

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS A DULY CONSTITUTED BOARD FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE NOMINATION TO THE OFFICE OF ALDERMAN 45th WARD, CITY OF CHICAGO, COOK COUNTY, STATE OF ILLINOIS

Robert A. Bank and Ronald Ernst,)
)
Petitioner-Objectors,)
)
vs.)
)
John S. Arena,)
)
Respondent-Candidate.)

19-EB-ALD-146

VERIFIED OBJECTORS' PETITION

Now comes **Robert A. Bank and Ronald Ernst** (hereinafter referred to as the "Objectors"), and states as follows:

2018 JAN - 3 4: 53
BOARD OF ELECTIONS

1. Robert A. Bank resides at 5506 N. Lotus, Chicago, Illinois, 60630, in the City of Chicago, 45th Ward; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Alderman 45th Ward, City of Chicago, Cook County, State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Ronald Ernst resides at 5370 W. Lawrence, Chicago, Illinois, 60630, in the City of Chicago, 45th Ward; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Alderman 45th Ward, City of Chicago, Cook County, State of Illinois are properly complied with

and that only qualified candidates have their names appear upon the ballot as candidates for said office.

3. Your Objectors make the following objections to the nomination papers of John S. Arena (“the Nomination Papers”) as a candidate for nomination to the Office of Alderman 45th Ward, City of Chicago, Cook County, State of Illinois, and files the same herewith, and states that the said nomination papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 45th Ward, City of Chicago, the signatures of not less than 473 duly qualified, registered, and legal voters of the said 45th Ward, City of Chicago are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

5. Your Objectors state that the Candidate has filed 259 petition signature sheets containing a total of 2,086 signatures of allegedly duly qualified, legal, and registered voters of the 45th Ward, City of Chicago.

6. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

7. Your Objectors further state that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 45th Ward, City of Chicago and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated “SIGNER NOT REGISTERED AT ADDRESS SHOWN (A),” attached hereto and

made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objectors further state that the said nomination papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 45th Ward, City of Chicago as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT IN WARD (B)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objectors further state that the said nomination papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT PROPER PERSON AND NOT GENUINE (C)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

10. Your Objectors further state that said nominating petition contains the signatures of various individuals who have signed the petition more than once, and such duplicate signatures are invalid, as more fully set forth in the Appendix-Recapitulation, under the column designated "SIGNED PETITION TWICE (D)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

11. Your Objectors state that various purported signatures are legally defective and deficient in that the address shown next to said voter's name is incomplete, as more fully set forth in the Appendix-Recapitulation, under the column designated "INCOMPLETE ADDRESS

(E)” attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

12. Your Objectors state that said Nomination Papers contain petition sheets wherein the purported circulator’s affidavit is not properly notarized as is set forth specifically in the Appendix-Recapitulation, at the space designated “SHEET NOT PROPERLY NOTARIZED” attached hereto and made a part hereof, and as set forth in the following paragraphs, all of said petition sheets being in violation of the statutes in such cases made and provided. This allegation is made specifically with respect to petition page number 7.

13. Your Objectors state that the Nomination Papers contain petition sheets purportedly circulated by individuals whose petition sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every signature on every sheet purportedly circulated by said individuals are invalid, and should be invalidated, in order to protect the integrity of the electoral process, in accordance with the principles set forth in the decisions of *Canter v. Cook County Officers Electoral Bd.*, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1st Dist. 1988); *Huskey v. Municipal Officers Electoral Bd. for Village of Oak Lawn*, 156 Ill.App.3d 201, 509 N.E.2d 555 (1st Dist., 1987) and *Fortas v. Dixon*, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984).

14. Your Objectors state that there will be presented substantial, clear, unmistakable, and compelling evidence that establishes a “pattern of fraud and false swearing” with an “utter and contemptuous disregard for the mandatory provisions of the Election Code.” In addition, an examination of the nominating petitions hereunder will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, your Objector states that this Electoral Board “cannot close its eyes and ears” but will be compelled to void the entire

nominating petition, or significant parts thereof, as being illegal and void in its entirety. This allegation is made with specific reference to at least the following:

a. All petition sheets allegedly notarized by Thomas M. Jackson. Mr. Jackson alleges to have notarized petition sheet numbers 13, 22, 23, 35, 48, 133, 146–148, 155, 156, 161, 168, 169, 176, 177, 180, 183-186, 189, 200, 213-217, 219-224, 245 and 246 for the Candidate herein.

The notary signatures on these petitions appear to be not genuine, and appear to have been written by the same hand other than Mr. Jackson's. Mr. Jackson has failed to comply with the Election Code in such a manner that the integrity of the electoral process is impacted, and as such, each of the sheets that she has notarized must be invalidated.

15. Your Objectors state that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 2,086 individuals. The individual objections cited herein with specificity reduce the number of valid signatures below the statutory minimum of 473.

The Candidate Has Not Submitted a Valid Statement of Candidacy
To Qualify For Office

16. Your Objectors state that the Candidate has filed Statement of Candidacy that is signed and notarized by Notary Burton S. Odelson.

17. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

18. 5 ILCS 312/6-104 (a) states a notary public shall not use any name or initial in signing certificates other than that by which the notary was commissioned.

19. Page 18, paragraph C 3 of the State of Illinois Candidates Guide 2019 issued by the Illinois State Board of Elections (“Guide”) states, “The Candidate must swear to (or affirm) and sign the statement of candidacy, and the statement must be notarized.” The Guide makes a very clear distinction between the 3 actions that the Candidate must do to complete the Statement of Candidacy. The Candidate must “swear to (or affirm)”, the Candidate must “sign” and “the statement must be notarized.”

20. Objectors state the signature of the Notary, Burton S. Odelson, is not the same signature by which the notary was commissioned as prohibited by 5 ILCS 312/6-104 (a).

21. Objectors state on its face, the signature of the notary is missing the middle initial, the letter S.

22. Objectors further confirmed the signature to be improper by checking with the Office of the County Clerk David Orr. After reviewing the Statement of Candidacy, the Office of the Cook County Clerk has determined “the signature on the document does not correspond with the signature of the Notary Public as registered”, attached hereto and made a part hereof.

23. Objectors state that the Candidate has submitted a Statement of Candidacy that is NOT properly notarized and thereby invalid.

WHEREFORE, your Objectors pray that the purported nomination papers of John S. Arena as a candidate for nomination to the Office of Alderman 45th Ward, City of Chicago, Cook County, State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate’s name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of John S. Arena as a candidate for nomination to the Office of Alderman 45th Ward, City of Chicago, Cook County,

State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Municipal General Election to be held on February 26, 2019.

Respectfully submitted,

Robert A. Bank
OBJECTOR
Robert A. Bank

Ronald Ernst
OBJECTOR
Ronald Ernst

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Robert A. Bank and Ronald Ernst, the Objectors, on this the 3rd day of December, 2018, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC

My Commission expires: 11 / 09 / 2021



VERIFICATION

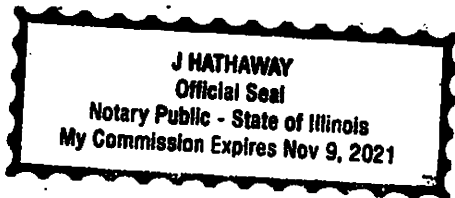
The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

Robert A. Bank
OBJECTOR- Robert A. Bank

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Robert A. Bank, the Objector, on this the 3rd day of December, 2018, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC
My Commission expires: 11 / 09 / 2021



VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

Ronald Ernst
OBJECTOR- Ronald Ernst

County of Cook)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by **Ronald Ernst**, the Objector, on this the 3rd day of December, 2018, at Chicago, Illinois.

[Signature] (SEAL)
NOTARY PUBLIC
My Commission expires: 11/09/2021





VITAL RECORDS
OFFICE OF COOK COUNTY CLERK DAVID ORR
P.O. Box 641070 Chicago, IL 60664-1070



TEL 312.603.7788 FAX 312.603.4899 WEB cookcountyclerk.com

Dear Notary Public Applicant: Burton S. Odelson

This office cannot comply with your request for a Certificate of Authority for the following reason(s):

- This Notary Public is not registered in the State of Illinois.
- This Notary Public is not registered in Cook County; it is registered in _____ county.
- The document was not enclosed.
- The signature on the document does not correspond with the signature of the Notary Public as registered.
- The proper fee was not included with your request. The fee for each notary signature is \$2.
The check or money order should be made payable to:
DAVID ORR, COOK COUNTY CLERK.
- The Notary Public was not registered as a Notary Public at the time the document was notarized.
- Notary Public's seal is required to appear on the document; the raised or embossed seal is not valid if the Notary Public was commissioned on or after July 1, 1986.
- The name shown on the seal and the name shown on the registration card does not match, they must be exactly the same.
- The Notary Public's signature must be an original signature, not a photocopy signature.
- The expiration date of the Notary Public's commission must appear on the document.
- The Notary Public must make certain that he or she is positively identifying the signer of said document.
- The Notary Public's seal must be stamped clearly on the document in order for this office to verify the signature of the Notary Public.

Please make the above correction (s) and return the materials to:

Cook County Vital Records
P.O. Box 641070
Chicago, IL 60664
Attention: Notary Unit

Sincerely,

Cook County Clerk

DA

STATEMENT OF CANDIDACY

NAME	ADDRESS	OFFICE & WARD
JOHN S. ARENA	4137 N. LeClaire Ave. Chicago, Illinois 60641	ALDERMAN 45 th Ward CITY OF CHICAGO Cook County, State of Illinois

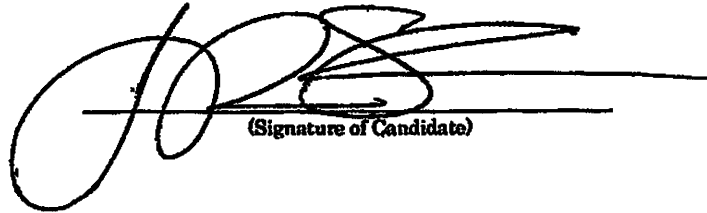
STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS.

I, John S. Arena, being first duly sworn (or affirmed), say that I reside at 4137 N. LeClaire Ave., in the City of Chicago, Zip Code 60641, in the County of Cook, State of Illinois; that I am a qualified voter therein; that I am a candidate for election to the office of Alderman for the 45th Ward in the City of Chicago, County of Cook, State of Illinois, to be voted upon at the Election to be held on February 26, 2019, and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

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

NOV 19 2018

9:00 A.M. PETITION FILING



(Signature of Candidate)

Signed and sworn to (or affirmed) by John S. Arena before me, on
(Print Name of Candidate)

11/17, 2018.
(Insert month, day)

(NOTARY SEAL OR STAMP)

BURTON S. ODELSON
 Notary Public - State of Illinois
 My Commission Expires 7/25/2021



(Signature of Notary Public)