

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

Objections of: GINA ZUCCARO and)
EMMA JEAN ROBINSON)
)
To the Nomination) No.: 19-EB-ALD-065
Papers of: JASMINE JACKSON)
)
Candidate for the office of)
Alderman of the 28th 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 GINA ZUCCARO and EMMA JEAN ROBINSON (“Objectors”) to the nomination papers (“Nomination Papers”) of JASMINE JACKSON, candidate for the office of Alderman of the 28th 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 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 Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Rodney Stewart 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 or filed appearances during such hearing; the Objectors, GINA ZUCCARO and EMMA JEAN ROBINSON, and/or their Attorney, JAMES P. NALLY; and the Candidate, JASMINE JACKSON, and/or her Attorney, MICHAEL C DORF.

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 was 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 remaining number of signatures deemed valid as a result of the records examination total 526.

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 the office of Alderman for the 28th Ward of the City of Chicago.

14. The Hearing Officer conducted a hearing to allow the Objectors an opportunity to present evidence in support of their Rule 8 motion objecting to the Board's clerk's findings during the records examination. Following the Rule 8 hearing it was determined the Candidate's Nomination Papers contained 504 valid signatures.

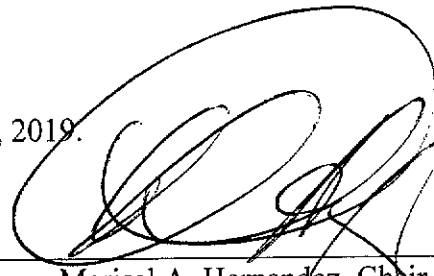
15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 504 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 28th 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.

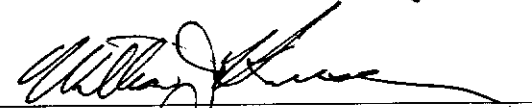
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of JASMINE JACKSON are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of GINA ZUCCARO and EMMA JEAN ROBINSON to the Nomination Papers of JASMINE JACKSON, candidate for the office of Alderman for the 28th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JASMINE JACKSON, candidate for the office of Alderman for the 28th 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.

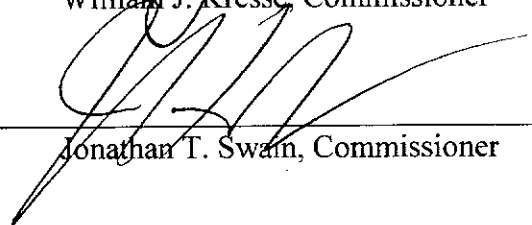
Dated: Chicago, Illinois, on Friday, January 18, 2019.



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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS ATHE DULY CONTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATING PAPERS OF CANDIDATES FOR THE
FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR ALDERMAN
OF THE 28th WARD IN THE CITY OF CHICAGO**

GINA ZUCCARO and)	
EMMA JEAN ROBINSON,)	
Objectors,)	
-v-)	NO. 19-EB-ALD-065
)	
JASMINE JACKSON,)	
Candidate.)	

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 10, 2018. The Objector appeared through counsel, James P. Nally, and the Candidate appeared through counsel, Michael C. Dorf. Disclosure forms were submitted. The Board Exhibits were introduced into evidence without objection. Parties agreed to accept service of documents via email. The parties were given the opportunity to file preliminary motions. A briefing schedule was set pursuant to the Candidate’s request to file a Motion to Strike and Dismiss. A records examination was ordered pursuant to the issues outlined by the Objector. The matter was scheduled for further hearing and continued to December 14, 2018.

On December 14, 2018, all parties appeared personally or thru their respective counsel. The Candidate had filed the Motion to Strike and Dismiss, the Objector filed a Response and the Candidate filed a Reply (incorrectly entitled Response). The Motion was presented and argued. The Candidate raised the arguments that the Objector’s Petition raises “shot gun” objections: that the signatures were not that of registered voters; that the signatures of the voter not genuine; and that the Objector’s Petition is based upon a pattern of fraud. The Candidate offered the argument that newer computer technology allowing signature comparisons has made the case of Stearns v. Latiker, 08-EB-RGB-12 (Chicago Electoral Board 2007) obsolete. In light of the fact that Stearns v. Latiker remains good law; that the issues raised in the Objector’s Petition is based upon a question of fact; and that the Candidate was put on sufficient notice of the issues, it is recommended that the Candidate’s Motion to Strike and Dismiss be denied. The matter was continued to Wednesday, December 19, 2018 at 9:30 am for Status Hearing with respect to the Records Examination.

On December 19, 2018, all parties appeared personally or thru their respective attorney. Michael C. Dorf appeared on behalf of the Candidate. James P. Nally appeared on behalf of the Objector. The matter is scheduled for Status with respect to the Records Examination. The Records Examination was reported to have started on Tuesday, December 18, 2018 at 1:15pm and to be

ongoing. Both parties acknowledged being aware of the Records Examination. Due to the anticipated extensiveness of the Records Examination and the holidays, it was requested by the Candidate's attorney and agreed to by the Objector's attorney that all parties will file a Rule 8 Motion, if required, by Friday, December 28, 2018 at 5:00pm. The matter is continued to Thursday, December 27, 2018 at 6:00pm for Status with respect to the Records Examination.

The parties convened on December 27, 2018. The Objector appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The parties reported that everyone had been properly notified and that the Records Examination was underway. The results would still have to go to the Handwriting Expert for evaluation. The matter was continued to January 2, 2019 at 12:15 p.m. for Status Hearing with respect to the Records Examination.

The parties convened on January 2, 2019. The Objector appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The Candidate, Jasmine Jackson was present. The parties reported that everyone had been properly notified and that the Records Examination was completed. The Candidate's attorney presented a Preliminary Summary Report which indicated that the Candidate had 89 signatures greater than the required number to appear on the ballot. It was further reported by the Candidate's attorney that the matter has been sent to the Handwriting Expert for evaluation and review. All parties were advised and agreed to abide by the Chicago Board of Election Rules of Procedure in the event the report to be submitted by the Handwriting Expert is completed prior to the next Status Hearing date. The matter was continued to January 5, 2019 at 9:30.m. for Status Hearing with respect to the Records Examination.

The parties convened on January 5, 2019. The Objector appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The Candidate, Jasmine Jackson was present. The Final Summary Report indicates that the Candidate has 53 signatures greater than the required minimum. Both the Objector and the Candidate filed Rule 8 Motions on January 3, 2018. Due to scheduling conflicts and the need to gather Affidavits, the matter was continued to January 10, 2019 at 11:00 a.m. for Rule 8 Hearing.

The parties met on January 10, 2019. The Objector appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The Candidate, Jasmine Jackson was present. Candidate raised objections to the affidavit stating fraud with respect to the original affidavits. The affidavits were exchanged at the hearing and in front of the Hearing Officer and neither party has had a chance to previously review the affidavits. Pursuant to the Candidate's motion, and in an effort to allow time to review the evidence, this matter was continued to Friday, January 11, 2019 at 5:00 p.m. for Rule 8 Hearing.

The parties met on January 11, 2019. The Objectors appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The Candidate, Jasmine Jackson was present. The matter was set to begin the Rule 8 Hearing. Due to two Emergency Motions having been filed in different matters (Mimms, et. al v. Brown Cook, 19-EB-MUN-007 and Gunn, et. al. v. Brown Cook, 19-EB-MUN-013), the Rule 8 hearing was continued to Monday, January 14, 2019 at 5:00 p.m.

The parties met on January 14, 2019. The Objectors appeared through counsel, James P. Nally and the Candidate appeared through attorney Michael C. Dorf. The Candidate, Jasmine Jackson was present. The Rule 8 Hearing was conducted. The Candidate had 53 signatures greater than the required minimum. The Objectors presented evidence pertaining to three issues: 1) Signature Not Genuine; 2) First in Time signatures; and 3) Voter living outside of the Ward.

The Objectors presented evidence with respect to 81 different voters. With respect to the first issue, Signature Not Genuine, 6 signatures were determined to be invalid. With respect to the second issue, First in Time signatures, 13 signatures were determined to be invalid. With respect to the last issue, Voter living outside of the Ward, 2 signatures were determined to be invalid. It was determined that the Candidate had a total number of 21 invalid signatures leaving 31 valid signatures above the required minimum.

It is the recommendation of the Hearing Officer that Jasmine Jackson be on the ballot as a Candidate for Alderman of the 28th Ward in the February 26, 2019 election and that said recommendation be accepted by the Board.

es// Rodney W. Stewart
Rodney W. Stewart