

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

---

Objections of: GRACE CONTRERAS, )  
MICHAEL ANTHONY RODRIGUEZ and )  
WILLIAM E. ANSON SR. )

To the Nomination ) No.: 19-EB-ALD-074  
Papers of: MARTHA YERANIA RANGEL )

) Rel.: 19-EB-ALD-118

Candidate for the office of )  
Alderman of the 12th 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 GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR. (“Objectors”) to the nomination papers (“Nomination Papers”) of MARTHA YERANIA RANGEL, candidate for the office of Alderman of the 12th 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. The Electoral Board assigned this matter to Hearing Officer John Ashenden for further hearings and proceedings.

5. 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, GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR., and/or their Attorneys, JAMES P. NALLY and SCOTT B ERDMAN; and the Candidate, MARTHA YERANIA RANGEL, and/or her Attorneys, THOMAS JACONETTI, BONNY BUMILLER and PATRICK HANLON.

6. 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.

7. 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 Objectors and/or their duly authorized representative was present during the examination of the registration records.

8. 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.

9. 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 489.

10. 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 12th Ward of the City of Chicago.

11. 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. The Hearing Officer found that the Objectors invalidated an additional two (2) petition signatures

12. 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 487 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 12th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

13. 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.

14. 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 MARTHA YERANIA RANGEL are, therefore, valid.


IT IS THEREFORE ORDERED that the Objections of GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR. to the Nomination Papers of MARTHA YERANIA RANGEL, candidate for the office of Alderman for the 12th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MARTHA YERANIA RANGEL, candidate for the office of Alderman for the 12th 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.



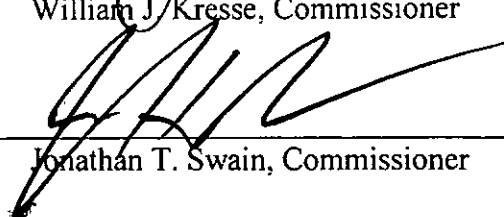
---

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.

**BEFORE THE CHICAGO BOARD OF ELECTION COMMISSIONERS**

GRACE CONTRERAS, MICHAEL )  
ANTHONY RODRIGUEZ, and )  
WILLIAM E. ANSON, SR., ) No. 19-EB-ALD-074  
Objectors, )  
vs. ) John Ashenden  
 ) Hearing Officer  
MARTHA YERANIA RANGEL, )  
Candidate. )

**HEARING OFFICER'S FINDINGS AND RECOMMENDATION**

This matter coming before the Chicago Board of Election Commissioners ("CBOE") on the Objectors' Petition of Grace Contreras, Michael Anthony Rodriguez, and William E. Anson, Sr., ("Objectors") to the nomination papers of Martha Yerania Rangel ("Candidate") for the Office of Alderman of the 12th Ward of the City of Chicago, John Ashenden, Hearing Officer, finds and recommends as follows:

December 10, 2018 Initial Hearing

1. The candidate appeared through Attorney Thomas Jaconette. The objectors appeared through Attorney Bonny Bumiller, for Attorney James P. Nally. Board Group Exhibits A through D were marked and admitted as Candidate Nomination Papers, Objectors' Petition, Returns of Service and Appearances, respectively.
2. Hearing Officer received and reviewed the Board's Petition Summary Report, stating that the total unchallenged signatures equaled 212 and that there were 862 signatures greater than the required minimum of 473.
3. Candidate requested leave to file a motion asking for a "preliminary showing" of proof under Electoral Board Rule 1(b)(xvi) and a motion to strike and dismiss pursuant to Rule 5(b). Hearing Officer instructed Candidate to file their motion by December 11, 2018 at 5:00 p.m. Objectors were given leave to file a response by December 12, 2018 at 5:00 p.m. Candidate was given leave to file a reply by the following day, December 13, 2018 at 5:00 p.m. Briefing schedules were agreed to and Candidate's motion was set for December 18, 2018 at 2:00 p.m.

Objectors' Petition and Candidate's Motion to Strike and Dismiss

4. Objectors' Petition alleges that Candidate's Nomination Papers contain signatures which are not genuine, signatures that are printed and not written in cursive, signatures that do not match the signature on the official voter registration record of the purported signer, the names of persons who are not registered voters at the addresses listed by their names, the names of persons who do not reside within the 12th Ward, the names of persons whose addresses are missing or incomplete, and duplicative signatures. The Petition also alleges that the Nomination Papers contain sheets where the purported circulator did not appear before a notary to swear the circulator's oath.

Objectors' Response to Candidate's Motion to Strike and Dismiss

5. On December 10, 2018, Candidate Martha Yerania Rangel, by and through her attorney, Thomas A. Jaconetty, filed a motion for a preliminary showing of good faith pleading, pursuant to Electoral Board Rule 1(b)(xvi), and a motion to strike and dismiss, pursuant to Rule 5(b). Candidate states that in approximately 539 instances the Objectors have simultaneously challenged a particular signature for two reasons: 1.) that the signature is not genuine, and 2.) that the signer is not registered at the address shown. Objectors also objected to blank lines which contain no signature.

6. On December 12, 2018, Objectors filed their Response to Candidate's Motion. Citing *Stearns v. Latiker*, Objectors argue that "[t]here is no '*per se*' rule invalidating 'dual' objections." 08-EB-RGA-12 (Chicago Electoral Board 2007). Objectors attach to their motion an affidavit from Juan Manzano stating the objections are "the result of a detailed and specific analysis" including the use of an electronic petition review program as well as a team of workers working over several days to review the official records of the Chicago board of Elections. Regarding the objections to blank lines, Objectors state that certain forms of ink do not necessarily transfer to copies "and the cautious objector will note that in relation to blank lines."

7. On December 13, 2018, Candidate filed her Reply. Candidate argues she is not advancing a "*per se* rule" against dual objections, but pointing to "a demonstrative pattern of objections which legitimately brings into question the *bona fide* nature of the objections." Candidate asserts that Rule 1(b)(xvi) where "[t]he Electoral Board may, on its own motion or upon motion of a party, require the objector to make a *preliminary showing*" did not exist when *Stearns* was decided and so the case is not dispositive. Candidate further states that use of a computer program does not excuse the Objectors from "presenting credible evidence to support a minimum burden of proof."

December 18, 2018 Hearing

8. On December 18, 2018, at 2:00 p.m. a hearing on the Candidate's Motion to Strike and Dismiss Verified Objectors' Petition commenced, with all briefs having been timely filed. Attorney James P. Nally appeared on behalf of Objectors. Attorney Thomas Jaconetty appeared on behalf of Candidate. After brief argument on Candidate's Motion, the Hearing Officer recommended that the Motion be denied. A records exam directive was ordered and scheduled for January 3, 2019 at 1:45 p.m.

December 28, 2018 Hearing

9. On December 28, 2018 at 2:00 p.m. parties reconvened for status on the record examination. Attorney Scott Erdman appeared for James P. Nally, on behalf of Objectors. Attorney Thomas Jaconetty appeared on behalf of Candidate. Parties noted that the record examination was not scheduled to occur until after New Year's Day. A status hearing was set for January 9, 2019 at 2:00 p.m.

January 9, 2019 Hearing

10. On January 9, 2019 at 2:00 p.m. parties reconvened for status on the record examination. Attorney James P. Nally appeared on behalf of Objectors. Attorney Thomas Jaconetty appeared on behalf of Candidate. Parties noted that the record examination was in preliminary status and that a handwriting expert has not reviewed the signatures yet. A subsequent status hearing was set for January 22, 2019 at 11:00 a.m.

Objectors' "Early" Rule 8 Motion

11. On January 11, 2019, Objectors submit "early" Rule 8 motion with attached grid requesting an evidentiary hearing on the Record Exam rulings adverse to Objectors. Objectors allege as to each of those rulings that the signature was not the genuine signature.

January 17, 2019 Hearing & Receipt of Candidate's "Early" Rule 8 Motion

12. Parties reconvened for status on the record examination. Attorney Scott Erdman appeared for James P. Nally on behalf of Objectors. Attorney Thomas Jaconetty appeared on behalf of Candidate. Parties acknowledged receipt of Objector's "early" Rule 8 motion in that record exam results were still to be reviewed by Board's handwriting expert. At the hearing, Candidate filed her "early" Rule 8 Motion subject to changes made by the Board's handwriting expert. Attached to Candidate's motion is a Rule 8 Chart listing sheet & Line numbers, voter's name, address and objection type. Attorney Jaconetty requested the Board to produce approximately 30 original signature cards referenced with asterisks for the Rule 8 hearing. The parties agreed to exchange Rule 8 documents by 1 pm on January 21, 2019. The Rule 8 hearing was scheduled for January 22, 2019 at 1:00 pm.

The Final Petition Summary Report

13. On January 19, 2019, Hearing Officer received the Final Petition Summary Report. Of the 1335 total objections, 846 were sustained; 274 were overruled. Candidate requested to review 962. Objector requested 1457 for review. Candidate has 16 signatures greater than the required minimum. Parties early filed their respective Rule 8 motions and the previously scheduled hearing date on the Rule 8 motions is January 22, 2019.

14. Receipt of Candidate's document production for Rule 8 hearing consisting of 47 affidavits of genuineness of petition signature in support of Candidate's early Rule 8 filing. Receipt of Objector's 202 pages of additional affidavits with the corresponding pages of the Candidate's petition along with other evidence in support of Objector's early Rule 8 filing.

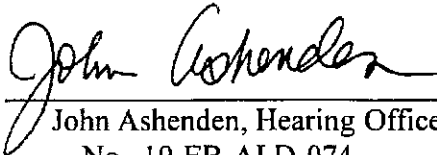
January 22, 2019 Rule 8 Hearing

15. Candidate's additional counsel, Patrick Hanlon appearance filed. Prior to start of Rule 8 hearing, Hearing Officer provided copies of requested thirty Board signature card records referenced in Candidate's Rule 8 motion. Final Petition Summary Report with signatures of voters marked as Group Board exhibit F. At start Candidate has 16 valid signatures greater than the required minimum. Objector has burden of proof.

Convene Rule 8 hearing. Candidate appeared through Attorneys Thomas J Jaconetty and Patrick Hanlon. The objectors appeared through Attorney James P. Nally. Objector commenced with submitting additional evidence consisting of affidavits disputing signatures on the candidate's petitions. Objector's counsel presented over one hundred affidavits and petition sheets for comparison of the signatures. Candidate's counsel presented four contrasting affidavits. All affidavits were accepted into the record. After Objector presented over one hundred affidavits and compared each registration signatures and the Petitions sheet signatures only two Candidate signatures were ruled invalid. Since two objector's affidavits were allowed to refute two signatures on the Candidates petition sheets, Candidate now had 14 Signatures greater than the required minimum. Counsel for the Objector and Candidate held a conference off the record. On the record the parties stipulated that the math will not allow the Objector's case to proceed.

For all the foregoing reasons, the Hearing Office recommends that the name of Martha Yerania Rangel APPEAR on the ballot as a candidate for the Office of Alderman of the 12th Ward of the City of Chicago, Cook County, Illinois.

January 23, 2019

  
John Ashenden, Hearing Officer  
No. 19-EB-ALD-074