

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

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Objections of: GINA ZUCCARO and )  
MONIQUE COOK-BEY )  
)  
To the Nomination ) No.: 19-EB-MUN-017  
Papers of: AMEYA PAWAR )  
)  
Candidate for the office of )  
City Treasurer 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 GINA ZUCCARO and MONIQUE COOK-BEY (“Objectors”) to the nomination papers (“Nomination Papers”) of AMEYA PAWAR, candidate for the office of City Treasurer 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 Objectors and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Christopher Cohen for further hearings and proceedings.

6. The Objectors 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 Call. The following persons, among others, were present at or filed appearances during such hearing; the Objectors, GINA ZUCCARO and MONIQUE COOK-BEY, and/or their Attorney, JAMES P. NALLY; and the Candidate, AMEYA PAWAR, and/or his Attorney, ED MULLEN.

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.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

11. 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 Board's file in this case and a copy has been provided or made available to the parties.

12. 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 12,500.

B. The remaining number of signatures deemed valid as a result of the records examination total 13,095, which is 595 more than required.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of City Treasurer for the City of Chicago.

14. 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 13,095 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of City Treasurer for the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

15. 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 on all matters addressed in his report, and the Board hereby incorporates said report and recommendations herein by this reference.

16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of AMEYA PAWAR are, therefore, valid.


IT IS THEREFORE ORDERED that the Objections of GINA ZUCCARO and MONIQUE COOK-BEY to the Nomination Papers of AMEYA PAWAR, candidate for the office of City Treasurer for the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of AMEYA PAWAR, candidate for the office of City Treasurer for 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 Tuesday, January 22, 2019.



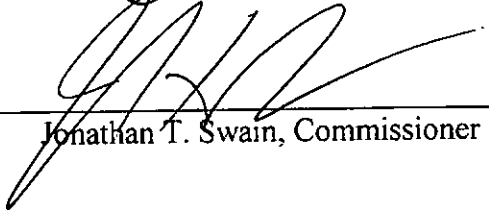
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Marijel A. Hernandez, Chair



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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.

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

Objections of )  
GINA ZUCCARO and )  
MONIQUE COOK-BEY )  
Petitioners and Objectors )  
) )  
) No. 19-EB-MUN-017  
) )  
To the Nomination Papers of: )  
AMEYA PAWAR )  
Respondent and Candidate for election to the )  
Office of Treasurer of the City of Chicago to be voted )  
on at the February 26, 2018 Municipal General Election )

**HEARING OFFICER'S RECOMMENDED DECISION**

This matter came before the Chicago Board of Election Commissioners sitting 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 in the City of Chicago ("Board") on the Verified Objectors' Petition ("Objections") of GINA ZUCCARO and MONIQUE COOK-BEY ("Objectors") to the Nomination Papers of AMEYA PAWAR, Candidate for election to the office of Treasurer of the City of Chicago at the February 26, 2019 Municipal General Election ("Candidate"). The Board appointed attorney Christopher B. Cohen as Hearing Officer for this matter and these proceedings. The Hearing Officer finds and recommends as follows:

1. On November 26, 2018, the Candidate filed Nomination Papers with the Board for the office of Treasurer of the City of Chicago. The Board issued the Candidate a Receipt indicating that when filed these Nomination Papers included a Statement of Candidacy, a Loyalty Oath and Petitions. The Receipt also indicated that the Board photographed the Nomination Papers and that they were bolted when filed.
2. On December 3, 2018, Objectors filed with the Board Objections to the Candidate's Nomination Papers.
3. This Board is the Duly Constituted Electoral Board for hearing and passing on objections to Nomination Papers for the office which is the subject of these proceedings.
4. By the time of the first hearing in this matter on Monday, December 10, 2018, the Board's official file contained the original Nomination Papers of the Candidate and the original Objections of the Objectors. The file also initially contained a Petition Summary Report prepared by the Board and dated December 9, 2018. It indicated that the Candidate presented the Board with 3,066 pages of petitions containing 29,331 signatures, that 41,108 total Objections had been filed to those signatures, that the number of unchallenged signatures totaled 6,522 and that the minimum number of valid signatures required for the office of City Treasurer was 12,500.
5. The Objections alleged that the Petition Sheets and the Candidate's Nomination Papers of which those Petition Sheets were a part were insufficient in fact and law for the following reasons: (Paragraph 2) they contained petition sheets with names of persons who were not registered at the addresses shown opposite their respective names; (Paragraph 3) they contained names of

persons who did not sign in their own proper persons and the signatures were not genuine and were forgeries; (Paragraph 4) they contained petition sheets with names of persons who resided outside the City of Chicago; (Paragraph 5) they contained names of persons whose addresses were missing or incomplete; (Paragraph 6) they contained names of persons who signed the Nomination Papers of this Candidate more than one time; (Paragraph 7) they contained names of persons who signed petitions the nomination petition of another candidate for the same office prior to signing the nomination petition for this Candidate and the signature of the voter on this Candidate's petition is invalid; (Paragraph 8) they contained errors and deficiencies in the circulation and notarization of entire petition sheets; and (Paragraph 9) petition sheets which contained fewer than the required minimum of 12,500 validly collected signatures of qualified and registered voters of the City of Chicago.

6. On December 10, 2018, this Board's Hearing Officer began a public hearing in the nature of a case management conference regarding the Objections at 69 W. Washington, Lower Level Pedway, Chicago, Illinois. This hearing was recorded for transcription by a court stenographer.
7. Objectors GINA ZUCCARO and MONIQUE COOK-BEY appeared not in person but by their attorney, James P. Nally. The Candidate, AMEYA PAWAR, appeared not in person but by his attorney, Ed Mullen. The Board's Clerk was Monica Garcia.
8. During the hearing, the Candidate's attorney and the Objectors' attorney each filed a written appearance. Each party requested service by email. In addition, each filed a Non-Disclosure and Confidentiality Agreement. Each indicated on the record that service of the Board's Call had been received and, in any event, each waived service. No additional service was required.
9. The Hearing Officer confirmed that a copy of the Board's Rules adopted earlier in the day at its December 10, 2018 meeting as well as the Index of Electoral Board Decisions were each available on the Board's website – [www.chicagoelections.com](http://www.chicagoelections.com).
10. During the December 10, 2018 hearing, the Candidate and the Objectors announced they would not be filing preliminary motions. Consequently, the Hearing Officer did not set a briefing schedule.
11. The Objector then requested a Records Examination. After conferring on the record with Charles Holiday, the Board's Records Examination Assignment Officer, the Hearing Officer signed an order directing that a Records Examination be conducted by Board staff. Mr. Holiday indicated that it would begin at 10 am, Tuesday, December 11, 2018 with three teams. Each of the two parties in attendance at the December 10, 2018 hearing received oral notice on the record of the date and time of the Records Examination.
12. The Hearing Officer then scheduled the next hearing for Wednesday, December 19, 2018 at 10 am. Each of the parties received oral notice on the record of the date and time of the upcoming hearing.
13. At the reconvened December 19, 2018 hearing, the Candidate appeared by attorney Ed Mullen and Objectors appeared by attorney James P. Nally. The Board's Clerk was Monica Garcia. This proceedings were recorded for transcription by a court stenographer.
14. Neither of the parties filed a motion or requested a subpoena. Each party indicated further that the Records Examination had begun December 11, 2018 but was not yet completed.
15. The Hearing Officer continued these proceedings to 9:30 am, Thursday, December 27, 2018 to receive results from the Records Examination. Each of the parties in attendance at the December 19, 2018 hearing received oral notice on the record of the date and time of the upcoming hearing.

16. At the reconvened hearing December 27, 2018, the Candidate appeared by attorney Ed Mullen and John Fox. Objectors appeared by attorney Scott Erdman for attorney of record James P. Nally. The Board's Clerk was Monica Garcia. This hearing was recorded for transcription by a court stenographer.
17. The Hearing Officer and the parties confirmed receipt of a preliminary Petition Summary Report indicating that as of December 26, 2018, the Rule 6 Records Examination had resulted in 28,052 of the total of 41,440 Objections being ruled on. That left 13,388 remaining to be ruled on. According to the Report, the Candidate at this stage had 20,067 valid signatures which was 7,587 more than the required minimum of 12,500.
18. During the December 27, 2018 proceedings, the parties discussed the impact of Board Rule 6(k) which reads in part as follows:

Suspension of examination. If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signature required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were to be sustained, the records examination may be suspended.
19. After hearing arguments from each side, the Hearing Officer declined to suspend the Records Examination. The parties then agreed that they would like to have Charles Holiday, the Board's Records Examination Assignment Officer, appear at the next hearing.
20. The Hearing Officer then continued these proceedings to 11 am, Saturday, December 29, 2018 for a Records Examination Report. Each of the litigants at the December 27, 2018 hearing received oral notice on the record of the date and time of the upcoming hearing.
21. At the reconvened December 29, 2018 hearing, the Candidate appeared by attorney Ed Mullen and Objectors appeared by attorney James P. Nally. The Board's Clerk was Monica Garcia. This hearing was recorded for transcription by a court stenographer.
22. On December 29, 2018, Mr. Holiday appeared and presented a preliminary Petition Summary Report indicating that as of 10:46 am, December 29, 2018, the Rule 6 Records Examination had resulted in 33,818 of the total of 41,443 Objections being ruled on by Board staff. That left 7,625 remaining to be ruled on. According to the Report, the Candidate at this stage had 18,046 valid signatures which was 5,546 more than the required minimum of 12,500. Mr. Holiday indicated that only 400 of the original 3069 petition sheets had not been ruled on. He expressed his opposition to suspending the Records Examination. For the Candidate,
23. On behalf of the Candidate, Mr. Mullen stated that out of each group of 3 signatures examined, on average the Records Exam was finding 2 valid and one not valid. He argued that at that rate, the Candidate would have enough signatures and that there was no good reason not to suspend the Examination at this point so the Board could conserve its resources.
24. For the Objector, Mr. Nally reasoned that often, candidates put their best petition sheets in the front and the ones with higher percentages of poor signatures in the back. Because the examination was proceeding from the front to the back of the petitions, Mr. Nally expected the rate of sustained objections would be increasing.

25. Mr. Mullen stated that he was present while the petitions were being put together and that the Candidate's team did not follow the concept of best petitions in the front and worst in the back. Mr. Mullen averred that due process required the Records Exam to be completed and that these proceedings should deal with real numbers, not extrapolated ones.
26. After the parties had stated their reasoning and completed their argument, the Hearing Officer on the record declined to suspend the Records Examination.
27. The parties then turned to the issue in Paragraph 7 of the Objections. Paragraph 7 alleged that the Candidate's Nomination Papers contained petition sheets with names of persons who signed nomination petitions of other candidates' petitions for the same office prior to signing this Candidate's nomination petition. Paragraph 7 averred that in such a situation the signature of the voter on this Candidate's petition was invalid.
28. Mr. Holiday noted that the Records Exam would not decide the issue of who signed rival nominating petitions first and who signed later.
29. The Objectors' attorney called attention to Paragraph 8 of the Objectors' Petition which claimed that the Candidate's petitions contained errors and deficiencies in the circulation and notarization of entire petition sheets. Mr. Nally indicated that the Appendix-Recapitulation attached to the Objectors' Petition identified 11 petition sheets which appeared to have been notarized prior to the first day to circulate petitions (August 28, 2018).
30. On December 29, 2018, the Hearing Officer set 5 pm, December 31 as the deadline for Mr. Nally to provide a written list of those page numbers on behalf of the Objectors. He also set 1 pm, January 1, 2019 as the deadline for Mr. Mullen to file evidence and one or more affidavits on behalf of the Candidate.
31. Because the original petition sheets were at and the subject matter of the Records Examination, the Board's John Powell was asked to make the originals of the 11 petition sheets identified by the Objector available at the next hearing.
32. The parties requested and the Hearing Officer set 1 pm, Wednesday, January 2, 2019 as the time for a Records Examination status report and also the time for commencing an evidentiary hearing and for taking evidence and argument regarding circulation and notary issues. Each of the litigants at the December 29, 2018 hearing received oral notice on the record of the date and time of the upcoming hearing.
33. At 2:04 pm, December 31, 2018, Objectors' attorney, Mr. Nally provided timely notice by email of the petition sheets the Objectors claimed to have been notarized prior to the first day to circulate petitions (August 28, 2018). The sheets were paginated as 638, 2423, 2425, 2443, 2446, 2448, 2490, 2817, 2826, 2865, 2910.
34. At the reconvened proceedings on January 2, 2019, the Candidate appeared by attorney Ed Mullen. Objectors appeared by attorney James P. Nally. Present were the Board's Records Examination Case Assigner, Charles Holiday and the Board's Clerk, Monica Garcia. Also present were Notary Public Wiltrina Parker and Leslie Dimas on behalf of the Candidate. This hearing was recorded for transcription by a court stenographer.
35. After being sworn, Mr. Holiday tendered a Petition Summary Report. It showed a total of 2,231 objections remaining to be checked. He expressed his view that the Records Exam should not be suspended. Each of the parties' attorneys agreed.



36. Attorney Nally identified the 11 pages that the Objectors alleged were notarized prior to the first day to circulate petitions. There was no objection to the allegation that August 28, 2018 was the first day to circulate petitions. The sheets were paginated as 638, 2423, 2425, 2443, 2446, 2448, 2490, 2817, 2826, 2865, 2910.
37. The originals of those petition sheets were unavailable as they were at the Records Exam which was then in progress. The Hearing Officer asked that they be made available for review at this hearing. After a recess, the Board's John Powell, brought the original 11 petition sheets identified by the Objectors. The Clerk marked the exhibits.
38. Attorney Nally began by alleging that 9 sheets – numbered 638, 2413, 2425, 2443, 2826, 2448, 2446, 2817 and 2490 – bore a signature date of 7/11/18. He called as a witness notary public Wiltrina Parker. After being sworn, she testified that it was her notary seal and signature that appeared on those 9 sheets. A jurat form was printed on the bottom of each of the petition sheets. The portion of that jurat form that showed the date on which the Circulator subscribed and swore to his/her signature before the notary was filled in with two numbers showing "This 11 [day] of 7[month], 2018 [year].
39. The Hearing Officer took official notice that August 28, 2018 was 90 days prior to the last day for filing petitions and therefore was the first day on which the Illinois Election Code allowed petitions to be circulated. He also took official notice that July 11, 2018 was prior to that August date. Attorney Nally asked that these nine sheets be stricken for having been circulated prior to the first permissible date to circulate. He further moved that none of the signatures on them be counted towards the 12,500 minimum required for this Candidate's name to be placed on the ballot for the February 26, 2019 Municipal General Election.
40. Notary Parker testified that she did not notarize the remaining 2 of the 11 sheets at issue. She said she did sign, date and notarize the 9 sheets but in each case accidentally transposed the numbers "7" and "11" and by mistake put the above the wrong lines. She meant them to connote November 7, 2018 not July 11, 2018.
41. Ms. Parker testified that she notarized these sheets at the Billy Goat Tavern at Ashland and Madison in Chicago. She remembered that the date she signed and affixed her seal was either November 6 or 7, 2018. She said it was either a Tuesday or a Wednesday. She knew that she could not have done this work on Election Day because she worked elsewhere for a Congressman running for reelection all day that day. However, she did not know the date on which Election Day fell. She knew that the notarization took place in November, not July. She could remember that because it was a cold day, and this was the first batch of circulator signatures she notarized for the municipal election cycle.
42. Notary Parker admitted that on Sheet 638 there was no circulator's signature and that nevertheless she notarized the that sheet.
43. Ms. Parker testified that she remembered all of the circulators who signed in front of her except the person on sheet 638. There was no circulator's signature on that sheet. The printed name of the circulator was "Paul Long." She could not recall Paul Long, his ethnic group or what type of identification he presented, Each of the circulators (except for the circulator of sheet 638) showed her an Illinois State ID card or an Illinois State driver's license. The witness was excused.
44. Attorney Nally turned to petition sheet 2865 on which he claimed the month and date were also transposed to show July 11, 2018 instead of the correct date November 7, 2018. In this instance, the circulator's signature was notarized by Tiffany Brown. Notary Brown did not appear or testify.

45. The Candidate argued that on these first ten petitions, the numbers were merely transposed in error. The litigants discussed *Cottrell v Pearson*, 99-EB-ALD-157 and *Corcoran v. Kelsey*, 00-EB-WC-11. The Hearing Officer took this matter under advisement.
46. Attorney Nally turned to petition sheet 2910 on which the jurat read "... this 21 day of Nov, 2018." Next to the Notary Public's signature was the date "11/20/2018." Above the "20" the Notary had handwritten her initials in script or cursive letters. The Candidate's attorney argued that the initials showed the notary's intent to acknowledge a correction. The Hearing Officer acknowledged Attorney Mullen's argument that both dates – November 20 and November 21 – were within the allowed circulation date window. The Hearing Officer took this matter under advisement.
47. As to the one petition sheet that was notarized with a transposed signature date but lacked a circulator's signature (sheet 638), the Hearing Officer also took that matter under advisement.
48. The Hearing Officer took the 11 petition sheets under advisement and offered the litigants the opportunity to submit written arguments.
49. Attorney Mullen then submitted Leslie Dimas as a witness. She witnessed a situation during the Records Examination on December 15, 2018 and the Candidate wanted Ms. Dimas' observations to become part of the record. The issue allegedly involved comments about signature surnames.
50. Mr. Nally objected that Ms. Dimas' testimony was beyond the scope of this hearing, was not previously disclosed, was not previously scheduled and was irrelevant. He added that the potential witness was neither the Candidate nor the Objector. The Hearing Officer ruled that the witness could not testify, however, the Candidate could put this complaint about how the Records Examination was conducted into a motion or other pleading and attach Ms. Dimas' affidavit as to what her testimony would be. The Hearing Officer set January 4, 2019 as the deadline for the Candidate to file his motion and January 6, 2019 as the deadline for the Objectors to respond.
51. The Hearing Officer set 3 pm, Monday, January 7, 2019 as the time for a Records Examination status report. Each of the litigants at the January 2, 2019 hearing received oral notice on the record of the date and time of the upcoming hearing.
52. On January 4, 2019 at 3:35 pm the Candidate timely filed a memorandum setting forth his position concerning the notarization issues raised during the January 2, 2019 hearing by the Objectors as to the 11 petition sheets.
53. At the January 7, 2019 reconvened hearing, the parties agreed that the Preliminary Records Exam was finished but the Handwriting Expert had not yet started work. Due to the expedited nature of this matter, it was continued to Friday, January 11, 2019 at noon.
54. At the January 11, 2019 hearing, Charles Holiday reported that as of 12:04, the Handwriting Expert had completed review of 300 of the 3070 petition sheets. The Hearing Officer took up the notarization issues on the 11 sheets that had been litigated at the evidentiary hearing on January 2, 2019. He also considered the cases cited by the parties including *Cottrell v Pearson*, 99-EB-ALD-157 and *Corcoran v. Kelsey*, 00-EB-WC-11 as well as the Candidate's Memorandum and the arguments of the litigants. He noted that Wiltrina Parker had notarized 9 of those 11 sheets – eight of which contained a circulator's signature. The Hearing Officer found that no witness testified as to the other two sheets – each of which contained a circulator's signature that was notarized. He noted that in one situation, the notary had attempted to correct a date by adding her initials.
55. The Hearing Officer overruled the Objections as to 8 sheets -- numbered 2413, 2425, 2443, 2826, 2448, 2446, 2817 and 2490 – which bore a signature date of 7/11/18 and were notarized by

Wiltrina Parker. He indicated that transposing 7/11/18 when it should have been 11/7/18 was an inadvertent mistake. He relied on the rationale in *Cottrell v Pearson*. He found that the dates of notarization which were set forth in reverse order did not invalidate those petition sheets and that this was an unintentional mistake. The valid signatures on 8 sheets – numbered 2413, 2425, 2443, 2826, 2448, 2446, 2817 and 2490 -- bore a transposed signature date and should be counted. He overruled the Objections to those 8 sheets.

56. As to the 9<sup>th</sup> sheet – page 638 – the Hearing Officer found that notwithstanding being notarized by Wiltrina Parker, the sheet contained no circulator's signature certifying the statements at the bottom on the petition. He sustained the Objections to sheet 638 and ruled that the requirement in 10 ILCS 5/10-4 of certification by the circulator was controlling. That statute reads in 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; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition; and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters under Articles 4, 5 or 6 of the Code of the political subdivision or district for which the candidate or candidates shall be nominated, and certifying that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

57. In sustaining the Objections to sheet 638, the Hearing Office indicated he did not accept the Objector's reasoning that notarization of one sheet with no signature was sufficient evidence that the other sheets -- also notarized by Notary Wiltrina Parker – should be stricken. Mr. Mullen indicated that this ruling as to sheet 638 would exclude 3 signatures from the Candidate's total that the Records Exam had found to be valid. The parties acknowledged that the Handwriting Expert's rulings had not yet been received.
58. The Hearing Officer next considered sheet 2865 notarized by Tiffany Brown. He overruled the Objections as to this sheet 2865 and indicated that transposing 7/11/18 when it should have been 11/7/18 was an inadvertent and unintentional mistake.
59. Lastly, the Hearing Officer considered sheet 2910. He found that notary Darva Watkins had acknowledged and attempted to correct the discrepancy in the date by adding her initials. He overruled the Objections and ruled that the signatures found to be valid on sheet 2910 should be counted.
60. Due to the expedited nature of these proceedings, they were continued to Sunday, January 13, 2019 at 1 pm. Each of the parties in attendance received oral notice on the record of the date and time of that upcoming hearing.
61. At the January 13, 2019 hearing, Charles Holiday reported that as of 12:29 pm the Handwriting Expert had reviewed 771 of 3070 pages of petitions and the Candidate had 2217 signatures greater than the required minimum of 12,500. The hearing was continued to Tuesday, January 15, 2019 at 12:45 pm for the Handwriting Expert's Status Report.

62. At January 14, 2019, Objectors' attorney Nally filed with the Board 17 pages of evidence for the upcoming evidentiary hearing. Each page contained images of two petition sheets. They tracked the 17 alleged multiple signatures for different candidates that appeared on pages 93 and 94 of the Objections.
63. At the January 15, 2019 hearing, Charles Holiday reported that as of noon on this same day, the Handwriting Expert had reviewed 1200 of 3070 pages of petitions and the Candidate had 1659 signatures greater than the required minimum of 12,500. Due to the expedited nature of this matter and without objection from either party, the hearing was continued to Sunday, January 20, 2019 at 1 pm. Each of the parties in attendance at the January 15, 2019 hearing received oral notice on the record of the date and time of the upcoming hearing. Mr. Holiday agreed to email a status report to the litigants and the Hearing Officer and to the Electoral Board by noon on Friday, January 18, 2019.
64. The tenth hearing in these proceedings was convened as scheduled at 1 pm, January 20, 2019. The Candidate appeared by attorney Ed Mullen and Objectors appeared by attorney James P. Nally. The Board's Clerk was Monica Garcia. This hearing was recorded for transcription by a court stenographer. The parties received and discussed the Final Petition Detail Report including the Handwriting Expert's Results. It showed that as of 9:47 am on 1/19/19, the Candidate had 13,095 valid signatures which was 595 more than the required minimum of 12,500 signatures.
65. Mr. Nally indicated that he had just been speaking with his clients and that the Objectors would not be filing a Motion for or moving ahead with a Rule 8 evidentiary hearing. He declined to file a withdrawal of the Objections and stated that the Candidate would stand on the results of the Records Examination. The Hearing Officer then ruled on the record that the Objectors' Petition was overruled.
66. The Hearing Officer further indicated he would recommend to the Board that the Candidate's name be placed on the ballot for the February 26, 2019 Municipal General Election.
67. In response to the Hearing Officer's question as to whether there was any additional activity either party wanted to engage in with respect to these proceedings, the litigants said there was none. The Hearing Officer announced that no new hearings would be scheduled
68. Subsequent to the concluded proceedings, the Hearing Officer emailed the parties as follows –

Litigants:

During today's tenth hearing on this matter, we took up the Final Records Examination Report.

As you know, the Objectors' attorney announced that his clients chose not to proceed further and to stand on the results of the Final Records Examination and I then overruled the Objectors' Petition on the record and concluded these proceedings.

However, because of how close we are to Election Day and because of the need to conclude the action expeditiously at this coming Tuesday's Electoral Board meeting, it has been suggested that I ask each of you send me a waiver of your right to file a Rule 20 motion, if in fact that is your position.

Were you to want to file such a motion, I have been authorized to represent that you would be allowed to appear before the Board even without filing a Rule

20 motion. The Board would waive that requirement in exchange for expediting the final decision.

Messrs. Nally and Mullen – It has been a genuine pleasure working with you.

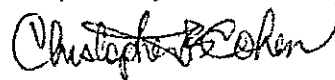
69. At 5:12 pm and 5:28 pm respectively on January 20, 2019, the Objectors' attorney, James P. Nally and the Candidate's attorney, Ed Mullen, responded to the Hearing Officer's notice that each waived his client's rights to a Rule 20 motion and to a Rule 20 hearing by the Board.

70. With no further issues to be decided, these proceedings were concluded.

### **DECISION**

In light of the above findings of fact and conclusions of law, this Hearing Officer recommends to the Board that the Verified Objectors' Petition filed by GINA ZUCCARO and MONIQUE COOK-BEY be overruled, that the Candidate's Nomination Papers be deemed sufficient and valid in law and in fact and that the name of Candidate AMEYA PAWAR be printed on the official ballot for the office of Treasurer of the City of Chicago for the Municipal General Election to be held in the City of Chicago on February 26, 2019.

Respectfully submitted,



Christopher B. Cohen  
Hearing Officer  
January 20, 2019