

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

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Objections of: Rita M. Hardy )  
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To the Nomination ) No.: 12-EB-RGA-09  
Papers of: Dori Collins )  
)  
Candidate for the nomination of the )  
Democratic Party for the office of )  
Representative in the General Assembly of the )  
5th Representative District, State of Illinois )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago 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 Rita M. Hardy (“Objector”) to the nomination papers (“Nomination Papers”) of Dori Collins, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 5th Representative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011, at 8:30 AM, 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 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 was held on these Objections commencing on December 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Mario Correa 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 Call. The following persons, among others, were present at such hearing; the Objector, Rita M. Hardy, by attorney Michael J. Kasper; and the Candidate, Dori Collins, by attorney James P. Nally.

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 her duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her 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 500.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1431.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 928.

D. The remaining number of signatures deemed valid as a result of the records examination total 503.

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 nomination of Democratic Party to the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois.

14. The Hearing Officer conducted a hearing to allow both the Objector and the Candidate an opportunity to present evidence in support of their respective Rule 8 motions objecting to the Board's clerk's findings during the records examination. The Objector later suspended presentation of her Rule 8 motion evidence and rested on the record.

15. 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 at least 501 valid signatures, which exceeds the

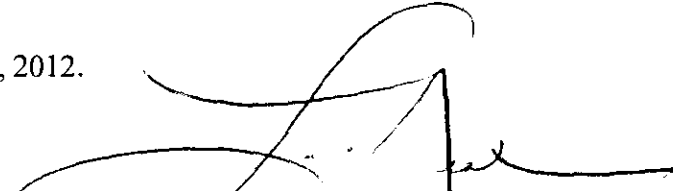
minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

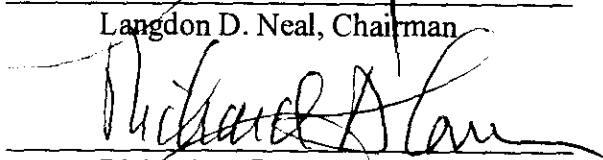
16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

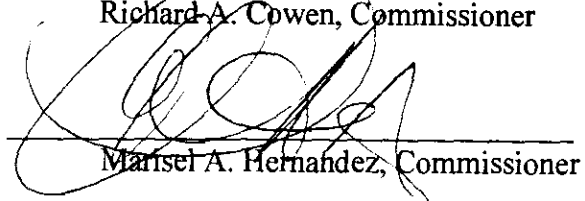
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Dori Collins are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Rita M. Hardy to the Nomination Papers of Dori Collins, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Dori Collins, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

Dated: Chicago, Illinois, on January 13, 2012.

  
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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 5 days after service of the decision of the Electoral Board.

**BEFORE THE BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO**

Objections of: RITA M. HARDY )  
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 )  
 To the Nomination )  
 Papers of: DORI COLLINS )  
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 )  
 Candidate for the office of Representative )  
 in the General Assembly, 5th )  
 Representative District, State of Illinois )  
 Democratic Party )

No. 12-EB-RGA-09

2012 JAN -9 P 1:01  
 BOARD OF ELECTIONS  
 COMMISSIONER

**HEARING OFFICER'S REPORT  
AND RECOMMENDED DECISION**

I, hearing officer MARIO CORREA ("Hearing Officer"), hereby state and recommend that the Board of Election **DENY** the objection of RITA M. HARDY (the "Objector") to the nominating papers of DORI COLLINS (the "Candidate") for the following reasons and based on the following evidence:

1. On December 19, 2011, the hearing was first called. The Candidate appeared through her attorney James P. Nally and the Objector appeared through his attorney of record Kevin Morphey for Michael Casper. The Hearing Officer entered the Nominating Papers, Objector's Petition, Proof of Service, and Appearances into the record. The parties had no objection regarding service and submitted to the jurisdiction of the hearing. The Candidate indicated that he did not have a motion to strike. A record exam as ordered. The Hearing Officer set the matter for status on the record examination findings for December 27, 2011 at 2:00 p.m.

2. On December 27, 2011, both parties appeared through their respective attorneys. The Candidate's attorney explained that the record examination was about half way through and

would take a few additional days. A status date was set for January 2, 2012 at 2:30 pm for purposes of reviewing the record examination.

3. On January 2, 2012, the record exam had been completed. Both parties acknowledging receiving the record exam, and indicated that there were at present 503 valid signatures. Both parties filed Rule 8 motions, to which there was no objection. The parties were given the following schedule: exchange affidavits, other written evidence, and witness lists by January 4, 2012, and any rebuttal affidavits on January 6, 2012. The hearing or status, depending on issues presented, was scheduled for January 7, 2012.

4. On January 7, 2012, the following findings from the record examination were read into the record:

- a. Total signatures required were 500;
- b. Total signatures submitted were 1431;
- c. Total signatures ruled on were 1140;
- d. Total valid signatures were 503.

5. After reading the record examination findings into the record, confirmation that the Rule 8 motions were in fact filed, and that the parties had exchanged their evidence, the Hearing Officer initiated the evidentiary hearing based the Objector's Rule 8 motion. Based on the evidence submitted, the Hearing Officer sustained a total of six objections, bringing the count of valid signatures down from 503 to 497. The Objector rested.

6. The Candidate then presented evidence in support of their Rule 8 motion. The Candidate submitted signed sworn affidavits under Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-101, et. seq. The Objector moved to have the Candidate's affidavits not be allowed into evidence on various grounds (all addressed below). The Candidate indicated that

all of the Candidate's affidavits used the same format. The Hearing Officer, in the interest of not interrupting the proceeding, said he would accept the Objector's standing objection to all of the Candidate's affidavits on the grounds specified. The Hearing Officer then ruled to deny the Objector's motion to exclude the Candidate's affidavits from evidence (the reasons are addressed below).

7. The hearing continued and the Candidate moved to have its first affidavit received into evidence. The Hearing Officer accepted the affidavit into evidence and then proceeded to review the affidavit. The affidavit read that the affiant had signed the petition sheet and the affidavit went on to offer to provide a writing sample consisting of a signed signature and a printed signature. The Hearing Officer compared the petition sheet signature against the writing samples provided in the affidavit, and based on the similarity between the two, the Hearing Officer found that the signature on the petition sheet was valid, and thereby the Hearing Officer overruled the record examiner's finding and overruled the Objector's objection to the petition sheet signature. This process was repeated three more times.

8. After a total of four signatures were reviewed and rehabilitated by the Candidate, the total count of valid signatures went from 497 to 501. At that point, the Objector moved to rest on the record. This motion to rest on the record was based on the fact that the Candidate had a stack of affidavits that appeared to exceed twenty. Those additional affidavits were submitted as an additional offer of proof upon stipulation of the parties and were labeled Candidate's Group Exhibit A. Based on the evidentiary hearing, the Hearing Officer found that there were at least 501 valid signatures.

9. Returning to the issue of whether the Candidate's affidavits were valid. The Objector made three standing objections to the affidavits used by the Candidate. First, the




Objector argued that the affidavits were hearsay. While it is correct that affidavits are hearsay, they still fall under an exception to hearsay adopted by the Chicago Board of Election. Board Rule 10(c) states, "Affidavits may be considered in determining whether signatures found not to be genuine during a record examination are, in fact, the genuine signature of those signing the petition."

10. Second, the Objector argued that the Candidate's affidavits were not notarized and thereby should not be accepted into evidence. Affidavits that are verified pursuant to Section 1-109 of the Code of Civil Procedure are acceptable in lieu of notarized affidavits. *Hazard v. Carbol*, 04-EB-WC-22, CBOC (January 30, 2004); also see *Bright v. Bellaire*, 08-EB-WC-42, CBEC (December 14, 2007).

11. Third, the Objector argued that the affidavits were not dated. Section 1-109 of the Code of Civil Procedure does not require that a verification be dated. While having an affidavit signed and witness may be advisable should someone challenge the authenticity of the affidavit itself (i.e., whether it is a forgery), no such allegation nor offer of proof was made here to challenge the authenticity of any of the Candidate's affidavits. Since Section 1-109 does not require a date, and since there was no evidence proffered challenging the authenticity of any of the Candidate's affidavits, the Hearing Officer found that the Candidate's affidavits were valid despite the omission of a date.

As a result of the foregoing, the Hearing Officers recommends that the Board **DENY** the objection of RITA M. HARDY to the nominating papers of DORI COLLINS.

Respectfully Submitted,

  
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Mario Correa, Esq.  
Hearing Officer