

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

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Objections of: ARMANDO RAMOS	)	
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	)	
To the Nomination	)	No.: 19-EB-ALD-062
Papers of: MAJID MUSTAFA	)	
	)	Rel.: 19-EB-ALD-082
Candidate for the office of	)	
Alderman of the 50th 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 ARMANDO RAMOS (“Objector”) to the nomination papers (“Nomination Papers”) of MAJID MUSTAFA, candidate for the office of Alderman of the 50th 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 Travis Richardson 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, ARMANDO RAMOS, and/or his Attorney, FRANK AVILA and JAN R. KOWALSKI McDONALD; and the Candidate, MAJID MUSTAFA, and/or his Attorneys, ROSS D SECLER and MARY RYAN NORWELL.

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 his 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 952.

C. The remaining number of signatures deemed valid as a result of the records examination total 641.

11. 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 Alderman for the 50th Ward of the City of Chicago.

12. The Objector filed a Rule 8 motion, but the Hearing Officer found that even if all Rule 8 issues were resolved in the Objector's favor, the Candidate would still have a sufficient number of valid signatures. Thus, no evidentiary hearing was conducted in support of Objector's Rule 8 motion objecting to the Board's clerk's findings during the records examination.

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

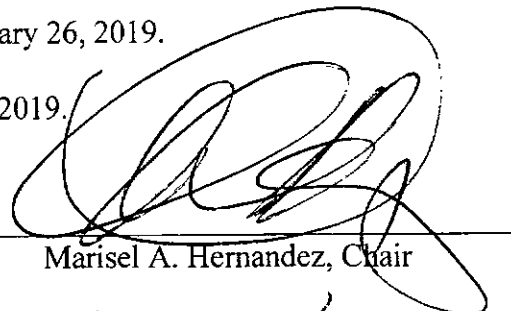
office of Alderman for the 50th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

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. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of MAJID MUSTAFA are, therefore, valid.

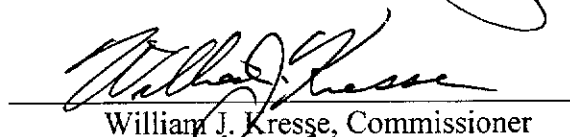
IT IS THEREFORE ORDERED that the Objections of ARMANDO RAMOS to the Nomination Papers of MAJID MUSTAFA, candidate for the office of Alderman for the 50th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MAJID MUSTAFA, candidate for the office of Alderman for the 50th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

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



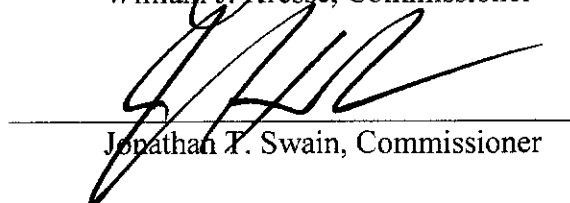
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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO**

Objections of:

**ARMANDO RAMOS,**

)

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To the Nomination Papers of:

)

**MAJID MUSTAFA,**

)

No. 19-EB-ALD-062

)

)

Travis Richardson

Candidate for the Office of Alderman

)

Hearing Officer

of the 50th Ward, City of Chicago

)

General Primary Election, February 26, 2019.

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**HEARING EXAMINER'S AMENDED REPORT AND RECOMMENDED DECISION**

This matter having come before the Chicago Board of Elections ("CBOE") on the objections of Armando Ramos ("Objector") to the nomination papers of Majid Mustafa ("Candidate") Travis Richardson, Hearing Officer, finds and recommends as follows:

1. The hearing on the objections began on December 10, 2018. In attendance at the hearing were the Objector's counsel, Jane Kowalski McDonald, who appeared on behalf of Frank Avila, and the Candidate's counsel, Mary Ryan Norwell, appearing on behalf of Ross Secler.

2. The Objectors' verified petition requested that the Candidate's name not be printed on the February 26, 2019 primary election ballot for the position of Alderman of the 50<sup>th</sup> Ward of the City of Chicago essentially on the basis that the Candidate had an insufficient number of valid signatures on her petitions. The petition also alleged that the Candidate's petition sheets are defective for the following reasons: a) false circulator affidavits; b) circulator

failure to appear before a Notary Public; c) circulator failure to witness each signature; and d) circulator fraud.

3. The Candidate indicated that he would file a Motion to Strike, therefore the following briefing schedule was set:

Motion due: 12/12/18

Response due: 12/13/18

Reply due: 12/14/18,

4. A Records Examination was then ordered, but not yet scheduled. The next hearing date was set for 12/15/18.

5. On 12/15/18, Objector, Objector's counsel, Avila, and Candidate's counsel Norwell appeared. A hearing was held on Candidate's Motion to Strike and Dismiss Verified Objector's Petition, and Objector's Response to Candidate's Motion to Strike and Dismiss. Subsequent to an extended hearing which included extensive argument and testimony, the Hearing Officer requested memoranda of support from each party regarding their arguments. Candidate's memo was due 12/17/18. Objector's pleading was due 12/18/18. The matter was scheduled for a 12/20/18 status. The Records Exam had not yet been scheduled.

6. Also on 12/15/18, Objector filed his Request for Subpoena, which the Candidate opposed on 12/16/18. Objector's Request was denied on 12/17/18 for failure to identify the purpose of the subpoena and why it was relevant to the issues presented by the objections.

7. On 12/18/18, notice was served that the Records Exam was scheduled for 12/19/18.

8. On 12/20/18, Objector, Objector's counsel, Avila, and Candidate's counsel Norwell appeared. Argument was heard on the Hearing Officer's recommendation against issuing subpoenas, as well as further argument on Candidate's Motion to Strike and Dismiss. The Hearing Officer took Candidate's Motion to Strike and Dismiss under advisement. Objector's counsel requested a written decision. The Records Exam had commenced, but was not yet completed. The matter was continued to 12/27/18.

9. On 12/27/18, Objector's counsel, Avila, and Candidate's counsel Norwell appeared. Previously, the Board of Commissioners upheld Hearing Officer's recommendation to deny Objector's subpoena request. The Records Exam had been completed, but was not yet finalized. The Hearing Officer announced that he intended to grant in part and deny in part Candidate's Motion and was awaiting transcripts from the hearings. The case was continued to 1/3/19.

10. The records examination was completed on 12/28/18. Both parties were represented at the examination. The examination results were as follows:

Signatures Required	473
Total Pages	97
Total Signatures	952
Total Objections	882
Total Ruled On	882
Total Remaining	0

Total Sustained	331
Total Overruled	551
For Review (Candidate)	345
For Review (Objector)	417
Total Valid Signatures	641
Total Unchallenged Sig.	298

**168 Signatures greater than the required minimum**

11. On 1/3/19, Objector, Objector's counsel, Avila, and Candidate's counsel Norwell appeared. Objector insisted on moving forward on the remaining issues in his petition, as well as requested time to obtain affidavits to challenges signatures found in favor of Candidate. The Hearing Officer gave Objector until 1/8/19 at 10:30 a.m. to file any documents or pleadings. Candidate was given until 1/9/19 at 5:00 p.m. to file any counter-affidavits or pleadings. The matter was set for a telephone status conference on 1/6/19. The next hearing in the case was set for 1/10/19 for a Rule 8 hearing.

12. On 1/10/19, Objector appeared telephonically through his attorney, Avila, and Candidate through his counsel Norwell. Both the Hearing Officer and Counsel for Candidate noted that, even if Objector was successful on each signature at issue vis-à-vis the remaining circulator objections in his Petition, Candidate would still have sufficient signatures to make the ballot. Further, Objector failed to file any additional pleading within the time allotted by the Hearing Officer. Consequently, there was no dispute that the Candidate had the requisite number of signatures based on the Final Petition Summary Report.



12. Accordingly, since the Candidate has the minimum number of signatures on his petition sheets pursuant to the records examination, the Hearing Officer recommends that the Chicago Board of Election Commissioners order that the name of **MAJID MUSTAFA** be printed on the ballot for Alderman from the 50th Ward, City of Chicago, in the General Primary Election to be held on February 26, 2019.

    /s/ Travis Richardson    

Travis Richardson

Hearing Officer

Travis Richardson

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