

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 Frank Tedesso for further hearings and proceedings.

6. The Objector 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 Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objector and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Candidate, ANNA M. VALENCIA, by her attorneys MICHAEL J KASPER and JAMES E. HARTMANN.

7. The Objector, ANTHONY J SUTOR, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on 12/10/2018 and at no time did the Objector or any person purporting to represent the Objector appear.

8. The Electoral Board finds that the Cook County Sheriff attempted to serve the Candidate with a copy of the Objector's Petition and with a copy of the Call to the Monday, December 10, 2018 hearing in this cause on multiple occasions. The return of the Sheriff's office indicated that the reason the Objector was not served was "No Contact." The Objector was also sent a copy of the Call to the 12/10/2018 meeting by certified mail, but a signed receipt acknowledging receipt of the certified mail item has not yet been returned by the Postal Service.

9. The initial hearing was continued to January 13, 2002 to allow for additional service upon the Objector of notice of hearing. The Cook County Sheriff again attempted to serve the Objector with a notice of continued hearing for the January 13, 2002 hearing on January 7, 2003 at 6:30 PM and again on January 8, 2003 at 8:42 AM. A copy of the notice of continued hearing was also sent to the Objector by certified mail, return receipt requested, but no receipt was returned to the Board by the Postal Service.

10. Despite having taken the affirmative action of filing an Objector's Petition, the Electoral Board finds that the Objector did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve the Objector with a copy of the Call by the means of service specified in the statute.

11. The Electoral Board further finds that the Objector's petition contains insufficient allegations, even if accepted as true, to invalidate the Candidate's Nomination Papers. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that, in addition to a default judgment, the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

12. 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.

13. Based upon the evidence presented, the Hearing Officer found that the Objector's Petition fails to state a claim for which the requested relief could be granted. The Hearing Officer

found that paragraphs 3 and 4 of the Objector's Petition are the only ones containing substantive allegations. Paragraph 3 alleges that the Candidate "Anna M. Valencia is also Andrea M. Valencia ... and I believe she is trying to confuse the voter using Anna M. Valencia." Section 10-5.1 of the Election Code expressly allows a candidate to use a nickname by which they are commonly known in the community. 10 ILCS 5/10-5.1. The Objector, however, has failed to plead that this Candidate is not commonly known by the name "Anna," which very well could be a nickname for "Andrea," nor has the Objector alleged any other violation of section 10-5.1. Therefore, the Hearing Officer found that even if the allegations in paragraph 3 are accepted as true, there still would not be any legal basis for invalidating the Candidate's nomination papers nor removing her name from the ballot.

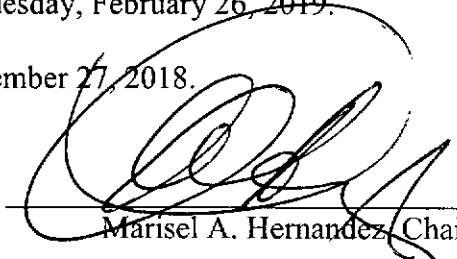
14. Paragraph 4 of the Objector's Petition alleges that the Candidate's signature is different on her Statement of Candidacy, Statement of Economic Interests and the petition sheets she signed. However, while it may be true that those various signatures are not identical, the Objector has failed to plead that the signatures are not genuine, that they are the product for fraud, or any other legal invalidity. Thus, the Objector has failed to state fully the nature of the objection, as required by 10 ILCS 5/10-8, and no relief can be granted in regards to paragraph 4 even if the factual allegations are accepted as true.

15. Once filed, an Objector's Petition may not be added to, altered or amended. *Solomon v. Scholefield*, 2015 IL App (1st) 150685. 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.

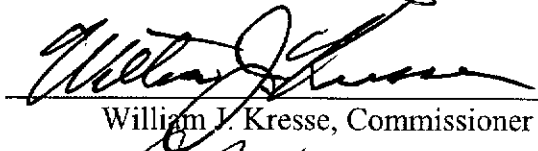
16. Therefore, the Electoral Board finds that the Objector, ANTHONY J SUTOR, is in default, that the Objections fail to state a claim for which relief could be provided and are dismissed, and that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of ANTHONY J SUTOR to the Nomination Papers of ANNA M. VALENCIA, candidate for the office of City Clerk for the City of Chicago, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of ANNA M. VALENCIA, candidate for the office of City Clerk for the City of Chicago District of the State of Illinois, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

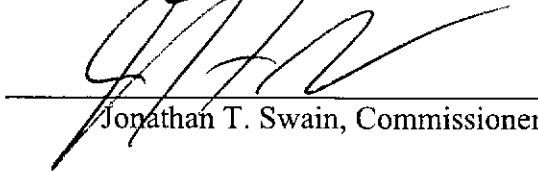
Dated: Chicago, Illinois, on Thursday, December 27, 2018.



Marisel A. Hernandez, Chairwoman



William J. Kresse, Commissioner



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.

objector was served with a copy of the call on December 7, 2018. The Objector failed to appear on December 10, 2018 and December 14, 2018. Also, the Objector's Petition in this matter raise the same objections as in MUN-22. The Hearing Officer finds the Objector in default and that the Objector's Petition is insufficient in fact and law for the same reasons set forth in the Hearing Officer's Recommendation in 19 EB MUN 22.

5. It is the Hearing Officer's Recommendation that the Objector's Petition be dismissed and that Anna M. Valencia appear on the February 26, 2019 ballot as a candidate for the Office of City Clerk of the City of Chicago.

A handwritten signature in black ink, appearing to read 'Frank A. Tedesso', written over a horizontal line.

Frank A. Tedesso, Hearing Officer