

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

| | | |
|--|---|------------------------------------|
| Objections of: JUAN CALDERON |) | |
| |) | |
| |) | |
| To the Nomination |) | No.: 19-EB-ALD-048 |
| Papers of: ANGEE GONZALEZ |) | |
| |) | Rel.: 19-EB-ALD-152, 19-EB-ALD-093 |
| Candidate for the office of |) | |
| Alderman of the 26th Ward of the 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 Jonathan T. Swain, 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 JUAN CALDERON (“Objector”) to the nomination papers (“Nomination Papers”) of ANGEE GONZALEZ, candidate for the office of Alderman of the 26th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 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 was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Lynne Ostfeld for further hearings and proceedings.

6. The Objector 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 Objector, JUAN CALDERON, and/or his Attorney, MICHAEL J KASPER; and the Candidate, ANGEE GONZALEZ, and/or her Attorney, ANDREW FINKO.

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. The Candidate and/or her duly authorized representative was present during the examination of the registration records. The Objector and/or his duly authorized representative was present during the examination of the registration records.

9. 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.

10. 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 670.
 - C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 207.
 - D. The remaining number of signatures deemed valid as a result of the records examination total 463.

11. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is lower than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 26th Ward of the City of Chicago.

12. However, the Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination. The Hearing Officer found that the Candidate successfully rehabilitated 49 signatures during the Rule 8 evidentiary hearing, thus bringing the Candidate's total number of valid signatures up to 512, which is 39 signatures more than the required minimum.

13. 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

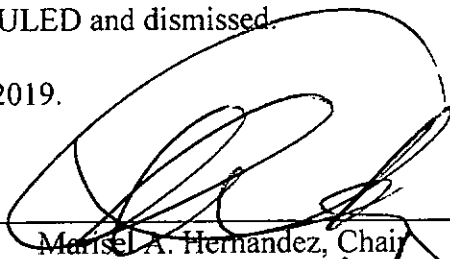
Candidate's Nomination Papers contained 512 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 26th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

14. 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.

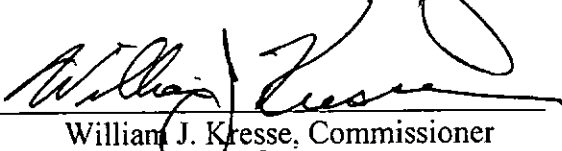
15. However, due to a pending related case (19-EB-ALD-093), the Electoral Board cannot in this case make a final ruling as to whether the Candidate's Nomination Papers are valid or whether she is lawfully entitled to have her name printed upon the ballot.

IT IS THEREFORE ORDERED that the Objections of JUAN CALDERON to the Nomination Papers of ANGEE GONZALEZ, candidate for the office of Alderman for the 26th Ward of the City of Chicago, are hereby OVERRULED and dismissed.

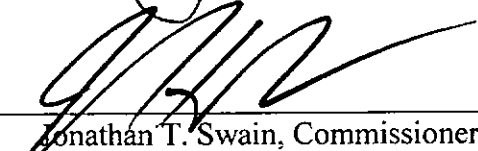
Dated: Chicago, Illinois, on Friday, January 25, 2019.



Marisel A. Hernandez, Chair



William J. Kresse, Commissioner



Jonathan T. Swain, 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.

CHICAGO BOARD OF ELECTION COMMISSIONERS

Objections of:)
 JUAN CALDERON)
)
 To the Nomination)
 Papers of:) **No. 19-EB-ALD-048**
 ANGEE GONZALEZ)
)
 Candidate for the Office of) Lynne R. Ostfeld,
 Alderman of the 26th Ward) Hearing Officer
 in the City of Chicago)

RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners (“CBOE”) on objections of JUAN CALDERON (“Objector”) to the nomination papers of ANGEE GONZALEZ (“Candidate”), Lynne R. Ostfeld, Esq., Hearing Officer, finds and recommends as follows:

1. The hearing was begun on December 10, 2018. In attendance at the hearing were the Objector, JUAN CALDERON, through his attorney Michael Kasper, and the Candidate, ANGEE GONZALEZ, through her attorney, Andrew Finko.
2. The Objector requested that Angee Gonzalez’ name not be printed on the ballot for election to the office of Alderman of the 26th Ward, City of Chicago, based on the following objections:
 - A. the nomination papers contained the names of persons who were not registered voters at the addresses shown;
 - B. the nomination papers contained the names of people who did not sign the papers in their own proper persons, whose signatures were not genuine;
 - C. the nomination papers contained sheets with the names of people whose addresses were not in the 26th ward;
 - D. the nomination papers contained petition sheets with addresses either missing or incomplete;
 - E. the nomination papers contained petition sheets where signers signed twice.
3. On December 10, 2018, the Hearing Officer submitted a request for a records examination.
4. No motions to strike or dismiss were submitted.
5. On January 17, 2019, the report of records examination was submitted to the Hearing Officer and to the parties.
6. On January 18, 2019, a Rule 8 Motion was timely submitted by the Candidate, along with a list of sheet numbers and line numbers to be ruled on at the evidentiary hearing.
7. Hearing was continued to January 23, 2019, at 12:30 p.m., to receive the report of the records examination.
8. The Hearing was delayed from 12:30 p.m. to 4:36 p.m., due to the length of the just

prior hearing involving the Candidate and a different Objector. The Candidate and her attorney were in attendance. No one represented the Objector or appeared at any time during these four hours to act on behalf of the Objector, or to explain the Objector's absence.

Findings of Fact and Conclusions of Law

9. On continued hearing on January 23, 2019, the Hearing Officer received the report of the Record Examination Results, prepared by staff of the Chicago Board of Election Commissioners, and found the following:

| | |
|-------------------------------|-----|
| Number of signatures required | 473 |
| Total signatures | 670 |
| Total objections | 302 |
| Total ruled on | 302 |
| Total overruled lines | 86 |
| Total sustained lines | 207 |
| Total valid signatures | 483 |
| Total unchallenged signatures | 377 |

10 Signatures fewer than the required minimum

10. The Candidate moved that the affidavits rehabilitating certain signatures which had been accepted in 19 EB ALD 093 be noticed and accepted as evidence in the instant case.

11. The Candidate moved to submit into evidence additional sworn Affidavits attesting to the validity of the signer's signature on the petitions. Absent objection, this was granted. These were 31 in number and concerned the following sheet and line numbers: 7/3, 10/4, 10/5, 14/3, 10/8, 14/7, 18/3, 22/4, 24/4, 24/5, 25/2, 27/7, 29/3, 29/5, 30/4, 32/3, 32/6, 35/5, 35/7, 38/10, 43/5, 45/4, 45/7, 50/8, 51/8, 52/1 52/9, 59/2, 60/2, 61/6, 66/6. Absent objection, this was granted.

12. An additional 14 Affidavits attesting to the validity of the signatures were submitted into evidence, absent objection.

13. Also submitted into evidence, absent objection, were Exhibits 15, 16, 17 and 18, which were "walking sheets" showing that the signers were registered voters at their addresses in the 26th Ward. These rehabilitated the following sheet and line number objections: 1/2, 10/2, 20/2, and 49/9.

14. In total, 49 signatures were rehabilitated or addresses verified, giving the Candidate 39 more valid signatures on her nominating petitions than required.

15. There were no issues of fact to be decided.

16. For the reasons stated above, the Hearing Officer recommends that this Board find that the Nomination Papers of ANGEE GONZALEZ be declared to be VALID.

17. The Hearing Officer recommends that this Board order that the name of ANGEE GONZALEZ BE printed on the ballot for the Aldermanic Election, 26th Ward, City of Chicago, to be held on February 26, 2019, for the reasons stated above.

Dated: Chicago, Illinois, this 23rd day of January, 2019.


 Lynne R. Ostfeld, Hearing Officer