

## **FINDINGS AND DECISION**

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Terence E. Flynn for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, EMMA JEAN ROBINSON, by her attorney, James P. Nally P.C.; and the Candidate, WILLIAM SIEGMUND, pro se.

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 Electoral 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 473;
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,802;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,323;
- D. The remaining number of signatures deemed valid as a result of the records examination total 279.

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 less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 28th Ward of the City of Chicago.

14. The Candidate did not file a 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 only 279 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a

candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

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 an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of WILLIAM SIEGMUND are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of EMMA JEAN ROBINSON to the Nomination Papers of WILLIAM SIEGMUND, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of WILLIAM SIEGMUND, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on January 5, 2015.

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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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Marisel 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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND  
PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR  
ELECTION TO THE OFFICE OF ALDERMAN OF THE  
28th WARD, CITY OF CHICAGO, TO BE VOTED UPON AT THE FEBRUARY 24, 2015  
MUNICIPAL GENERAL ELECTION**

|                           |   |                 |
|---------------------------|---|-----------------|
| <b>Emma Jean Robinson</b> | ) |                 |
| Petitioner – Objector     | ) |                 |
|                           | ) | 15-EB- ALD- 127 |
|                           | ) |                 |
| <b>William Siegmund,</b>  | ) |                 |
| Respondent – Candidate    | ) |                 |
|                           | ) |                 |

**Report and Recommendation of Hearing Officer  
Terence E. Flynn**

CHICAGO BOARD OF  
ELECTION COMMISSIONERS

2014 DEC 30 A 9:13

**I) Procedural Background**

**a) Initial Statuses :**

- 1) This matter was initially called for hearing on December 10, 2014.
- 2) Attorney James Nally appeared for the Objector. The candidate appeared pro se.<sup>1</sup>
- 3) At that subsequent status, on December 15, 2014, the candidate reported that no attorney would be appearing for him and that he would continue pro se. The candidate filled out an appearance form that stated, *inter alia*, that candidate would accept service of papers via email and gave his email address.
- 4) The Objection appeared to be timely filed. No motion was filed attacking the legal sufficiency of the Objection. It appeared from the Objection that a Rule 6 examination was required and thus, with the parties' agreement, a Rule 6 Record Examination Directive was issued on December 15, 2014.

<sup>1</sup> The file showed that there was no sheriff's service on the candidate. The candidate did appear in person at the 12/10/14 initial hearing; however, he stated that he had been informed by his attorney -- Richard Means -- that an Objection had been filed, and that his attorney told him to come and obtain a copy of the Objection. A copy of the Objection was furnished to the candidate. The matter was continued to December 15, 2014, to allow the attorney to review the Objection and appear at that time, given that the candidate's appearance on 12/10/14 saved time in additional service.

- 5) A subsequent status was held on December 19, 2014, awaiting commencement of the Rule 6 Records examination. The Rule 6 exam had not been scheduled at the time of the status and the matter was continued to December 23, 2014 for further status on the Rule 6 examination.

**b) The Rule 6 Records Examination:**

- 6) On December 19, 2014, after the status of the same day, the Board notified the parties via email – at their respective email addresses of Record – that the Rule 6 examination would commence on December 20, 2014 at 10:00 a.m. with one watcher team. As is often the case when a pro se party is involved, this Hearing Officer followed-up also on December 19<sup>th</sup> with an email to both parties at their respective email addresses of Record also noting the time and date of commencement of the Rule 6 examination.
- 7) The Rule 6 Records Examination commenced on 12/20/14, as scheduled and notified, without the candidate present. On the evening of 12/20/14, at 6:21 p.m., the candidate responded by email to my email of the day before, 12/19, stating he “didn't see” the Board's notification of 12/19 and requesting re-scheduling of the Rule 6 exam. This Hearing Officer responded by email on the same evening – 12/20/14, at 7:52 p.m. – informing the candidate that the Rule 6 examination could not be re-scheduled. I also suggested to the candidate that the Rule 6 examination may well be continuing on the next day – 12/21/14 – and that he could join the examination in progress. The candidate emailed me again at 10:21 p.m. on the same night – 12/20/14 – requesting the server identification of the Board re the sent notification and other matters. I forwarded that email to the Board and told the candidate I would see him at the next status on 12/23/14. (Of course, all the emails between candidate and this Hearing Officer were either copied to or forwarded to Objector's attorney by this Hearing Officer.)
- 8) At the status of December 23, 2014, it was determined that candidate was not present for either

the 12/20 or the 12/21 settings of the Rule 6 Records Examination. At the status, he was warned about his Rule 8 responsibilities (he had also been alerted to Rule 8 in my email of 12/20/14). The candidate admitted seeing the Hearing Officer's emails to him, as he had responded to same. The candidate also admitted that the Board's notification, as well as my emails, contained the correct e-mail address as written by him in his Appearance form, where he also agreed to receive pleadings, papers and notifications via email. The emails referred to above regarding the notifications of the Rule 6 examination and the other matters described were 1) read into the Record and 2) hard copies were marked as Board Group Exhibit E. It was determined that the Rule 6 examination had apparently concluded but there were no final results as yet. The matter was continued to December 29, 2014 for status on the final results of the Rule 6 examination and Rule 8 motions, if any.

- 9) On December 24, 2014, the Final Petition Summary Report was sent by the Board to all parties, and per my request, emailed again on that date to the candidate by attorney for Objector. The final results showed the following: Total signatures: 1802; Total Objections: 1471; Total Objections Sustained: 1323; Total Objections Overruled: 148. Thus, as of the conclusion of the Rule 6 examination, the Candidate was found to have 279 valid signatures, 194 fewer than the minimum signature requirement of 473 valid signatures.

**c) The Status of December 29, 2014:**

Both parties appeared at this status, the objector by attorney James Nally and the candidate pro se. The candidate made the following complaints: 1) that he did not receive telephonic notification from the Board re the scheduling of Rule 6 exam; 2) that he did not receive a telephone call from the Hearing Officer re the scheduling of the Rule 6 exam – “if you could email me, you could've picked up the phone and called me” says the candidate to the Hearing Officer; 3) when the candidate looked at the



Board's website on 12/20-21, it did not show a continuing Rule 6 exam (after the Hearing Officer's 12/20 emails); 4) only a few sheets are between him and sufficient signatures; 5) there was a lack of communication between the Board and candidate, and for lack of a phone call, between Hearing Officer and candidate; 6) his due process rights were infringed. The candidate admitted that he would not hire his own signature expert. The candidate did not file any Rule 8 motions. The candidate orally requested the extraordinary remedy of a re-scheduled Rule 6 examination, essentially a "do-over".

The objector's attorney responded that all Board rules were observed, complied with and in some instances (such as Hearing Officer direct emails to parties) expanded upon. Also, objector's attorney made the point that approximately 80% of the objections were sustained.

On the Record at the hearing, this Hearing Officer looked at the petition summary detail and saw that a large number of objections were sustained, after review by the independent handwriting expert retained by the Board, for "invalid signatures". After the hearing, this Hearing Officer delved further into that particular aspect. Merely a cursory review of the Petition Summary back-up pages evidenced that approximately 1158 of the 1602 signatures submitted were found to be "invalid signatures" by the Board's independent signature expert. Independently of that, many, many signatures were found to be out-of-ward. Simply taking the percentages of invalid signatures, as found by the Board's independent analyst: 87% of the sustained objections were for invalid signatures and 72% of the total signatures submitted were invalid.

On the Record at the 12/29 hearing, the candidate stated that this was "technically" his third candidacy. Of course, even in a first candidacy, the candidate is presumed to know the rules and the procedures: all the more so in multiple candidacies. The evidentiary Record was closed, both parties being asked if they had anything more to say, and both answered in the negative. This Hearing Officer then told both parties on the Record of his recommendation against the candidate and a summary of reasons why.

## **II) Findings of Fact**

- a) The candidate's pro se appearance agreed to email service. The Board's notification of the scheduling of the Rule 6 examination was addressed to the proper e-address in candidate's appearance. If candidate did not receive it, as claimed, it has to do with settings on his own computer or other receiving device that prevented receipt.
- b) The Hearing Officer's emails to candidate of 12/19 and 12/20 were admittedly received. That candidate did not see the first (that of 12/19) in time to appear at the commencement of the Rule 6 examination on 12/20 is not the Board's fault but rather the candidate's. That, after the Hearing Officer's email of 12/20 suggesting he join the 12/21 continuing Rule 6 examination, the candidate did not do so, is inexplicable.
- c) At best, the candidate was inattentive to his responsibilities to check email to determine scheduling. Again, that burden is properly on the candidate, a burden he apparently shirked.
- d) The candidate's multiple complaints that either or both the Board and/or the Hearing Officer, having e-mailed him, should then telephone him is nonsensical, especially in light of candidate's appearance that agreed to email service.
- e) The candidate, no novice to this Board's rules and procedures, and even in light of the Hearing Officer's warnings in writing (12/20) and on the Record orally (12/23), failed to file any Rule 8 motion, even one attempting to preserve "due process" concerns.
- f) The percentage of invalid signatures on his petition sheets (72% of all signatures submitted were deemed invalid by the Board's handwriting expert) and the percentage of the sustained objections (82% of the objections were sustained) suggest lack of assiduousness to the rules, procedures and statutes pertaining to election law.
- g) At the conclusion of the Rule 6 examination, candidate was 194 signatures below the minimum


requirement.

h) There was no good faith basis evinced by the candidate for any remedy or relief, much less the extraordinary relief of a re-scheduled and completely new Rule 6 examination. The candidate's problem in adherence to the rules and scheduling is his own and not the Board's.

### **III) Recommendation**

Therefore, it is the recommendation of this Hearing Officer, on the basis of the above Report and especially its Findings of Fact, that the name William Siegmund not appear on the ballot for Alderman of the 28<sup>th</sup> Ward in the February 24, 2015 Election.

Dated: 12/30/14

A handwritten signature in dark ink, appearing to read "Terence E. Flynn", written over a horizontal line.

Terence E. Flynn  
Hearing Officer