election Code makes clear that there is a specific procedure to be followed in order to properly strike or revoke a signature from a petition sheet. Because this procedure was not followed, the allegedly stricken signatures are presumptively valid. 10 ILCS 5/7-10; *Lizak v. Zadrozny*, 4 Ill.App.3d 1023, 1027.

i. The objections related to the use of a married name instead of or in addition to a voter's maiden name should be overruled. A 2005 amendment to the Election Code permits a signer's use of a married name. The use of a married name on a petition signature line does not affect the voter's ability to sign a petition sheet, provided that the married voter resides in the same precinct as she did when she registered under her maiden name. *Sumlin v. Newell*, 07-EB-ALD-174 (Chicago Electoral Bd. 2007).

Column F Objections

23. The Hearing Officer finds that Objector's burden of production is met by providing affidavits from those signers whose duplicate signatures appear on other candidates' nominating papers with earlier dates of notarization than those of Candidate Holmes. While the inherent value of the notarization date is primarily to ensure that all signatures were obtained within the required 90-day window, it does, as Objector suggests, provide basic evidence giving rise to a reasonable inference that signatures with an earlier notarization date were obtained first in time. Despite the lack of personal recollections contained within the affiants sworn statements, the affidavits show that the signers believe that they signed other candidate petition sheets before signing Candidate Holmes' petition sheets. The Hearing Officer finds that these sworn statements are sufficient to shift the burden from Objector, though Candidate may rehabilitate those signatures that are in question as a result.

24. Candidate argued that repeated misspellings of affiant names and alterations of notary dates and affiant signature dates among other anomalies cast doubt on Objector's procedures for obtaining affidavits from duplicate signer. Candidate alleged that if the affidavits were properly executed and reviewed by the affiants and notaries, the average person would, for example, object to signing an affidavit containing either a misspelled or different name than his or her own. The Hearing Officer agrees and finds that while this group of affidavits, when viewed individually, may be viewed as merely technically infirm but otherwise valid, when they are viewed as a whole, the faulty affidavits imply a failure in the Objector's process and procedures for obtaining these sworn statements and seriously call into question their validity and evidentiary value. For these reasons, the Hearing Officer recommends that 13 of the affidavits offered to support Column F objections should be stricken and the objections overruled for lack of evidence.

25. Candidate further argued that duplicate signatures appearing on Candidate Holmes' petition sheets and the sheets of other candidates who have since withdrawn voluntarily or had their nominating papers invalidated should be treated as though they no longer exist. Therefore, Candidate argues, the duplicates on Candidate's own sheets should be treated as unique, first in

time, and thus valid. The Hearing Officer finds this argument persuasive on grounds of fairness; however, the Election Code clearly intends one signer to provide one signature for one candidate, regardless of whether or not that candidate withdraws from the race voluntarily or has his or her nominating petition invalidated.

26. While recommending that the Board overrule objections where the duplicate signatures appeared on sheets for candidates no longer in the Aldermanic race was seriously considered, ultimately, the idea is potentially a troublesome one. The Hearing Officer finds that to reinterpret the plain language of the Election Code regarding duplicate signatures will likely: (1) potentially disincentivize efficiency in the Board's electoral process, because the longer a candidate's nominating papers remain viable, the likelihood of having duplicate signatures ruled valid increases as other candidates drop out of or are removed from the race; (2) complicate the entire election nominating process given the large number of candidates that might acquire duplicate signatures; and (3) incentivize candidates to obtain these types of duplicate signatures in order to improve their chances of winning an election or to manipulate the election process as a whole.

27. The Hearing Officer recommended that all Column F objections, with the exception of those supported by the 13 affidavits that were stricken as invalid when viewed on the whole, remain viable pending rehabilitation by Candidate at a later time if necessary.

Pattern of Fraud

28. Objector called Candidate Holmes as a witness to testify regarding her role as a circulator of petition sheets for her own nomination for Alderman of the 7th Ward. Objector's primary argument regarding pattern of fraud was related to whether Candidate Holmes was actually present when signers signed the petition sheets that she personally circulated. Objector alleged that not only was Candidate not present when signatures were obtained but also that signers were misled into believing they were signing a sign-in sheet for a political meeting and not the petition sheets for a candidate for a political office. Objector attempted to illicit testimony regarding these issues.

29. During her direct examination regarding the meeting at which Objector's allege Candidate's staffers circulated "sign-in sheets" without Candidate present, Candidate Holmes testified that she was in fact present. Candidate stated that the meeting "didn't start until [she] got there and that she "announced [her] candidacy and let everyone know a clipboard would be passed around with [her] petition." She also testified that not everyone present signed. During cross-examination by her own counsel, Candidate explained that while she did not personally pass the clipboard containing her petition sheets around, she stood at the front of the room and could "see the clipboard floating around the room" after she handed it to the people in the front row. Candidate testified that she never left the room while the clipboard was being circulated and that while standing at the front of the room she provided instructions about circulating petition sheets and informing people about what happens on election day. Candidate further testified regarding the role of any staffers who circulated petition sheets on her behalf. She stated that any staffer who circulated for her did so as a volunteer and not in any official capacity.

30. Regarding the notarization procedures for notarizing petition sheets, Candidate testified that it was her routine to notarize sheets once they were filled and that it was fair to say that signatures on lower numbered lines were obtained earlier than ones on higher numbered lines. Candidate repeatedly asserted that not all circulators had easy access to a notary. In order to ensure all sheets were notarized eventually, Candidate stated that she set a day and time for the notarization of any sheets not already notarized. Candidate's credible live testimony suggested that her petition sheet signatures may have been obtained days or even weeks before the sheets were notarized. The Hearing Officer finds that the notarization date may not be as valuable a tool in determining when Candidate's signatures were obtained compared to duplicate signatures on other candidate petition sheets. For purposes of any ultimate ruling on Column F objections, an appropriately reduced amount of weight should be given to the role of the notarization dates in establishing when signatures were actually obtained.

31. Candidate testified that she did not hire counsel until approximately a week and a half after submitting her nominating papers and that this was her first time running for office. On cross-examination by her own counsel, she noted that her preparation of her nominating papers was therefore done without the advice of counsel.

32. Objector indicated at the January 12, 2015 hearing that Objector expected to present additional witnesses Jackie Johnson and Esther Spurgeon to testify in support of the pattern of fraud allegations against Candidate. However, no such witnesses were presented. As a result, the evidence in support of Objector's pattern of fraud allegations is limited to previous witness testimony, Candidate's testimony, and the affidavits submitted by Objector.

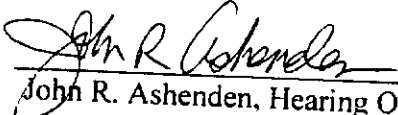
33. The Hearing Officer finds that Candidate's live testimony was persuasive and credible. Candidate clearly and on numerous occasions throughout one hour of testimony asserted that she was present while any voter signed sheets she personally circulated. The Hearing Officer finds that the weight of Candidate's live testimony outweighs the affidavits and limited witness testimony provided by Objector in support of pattern of fraud allegations against Candidate as a circulator. Therefore, the pattern of fraud objections should be overruled in their entirety.

Conclusion

34. All whole-sheet pattern of fraud objections should be overruled. At this point, even if all remaining Column F objections were sustained without rehabilitation of those signatures or any others by Candidate, Candidate would have 484 valid signatures, which is more than the required 473 signatures for an aldermanic candidate.

35. For all the foregoing reasons, the Hearing Office recommends that the name of Natasha L. Holmes **appear** on the ballot as a candidate for the office of Alderman of the 7th Ward of the City of Chicago, Cook County, Illinois.

Date: 1/15/2015


John R. Ashenden, Hearing Officer