

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

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Objections of: DAVID HERRERA	)	
	)	
	)	
To the Nomination	)	No.: 19-EB-ALD-153
Papers of: THERESA SIAW	)	
	)	Rel.: 19-EB-ALD-055
Candidate for the office of Alderman for 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 DAVID HERRERA (“Objector”) to the nomination papers (“Nomination Papers”) of THERESA SIAW, candidate for the office of Alderman for 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 Joseph Morris for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them 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, DAVID HERRERA, and/or his Attorney ED MULLEN; the Candidate, THERESA SIAW, and/or her Attorney JAMES P. NALLY.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

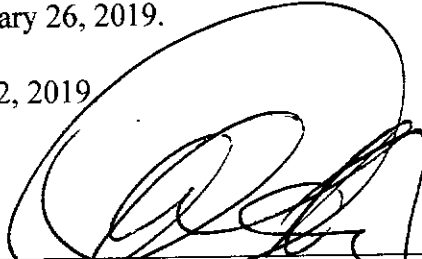
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer Report and Recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid, in accord with the Board's ruling in related case 19-EB-ALD-055.

IT IS THEREFORE ORDERED that the Objections of DAVID HERRERA to the Nomination Papers of THERESA SIAW, candidate for the office of Alderman for the 26th Ward

of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of THERESA SIAW, candidate for the office of Alderman for the 26th 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 Saturday, January 12, 2019



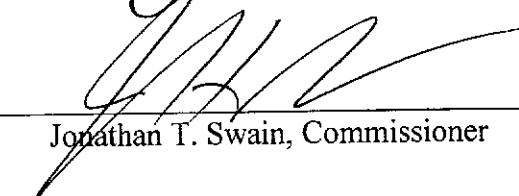
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Marisel A. Hernandez, Chair



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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.

BEFORE  
THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO  
AS THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OBJECTIONS  
TO NOMINATION PAPERS OF CANDIDATES  
FOR THE FEBRUARY 26, 2019, MUNICIPAL GENERAL ELECTION  
FOR MAYOR, CLERK, TREASURER, AND ALDERMAN  
IN THE CITY OF CHICAGO

DAVID HERRERA,	)	
	<i>Objector,</i>	)
	)	
vs.	)	No. 19-EB-ALD-153
	)	
THERESA SIAW,	)	Hearing Officer Morris
	)	
	<i>Candidate.</i>	)
	)	

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**REPORT OF THE HEARING OFFICER**

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**Introduction**

1. This is a case in which the Objector alleged that the Nomination Papers of the Candidate, who seeks election as the Alderman of the 26h Ward of the City of Chicago, included many petition sheets that were circulated by circulators who do not reside at the addresses stated in the circulators' affidavits. The evidence shows, however, that in the circulators' affidavits, the circulators did supply true addresses at which the circulators could be contacted by the Electoral Board in the event that their evidence was required to test the sufficiency of the Nomination Papers. The applicable statutes require street addresses of circulators but do not command that they be residential addresses. Prior decisions seem to support both sides. The Hearing Officer concludes that better precedents favor a reading of the statutes which has the advantage of hewing to the plain meaning of their texts. For the reasons set forth below, the Hearing Officer reports and recommends

that this Objector's Petition be denied and that the issue of the sufficiency of the circulators' affidavits be resolved in favor of the Candidate. A decision in this case will not in itself dispose of the overall question of this Candidate's access to the ballot, however, as there is pending a related case involving the same Candidate, *Calderon v. Siaw*, No. 19-EB-ALD-055, which must also be decided.

### **Procedural Background**

2. An Initial Hearing was held herein on December 10, 2018. The Objectors attended by counsel, Ed Mullen, and the Candidate attended by counsel, James M. Nally. Appearances of the parties were entered and exchanged and counsel on both sides submitted e-mail addresses from and through which they agreed to file and serve papers and otherwise communicate with the Electoral Board, the Hearing Officer, and each other. Confidentiality and non-disclosure Agreements were properly executed and filed. The Candidate's Nomination Papers were marked as Board Exhibit A and received into the record. The Objectors' Petition was marked as Board Exhibit B and received into the record. The Notice of Call and the parties' waivers of service of summonses were marked as Board Group Exhibit C and received into the record. The parties' written appearances and confidentiality and non-disclosure agreements were marked as Board Group Exhibit D and received into the record.

3. The Objector's Petition asserted two principal claims: First, that the Nomination Papers contained fewer than the minimum number of valid signatures of qualified electors — 473 — required to earn access to the ballot; and second, that the Nomination Papers contained sheets that were circulated by persons who, in subscribing to the circulators' affidavits, supplied addresses that were not their residential addresses.

4. It appearing that a records examination was required, at the Initial Hearing the Hearing Officer entered a directive for the conduct of a records examination.

5. No motion to strike and dismiss the Objector's Petition, or other dispositive motion, was filed.

6. Several Status Hearings were held at frequent intervals awaiting a report of the records examination.

7. An inspection of the face of the Nomination Papers disclosed that, if the petition sheets that had been attacked in Paragraphs 12 and 15 of the Objector's Petition were not rendered invalid because of a defect in the circulators' affidavits, then the Candidate's Nomination Papers were supported by more than the minimum number of valid signatures of electors required for access to the ballot. On or about December 21, 2018, the Deputy Executive Director of the Board, acting in his capacity as superintendent of the Board's records examiners, so informed the Hearing Officer and the parties.

8. A further Status Hearing was held herein on December 28, 2018, at which the parties agreed that the principal issue remaining in the case was the question of the lawfulness of the addresses stated by the challenged circulators in their circulators' affidavits; if the addresses satisfy the requirements of law, Candidate's Nomination Papers will meet or exceed the minimum number of required petition signatures; if the addresses do not satisfy the requirements of law, then the records examination must be conducted so as to determine whether or not the remaining petition sheets contain the valid signatures of 473 or more electors of the 26th Ward of the City of Chicago. Accordingly, the Hearing Officer established a schedule under which the parties were to exchange exhibits, affidavits, and witness lists and the matter was set down for evidentiary hearing on the

question of whether or not certain circulators' affidavits set forth legally acceptable addresses of the circulators (as framed by Paragraphs 12 and 15 of the Objector's Petition) on December 31, 2018. Unfortunately, shortly thereafter one of counsel for the parties sustained an injury that temporarily prevented him from attending to his business, including the hearing on December 31, 2018. Eventually he recovered and, by agreement of the parties, the evidentiary hearing was scheduled for, and was held, on January 5, 2019.

### **Questions Presented**

9. May a circulator set forth as his address in a circulator's affidavit an address that is a true street address at which he receives mail and messages but is not his residential address?

### **Statutes Involved**

10. (a) Section 10-4 of the Illinois Election Code, 10 ILCS § 10-4, provides in pertinent part as follows:

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States; stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state....

### **The Evidence**

11. An evidentiary hearing was held herein on January 2, 2019. Counsel for both parties were accorded opportunities to deliver opening statements and closing arguments. Witnesses were called and exhibits were received into evidence.

12. The Objector called a witness, Lauren Webber. Ms. Webber was duly sworn and was subjected to direct, cross, redirect, and recross examination; examination by the Hearing Officer; and redirect and recross examination after the Hearing Officer's examination of her.

(a) Ms. Webber testified that she is the campaign manager of the Objector, who has himself filed Nomination Papers seeking the same office.

(b) Ms. Webber testified that she reviewed the Candidate's Nomination Papers and found that Elba Santiago, as circulator, signed circulator's affidavits on the petition sheets identified as Sheets 17, 18, 36, 37, 84, 85, 96, 97, 98, 101, 103, 104, 105, 106, 110, 111, 116, 141, 172, 173, 174, 181, 182, 183, 184, 185, 186, 187, 188, 199, 200, 201, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 232, 233, 241, 242, 447, 448, 514, 515, and 516 of the Candidate's Nomination Papers. Objector's Group Exhibit 1, consisting of photocopies of the foregoing petition sheets circulated by Elba Santiago, was offered into evidence and, without objection it was received.

(c) Ms. Webber further stated that she examined each of those petition sheets and saw, on their faces, that Elba Santiago had completed the text of the circulator's affidavit on each sheet as follows (with the entire text printed except for the underlined portions, which were filled in by hand): "I, Elba Santiago, do hereby certify that I reside at 1555 North Western Avenue Street, in the City of Chicago, County of Cook, State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence...."

(d) Ms. Webber testified that she herself formerly resided within a few blocks of 1555 North Western Avenue in Chicago and that she recognized that address as being a currency exchange rather than a residence.

(e) Ms. Webber further testified that on an unspecified date in late November or early December 2018 she visited 1555 North Western Avenue in Chicago; confirmed that



it was, indeed, the currency exchange as she had recalled; and on inquiry of persons working in the currency exchange was told that Elba Santiago was not then present.

(f) Ms. Webber additionally testified that she reviewed the Candidate's Nomination Papers and found that Daysha Williams, as circulator, signed circulator's affidavits on the petition sheets identified as Sheets 382, 383, 384, 385, and 386 of the Candidate's Nomination Papers. Objector's Group Exhibit 2, consisting of photocopies of the foregoing petition sheets circulated by Daysha Williams, was offered into evidence and, without objection it was received.

(g) Ms. Webber further stated that she examined each of those petition sheets and saw, on their faces, that Daysha Williams had completed the text of the circulator's affidavit on each sheet as follows (with the entire text printed except for the underlined portions, which were filled in by hand): "I, Daysha Williams, do hereby certify that I reside at 1555 North Western Avenue Street, in the City of Chicago, County of Cook, State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence...."

(h) Ms. Webber again testified that, because she herself formerly resided in the neighborhood, she recognized 1555 North Western Avenue as the address of a currency exchange rather than a residence.

(i) Ms. Webber further testified that on an unspecified date in late November or early December 2018 she visited 1555 North Western Avenue in Chicago; confirmed that it was, indeed, the currency exchange as she had recalled; and on inquiry of persons working in the currency exchange was told that Daysha Williams was not then present.

(j) Ms. Webber testified that she knows based on observation, experience, and common sense that 1555 North Western Avenue is a place of business and is not anyone's residence.

(k) Ms. Webber was then shown a photocopy of Sheet 234 of Candidate's Nomination Papers, a sheet that was circulated by Jeremias Cruz, and noted that, at line 3 thereof, there appears the signature as a petitioner of one Luis Ruiz. The parties agreed that, in his Objector's Petition, the Objector did not challenge the validity of the signature appearing at line 3 of Sheet 234 of the Candidate's Nomination Papers. Objector's Exhibit 3, consisting of a photocopy of said Sheet 234 of the Candidate's Nomination Papers, was offered into evidence and, without objection it was received.

(l) Ms. Webber testified that she reviewed the Candidate's Nomination Papers and found that Luiz Ruiz, as circulator, signed circulator's affidavits on the petition sheets identified as Sheets 51, 89, 90, 139, 140, 150, 151, 152, 153, 154, 309, 528, 529, 530, 531, and 532 of the Candidate's Nomination Papers. Objector's Group Exhibit 4, consisting of photocopies of the foregoing petition sheets circulated by Luis Ruiz, was offered into evidence and, without objection it was received.

(m) Ms. Webber further stated that she examined each of those petition sheets and saw, on their faces, that a Luis Ruiz had completed the text of the circulator's affidavit on each sheet as follows (with the entire text printed except for the underlined portions, which were filled in by hand): "I, Luis Ruiz, do hereby certify that I reside at 750 North Long Street, in the City of Chicago, County of Cook, State of Illinois, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were

signed in my presence....”

(n) Ms. Webber called attention to the fact that the Luis Ruiz who had subscribed as an elector to Sheet 234 and the Luis Ruiz who subscribed as circulator to the several other sheets set forth in Objector’s Group Exhibit 4 gave different addresses.

(o) Ms. Webber testified to no further information about the identities of the Luis Ruiz who signed one sheet as an elector and the Luis Ruiz who signed other sheets as circulator. She suggested that because the two persons had the same name and their signatures were similar they were the same person. Ms. Webber was asked if, assuming that they were indeed one and the same person, it were possible that between the time when Mr. Ruiz signed as an elector, at some time prior to the notarization of Mr. Cruz’s circulator’s affidavit on September 4, 2018, and the time when he signed as a circulator, on several days all in the last week of October 2018, he had moved from one residence to another. Ms. Webber conceded the possibility and admitted that she possessed no information one way or the other.

13. The Objector rested.

14. The Candidate called Elba Santiago as a witness. She was duly sworn and was subjected to direct, cross, redirect, and recross examination; examination by the Hearing Officer; and redirect and recross examination after the Hearing Officer’s examination of her.

(a) Ms. Santiago testified that she is a citizen of the United States, that she is upward of 18 years of age, and that she resides at 827 North Pulaski Road, 1st Floor, in the City of Chicago.

(b) Ms. Santiago testified that Daysha Williams is her child, is also a United

States citizen upward of 18 years of age, and resides with her at 827 North Pulaski Road. She was shown Candidate's Exhibit 1, being a copy of her Verification of Registration issued by the Chicago Board of Election Commissioners after the February 2016 canvass, showing that she is a Chicago voter registered to vote from 827 North Pulaski Avenue. Candidate's Exhibit 1 was offered into evidence and, without objection, it was received.

(c) Ms. Santiago further testified that both Daysha Williams and she use the address of the currency exchange at 1555 North Western Avenue as their mailing and contact address for all purposes, and that the staff of the currency exchange, in the ordinary course of their business, consistently and reliably receive all their mail and messages and dutifully hold them for retrieval by Ms. Santiago and Daysha Williams, respectively. Ms. Santiago testified that she regularly and frequently retrieves her mail and messages at the currency exchange, and that it is the best way to contact her.

(d) Ms. Santiago testified that she began using the currency exchange for this purpose several years ago, when she first moved in to her residence on Pulaski Road, and found that the building in which she resided lacked individual mail boxes; mail and deliveries were typically left in unsecured heaps in the building's vestibule; and mail service there was unsafe and unreliable. She further testified that she has relied upon the mail and message receiving services of the currency exchange for many years, successfully, and that everyone, including her creditors, readily contact her via the currency exchange's address. She testified, in addition, that she does not use the currency exchange address to hide from anyone, including creditors or government authorities, or to defraud anyone, but, to the contrary, she uses it because it is the most secure and reliable way in which people needing

to, and desirous of, communicating with her may do so.

(e) Ms. Santiago testified that she has an Illinois driver's license and has had one for several years and that the address stated for her on her driver's license is that of the currency exchange at 1555 North Western Avenue. Ms. Santiago exhibited her driver's license to counsel and to the Hearing Officer and it did, indeed, show her address as 1555 North Western Avenue.

(f) Counsel asked Ms. Santiago how she came to put the 1555 North Western Avenue address on the petition sheets she had circulated on behalf of Candidate. She explained that, when she took the sheets to a notary public for acknowledgment of her signature, the notary asked for proof of identification and was shown her driver's license. She testified that the notary instructed her to conform the address on the circulator's affidavits to the address on her State-issued identification card, that is, her driver's license, and she complied.

(g) Ms. Santiago further testified that Daysha Williams was in the same circumstances, with a driver's license setting forth the 1555 North Western Avenue address, and received the same direction from the notary public.

(h) Counsel exhibited to Ms. Santiago Candidate's Exhibit 2, which she identified as a receipt from the Cook County Clerk (dated January 31, 2017) for a copy of her birth certificate, and she noted that the address used for her by the Cook County Clerk in handling the transaction for a sensitive document regarding which the law requires restricted access was that of 1555 North Western Avenue.

15. The Candidate called Jeremias Cruz as a witness. The Objector objected on the

ground that the Candidate had failed to disclose Mr. Cruz as a witness on the witness lists that the Hearing Officer had ordered be seasonably exchanged. The Hearing Officer permitted the Candidate to proceed with an offer of proof while the tendered witness list was found. The offer of proof concerned the identity or identities of Luis Ruiz. The Candidate's witness list was located and the name of Jeremias Cruz was not found among the witnesses named on it. The Hearing Officer sustained the objection and has not considered the testimony of Mr. Cruz as given in the offer of proof.

16. The Candidate rested.

#### Analysis and Evaluation

17. Objector bears the burden of proving that the Candidate is ineligible for office. *Hagen v. Stone*, 277 Ill. App. 3d 388, 390 (1995). The Objector thus bears the burden of proof in showing that the Candidate's Nomination Papers are fatally defective.

18. At the very outset, then, it is clear that the objection to Luis Ruiz as a circulator cannot be sustained. The Objector failed to establish that Luis Ruiz the elector and Luis Ruiz the circulator were the same person; and the Objector failed to establish that, if he were, indeed, the same person, that he did not have a valid and lawful reason for having two different addresses at two different times.

19. As for Circulators Elba Santiago and Daysha Williams, there exists no genuine issue of material fact. They reside at one place (827 North Pulaski Avenue) and they gave a nonresidential address (1555 North Western Avenue) on their circulator's affidavits. The Objector so alleged; and Candidate's witness, Elba Santiago, so admitted.

20. The question before the Board, then, is purely a question of law: Must the address

given by a circulator on the circulator's affidavit in Nomination Papers filed under Section 10-4 of the Election Code, 10 ILCS § 5/10-4, be the circulator's residence and no other address?

21. The Objector argues that this case is controlled by the precedent of *Zaragoza v. Vazquez*, 16-EB-RGA-03 (Chicago Electoral Board 2016), *reversed*, *Vazquez v. Board of Election Commissioners of the City of Chicago*, 16-COEL-3 (Cir. Ct. Cook Cty., Ill., 2016), *electoral board decision affirmed*, 2016 IL App (1st) 160349-U.

(a) The holding in *Zaragoza* comes remarkably close, in some respects, to the facts of this case, involving conforming the address set forth on a circulator's affidavit to the address on one's State-issued identification card. In *Zaragoza* a circulator passed petition sheets in the fall of 2015 on behalf of a candidate for election to the General Assembly. On each sheet he stated his address as a certain place in Wilmette. The truth was, however, that he had been evicted from that address the previous spring, and thereafter lived with a relative in Matteson. Even though he renewed his State identification card, he did not update his address, and allowed the State card to be reissued with an address that was no longer his own. When the time came to appear before a notary to subscribe his circulator's affidavits, he used the Wilmette address because it was still the address on his State identification card. The electoral board found that the circulator was not guilty of a "minor mistake" but that he made a conscious decision to give a false statement under oath that he lived at the Wilmette address when he no longer lived there by the time he began circulating the petition sheets. He had no on-going connection of any kind with the Wilmette address; having been forcibly removed — evicted — from it, he was in no position to expect people, including the Electoral Board, to find him there when needed. His conduct was held to have gone far

afield from “substantial compliance” with the mandatory requirements of the statute that governed his activities. Accordingly, the Electoral Board invalidated all the petition sheets that he had circulated, and, in due course, the Appellate Court upheld the Board.

(b) It is no help to Candidate that the petitions in *Zaragoza* were circulated under that part of the Election Code dealing with partisan nominations, Section 7-10, 10 ILCS § 5/7-10, rather than, as here under that part of the Code, Section 10-4, addressing non-partisan nominations. The material language of the two statutes is the same. Section 7-10 provides, in pertinent part:

At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state....

That text is identical, word for word, to the language of Section 10-4 of the Illinois Election Code, 10 ILCS § 10-4, which provides in pertinent part as follows:

At the bottom of each sheet of such petition shall be added a circulator’s statement, signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state....

But what is availing to the Candidate here is that, in neither section of the Code is there a requirement that the address be the circulator’s *residential* address. And that is for a very good reason: The law no longer requires circulators to be voters in, or even residents of, the district of the candidate for whom they’re circulating petitions; they are not required even to be citizens and residents of Illinois. A circulator is required to be, simply, a citizen of the United States and over the age of 18. The point of stating the circulator’s address is not to establish qualifications on the part of the circulator by virtue of being a registered voter or



of having status as a stakeholder of some kind in the district. It is not as if the circulator needs to have “significant contacts” with the jurisdiction as if an electoral board were trying to resolve a conflicts of laws case under the “significant relationship” test of cases going back to *Babcock v. Jackson*, 12 N.Y.2d 473, 191 N.E.2d 279, (N.Y. 1963). Rather, it’s more as if a board were using a “government interests” standard of later conflicts jurisprudence, and here the governmental interest is clear: “Listing the circulator’s address is simply the method used by the Election Code to locate a circulator in the event he is needed to testify before an electoral board.” *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529 ¶ 28, 969 N.E.2d 861, 871, citing *O’Connor v. Cook County Officers Electoral Board*, 281 Ill.App.3d 1108, 1112, 667 N.E.2d 672 (1st Dist. 1996). In *Zaragoza*, the circulator gave an address at which it would have been impossible for the electoral board to contact him. In this case, by contrast, Circulators Santiago and Williams gave the best address at which an electoral board could contact them. In that light, *Zaragoza* is readily distinguishable from the case at bar.

22. An earlier decision of this Board, *Lowe and Hurston v. Orozco*, 99-EB-ALD-070 (Chicago Electoral Board 1999), was decided under Section 10-4 of the Code, the provision involved here. There it was made clear that the aim of the requirement that the circulator’s statement at the bottom of a petition sheet include the circulator’s address is to protect the integrity of the electoral process by enabling an electoral board to locate the circulator, question him about signatures, and hold the circulator responsible for his oath. In that case a circulator supplied her address on one petition sheet, but, although signing all sheets, neglected to include her address in the appropriate space at the bottom of each sheet. The Board held the circulator to be nonetheless in substantial

compliance with the commands of the Election Code because the circulator had subscribed the notarized certificate on each sheet, thus taking responsibility for the truth of the matter stated in the circulation statement, and had supplied in at least one clear place an address at which she could be contacted by the board. In this case, Circulators Santiago and Williams took substantial compliance to an even higher level, by supplying a contact address on every sheet — an address that the evidence shows, without contradiction, is the best place at which to contact them to summon them to give evidence or otherwise explain themselves to the Board.

23. The Objector did not argue, but the Hearing Officer notes, that use of an actual residential address might be argued to be required by the plain language of the certification to which the circulator subscribed under oath: “I, [Circulator] do hereby certify that I *reside* at ...” (*emphasis added*). For that statement to be truthful, the address which then followed would have to be the circulator’s residential address and not some other point of contact (*e.g.*, office, place of business, home of a friend or relative, post office box, or mail drop). Failure to parse an affidavit carefully and to tell the truth in giving one, even as part of a standard form to be completed, is a serious matter, and deviations from the truth in statements given under oath should not be lightly countenanced. After all, this Board has taught that if a circulator’s affidavits are false and perjurious, that can be evidence of a pattern of false swearing, leading to the invalidation of all signatures on petition sheets circulated by a circulator whose attitude toward the truth is demonstrably cavalier. *Arrington v. Jenkins*, 91-EB-ALD-083 (Chicago Electoral Board 1991). But the risk here is truly that of elevating form over substance, where the form adopted for the petition sheets assumed and imposed a requirement — the statement of the circulator’s residential address — that is not required by the statute, which demands merely a “street address or rural route number” and the “county, city, village

or town, and state". The presence of the word "state" is telling, because it underscores that the purpose of the requirement is to ensure an ability to locate and contact the circulator, not to establish that the circulator is a resident of, and thereby a stakeholder in, the district in and for which the candidate seeks election.

24. In the end, the best reading of the law is the reading that conforms to the precise and unambiguous wording of the statutory text, and that does not add requirements that the legislature did not enact. The statute demanded of Circulators Santiago and Williams a "street address or rural route number" and they supplied such an address. The address may not have been their residence, but it was, as the uncontroverted evidence shows, the best address at which to contact them. They thus complied with both the letter and the spirit of Section 10-4.

**Recommended Decision**

25. On the bases of a facial examination of the Nomination Papers, of the Objector's Petition, of all the testimony heard and exhibits received at an evidentiary hearing, and of all other proceedings held herein, the Hearing Officer recommends that the Electoral Board enter the following findings of fact:

(a) Circulators Santiago and Williams use the street address of 1555 North Western Avenue in the City of Chicago.

(b) Circulators Santiago and Williams can be contacted by written communications and messages delivered to them at 1555 North Western Avenue in the City of Chicago.

(c) There is no evidence establishing that the address of Circulator Ruiz is other than at 750 North Long Street in the City of Chicago.

26. The Hearing Examiner recommends that the Electoral Board enter the following conclusions of law:

(a) The Objector failed to bear his burden of establishing that the addresses given by Circulators Santiago, Williams, and Ruiz are other than street addresses at which they can actually be contacted.

(b) Section 10-4 of the Election Code requires only that a circulator supply a true address at which he can be contacted, and not necessarily the address of his residence.

(c) The Objector's Petition is not well founded, and the relief sought therein should be denied.

(d) The Candidate's Nomination Papers are sufficient in law and fact.

27. The Hearing Examiner recommends that the Electoral Board enter the following final administrative decision, subject to the disposition of a related case involving the same Candidate, *Calderon v. Siaw*, No. 19-EB-ALD-055:

The name of THERESA SIAW shall appear and shall be printed on the ballot for election to the office of Alderman of the 26th Ward of the City of Chicago to be voted for at the Municipal General Election to be held on February 26, 2019.

Enter:

*/s/* **JOSEPH A. MORRIS**

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JOSEPH A. MORRIS  
Hearing Officer

Dated: January 6, 2019.