

IF WAITING IN LINE
TO FILE AT 5:00 PM:

COPY

BEFORE THE BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO ELECTORAL BOARD DULY CONSTITUTED FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 26th WARD OF THE CITY OF CHICAGO, COOK COUNTY, ILLINOIS, TO BE VOTED UPON AT THE FEBRUARY 26, 2019 MUNICIPAL GENERAL ELECTION.

DAVID HERRERA,

Petitioner-Objector,

v.

Case No.

19-EB-ALD-153

THERESA SIAW,

Respondent-Candidate.

OBJECTOR'S PETITION

Petitioner-Objector David Herrera ("Objector") hereby file this Objector's Petition pursuant to Article 10 of the Election Code and 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the nomination papers of Respondent-Candidate Theresa Siaw ("Candidate") for the position of Alderman of the 26th Ward of the City of Chicago, Illinois, and the validity of voter signatures contained therein, which are not in compliance with Illinois law, as follows:

BOARD OF ELECTIONS
618 JAN-30 5:03

1. Objector David Herrera resides at 2455 W. Ohio St., #15W, Chicago, Illinois 60612, and is a duly qualified, legal and registered voter at this same address within the 26th Ward of the City of Chicago, Illinois.
2. The Objector's interest in filing this objection is that of citizens and voters desirous of seeing to it that the election laws of Illinois governing the filing of election petitions are properly complied with, and that only duly qualified candidates for the office of Alderman of the 26th Ward of the City of Chicago shall appear on the ballot for the Municipal General Election on February 26, 2019.

3. Candidate filed a Statement of Candidacy and petition signatures seeking to be placed on the ballot for election to the position of Alderman of the 26th Ward of the City of Chicago (“Nomination Papers”).

4. Pursuant to Illinois law, the Nomination Papers of Candidate shall contain at least 473 signatures of qualified electors of the 26th Ward of the City of Chicago, collected in the manner prescribed by law between August 28, 2018 and November 26, 2018.

5. Objector states that the Nomination Papers filed by Candidate are insufficient in fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein. A mark in a column on the Appendix-Recapitulation represents an objection to the line number listed in the left column for the corresponding sheet of Candidate’s Nomination Papers.

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

7. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Petitions in their own proper person and that such signatures are not genuine signatures and/or were written by someone else who is not the person with that name, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column “B. Signer’s signature not genuine”, in violation of Illinois law.

8. The Nomination Papers contain petition sheets with the names of persons who reside outside of the 26th Ward of the City of Chicago, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "C. Signer resides outside Ward", in violation of Illinois law.

9. The Nomination Papers contain petition sheets with the names of persons who have not provided their address or whose address is otherwise incomplete or illegible, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "D. Signer's address is missing or incomplete", in violation of Illinois law.

10. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time, and each duplicate signature is invalid, as set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column "E. Signer signed petition more than once at line/sheet indicated", in violation of Illinois law.

11. The Nomination Papers contain petition sheets with the signatures, names and addresses of persons who are not duly qualified electors of the 26th Ward of the City of Chicago, or are otherwise invalid, incomplete, or not otherwise capable, authorized or qualified to sign the Nomination Papers, or the line is incomplete, illegible stricken, or otherwise deficient or defective as set forth more fully in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "F. Other", in violation of Illinois law. These objections include, but are not limited to: improper address; names stricken or crossed out from the sheets; use of only a partial name; improper use of a name; or individual signature

lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signature being in violation of Illinois law.

12. The Nomination Papers contain petition sheets which did not otherwise comply with the circulator's affidavit and notarization requirements of the Illinois Election Code, as indicated on each Appendix-Recapitulation sheet which contains a mark adjacent to the objections at the lower portion of the sheet as follows: Circulator did not sign Circulator's Statement; Circulator did not Personally Circulate Sheet; Circulator does not reside at the address shown; Circulator did not appear before a notary; Circulator is not a U.S. citizen, Circulator's Statement is not properly notarized; Circulators' Address is incomplete; or Other. For such objection, the entire sheet is invalid and all signatures contained thereon should be stricken and not counted as they were not properly circulated and are in violation of the Illinois election code, as set forth in the Appendix-Recapitulation sheets attached and incorporated herein.

13. The Nomination Papers are factually and legally insufficient because they contain fewer than 473 validly collected signatures of duly qualified and registered legal voters of the 26th Ward of the City of Chicago, Illinois, signed by voters in their proper person with proper addresses, as demonstrated by the objections in the Appendix-Recapitulation sheets attached and incorporated herein.

14. The attached Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition as though fully set forth herein. Each corresponding mark in a column is an objection for the reason stated in the column heading to each line number on the page listed.

15. 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 contemptuous disregard for the mandatory provisions of the Election Code.” In addition, an examination of the Nomination Papers as well as the records examination will reveal a pervasive and systematic attempt to undermine the integrity of the electoral process. Consequently, Objectors state that this Electoral board “cannot close its eyes and ears” but will be compelled to avoid the Nomination papers in their entirety as being illegal and void under the principles set forth in *Cunningham v. Schaelflin*, 2012 IL App (1st) 120529, ¶¶32-42, 969 N.E.2d 861, and other Illinois cases. Evidence of such a pattern of fraud will include:

- Circulator Ashley Gomez’s petitions contain evidence of a pattern of fraud false swearing and listing of an inconsistent address for sheets 364-373, 425, and 467.
- Circulator Luiz Ruiz signed sheet 234/line 3 with the address of 2848 W Augusta, but the address on all circulator statements is 750 N Long, which is not in the Ward, which would make him ineligible to sign the petition. Sheets 51, 89, 90, 139-141, 150-154, 309, and 528-532 are tainted by the fraud of this circulator.
- Circulator Daysha Williams listed his address on the circulator affidavit as 1555 N. Western Ave., which is a Currency Exchange, affecting sheets 382-386.
- Circulator Elba Santiago listed her address on the circulator affidavit as 1555 N Western Ave., which is a Currency Exchange, affecting sheets 17, 18, 36, 37, 84, 85, 96-98, 101, 103-106, 110, 111, 116, 172-174, 181-188, 199-201, 211-225, 232, 233, 241, 242, 447, 448, and 514-516,
- Circulator Jorge Zaya signed page 428 as “Jose”, indicating that the signature is not genuine, affecting pages 428-432.
- There is at least one forged signature at sheet 397, line 10, circulated by Seselie Gonzalez, affecting pages 396-401.
- Circulator Juan Ruiz signed the circulator affidavit on petition sheets that indicate a pattern of fraudulent signing affecting pages 60, 61, 66-70, 72-76, 91-93, 117-119,

128-132, 247, 263, 270, 275, 276, 304-308, 315, 316, 320-324, 345, 412-416, 421, 533, and 534.

- Circulator DaMarie Coselle signed the circulator affidavit on petition sheets that indicate a pattern of fraudulent signing, affecting pages 48-50, 59, 62-65, 71, 77-83, 94, 95, 120, 127, 133-138, 142-149, 248-262, 271-274, 277-288, 302, 303, 310-314, 317-319, 341-344, 423, 525-527, and 535-538.

16. Objector requests that official, original voter registration records be reviewed and request a finding that the Nomination Papers are factually and legally insufficient with fewer signatures than required, such that the Electoral Board shall issue a decision that the name of Candidate not appear or be printed on the ballot for the February 26, 2019 Municipal General Election.

WHEREFORE, Objector requests the following: (a) a hearing on the objections set forth herein; (b) a records examination be ordered of Candidate's Nomination Papers and the official voter registration records of voters; (c) a determination that the Nomination Papers of Candidate are legally and factually insufficient; (d) a decision that the name of Candidate, "Theresa Siaw", shall not be printed on the official ballot as a candidate for the position of Alderman of the 26th Ward of the City of Chicago, Illinois, for the February 26, 2019 Municipal General Election.

Submitted by:

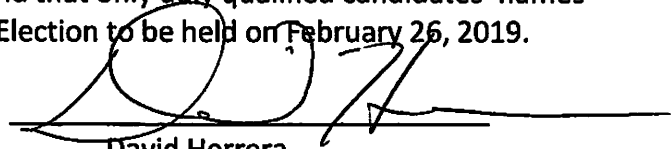


David Herrera
2455 W. Ohio St., #15W
Chicago, Illinois 60612

State of Illinois)
)
County of Cook) ss.

VERIFICATION

The undersigned, having been duly sworn, under oath deposes and affirms that the facts stated in the foregoing Objection are true and correct to the best of his knowledge and belief, and he desires to see the election laws enforced, and that only duly qualified candidates' names be printed on the ballot for the Municipal General Election to be held on February 26, 2019.


David Herrera

Subscribed and sworn to before me
by the above-written Objector on
December 3, 2018.


Notary Public

