

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

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Objections of: Juan Elias )  
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To the Nomination ) No.: 12-EB-WC-02  
Papers of: Anne Shaw )  
 )  
Candidate for the office of Democratic Party )  
Ward Committeeman of the 1st Ward, City of )  
Chicago )

**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 Juan Elias (“Objector”) to the nomination papers (“Nominating Papers”) of Anne Shaw, candidate for the office of Democratic Party Ward Committeeman for the 1st Ward of the City of Chicago (“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 Thomas Quinn 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, Juan Elias , by attorney, Richard K. Means; and the Candidate, Anne Shaw, by attorneys, Michael Kreloff and Sally H. Saltzberg.

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 Objector and/or his duly authorized representative 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 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 415.
  - B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,332 (six more than the maximum signature requirement).
  - C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 653.
  - D. The remaining number of signatures deemed valid as a result of the records examination total 679.

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 election to the office of Democratic Party Ward Committeeman for the 1st Ward of the City of Chicago.

14. The Objector did not file any Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. The Hearing Officer also granted the Candidate's motion to strike and dismiss paragraph 3 of the Objector's Petition, which alleged that the Candidate's deletion of signatures on her nominating petition was void because the signatures intended for deletion were not

crossed out, but simply contained the candidate's initials next the signature, followed by a certificate of deletion. After examining the requirements of Section 7-10 of the Election Code (10 ILCS 5/7-10), the Hearing Officer concluded that there is no statutory requirement that the signatures intended for deletion also be crossed out or through.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that even if all of the objections preserved by the Objector during the records examination for review (137) were sustained in favor of the Objector, the Candidate's Nomination Papers would still contain 542 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 Democratic Party Ward Committeeman for the 1st Ward of the City of Chicago, and recommends that the Candidate's Nomination Papers be found valid.

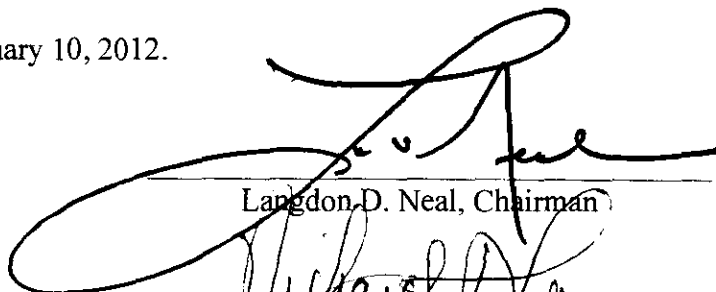
17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached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

18. 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 Anne Shaw are, therefore, valid.

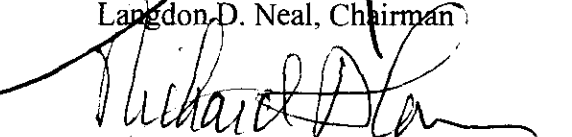
IT IS THEREFORE ORDERED that the Objections of Juan Elias to the Nomination Papers of Anne Shaw, candidate for the office of Democratic Party Ward Committeeman for the 1st Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are

hereby declared VALID and the name of Anne Shaw, candidate for the office of Democratic Party Ward Committeeman for the 1st Ward of the City of Chicago, SHALL be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

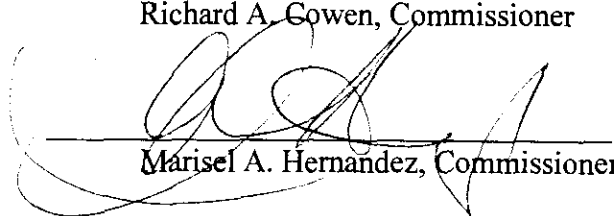
Dated: Chicago, Illinois, on January 10, 2012.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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 OF THE CITY OF  
CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD

JUAN ELIAS,  
Objector,

v.

No. 12-EB-WC-02

ANNE SHAW,  
Candidate.

Election to the Office of Democratic Ward  
Committeeman for the First (1st) Ward of  
The City of Chicago

RECOMMENDED DECISION

2012 JAN - 8 P 2:48  
BOARD OF ELECTIONS  
COMMISSIONER

This matter comes to be heard on the Verified Objector's Petition directed against the Nomination Papers of Anne Shaw ("Candidate") to the Office of Democratic Ward Committeeman for the First (1st) Ward of the City of Chicago. The Candidate filed Nomination Papers which included a Petition for Election containing the signatures of 1896 purported voters from the 1st Ward.


The initial hearing was held on December 19, 2011. The Candidate was represented by Michael Kreloff and Sally H. Saltzberg. The Objector was represented by Richard K. Means. Both parties agreed to be served by facsimile and by email. Board Group Exhibits A through D were marked and admitted, respectively, as Candidate's Nomination Papers, Objector's Petition, the Call, and the Appearances.

Along with her Petitions the Candidate also filed a Certification of Deletions for 584 signatures. The efficacy of these Deletions was previously upheld in a written decision by the Hearing Officer (decision is attached hereto as Ex. 1). The minimum number of qualified signers for placement on the ballot for the subject office is 415 and the maximum number is 1326.

A record examination occurred over the course of several days. A Petition Summary Report was served upon the parties on January 5, 2012. This Report indicates that the Candidate had 679 valid signatures. The Objector preserved 137 objections for review. The best result that the Objector could hope to achieve on review would be to reduce the total number of valid signatures to 542. Since the Candidate would still have 127 signatures in excess of the required minimum, the Objector has decided not to proceed any further with this case and has conceded that the Candidate will be placed on the ballot. This concession was alluded to at the status hearing on January 3, 2011, and was confirmed in emails dated January 7 & 8, 2012. A Rule 8 request for an evidentiary hearing was due to have been filed on January 6th. The Objector has made no such request. While the Objector does not wish to withdraw the Objector's Petition, he will not seek any review.

Accordingly, the Hearing Officer recommends that the name of Anne Shaw be printed on the ballot for the office of Democratic Ward Committeeman of the First (1st) Ward of the City of Chicago.

January 8, 2012

  
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Thomas P. Quinn - Hearing Officer

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF  
CHICAGO AS THE DULY CONSTITUTED ELCTORAL BOARD

JUAN ELIAS,  
Objector,

v.

No. 12-EB-WC-02

ANNE SHAW,  
Candidate.

ORDER

This matter comes to heard on Candidate's Motion to Strike and Dismiss Paragraphs 2 and 3 of Objector's Petition. The Objector has agreed to withdraw his argument made in paragraph 2 of the Objector's Petition. In paragraph 3 of the Objector's Petition, the Objector argues that the deletions effectuated by the Candidate are void because the signatures of the deleted signers were not crossed out. In her Motion, the Candidate argues that it is neither necessary nor required to cross out deleted signatures.

FACTS

The Candidate filed Petitions for Election to the office of Democratic Committeeman of the 1st Ward of Chicago ("Petitions") containing 1896 signatures. By law, said Petitions must contain the true signatures of not fewer than 415 nor more than 1326 qualified and duly registered legal voters of the 1st Ward, 10 ILCS 5/7-10(i). The Petitions, therefore, contained 570 signatures in excess of the statutory maximum. With her Petitions the Candidate also filed a Certification of Deletions for 584 signatures.

In addition to filing a Certification of Deletions, the Candidate also initialed the signature lines of those signers whom she wished to delete. A comparison of the Certification of Deletions to the initialed Petitions verifies the accuracy of the Candidate's effort. As mentioned



previously, the Objector argues that the Candidate was required to take the additional step of crossing out the signatures of the deleted signers on her Petitions.

### DECISION

The relevant statute is 10 ILCS 5/7-10 which provides, in pertinent part, as follows:

"The...candidate...may strike any signature from the petition, provided that:  
(1) the person striking the signature shall initial the petition at the place where the signature is struck; and  
(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition."

The Objector does not argue that the Candidate failed to comply with paragraphs 1 or 2. In fact, a review of the Petitions and Certification of Deletions shows that the requirements of these paragraphs was complied with. The Objector's argument is that the word "strike" indicates a requirement that the signatures actually be crossed out.

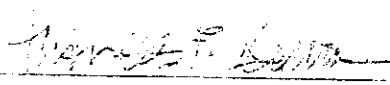
Access to position on a ballot is a substantial right which should not be lightly denied. *Sullivan v. County Officers Electoral Bd. of DuPage County*, 225 Ill.App.3d 691 (1992). Where the statute does not expressly declare its provisions to be mandatory or compliance therewith to be essential to its validity, the failure to strictly comply is not fatal in the absence of fraud or a showing that the merits of the election were thereby affected. *Comney v. County Officers Electoral Bd.*, 314 Ill.App.3d 870 (2000). Additional requirements should not be read into the statutes regarding the filing of petitions. *Id.*

The Candidate argues that the Objector is reading a statutory requirement, the crossing out of a deleted signature, that doesn't exist. This hearing officer agrees. To adopt the Objector's argument would, as the Candidate insightfully points out, require the Candidate to draw lines through a document that has been notarized. "A petition...shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing..." 10 ILCS 5/10-4.

A reasonable argument could be made that the crossing out of signatures is not only not required, it is prohibited.

Additionally, the Objector's suggestion that a signature should be crossed out could result in the obliteration of the signature thereby making it impossible to learn the identity of the signer. The method utilized by the Candidate, and provided for by the legislature, allows a more thorough and transparent review of election petitions.

Accordingly, the Candidate's Motion to Strike and Dismiss Paragraphs 2 and 3 of the Objector's Petition is granted. The Certification of Deletions is effective and these deleted signatures need not be reviewed by the records examiner. Since the deleted signatures actually outnumber the excess signatures, the signatures on the Candidate's Petitions no longer exceed the statutory maximum.



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Thomas P. Quinn - Hearing Officer