

BEFORE THE DULY CONSTITUTED CHICAGO ELECTORAL BOARD

ANDREA HERNANDEZ,)	
)	
Petitioners – Objectors,)	19-EB-ALD-125
v.)	No. _____
)	
ANGELA CLAY,)	
)	
Respondent – Candidate.)	

OBJECTORS' PETITION

Objector, ANDREA HERNANDEZ, referred to as "Objector" file this Objector's Petition challenging the legal and factual sufficiency and petition signers contained within the Nomination Papers submitted by ANGELA CLAY, as follows.

1. Objector, ANDREA HERNANDEZ, resides 848 W. Agatite in Chicago, IL 60640, and is a duly qualified, legal and registered voter at this same address in the 46th Ward of Chicago, Illinois.

2. The Objector's interest in filing this objection is that of citizen and voter desirous of seeing to it that the election laws of Illinois governing the filing of nomination papers for the office of Alderman in Chicago are properly complied with, and that only duly qualified candidates appear on the ballot for this office at the municipal election to be held on February 26, 2019.

3. The Objector makes the following objections to purported nomination paper ("Nomination Papers") of Candidate to be voted for at the municipal primary election to be held on February 26, 2019 ("Election"). The Objector states that the Nomination Papers are insufficient in the fact and law for the reasons stated herein and on the attached Appendix-Recapitulation.

4. Pursuant to Illinois law, nomination papers for the office of Alderman must contain the signatures and addresses at least 473 duly qualified, registered and legal voters of the ward in Chicago, Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate and be gathered and presented in the manner provided for in the Illinois Election Code.

5. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, Column A. "A. Signer is not registered at address shown" in violation of the Illinois Election Code.

6. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Papers in their own proper person, and that such signatures are not genuine signatures, but are forgeries, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein under the heading, Column B. "Signer's signature is not genuine," in violation of the Illinois Election Code.

7. The Nomination Papers contain petition sheets with the names of persons who are not registered voters in the appropriate 46th Ward in Chicago, Illinois, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading, Column C. "Signer resides outside of district," where the term district refers to the 46th Ward of Chicago IL, in violation of the Illinois Election Code.

8. The Nomination Papers contain petitions sheets with the names of persons who have not properly written their voter address, or who have omitted their voter address, as is set forth specifically in the Appendix-Recapitulation attached and incorporated herein, under the heading Column D. "Signer's address missing or incomplete," in violation of the Illinois Election Code.

9. The Nomination Papers contain petitions sheets with the signatures, names and addresses of persons who have signed the same petition more than one time, as more fully set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column E. "Signed Petition more than once at Sheet/Line indicated" in violation of the Illinois Election Code.

10. The Nomination Papers contain petitions sheets with the signatures, names and addresses of persons who have signed the same petition of another candidate, as more fully set forth in

the Appendix-Recapitulation attached and incorporated herein, under the heading Column F. "Signed for another candidate (candidate sheet/line #)" in violation of the Illinois Election Code.

11. The Nomination Papers contain petitions sheets with the signatures, names and addresses of persons who have signed the same petition in violation of the Election Code, or otherwise deviated from the requirements of the Election Code, as more fully set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column F. "Other" in violation of the Illinois Election Code.

12. The Nomination Papers are insufficient because they contain fewer than the requisite number of validly collected signatures of duly qualified and registered legal voters of the Chicago, Illinois, signed by such voters in their own proper person with proper addresses, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

13. The attached Appendix Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition, as if fully stated herein.

14. A candidate's statement of candidacy must comply the requirements set forth in the Section 10-5 of the Election Code, 10 ILCS 5/10-5, and a candidate's petition sheets must comply with the requirements set forth in Section 10-4 of the Election Code, 10 ILCS 5/10-4, as governed by the Illinois Municipal Code.

15. The Election Code further states at Section 10-4 (10 ILCS 5/10-4) as follows:

Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

16. Objector further states that the nomination papers filed by Candidate are in violation of

the Election Code because the nomination papers were submitted in a loose fashion, and they were not properly fastened and bound, as required by the Election Code, Section 10-4.

17. In addition, a candidate must file a statement of candidacy and sign and swear to an oath as provided in 10 ILCS 5/10-5 of the Election Code; Candidate however did not swear and affirm an Oath in the Statement of Candidacy, which was signed by a third party, someone other than Candidate. As such, Candidate did not submit a properly sworn to Statement of Candidacy, and the nomination papers are defective and insufficient as a result. Further, Candidate is not a registered voter at 841 W. Windsor, Chicago, IL, and her statement of candidacy is therefore false and perjurious, and in violation of the Illinois Election Code.

18. Candidate also failed to properly sign and file a statement of candidacy with the Cook County Clerk, and the receipt that was attached to her nomination papers is a receipt that was filed by a third party, and not by the Candidate. Candidate's nomination papers are defective and insufficient because the receipt is not for Candidate's filing, and is a nullity, which does not comply with the Illinois Election Code.

19. Further, Candidate's Statement of Candidacy is defective and insufficient, and perjurious because it recites a false statement about the filing of the requisite Statement of Economic Interests, which was not indeed filed by Candidate, but was filed by a third party, and not by Candidate.

20. Candidate's petition sheets contain an address upon her petition sheets that was not Candidate's residence or voter address at the time the petition sheets were being circulated; the Candidate's petition sheets are false and factually incorrect. The Statement of Candidacy contains a different address than written upon the signature petition sheets 1-96, and therefore, each and every signature petition sheet 1-96 should be stricken as being legally and factually insufficient, and in violation of the Election Code.

21. The Candidate, Angela Clay, an unknown third party, and the signing notary engaged in a pattern of fraud in the circulation of sheets that bear the name of Candidate, Angela Clay, but the

signature of a third party, with an unrecognizable name and no corresponding residence address written on the Circulator's Affidavit, and all such sheets are false, fraudulent, and defective, and should be stricken, including but not limited sheets # 4, 5, 6, 7, 8, 9, 10, 11, 12, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92. The person that signed the foregoing petition sheets that bear the name of Angela Clay as circulator did not circulate the sheets, and the signer committed perjury by falsely signing the circulator's affidavit.

22. A majority of signature petition sheets appear to be notarized with a date of November 25, 2018, by various circulators; however, on information and belief, each and every one of the circulators did not personally appear before the notary, and the notary did not properly identify the alleged signers, and the notary did not personally watch each of the signers affix their signatures to the petition sheets of Candidate. Circulators that engaged in this pattern of fraud are Angela Clay (sheet #s 4, 5, 6, 7, 8, 9, 10, 11, 12, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92); Carol Contreras (sheet #s 13, 14) Marc Kaplan (sheet #s 25, 26); Melody Gil (sheet #s 27, 39, 40, 41, 42, 43, 44, 45,); Paul Siegel (sheet #s 28, 29, 30, 46, 47, 48, 55); Yamini Freeman (sheet #s 31, 58, 59, 60, 61); Laurie Odell (sheet #s 32); Lois Ellington (sheet #s 33, 34, 35, 36, 37, 38); Helen Thomas (sheet #s 49, 50, 51, 52, 53, 54); Karen Zaccor (sheet #s 56, 57); Joan Fadayiro (sheet # 92), and the notary for all of the foregoing sheets is Michael Kreloff. The foregoing circulators and notary engaged in a pattern of fraud by circulating a petition sheet that was knowingly false and incorrect, namely, it contained a false address at the top of the petition, which Candidate claimed was no longer a valid address after November 20, 2018. In addition, on information and belief, the foregoing circulators did not personally appear before the notary, and sign the petition sheet while in front of the notary public. In fact, Angela Clay's address for all sheets that were notarized on Nov. 25, 2018 listed 841 W. Windsor as her address, rather than the address shown at the top of the petition, 4509 N. Hazel, Chicago. IL.

23. Petition sheets #31, 58, 59, 60, 61 are defective and in violation of the Election Code,

because the circulator, Yamini Freeman, did not write a residence address upon the circulator's affidavit upon these sheets; all signatures upon Sheets #31, 58, 59, 60, 61 should be stricken and removed from Candidate's nomination papers.

24. Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a "pattern of fraud and false swearing" with and "utter and contemptuous disregard for the mandatory provisions of the Election Code." In addition, an examination of the nominating petition as well as the results of the records examination hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objectors state that this Electoral Board "cannot close its eyes and ears" but will be compelled to void the entire nominating petition as being illegal and void in its entirety under the principles set forth in *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶¶32 – 42; *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill.App.3d 1111 (1st Dist. 2007); *Canter v. Cook County Officers Electoral Board*, 170 Ill.App.3d 364, 523 N.E.2d 1299, 1300 – 1301 (1st Dist. 1988); *Huskey v. Mun. Off. Elec. Bd. for Vill. of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555, 556 – 558 (1st Dist. 1987); and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615, 617, (1st Dist. 1984). This allegation is made with specific reference to petition signature sheets listed in the foregoing paragraphs and, with investigation continuing to, portions of petition signature sheets circulated by each of said circulators. Your Objectors will produce documentary and testimonial evidence that will establish inter alia that:

(a) The purported circulator of the enumerated petition signature sheets listed in the foregoing paragraphs was not, in fact, the actual circulator.

(b) Several signatures were not placed on the petitions by the voters in their own proper persons but were signed by other individuals and family members on the petition signature sheets identified in the immediately foregoing paragraphs.

(c) Several signatures that appear on these sheets identified in the foregoing paragraphs

were written by the same hand and are not genuine and are forgeries.

(d) The circulators of petition signature sheets enumerated in the foregoing paragraphs who were required to provide their true places of residence do not, in fact reside at the addresses contained in their Circulator Oaths, rendering such oaths false and perjurious.

(e) The circulators of these sheets enumerated in the foregoing paragraphs never actually appeared before the Notary Public to take the Circulator Oath, but instead presented these sheets to other persons who procured notarization after the fact and out of the presence of the circulators.

(f) An excessively high percentage of signatures procured by circulator(s) enumerated in the foregoing paragraphs, are not genuine.

24. As such, the combined effect of the errors and deficiencies in Candidate's Nomination Papers renders them legally and factually insufficient, in their entirety, and Candidate has failed to comply with the requirements of the Election Code, and his name should not be printed upon the ballot for the municipal election to be held on February 26, 2019.

WHEREFORE, the Objectors request the following: (a) a hearing on the objections set forth herein; (b) an examination by the Chicago Board of Election Commissioners of the official records relating to voters in the Chicago, IL; (c) a determination that the Nomination Papers are legally and factually insufficient; (d) a decision that the name Angela Clay, shall not be printed upon the official ballot for the office of Alderman, to be voted upon at the municipal election to be held on February 26, 2019.

By: 

Objector