

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

Objections of: Mirlinda Vula Feierstein)	
)	
)	
To the Nomination)	No.: 12-EB-WC-03
Papers of: Martin "Marty" Phelan)	
)	
Candidate for the office of Republican Party)	
Ward Committeeman of the 2nd 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 Mirlinda Vula Feierstein ("Objector") to the nomination papers ("Nominating Papers") of Martin "Marty" Phelan, candidate for the office of Republican Party Ward Committeeman for the 2nd 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 Yolanda Sayre 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, Mirlinda Vula Feierstein, by attorney Gregory Eidukas; and the Candidate, Martin "Marty" Phelan, by attorney Christine Svenson.

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 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 44.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 60.
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 27.
- D. The remaining number of signatures deemed valid as a result of the records examination total 33.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was below the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Republican Party Ward Committeeman for the 2nd Ward of the City of Chicago.

14. The Hearing Officer conducted a hearing to allow the Candidate and the Objector an opportunity to present evidence in support of their respective Rule 8 motion objecting to the Board's clerk's findings during the records examination.

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 46 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 Republican Party Ward Committeeman for the 2nd Ward of the City of Chicago, and recommends that the Candidate's Nomination Papers be found valid.

16. This case points out the difficulties in dealing with illegible signatures on a petition. While the objector ultimately has the burden of proving the substance of his/her objections, if a signature on a nominating petition is so illegible or unreadable so as to make it impossible for either an objector or the Board to make a valid comparison with a voter registration record, the electoral board system designed to protect the integrity of the petition process becomes thwarted. Neither an objector nor the Board should be forced to presume that the signature is valid simply because it is illegible. If a candidate obtains a signature on his petition, he or she obviously has had access to the person whose signature is affixed; neither the objector nor the Board has similar access. In voting, if the signature on ballot application does not match the signature on voter registration record for that name, the voter may be challenged by judges of election and is required to execute an affidavit before being allowed to vote. Similarly, if an illegible signature on a petition and the signature ^{of} the voter registration record for that purported individual do not compare, presumably the signature may not be valid and the burden would shift to the candidate to come forward to show who, in fact, signed the petition. Otherwise, bad penmanship may be rewarded if it becomes impossible to discern who signed unintelligible scrawl on the petition sheet. In this case, however, the Hearing Officer's factual findings were not against the manifest weight of the evidence and her rulings find some support in the record.


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.

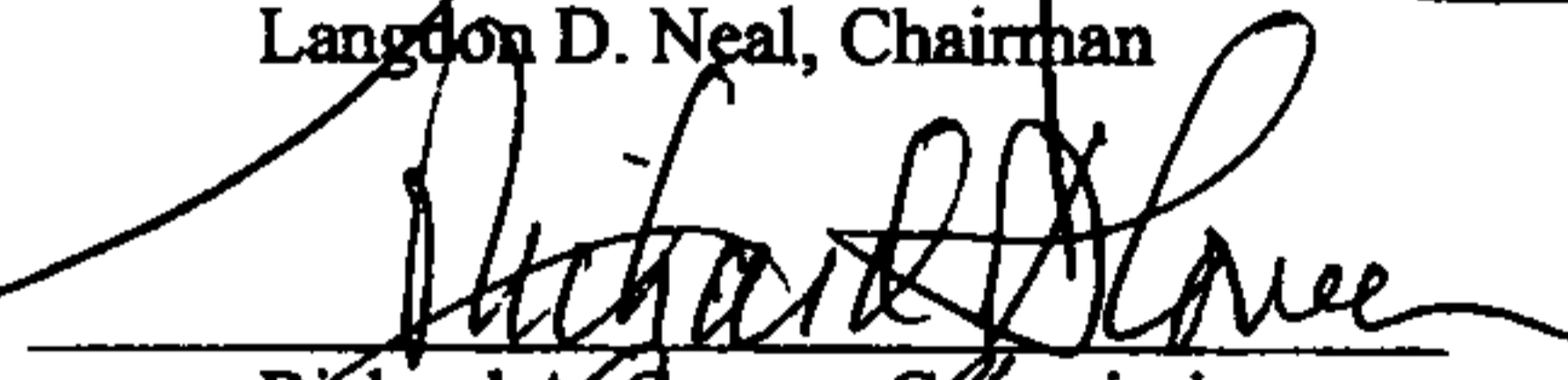
18. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Martin "Marty" Phelan are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Mirlinda Vula Feierstein to the Nomination Papers of Martin "Marty" Phelan, candidate for the office of Republican Party Ward Committeeman for the 2nd Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Martin "Marty" Phelan, candidate for the office of Republican Party Ward Committeeman for the 2nd 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.

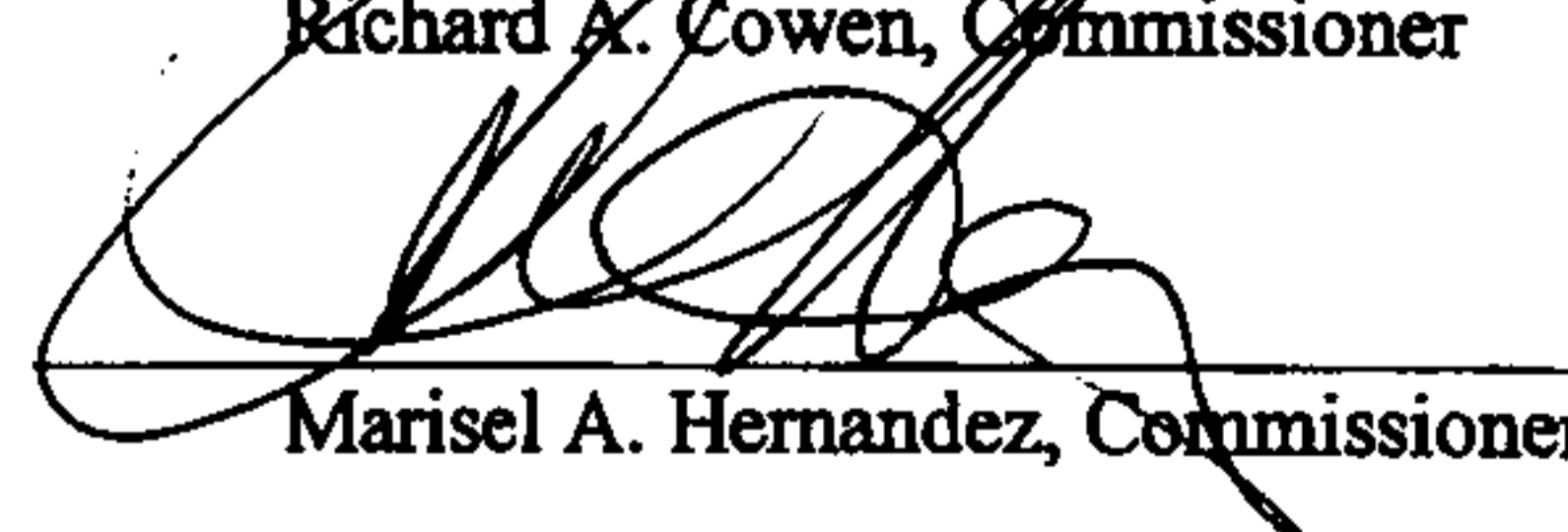
Dated: Chicago, Illinois, on January 13, 2012.



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.

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

MIRLINDA VULA FEIERSTIEN)
Objector)
)
-v-) **12-EB-WC-03**
)
MARTIN "MARTY" PHELAN) **Yolanda H. Sayre**
Candidate) **Hearing Officer**

2012 JAN 10 P 5:26
BOARD OF ELECTION
COMMISSIONER

HEARING OFFICERS'S REPORT AND RECOMMENDED FINDINGS

This matter having come before the duly constituted Chicago Board of Election Commissioners ("the Board"), and before the undersigned Hearing Officer on December 19, 2011; the undersigned Hearing Officer hereby makes the following report and recommended findings:

1. The matter was initially called at 1:15 p.m. on December 19, 2011. At that time the Objector, Ms. MIRLINDA FEIERSTIEN, appeared through her attorney, Mr. Gregory Eidukas (collectively referred to as "the Objector"). The Candidate, Mr. MARTIN PHELAN appeared with his attorneys Christine Svensen and John Bernbom (collectively referred to as "the Candidate"). Both parties indicated they were present and ready to proceed. Ms. Svensen filed her appearance and that of her co-counsel Mr. Bernbom for the Candidate in open proceedings; however, Mr. Eidukas indicated on the record that he would file his appearance on behalf of the Objector with the Board on the 6th floor immediately after adjournment.
2. The parties agreed to be served via email and exchanged email addresses on the record. Both parties were advised that the undersigned Hearing Officer could be served by written filings made with the Board. In addition, the parties were given

copies on the record of the Rules of Procedure, as adopted by the Board on December 19, 2011, and were advised of the requirement to know and follow such rules. Moreover, the parties were given the opportunity to ask any questions they had regarding such Rules of Procedure.

3. Neither party indicated their intent to file any preliminary motions. As a result, a general discussion was held regarding the issues presented in the Objector's Petition. The Hearing Officer stated that based on that discussion, and having reviewed the Objector's Petition, the central issue in this matter was the validity of the petition signatures. The Hearing Officer, with the parties in agreement, determined that a Records Examination would be required.
4. A Records Examination was ordered at the initial hearing and held on December 23, 2011. A Status Hearing initially scheduled on December 22, 2011 was rescheduled for December 26, 2011.
5. The Parties were served the Notice of Records Examination Results on December 23, 2011. The results of the Records Examination were as follows:

Signatures on Petitions	60
Total Objections	39
Objections Overruled	12
Objections Sustained	27
For Review – Candidate	22
For Review – Objector	20
Number of Valid Signatures	33
Min. Signatures Required	44
Number Below Minimum	11

6. The Candidate filed a Rule 8 Motion for Evidentiary Hearing in this matter.

The Status Hearing

7. The matter was recalled at 1:10 p.m. on December 26, 2011 for a Status Hearing. Both parties appeared and were ready to proceed. When the Candidate described his Motion for Evidentiary Hearing he indicated that his intention was to introduce evidence to rehabilitate the twenty-six (26) signatures set forth in the Motion. When the Hearing Officer indicated that he was limited to the number of rulings he objected to during the Records Examination, he insisted that he objected to every ruling by the Records Examiner that was unfavorable to the Candidate.
8. After investigating and consulting with Mr. Charles Holiday, the Supervisor of the Board's Records Examinations, it was determined that at least five (5) of the objections made by the Candidate were erroneously attributed to the Objector during the Records Examination. As a result, the Hearing Officer and the parties along with Mr. Holiday examined each objection and determined that the objections sustained during the Records Examination would have been objected to by the Candidate not the Objector as stated in the Result Reports. The Hearing Officer indicated on the record that the Candidate would be allowed to present evidence based on all of the signatures set forth in his Motion.
9. When the Candidate requested the Evidentiary Hearing be held on Friday, December 30, 2011, the Hearing Officer informed the Candidate of the need to resolve this case in an expeditious manner and that Wednesday, December 28, 2011 would be better. The Hearing Officer agreed to give one more day if the

Candidate was unable to gather the intended evidence, so long as he notified the Board by 5:00 p.m. the night before the scheduled hearing. In that event, the parties had agreed on the record to an alternate time.

10. The Hearing Officer accepted the results of the Records Examination into evidence and marked them as Group Exhibit E. The Hearing was then adjourned.

The Evidentiary Hearing – Part I

11. The matter was recalled on December 28, 2011, at 12:00 p.m., for the Evidentiary Hearing on the results of the Records Examination. The Hearing Officer and the parties agreed that the best approach would be the analysis of each objection line by line. The Objector also stated that since this would be the first time he had seen any of these documents, he wanted more time to be able to review the documents and gather evidence in rebuttal. The Hearing Officer informed the Objector that the plan was to examine each document together during the hearing, and that if he still wanted more time, we could reconvene at a later date. (*See Transcript 12-28-11, Page 6, Line 10*).

12. At the Objector's request, the Candidate provided copies of the evidence he sought to introduce to the Objector as well as the Hearing Officer. The Objector agreed he would look at the evidence and then determine whether he needed additional time. At this point, the Candidate mentioned that due to the time constraints, he had only received the documents less than one hour before and requested that the same accommodation be made for both sides.

13. After the Candidate described their approach and described the evidence they gathered, the Objector then requested a continuance. The Candidate vehemently objected to immediately adjourning the proceedings and brought up the hardship that a continuance would cause their witness. After great debate, both on and off the record, as to whether or not we should recess immediately, the Hearing Officer decided on a compromise which would allow the witnesses to testify during this hearing so they would not have to take additional time off of work; and then we could determine how to proceed from there. Counsel for each party could then attend a later hearing without requiring their clients to appear again themselves. The parties agreed that such a compromise was fair. (See Transcript 12-28-11, Pages 9 Line 14 – Page 12 Line 8).

14. The Candidate then began direct examination of the first witness, the Objector Ms. Feierstein. After granting the Candidate a great deal of latitude, over the objections of the Objector, to elicit certain information from the witness to rehabilitate the signatures requested in his petition, it became clear that his line of questioning was irrelevant to the immediate proceedings. The Candidate's questions centered around the truthfulness of the petition and the motives of the objector; and each time the Hearing Officer thought he was beginning a more relevant line of questioning, he would return to the same petition related questioning. (See Transcript 12-28-11, Pages 13 – Page 25).

15. The Hearing Officer informed the Candidate that this line of questioning would have been appropriate at a hearing on a Motion to Strike or Dismiss the

Objector's Petition, which he was given an opportunity to file and declined to do so. *(See Transcript 12-28-11, Page 25, Line 6).*

16. Despite having been informed, both on and off the record, that he would not be penalized as a result of any inapplicable assertions made or implied by those paragraphs because it was a form petition where the actual objections are made in the attached appendix-recapitulation sheets, and that he missed the opportunity to present this type of argument when he failed to file a Motion to Strike of Dismiss, the Candidate persisted with the same type of questioning. The Hearing Officer finally, in an attempt to move the process along, offered to strike the portions of the petition that did not form the basis of the actual objections in the final recommendation even though they were irrelevant. The Objector objected. The Candidate then requested instead that "no striking of the petition" be put in the record. *(See Transcript 12-28-11, Page 28).*

17. Finally, the Candidate was finished and the Objector stated he had no questions for the witness. The Candidate's counsel then began direct examination of Candidate Phelan. Candidate Phelan testified that he went door to door in his building in order to obtain the eleven (11) notarized affidavits he submitted. At his request, these affidavits were marked Candidate's Group Exhibit 1, although the Hearing Officer informed him that each affidavit had to be examined individually and would be given weight and accepted or rejected on an individual basis. At that point, the Hearing Officer and the parties began to examine the objections that were sustained based on invalid signatures.

- 18. A list of each objection including the Hearing Officer's rationale is summarized at the end of this report.**
- 19. The first signature for which the Candidate presented an affidavit is that of Ms. S. Walker, Sheet 4, Line 9. The Board Employee and the Board's Handwriting Expert sustained objections based on an invalid signature and a printed signature. The Candidate submitted a sworn affidavit that the signer is the registered voter at the address on the petition and that she signed her own proper name. The Hearing Officer finds the signer printed her name on the petition. The print on the petition is similar to the print on the affidavit. The signature on the affidavit and that on registration card are also similar. The Hearing Officer overruled the objection and rehabilitated this signature.**
- 20. This particular objection sparked a discussion regarding printed signatures. The Hearing Officer described the law regarding printed signatures but afforded the Objector the opportunity to brief the issue. An extremely short briefing schedule was set in order to accommodate the previously agreed to date of the next hearing, December 30, 2011. In addition, the Hearing Officer suggested and the Objector agreed to include in his submission any other issues on which the objections were based. This would prevent the need to return after the next hearing.**

Objection: The Use Of Affidavits to Establish Registration

- 21. The next objection examined was Sheet 6, Line 7, Mr. I. McPartlin. The Candidate presented an affidavit that stated Mr. McPartlin was registered to vote at the address listed on the petition that he signed in his proper person and offered**

several samples of his signature. All of the affidavits submitted by the Candidate were of the same form. However, the discussion surrounding this particular signature prompted the Objector to object to the use of affidavits for purposes of registration challenges as well as the Hearing Officer's independent use of information the Board had on file to support an affidavit.

22. The Objector argued that the use of affidavits should not be allowed because they are "self serving statements;" and without more, are not proof of registration. Although affidavits may be admissible in these proceedings to support the genuineness or validity of certain signatures challenged during a records examination, *Garza v. Adams*, 91 EB-ALD-11, CBEC, February, 1991, see also, *Sumlin v. Newell*, 07-EB-ALD-174, CBEC, January 24, 2007, the Hearing Officer agreed with the Objector and explained that ordinarily an affidavit in and of itself would likely be insufficient to establish that a particular signer is in fact registered to vote. However, in this case, the Final Petition Detail Report listed voter information for Mr. McPartlin. Due to the availability of this supporting information, the Hearing Officer believed the Board Employee may have improperly sustained the objection.

Objection: The Use of Information the Board Has On File

23. Although an invalid signature was part of this particular objection, the Board Employee also ruled that Mr. Mcpartlin was not registered. The Final Petition Detail Report without signature clips – the version given to the parties-- listed Mr. McPartlin's information in the column labeled "Voter Name, Id, Address." This

information led the Hearing Officer to suspect that some type of error had been made. Because several other errors had been discovered during these proceedings, the Hearing Officer directed the Board's Clerk, Mr. Shaun Simpson, to investigate this issue further. Specifically, the Clerk was directed to verify whether such information in that column indicated that the person was in fact registered. Mr. Simpson returned and confirmed that the information contained in that Final Petition Detail Report was in fact proof that Mr. McPartlin was registered. Mr. Simpson was unable to determine how the error was made.

24. The Objector then objected that the Hearing Officer was providing the Candidate with evidence. The Hearing Officer explained, on and off the record, that these proceedings are of a fact finding nature; and that ignoring evidence in support of a voter being registered, the result of which would be to invalidate their signature on a nomination petition, because such evidence was not introduced by the Candidate, would be improper and contrary to the purpose of the proceedings.

(See Transcript 12-28-11, Page 45-47).

25. Between the first and second Evidentiary Hearings, the Hearing Officer consulted with several Board employees regarding some of the difficulties encountered during the Evidentiary Hearing. For example, because all of the signatures belonged to individuals who live at the same address, albeit different units, the Hearing Officer believed that determining how many individuals are registered at a particular unit of that address could be helpful in analyzing the evidence presented by the Candidate and overcoming any procedural errors that may or

may not have occurred. The result was a voter search of every registered voter at that address which produced a six (6) - page report entitled Voter Search Results.

26. In addition, the Hearing Officer had requested a Petition Detail Report from the Board earlier that day that included a signature image column for comparison purposes in determining registration status for the signatures that were illegible. This was because some of the problems encountered during the Records Examination were likely the result of having difficulty determining the actual name of the signer.
27. Although either party could have, or arguably should have, produced such information during the hearing to prove or disprove various issues, the Hearing Officer is unaware of any of the Board's Rules of Procedure, prior rulings or any legal precedent limiting a Hearing Officer's ability to use the Board's resources to assist in the analysis of evidence submitted by the parties. This was not an attempt by the Hearing Officer to provide evidence for either side, but rather an attempt to expeditiously determine the truth about registration and to assist in the orderly management of the proceedings. As described below, these resources assisted not only in rehabilitating signatures but also in sustaining objections.
28. The Hearing Officer also clarified and reminded the parties that although the Hearing Officer would make rulings either sustaining or overruling the objections previously ruled on, the aggrieved party could present evidence to refute any rehabilitated signatures and / or seek review of the entire recommended decision under Rule 20.

29. The Candidate then introduced the affidavit of Mr. B. Benoit in order to rehabilitate the signature on Sheet 1, Line 4; and later in this Hearing the affidavit of A. Stagno in order to rehabilitate the signature on Sheet 1, Line 9. The Hearing Officer rejected both of these affidavits because neither had any supporting documentation regarding registration—either in the Final Petition Detail Report or any evidence submitted by the Candidate. In fact, the Final Petition Detail Report and the Board Certified Registrations provided by the Candidate contained the registration information of two other individuals registered in the same apartments as the actual signers. The Candidate argued that there must have been additional errors made by the Board Employee and that he would submit Board Certified documentation during the second day of the hearing.

Objection: Allowing the Submission of Additional Evidence

30. The Hearing Officer made the decision to allow a continuation of the Evidentiary Hearing as well as the submission of additional evidence obtained from the Board for several reasons. First, during the Status Hearing on December 26, 2011, the Hearing Officer set the date for the Evidentiary Hearing on Wednesday, December 28, 2011, despite repeated pleas from the Candidate to give him until the 30th because of the difficulty in obtaining affidavits in this building over the holiday season. The Hearing Officer was adamant about beginning the process and advised the Candidate to do the best he could with the caveat that we could continue if absolutely necessary.

31. Second, the Objector agreed that the Board Certified Registrations were the best evidence of registration and vehemently objected to the acceptance of any affidavits as evidence of registration. *(See Transcript 12-28-11, Page 51)*. Since the Hearing Officer had already agreed to continue the Evidentiary Hearing to a second day for the Objector's benefit to gather rebuttal evidence and to brief various issues, allowing the Candidate the same amount of time to gather additional evidence from the Board to resolve the matter would not be prejudicial to the Objector.
32. Finally, and most importantly, the possibility of additional errors or difficulties encountered by the Board Employee during the Records Examination process was problematic and raised doubt as to the accuracy of the results. The Hearing Officer had doubts as to whether or not more than one person could be registered in a particular apartment even though the Final Petition Detail Report only had room for one household member's information. In addition, there were other difficulties such as the petition form not having a column for the printed name of the voter and some of the signatures being illegible. A discussion with the parties revealed that this problem was compounded by the fact that it was the attorney who participated in the Records Examination, rather than the Candidate himself who collected the signatures and knew the signer's names. In fact, the Objector couldn't identify some of the signers during the Records Examination either. *(See Transcript 12-28-11, Page 54-57)*.
33. Ultimately, the Hearing Officer determined that for these reasons, coupled with the difficulty in obtaining affidavits during the height of the holiday season,

resolving this matter required additional evidence, time, and additional effort to determine if the signers for whom registration objections had been sustained were in fact registered.

34. The final affidavit offered by the Candidate during the first day of the Evidentiary Hearing was that of J. Kazarian to rehabilitate the signature on **Sheet 3, Line 10**. The Candidate submitted a Board Certified Registration for Ms. Kazarian and her voter information was listed on the Final Petition Detail Report. In addition, the signature on the petition is similar to the examples on the affidavit. The Hearing Officer overruled the objection and rehabilitated this signature.
35. The parties agreed to limit their evidentiary submissions to the date of the second hearing on Friday, December 30, 2011. The Candidate voiced his concerns about the time restraints. The Objector objected to any submissions of evidence after Friday, the second day of the Evidentiary Hearing. The Hearing Officer informed the parties that absent a continuation due to the inability to finish, there would be no additional continuances and that any such continuance would have to be approved by the Board. The first part of the Evidentiary Hearing was then adjourned.

Filings Made by the Parties

36. During the Evidentiary Hearing, the Objector made various arguments regarding the validity of printed signatures, incomplete addresses and other issues related to his objections. The Hearing Officer granted leave to the Objector to file a memorandum in support of his arguments regarding the invalidity of printed

signatures and requested that he include any other issues that he believed were relevant to the arguments he made during the Hearing. The Objector timely filed a "Memorandum of Petitioner in Support of Petitioners Objections At Rule 8 Evidentiary Hearing."

37. The Objector opted not to brief the issue related to printed signatures as the issue is relatively well settled. The Objector's Memorandum was based on one issue—addresses that were missing street directions. Specifically, the Objector argued that the signatures on lines 1, 2, and 3 of Sheet 2 are rendered invalid because the signers wrote "933 Van Buren" and their respective apartment numbers as opposed to writing "933 W. Van Buren." He argued that such missing street directions are a violation of the mandatory requirements of Section 7-10 of the Election Code, which requires that the address include the street address or rural route number of the signer as well as the signer's county, city, and state. 10 ILCS 5/7-10.

38. The Objector cites *Greene v. Board of Election Commissioners of the City of Chicago*, in support of his argument that the requirement of a signer's registered address is a "valid mechanism" in determining voter eligibility. 112 Ill.App.3d 862, 445 N.E. 2d 1337 (First Dist. 1983). Furthermore, the Objector cites the prior Board decision in *Davis v. Reed*, 04-EB-WC-81, CBEC, (Feb. 2004) as further support for invalidating those signatures; presumably since no affidavits were introduced to rehabilitate them.

39. The Candidate filed a timely response to the Objector's Memorandum. The Candidate's response relies on the fact that the Objector failed to cite any legal

precedent or prior Board decision holding specifically that a missing street direction is enough to invalidate the signature. In addition, the Candidate states in his response that the Objector testified under oath that she was aware that all the signatures in the Nomination Petition were gathered at the same address, and that there was no testimony that there was any confusion, mistake or fraud regarding those addresses.

40. The Hearing Officer agrees with the Objector and the authority cited that a signer must include the address at which they are registered in order for their signature on a petition to be considered valid, as well as the importance of that requirement in protecting the integrity of the electoral process. However, the Hearing Officer disagrees that the signatures in question should be invalidated as a result of a missing street direction in that they are in substantial compliance with section 7-10 address requirements. Mandatory provisions of the Election Code can be satisfied with substantial compliance. *Jakstas v. Koske*, 817 N.E.2d 200, 352 Ill. App.3rd 861 (2nd Dist. 2004).

41. There are situations in which the street direction could make a significant difference in terms of identifying the ward or political subdivision of the signer. There is only one location associated with "933 Van Buren" – rendering the street direction inconsequential in this case. In *Davis v. Reed, supra*, the Board ruled that signatures with incorrect addresses could be rehabilitated with affidavits. The Hearing Officer finds the omission of the street direction in this case to be less significant and therefore distinguishable from *Davis*. In *Davis*, there were errors in the street address numbers that would lead someone to a completely different

location. The signers gave completely different building numbers. Here, the address of "933 E. Van Buren" does not exist. Thus, this omission would certainly not cause the same confusion as incorrectly stating the building number—say writing "833 W. Van Buren"—as was the case in *Davis*. Nor is this the type of error that would thwart or impede the integrity of the electoral process.

42. The Hearing Officer would liken this type of omission to writing the word "street" instead of "boulevard" as was the case in *Mendoza v. Perez*, 99 EB-ALD-066, CBEC, 1999, wherein the Board ruled that despite this error, the circulator's affidavit was in substantial compliance with the Election Code.
43. The Candidate testified under oath that he stood in his building, during a busy time after work as people were checking their mail and asked them to sign the Petition Sheets. (*See Transcript 12-28-11, Page 34, Lines 1-6*). The Hearing Officer believes that the Candidate's sworn testimony suffices to establish for the record that the signers on the three petition lines in question indeed live at "933 W. Van Buren Street." Moreover, not only did the Objector testify under oath that all the signatures were obtained from the same building; but the Objector insisted on a stipulation that all of the addresses on the petition are within the Second (2nd) Ward. (*See Transcript 12-28-11, Page 19, Lines 10-24*).
44. The Hearing Officer therefore denied the Objectors request to invalidate the signatures on Sheet 2, lines 1, 2, and 3.
45. On December 30, 2011, the morning of the continuation of the Evidentiary Hearing, the Candidate filed a "Request That Official Notice Be Taken Of Records of the Chicago Board of Election Commissioners". Such records

consisted of Board Certified Registrations for various sustained objections and were attached to the filing. The Objector filed a response approximately two (2) hours prior to this Hearing. In his response, the Objector argued that each registration document should be considered separately and that the Candidate should be barred from presenting evidence to rehabilitate certain signatures because he hadn't objected to such rulings during the Records Examination.

46. Without having had time to thoroughly review the filings prior to the Hearing, the Hearing Officer rejected the Candidate's "Request that Official Notice Be Taken" and granted the Objector's request that each document be analyzed and each objection be ruled upon separately.

47. The Objector's second request was that the Candidate be denied the opportunity to present evidence to rehabilitate the listed signatures because he failed to object to those rulings during the Records Examination as required by Rule 6. Such sustained rulings were listed in both the Final Petition Detail Report and in the Objector's Reply as if the Objector requested review. However, the Hearing Officer had already established, through a discussion with the Parties and with the Board's Records Examination Supervisor, Mr. Charles Holiday, both on and off the record, that the Objector had been erroneously credited with requests for review of rulings made in their favor. Such requests for review were actually made by and should have been credited to the Candidate. (*See Transcript - Status Hearing 12-26-11*).

48. The Candidate was afforded the opportunity to present evidence to rehabilitate the signatures on the sheet and line numbers identified in his Rule 8 Motion during

the Evidentiary Hearing effectively denying the Objector's second request. After the conclusion of the Evidentiary Hearings, and a more thorough review of the filings, such request is hereby officially denied.

The Evidentiary Hearing – Part II

- 49.** The matter was recalled for the second part of the Evidentiary Hearing at 2:00 p.m. on December 30, 2011. Once again both parties appeared and were ready to proceed. After a preliminary discussion of the documents filed by the Parties, the Hearing proceeded as planned with the Candidate either presenting evidence or opting not to present any further information for particular signatures. The objections to signatures for which the Candidate offered nothing further were sustained. The objections for which the Candidate offered some form of evidence were discussed, the evidence was weighed and ruled upon; and each party was afforded the opportunity to put forth their arguments and / or rebuttal evidence.
- 50.** The Candidate identified twenty-six (26) signatures in his Rule 8 Motion that were invalidated during the Records Examination; and of those objections fourteen (14) were sustained and twelve (12) were overruled or rehabilitated. The ruling and rationale for each objection reviewed is summarized below on pages 28 - 31. Some of the signatures reviewed were relatively straight forward, while others generated debate and objections and will be discussed in more detail below.

Objection: A Board Certified Registration and an Affidavit Required

- 51. The Candidate offered a Board Certified Registration for Mr. S. Ogo, Sheet 1, Line 1. This sparked a debate centered on whether the Candidate was required to submit an affidavit along with a Board Certified Registration. The Objector argued that the Candidate was required to provide two types of proof: one for registration and one to prove the signer is the registered person. After various arguments on both sides regarding the burden of proof, the Hearing Officer disagreed that both forms of evidence were required.**
- 52. The Objector acknowledged that he never made the argument in the prior hearing that an affidavit should be required with each Board Certified Registration. (See *Transcript 12-30-11, Page 18.*) In addition, the Objector failed to offer, and the Hearing Officer was unable to find, any prior Board decisions or case law requiring two types of proof for objections based on registration. Moreover, the objections for the signatures in question were not based on it not being the proper person or the genuineness of the signatures. The Candidate had submitted some affidavits at the previous hearing for some of the signatures he was attempting to rehabilitate, including the current one. Admittedly, an accompanying affidavit made the decision to rehabilitate much easier, but to require it would impose a standard for which the Candidate was not only unprepared due to the time of year, but also of which he had no warning.**
- 53. Some signatures were legible enough to determine the name of the signer and link it to the Board Certification. Some of the signatures, however, were illegible and presented more difficulty and the Hearing Officer had to rely on additional**

information from the Board, the testimony of the Candidate, and whether there was any evidence to the contrary in order to aid in determining whether it was more likely than not that the signers in question were in fact registered.

54. The Hearing Officer did feel a responsibility to ascertain the truth regarding these registrations and that included attempting to confirm the identity of the allegedly registered signers. That was the impetus behind gathering the additional resources from the Board such as the Voter Search Results Report discussed above.

55. These objections were made and sustained based on lack of registration, not whether the signature was genuine or whether the person signed in their proper person. While it is understandable that the Objector is frustrated at the lack of absolute certainty that some of the signers are in fact the people registered, the standard of proof is a preponderance of the evidence not by an absolute certainty. *Rule 8(b) Board Rules of Procedure.* Thus, the Hearing Officer did not require an affidavit to prove registration.

56. Over the Objector's objection, the signature of Mr. S. Ogo, Sheet 1, Line 1 was rehabilitated. Despite the arguments made by the Objector, there happened to be an affidavit with similar signatures in evidence supporting the Board Certified Registration.

57. The Hearing Officer then ruled that the objections to Sheet 1, Line 4 and Line 9, which were discussed during the December 28th Hearing were sustained as no further supporting evidence was offered.

- 58. The Candidate next offered the Board Certified Registration for Mr. M. Quinn on Sheet 2, Line 1. There was a bit of confusion because the Final Petition Detail Report listed an Adam Smith in Unit #725 in the voter information column for that sheet and line number. This was despite the fact that the original petition clearly listed Unit #318 on Sheet 2, Line 1, next to a signature that was difficult to read, not Unit #725. It is unclear why the Board Employee looked up unit #725 instead of the Unit actually listed on the Petition Sheet.**
- 59. The Hearing Officer then consulted the Voter Search Results Report and concluded that two people are registered in Unit #318—Michael Quinn and Katherine Quinn. Although the signature is difficult to read, the first letter of the signature on the petition looked much more like an “M” than a “K.” In the absence of any evidence to the contrary, the Hearing Officer finds that it is more likely than not that Mr. M. Quinn is registered to vote at the address listed on Sheet 2, Line 1.**
- 60. The Hearing Officer sustained the objection for Sheet 2, Line 3, as the Candidate offered no further information or evidence.**
- 61. The Hearing Officer sustained the objection for Sheet 2, Line 5, as the Candidate offered a Board Certified Registration for an entirely different person than the affiant on an affidavit submitted by the Candidate for this Sheet and Line number during the December 28th Evidentiary Hearing.**
- 62. The Candidate offered the Board Certified Registration of Mr. J. Malysiak, Sheet 2, Line 6. The signature on that line is illegible. The Petition Sheet lists Unit #510 next to the signature. The Voter Search Results Report lists one person, Mr.**

Malysiak, as being registered in that Unit #510. The Hearing Officer is unable to confirm that the signature belongs to Mr. Malysiak. The Objector objected that there was no supporting affidavit, but offered no evidence that the signer was anyone other than Mr. Malysiak. The Hearing Officer overruled the objection and rehabilitated the signature.

63. The Candidate offered the Board Certified Registration of Mr. L. Jha, Sheet 2, Line 7. In addition, the Candidate submitted an affidavit for Mr. Jha at the first part of the Evidentiary Hearing on December 28, 2011. The signatures on the affidavit are similar to those on the petition leading the Hearing Officer to find that Mr. Jha is in fact registered to vote at the address next to his name. The Hearing Officer overruled the objection and rehabilitated the signature. The Objector voiced his objection again.
64. The Candidate offered the Board Certified Registration of Ms. A. Ervin, Sheet 2, Line 8. In addition, the Candidate submitted an affidavit for Ms. Ervin at the first part of the Evidentiary Hearing on December 28, 2011. The first part of Ms. Ervin's signature is legible. The signatures on the affidavit are similar those on the petition leading the Hearing Officer to find that Ms. Ervin is in fact registered to vote at the address next to her name. The Hearing Officer overruled the objection and rehabilitated the signature. The Objector voiced his objection again.
65. The Hearing Officer sustained the objection for Sheet 3, Line 2, as the Candidate offered no further information or evidence.
66. The Hearing Officer sustained the objection for Sheet 3, Line 3, as the Candidate offered no further information or evidence as to the genuineness of the signature.

The Candidate presented a Board Certified Registration for Mr. B. Barenburg, but the objection was sustained on the invalidity of the signature not on registration.

67. The Candidate offered the Board Certified Registration of Mr. L. Zhao, Sheet 3, Line 4. The signature on the petition is legible and clearly reads "Lee Zhao." In addition, the Candidate had submitted an affidavit for this signer at the first part of the Evidentiary Hearing. The Hearing Officer overruled the objection and rehabilitated the signature.
68. The Candidate offered the Board Certified Registration of Ms. A. Ayers, Sheet 3, Line 7. The signature on the petition is slightly difficult to read but could certainly say "Alexandrea Ayers." In addition, there are three people registered to vote in Unit #704, which is clearly listed on the original petition sheet. In addition to Alexandra, the Voter Search Results Report lists, an "Irene" and a "Paul" as also being registered in that unit. The first name of signature on the petition looks much more like "Alexandrea" than "Irene" or "Paul". The Hearing Officer overruled the objection and rehabilitated the signature. The Objector noted his objection for the record.
69. The Hearing Officer then confirmed the rehabilitation of the signature for Ms. J. Kazarian, Sheet 3, Line 10. That signature and the evidence of registration were ruled upon during the first part of the Evidentiary Hearing on December 28, 2011. See above paragraph 34, or the summary of decisions below.
70. The Candidate presented a Board Certified Registration for Mr. P. Manuel, Sheet 4, Line 5. The Candidate had previously submitted an affidavit for Mr. Manuel as well, during the December 28, 2011 Evidentiary Hearing. The Hearing Officer

sustained the objection that Mr. Manuel was not registered at the address listed on the petition because the Board Certified Registration listed a different address as of December 29, 2011. Mr. Manuel signed the petition prior to that date. The affidavit said Mr. Manuel was registered to vote at 933 W. Van Buren. However, the Board records reflect that he is registered at 800 S. Wells. The Candidate stated that there was a change of address pending and also pointed out that the address listed on the Board Certified Registration was also in the 2nd Ward.

However, a person who signs a "nominating *petition must be registered to vote at the residence address set forth on the nominating petition.*" *Greene v. Board of Election Commissioners of the City of Chicago*, 112 Ill.App.3d 862, 445 N.E. 2d 1337 (First Dist. 1983); *Miranda v. Cummings*, 06-EB-NPP-02, CBEC, August 9, 2006. The Candidate's objection was noted for the record later in the Hearing.

71. The Hearing Officer sustained the objection for Sheet 4, Line 8, as the Candidate offered no further information or evidence.
72. The Hearing Officer then confirmed the rehabilitation of the signature for Ms. S. Walker, Sheet 4 Line 9. That signature and supporting affidavit was ruled upon during the first part of the Evidentiary Hearing on December 28, 2011. See above paragraph 19, or the summary of decisions below.
73. The Hearing Officer sustained the objection for Sheet 5 Line 2, and Sheet 5 Line 5 as the Candidate offered no further information or evidence.
74. The Candidate offered the Board Certified Registration of Ms. A. Nam, Sheet 5, Line 6. The signature on the petition is slightly difficult to read but could certainly say "Annie Nam." The second part of the signature is easier to read, and

the Hearing Officer determined it says "Nam". In addition, Ms. Nam is the only person registered in unit #810, which is clearly listed on the original petition sheet. The Hearing Officer overruled the objection and rehabilitated the signature. The Objector noted his objection for the record.

75. The Hearing Officer sustained the objection for Sheet 5 Line 8, and Sheet 5 Line 9 as the Candidate offered no further information or evidence.

76. The Candidate offered the Board Certified Registration of Mr. Stephen Boduch, Sheet 6, Line 2. The signature on the petition is illegible. Mr. Boduch's Registration information does not list a unit number. Although the petition lists what appears to be Unit #724 next to the signature, there is no way to verify what Unit Mr. Boduch lives in. The Voter Search Results Report lists an "Amy Boduch" who is registered in Unit #413, not Unit #724 as is listed on the petition. Stephen Boduch appears on that list immediately after Amy (the list is alphabetical) but with no unit number.

77. In what was perhaps the most difficult ruling, the Hearing Officer overruled the objection and rehabilitated the signature for the following reasons. First, the objection was to registration and a Board Certified Registration was presented for Mr. Boduch with no evidence that either such registration was invalid or that it wasn't him who signed the petition. Second, the Boards records, as evidenced in the Voter Search Results Report or actual Certification, were inconclusive in that they listed Mr. Boduch without an apartment number. To use the fact that there was an Amy Boduch listed in a different unit number than that written on the petition would have required the Hearing Officer to make the assumption that

they were married, or lived together, without knowing if they were related or even knew each other. The Hearing Officer did not feel that making such assumptions or speculating about those issues was within the scope of the responsibilities of a Hearing Officer. Finally, while the possibility existed that it was not Mr. Boduch who signed the petition, there was no evidence that it wasn't. The signature was illegible so it could not be used to disqualify him as the signer either. The likelihood was just as high that it was Mr. Boduch's signature, than that it wasn't.

78. The Hearing Officer sustained the objection for Sheet 6 Line 5, and Sheet 6 Line 6 as the Candidate offered no further information or evidence.

79. The Hearing Officer then confirmed the rehabilitation of the signature for Mr. I. McPartlin. Sheet 6, Line 7. That signature and the evidence of registration were ruled upon during the first part of the Evidentiary Hearing on December 28, 2011. See above paragraph 21, or the summary of decisions below.

80. After a brief review of the signatures that were rehabilitated during the Hearing, the Board Certified Registrations submitted were marked "Candidates Group Exhibit 2" and admitted into evidence. The Objector registered his objections to all twelve (12) of the rehabilitated signatures for the record. The Hearing was then adjourned.

81. Prior to adjourning, the Candidate asked about the ruling on the objection on Sheet 6, Line 8 even though he had not included that objection in his Rule 8 Motion. He was seeking confirmation that the portion of the objection that was originally sustained by the Board Employee during the Record's Examination had been overruled by the Board's Hand Writing Expert. The Hearing Officer had

erroneously confirmed for him the final ruling was in his favor. (*See Transcript 12-30-11, Page 47-48.*) This was before the Board issued the notice regarding the design flaws or defects in the Joint Petition Project Reports and the reprinted copy of the Final Petition Detail Report was served upon the parties. The signatures that the Report indicates are below the minimum required did not change on the reprinted Summary Report; the number is still listed as eleven (11). However, it is likely that the signature on Sheet 6, Line 8 would have been included in the Rule 8 Motion had it not appeared that the original sustained ruling had been reversed.

82. As a result, the Hearing Officer is hereby overruling the Board Employee and the Board's Hand Writing Expert on the "invalid signature" ruling for Sheet 6, Line 8. The "printed signature" ruling was overruled by the Board's Hand Writing Expert and is therefore moot. The Hearing Officer finds the signature on the petition is almost identical to the signature the Board has on file, as evidenced by the Petition Detail Report including signature clips. The Hearing Officer also finds this to be the most equitable remedy.

83. Below is a summary of the findings on the individual objections sustained during the Records Examination made by the Hearing Officer during both parts of the Evidentiary Hearing. Each is discussed above in more depth. The final signature rehabilitated, outside of the Hearing, is listed below as well.

Summary of Findings

Obj
made
based on
affidavit
Registration

- a) **Sheet 1 Line 1 – Affidavit and Board Certified Registration of S. Ogo** – Objection was sustained by the Board as not registered at address. The Candidate first submitted a sworn affidavit that the signer is registered at the address on the petition and that he signed in his own proper name at the 12-28-11 Hearing. The Candidate submitted the Board Certified Registration at the continuation. The Hearing Officer finds that Mr. Ogo is in fact registered at the address he listed on the petition. Although illegible, the signature looks similar to one of the sample signatures on the affidavit. – **Objection Overruled.**
- b) **Sheet 1 Line 4** – The Candidate offered no further information during 12-30-11 hearing. Initially reviewed during 12-28-11 Hearing wherein the Candidate offered conflicting evidence. **Objection Sustained.**
- c) **Sheet 1 Line 9** – The Candidate offered no further information during 12-30-11 hearing. Initially reviewed during 12-28-11 Hearing wherein the Candidate offered conflicting evidence. **Objection Sustained.**
- d) ~~**Sheet 2 Line 1 – Board Certified Registration of Mr. Quinn**~~ – Objection was sustained by the Board as not registered at address. The Candidate submitted the Board Certified Registration. The petition says Unit #318. There are two individuals registered in unit#318—Michael and Kathleen. The signature on the Petition Sheet is illegible; but the first letter of the signature is an “M” not a “K.” The Hearing Officer finds that Mr. Quinn is in fact registered at the address he listed on the petition. – **Objection Overruled.**
- e) **Sheet 2 Line 3** – The Candidate offered no further information. **Objection Sustained.**
- f) **Sheet 2 Line 5** – The Candidate offered a Board Certified Registration for an entirely different person than the affiant on an affidavit submitted by the Candidate for this Sheet and Line during the 12-28-11 Hearing **Objection Sustained.**
- g) ~~**Sheet 2, Line 6 – Board Certified Registration of Mr. J. Malysiak**~~ – Objection was sustained by the Board as not registered at address. The Candidate submitted a Board Certified Registration. The petition says Unit #510. The only individual registered in Unit#510 is Mr. Malysiak. The signature on the Petition Sheet is illegible. The Hearing Officer finds that Mr. Malysiak is in fact registered at the address listed on the petition. – **Objection Overruled.**

- h) **Sheet 2 Line 7—Affidavit and Board Certified Registration of L. Jha—** Objection was sustained by the Board as not registered at address. The Candidate first submitted a sworn affidavit that the signer is registered at the address on the petition and that he signed in his own proper name at the 12-28-11 Hearing. The Candidate submitted the Board Certified Registration at the 12-30-11 Evidentiary Hearing. The Hearing Officer finds that Mr. Jha is in fact registered at the address he listed on the petition. Although illegible, the signature looks similar to the sample signatures on the affidavit. — **Objection Overruled**
- i) **Sheet 2 Line 8—Affidavit and Board Certified Registration of A. Ervin—** Objection was sustained by the Board as not registered at address. The Candidate first submitted a sworn affidavit that the signer is registered at the address on the petition and that she signed in her own proper name at the 12-28-11 Hearing. The Candidate submitted the Certification at the continuation of the Evidentiary Hearing. The Hearing Officer finds that Ms. Ervin is in fact registered at the address she listed on the petition. The first name of the signature is legible, and the signature looks similar to the sample signatures on the affidavit. — **Objection Overruled**
- j) **Sheet 3 Line 2** — The Candidate offered no further information. **Objection Sustained.**
- k) **[REDACTED]** —The objection was sustained for invalid signature not registration. The Candidate failed to offer an affidavit to rehabilitate the signature. **Objection Sustained.**
- l) **Sheet 3, Line 4—Affidavit and Board Certified Registration of Mr. L. Zhao—**Objection was sustained by the Board as not registered at address. The Candidate submitted a Board Certified Registration. Candidate first submitted a sworn affidavit that the signer is registered at the address on the petition and that he signed in his own proper name at the 12-28-11 Hearing. In addition, the signature on the petition is legible and says “Lee Zhao.” The Hearing Officer finds that Mr. Zhao is in fact registered at the address listed on the petition. — **Objection Overruled.**
- m) **Sheet 3, Line 7—Board Certified Registration of A. Ayers—** Objection was sustained by the Board as not registered at address. The Candidate submitted a Board Certified Registration. The registration is for A. Ayers in unit #704. There are three individuals registered in unit#704. The signature on the Petition Sheet is somewhat difficult to read, but looks much more like A. Ayers than the other two. The Hearing Officer finds that Ms. A. Ayers is in fact registered at the address listed on the petition. — **Objection Overruled.**

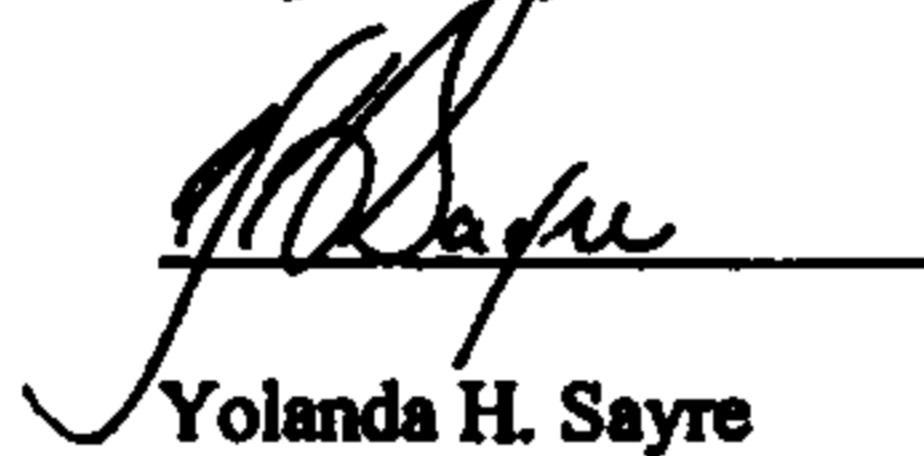
- n) **Sheet 3, Line 10—Affidavit and Board Certified Registration of J. Kazarian-- Reviewed and decided 12-28-11.** Objection was sustained by the Board. The Candidate submitted a Board Certified Registration for Ms. Kazarian and her voter information was listed on the Final Petition Detail Report. The Candidate also submitted a sworn affidavit that the signer is registered at the address on the petition and that she signed in her own proper name. In addition, the signature on the petition is similar to the examples on the affidavit. --**Objection Overruled.**
- o) **Sheet 4 Line 5 –** The Candidate submitted an affidavit at 12-28-11 Hearing for P. Manuel but the Board Certification submitted on 12-30-11 lists a different address than that listed on the petition. -- **Objection Sustained.**
- p) **Sheet 4 Line 8 –** The Candidate offered no further information. **Objection Sustained.**
- q) **Sheet 4 Line 9 – Affidavit of S. Walker – Reviewed and decided 12-28-11.** Objection was sustained by the Board and its hand writing expert based on **invalid signature**. Candidate submitted a sworn affidavit that the signer is the registered voter at the address on the petition and that they signed their own proper name. The Hearing Officer finds the signer printed her name on the petition; the print on the petition, is similar to the print on the affidavit; the signature on the affidavit and that on registration card are similar. – **Objection Overruled.**
- r) **Sheet 5 Line 2 –** The Candidate offered no further information. **Objection Sustained.**
- s) **Sheet 5 Line 5 –** The Candidate offered no further information. **Objection Sustained.**
- t) **[REDACTED]** Objection was sustained by the Board as not registered at address. The Candidate submitted a Board Certified Registration. The registration is for A. Nam in unit #810. Ms. Nam is the only individual registered in unit#810. The signature on the Petition Sheet is somewhat difficult to read, but looks like it could say "Annie Nam". The second part of the signature looks more clearly like it says "Nam." The Hearing Officer finds that Ms. A. Nam is in fact registered at the address listed on the petition. – **Objection Overruled.**
- u) **Sheet 5 Line 8 –** The Candidate offered no further information. **Objection Sustained.**

- v) **Sheet 5 Line 9** – The Candidate offered no further information. **Objection Sustained.**
- w) ~~Sheet 6 Line 2 – Board Certified Registration of Mr. S. Boduch~~
 Objection was sustained by the Board as not registered at address. The Candidate submitted a Board Certified Registration. The registration is for Mr. Boduch with no unit number. The Petition lists Unit #724 next to an illegible signature. There is another Boduch listed on the Voter Search Results but in a different unit. There is no evidence that they live together or even know each other. The Hearing Officer finds that it is more likely than not that Ms. S. Boduch is in fact registered at the address listed on the petition. – **Objection Overruled.**
- x) **Sheet 6 Line 5** – The Candidate offered no further information. **Objection Sustained.**
- y) **Sheet 6 Line 6** – The Candidate offered no further information. **Objection Sustained.**
- z) **Sheet 6 Line 7** – *Affidavit and Board Certified Registration of Mr. I. McPartlin* – Reviewed and decided 12-28-11– Objection was sustained by the Board and it's Hand Writing Expert. Candidate submitted a Board Certified Registration and a sworn affidavit that the signer is a registered voter at the address on the petition and that they signed their own proper name. The affidavit offers several examples of the signer's signature. The Hearing Officer finds the signature on the petition to be similar to the first example in the affidavit, albeit a shorter version of such signature. In addition, the signature on file with the Board is similar to the third example on the affidavit.– **Objections Overruled.**
- aa) **Sheet 6 Line 8** – The Hearing Officer reviewed this signature as a result of confusion caused by the reports generated by the Joint Petition Project. The Candidate did not include this objection in his Rule 8 motion and offered no further information. The Hearing Officer on her own Motion reviewed the petition and signature clip after erroneously confirming that the original ruling was in the Candidate's favor. The Hearing officer finds that the signature on the petition is almost identical to the signature the Board has on file. --**Objection Overruled. See paragraphs 81 - 82 for full explanation.**

84. The Hearing Officer finds that the Candidate rehabilitated twelve (12) of the signatures objected to during the Evidentiary Hearing. The Hearing Officer rehabilitated one (1) additional signature on her own Motion. See above paragraphs 81 - 82. The Candidate has forty-six (46) valid signatures—two (2) greater than the minimum statutory requirement to have his name placed on the ballot.

85. For the forgoing reasons, the Hearing Officer recommends that MARTIN "MARTY" PHELAN be placed on the ballot for Ward Committeemen of the Second (2nd) Ward of the City of Chicago. The Hearing Officer further recommends that the OBJECTIONS of MIRLINDA VULA FEIERSTEIN be OVERRULED and that the NOMINATION PAPERS of MARTIN "MARTY" PHELAN be deemed VALID.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Y. Sayre", is written over a horizontal line.

Yolanda H. Sayre

Hearing Officer