

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

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Objections of: Carlos Correa	)	
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	)	
To the Nomination	)	No. 10-EB-RGA-04
Papers of: Cynthia Soto	)	
	)	
	)	
Candidate for the office of Representative	)	
in the General Assembly, 4th	)	
Representative District, State of Illinois,	)	
Democratic Party	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of Carlos Correa ("Objector") to the nomination papers ("Nomination Papers") of Cynthia Soto, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District, State of Illinois ("Candidate"), having convened on November 16, 2009, at 10:00 a.m., at 69 W. Washington Street, 8<sup>th</sup> Floor Conference Room, 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 herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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 November 16, 2009 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer for a hearing on the date and at the time designated on the Electoral Board's Initial Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Carlos Correa, appearing by counsel, James P. Nally PC; and the Candidate, Cynthia Soto, appearing by counsel, Michael J. Kasper.

7. The Hearing Officer ordered that an examination of the 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 the records examination.

9. The Candidate or her duly authorized representative(s) were present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) were 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties, as well as the report and recommended findings and conclusions of law of the Hearing Officer.

13. The Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,711;

C. The number of signatures deemed invalid because of objections sustained total 1,093;

D. The remaining number of signatures deemed valid total 618;

14. 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 official ballot as a candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District, State of Illinois.

15. On November 23, 2009, both parties filed a motion for evidentiary hearing pursuant to Rule 8. In addition to the Rule 8 motion filed by his counsel, the Objector filed a handwritten Rule 8 motion.

16. A status hearing was held on November 24, 2009, at which time the results of the records examination were read into the record. Both parties requested subpoenas and the matter was continued to December 1, 2009 for final hearing.

17. At the continued hearing held on December 1, 2009, Objector's counsel moved to withdraw as counsel. The Objector concurred with the motion and the Hearing Officer granted the motion.

18. The Hearing Officer declined to consider the handwritten Rule 8 motion filed by the Objector on November 23, 2009 inasmuch as it was never served upon the Candidate and it failed to specify the basis upon which the signatures had been stricken or why there were being appealed.

19. The Rule 8 motion filed by Objector's previous counsel contained 93 sheet and line designations for possible reversal. If successful on all signatures contained in the Rule 8 motion, the Candidate would still have more than the minimum number of valid signatures required for placement on the ballot for the office in question.

20. Objector requested a continuance to seek other counsel. Because there had been an extensive time between the completion of the records examination and the final hearing (approximately 10 days), the request for a further continuance was denied. However, the Objector was given an hour to contact other counsel. When Objector returned to the hearing he reported that no new counsel was available. In an off-the-record discussion to determine the possibility for further hearing, the Objector was asked

whether he intended to call any witnesses or proceed with the subpoenas issued to his counsel or present evidence on any other issues. The Objector declined to answer any questions about what issues, if any, he wished to proceed upon and departed the hearing.

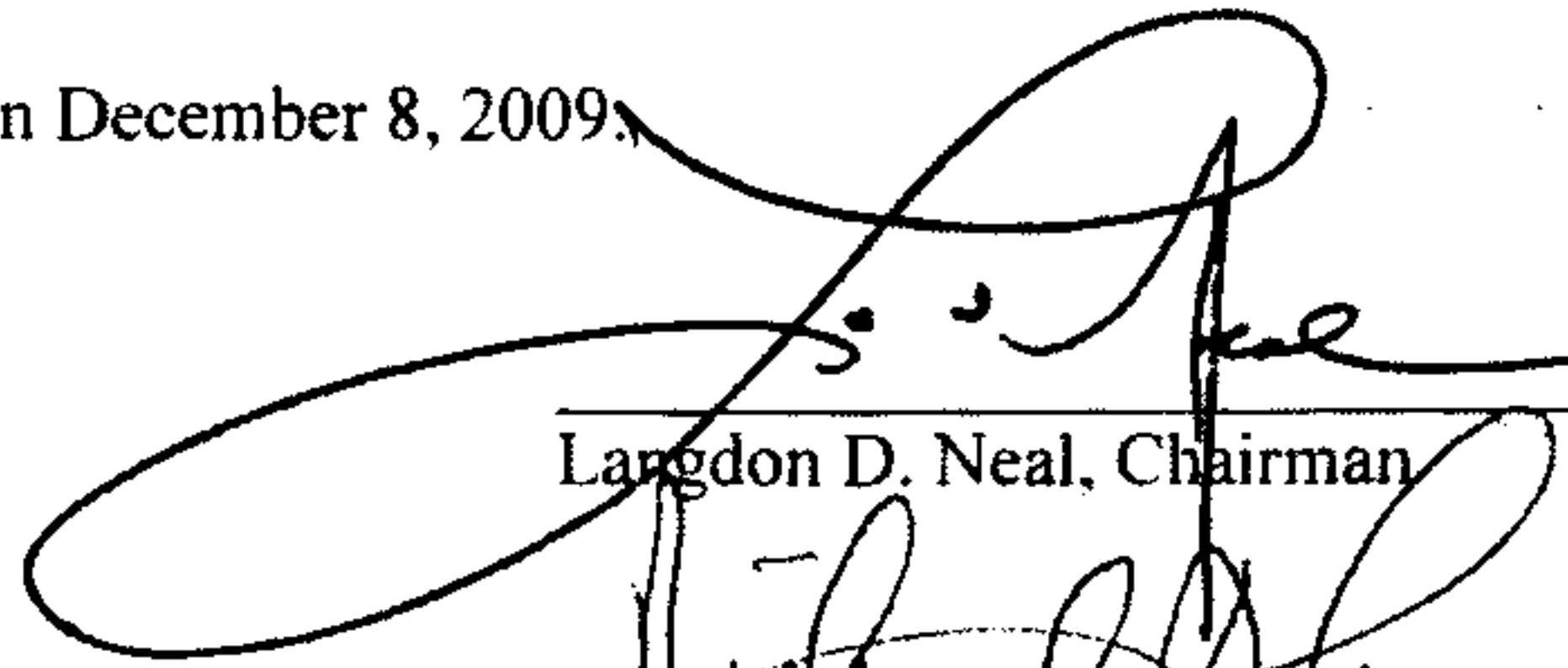
21. Inasmuch as no evidences was presented after the records examination, the Hearing Officer has recommended that the Objections be overruled in conformity with the results of the records examination and that the Candidate's Nomination Papers be deemed valid.

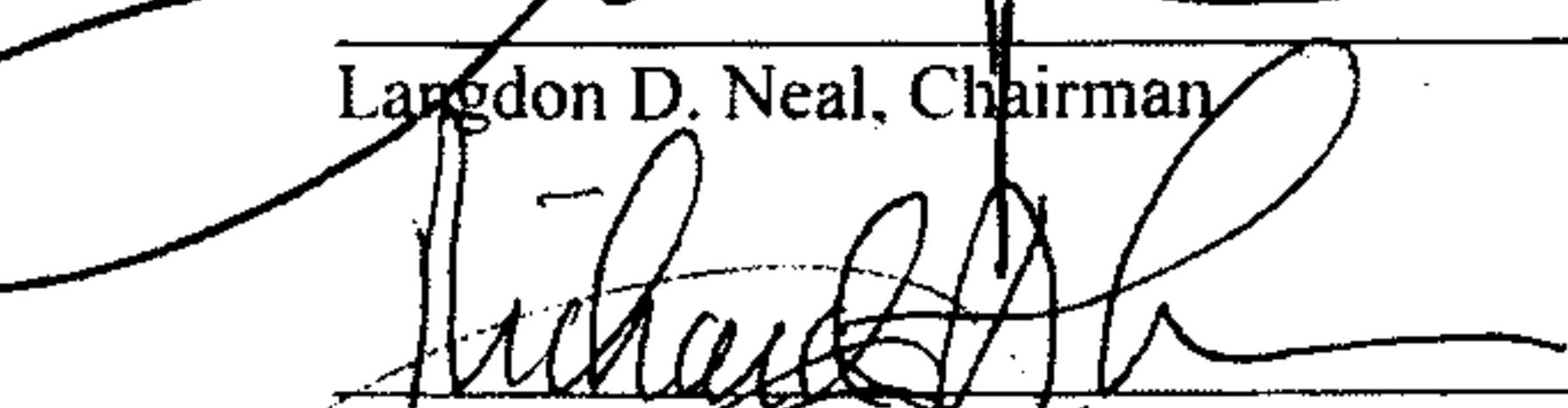
22. The Electoral Board finds, therefore, that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

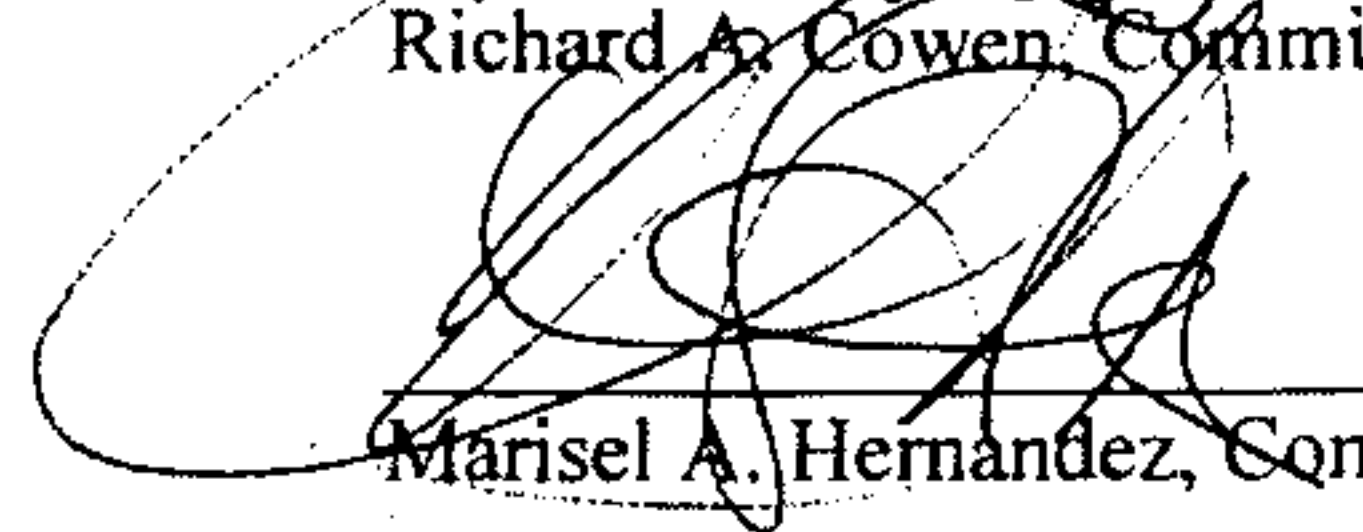
23. For the reasons stated above, the Electoral Board finds that the Nomination Papers of Cynthia Soto are valid.

IT IS THEREFORE ORDERED that the Objections of Carlos Correa to the Nomination Papers of Cynthia Soto, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Cynthia Soto, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 4th Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 2, 2010.

Dated: Chicago, Illinois, on December 8, 2009.

  
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Langdon D. Neal, Chairman

  
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Richard A. Cowen, Commissioner

  
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Marisel A. Hernandez, 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 10 days after the decision of the Electoral Board.