

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

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Objections of: JESSICA SANTIAGO )  
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To the Nomination ) No.: 19-EB-ALD-093  
Papers of: ANGEE GONZALEZ )  
 ) Rel.: 19-EB-ALD-048, 19-EB-ALD-152  
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 JESSICA SANTIAGO (“Objector”) to the nomination papers (“Nomination Papers”) of ANGEE GONZALEZ, 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 held on these Objections commenced 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, JESSICA SANTIAGO, and/or her Attorney, JAMES P. NALLY; 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 her 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 Electoral 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 623;
  - C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 211;
  - D. The remaining number of signatures deemed valid as a result of the records examination total 412.

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

11. 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. In the course of the Rule 8 hearing, the Candidate was able to rehabilitate 52 signatures, thus bringing the number of total valid signatures up to 464.

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 464 valid signatures, which is nine (9) less than the minimum number of valid signatures required by law to be placed upon the official 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 invalid.

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 an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of ANGEE GONZALEZ are, therefore, invalid.

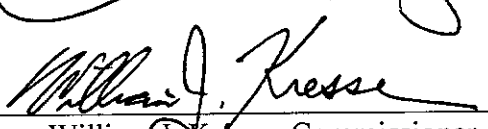
IT IS THEREFORE ORDERED that the Objections of JESSICA SANTIAGO to the Nomination Papers of ANGEE GONZALEZ, candidate for election to the office of Alderman of the 26th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ANGEE GONZALEZ, candidate for the office of Alderman for the 26th Ward of the City of Chicago, SHALL NOT 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.



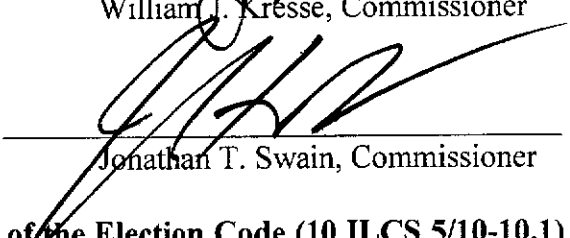
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Marisel A. Hernandez, Chair



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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.

Objections of: )  
                  **JESSICA SANTIAGO** )  
  ) )  
To the Nomination )  
Papers of: )       **No. 19 EB ALD 093**  
                  **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 JESSICA SANTIAGO (“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, by her attorney, James Nally, and the Candidate, 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, because she did not have the requisite number of 473 valid signatures, based on the following objections:
  - A. the nomination papers contained the names of people who did not sign the papers in their own proper persons, whose signatures were not genuine, or complete;
  - B. the nomination papers contained the names of persons who were not registered voters at the addresses shown;
  - C. the nomination papers contained sheets with the names of people whose addresses were not in the 20th Ward, City of Chicago;
  - 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, Rule 8 Motions were timely submitted by each party. Each party attached a list of sheet numbers and line numbers to be ruled on at the evidentiary hearing.

7. On January 18, 2019 at 6:24 p.m., the Candidate filed a Supplement to the Rule 8 Motion ("Supplemental List") to add one additional line, which she stated to be inadvertently omitted from the initial filing (Sheet 61/Line 4 Miriam Magam).

8. The Hearing Officer exchanged emails with the parties through their attorneys and scheduled the evidentiary hearing on the Rule 8 Motions for January 23, 2019 at 10:30 a.m.

9. At the same time, on January 20, 2019, the Candidate through her attorney submitted a modified Rule 8 Motion to include a corrected list of petition sheets and line numbers for signatures to be reviewed at the Rule 8 hearing ("January 20th second list"). As stated at the hearing, the list submitted in the Rule 8 Motion on January 18, 2019 had been for a second case involving the Candidate (19 EB ALD 048, Calderon v. Gonzalez). The corrected list submitted on January 20, 2019 was for an evidentiary hearing in the instant case. The Candidate submitted the corrected when it was discovered.

**Findings of Fact and Conclusions of Law**

10. On continued hearing of this case on January 23, 2019, the Hearing Officer received the Final Petition Summary Report, prepared by staff of the Chicago Board of Election Commissioners, and found the following:

Number of signatures required	473
Total signatures	623
Total objections	298
Total ruled on	298
Total overruled lines	70
Total sustained lines	211
Total valid signatures	412
Total unchallenged signatures	342

61 Signatures fewer than the required minimum

11. The Candidate presented sworn affidavits from voters stating that the objected to signatures were indeed their own. She was also sworn with the intent to testify that she herself had obtained most of the affidavits. The Candidate also presented several precinct poll sheets, or walking sheets to prove that certain signers objected to did indeed reside in the 26th Ward. She also presented several applications for voter registration, which she stated to have submitted to the CBOE, to prove that the objected to signers were registered voters.

12. The Objector objected to using the corrected "January 20th second list" of petition sheets and line numbers which would form the basis for the evidentiary hearing. He stated that it was too late pursuant to Rule 8 (c) of the Rules of Procedure of the CBOE. The Objector objected to allowing the Candidate herself to testify, on the basis that she was not presented as a witness by noon of the previous day, pursuant to the Hearing Officer's directive. The Objector objected to using the "walking sheets" or voter registration applications because there was no indication as to when the information was current; the date on the sheets indicated when the material was obtained from the CBOE but not whether it was valid when the people signed the petition. The Objector made a standing objection to all affidavits submitted pursuant to the "January 20th second list".

13. The Objector presented no evidence, despite stating in his Rule 8 Motion that he would.

14. The "Supplemental List" was admitted into evidence. The Hearing Officer found the lateness to be *de minimis*. She noted the Objector's objection. This concerned one signer.

15. The Hearing Officer did not allow submittal into evidence of the "January 20th second list" but did allow submittal of the affidavits and other evidence as an Offer of Proof.

16. The Hearing Officer allowed submittal of the poll sheets/walking sheets to show that the signers resided at the addresses listed on the petitions, which were in the 26th Ward. These were four to five in number. She did not allow into evidence the voter registration applications because the validity of the signer being a registered voter was too tenuous. These were two in number.

17. The Hearing Officer conducted an extensive review of all the affidavits and went over a number of affidavits a second and third time. The affidavits were all properly sworn and notarized. In many cases the signers appeared to have changed their signatures from a careful spelling in cursive letters of their names on the registration card, but then adopted a scribbled almost logo type signature more recent in time. The affiants stated that the objected to signatures were their own. The reasons for either accepting the validity of an affidavit or not accepting the validity of an affidavit were read into the record during an almost six hour hearing. The benefit of the doubt was given to the Candidate. Where the signature on the registration card agreed with or resembled the signature on either the petition or the affidavit, it was accepted. Where there was no similarity of either the signature or any of the letters in the signature, it was not accepted.

18. In total, for the reasons read into the record recorded by a court reporter, the Hearing Officer found 37 signatures to be rehabilitated, from the January 18th list, and an additional 15 signatures rehabilitated from the "January 20th second list". In the first case, the Candidate was short by 24 signatures. Adding in the second list, she was short by 9 signatures.

19. Except for errors in calculations, the accepted rehabilitation due to the walking sheets and the one submittal late by an hour were included in the "add ins".

20. The testimony of the Candidate as to what she had done to collect affidavits was limited and taken for what it was worth. There was no dispute as to the validity of the affidavits but there was no explanation as to why there were significant differences with the signatures as shown on the voter registration sheets.

21. The Hearing Officer recommends that this Board find that the Nomination Papers of ANGEE GONZALEZ be declared to NOT be VALID for the reasons stated above.

22. The Hearing Officer recommends that this Board order that the name of ANGEE GONZALEZ NOT be printed on the ballot for the Aldermanic Election, 24<sup>th</sup> 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