

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

Objections of: Beth A. Lanford)
)
)
To the Nomination) No.: 18-EB-SS-05
Papers of: Ira I. Silverstein)
)
Candidate for the nomination of the)
Democratic Party for the office of)
State Senator of the 8th Legislative District,)
State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairwoman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Beth A. Lanford (“Objector”) to the nomination papers (“Nomination Papers”) of Ira I. Silverstein, candidate for the nomination of the Democratic Party for the office of State Senator of the 8th Legislative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on Tuesday, March 20, 2018, having convened on Monday, December 18, 2017, at 9:00 a.m., 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 Chairwoman 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 Monday, December 18, 2017 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Maurice Sone 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 or filed appearances during such hearing; the Objector, Beth A. Lanford, Attorneys, Burton S. Odelson, Ross D. Secler and Luke J. Keller; and the Candidate, Ira I. Silverstein, Attorney, James P. Nally.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

9. The Candidate and/or his duly authorized representative was present during at least a portion of the examination of the registration records.

10. The Objector and/or her duly authorized representative was present during at least a portion of 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 1,000.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,999.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,044.

D. The remaining number of signatures deemed valid as a result of the records examination total 955.

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 fewer than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party to the office of State Senator for the 8th Legislative District of the State of Illinois.

14. However, the Hearing Officer conducted several hearings to allow the Candidate and Objector opportunities to present evidence in support of their Rule 8 motions objecting to the Board's clerk's findings during the records examination, and other issues. During the course of those hearings, both parties called several fact witnesses and several expert handwriting analysts who testified about matters including the validity, or lack thereof, of specific petition signatures and rehabilitative affidavits, and issues related to whether appeals of rulings made during the

records examination were properly and timely preserved by both parties. Following those hearings, the Hearing Officer took into account the testimony from the several witnesses and made additional recommended rulings, in addition to reconsidering several prior rulings in light of the new evidence and testimony presented by the Candidate, the Objector and their witnesses.

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 had successfully rehabilitated 47 of the signatures deemed invalid during the records examination, and that the Candidate's Nomination Papers therefore contained 1,002 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates the Hearing Officer's report and recommended decision herein by this reference, except as otherwise stated below.

17. Following service on the parties of the Hearing Officer's final report, both parties filed Rule 20 Motions seeking an opportunity to appear before the Electoral Board prior to final judgment. In light of the arguments made by counsel for the Candidate and Objector at the Rule 20 hearing, the Board has made the following findings that are contrary to those contained in the Hearing Officer's report and recommended decision.

18. The Electoral Board finds that the Objector was entitled to present affidavits in relation to the genuineness of the signatures on the Candidate's petitions at sheet 95, lines 3 and 8, because the rulings made during the records exam were initially to sustain the objections, but the Board's handwriting expert subsequently reversed those rulings. Pursuant to the Board's Rule 6(h), because the Board's handwriting expert reversed the initial record exam rulings, objections are automatically preserved. Thus, these two additional signatures should be found invalid and subtracted from the Candidate's total, thus reducing the count to 1,000 valid signatures.

19. The Electoral Board further finds that the signature on petition sheet 83, line 2, was credited toward the candidate in error, as it is a duplicate signature signed by the same voter who signed the Candidate's petitions at sheet 28, line 10. Thus, the signature on sheet 83, line 2, should be subtracted from the Candidate's total, thus reducing the count to 999 valid signatures.

20. At the completion of this first session of Rule 20 hearing, the Electoral Board remanded the matter back to the Hearing Officer to amend his initial recommended decision and provide description of the reasons for his rejection of 13 of the Candidate's rehabilitative affidavits. The hearing officer then submitted a remanded/amended recommended decision, in which he determined that five of the subject 13 affidavits should be found valid and the corresponding five petition signatures should be credited towards the Candidate's total.

21. After receipt of the Hearing Officer's amended recommendation, the Electoral Board then held a continued Rule 20 hearing with the parties present by counsel. Having considered the Hearing Officer's remanded/amended report of recommended findings and conclusions of law, and having heard and considered the arguments of the parties in the continued Rule 20 hearing, the Electoral Board hereby adopts the Hearing Officer's amended

recommended findings and conclusions of law and incorporates them herein by this reference, except as otherwise stated below.

22. For the reasons stated in the Hearing Officer's amended recommendation, the Electoral Board finds that five additional rehabilitative affidavits and petition signatures should be added to the Candidate's total (the petition signatures that appear at the following sheet/line numbers: 26/2; 107/3; 129/5; 181/2; and 210/4), thus bringing the Candidate to a total of 1,004 valid signatures.

23. However, after hearing additional argument from the parties at the continued Rule 20 hearing, the Electoral Board finds that the Hearing Officer erroneously double-counted the signature that appears on sheet 169 line 5, once on page 3 of his amended recommendation and again on page 11 of the amended recommendation (the Board also finds the same error on pages 3 and 10 of the Hearing Officer's first recommendation). The signature may not be counted twice, to this brings the Candidate to a total of 1,003 valid signatures.

24. Additionally, although the Hearing Officer has recommends rehabilitating the affidavit and signature for sheet 107 line 3, the Electoral Board finds that the petition signer, Toby B. Gilbert, testified at the Rule 8 hearing that her affidavit was signed in error, in that she did *not* sign the petition at sheet 107 line 3, but she *did* sign the petition at sheet 84 line 5. Thus, the signature at sheet 107 line 3 should not be counted for the Candidate, which brings him to a total of 1,002 valid signatures.

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 Ira I. Silverstein are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Beth A. Lanford to the Nomination Papers of Ira I. Silverstein, candidate for nomination of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Ira I. Silverstein, candidate for nomination of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 20, 2018.

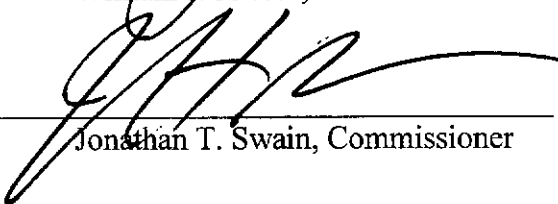
Dated: Chicago, Illinois, on Friday, February 2, 2018.



Marisel A. Hernandez, Chairwoman



William J. Kresse, Commissioner



Jonathan T. Swain, 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**

Objections of:)
Beth A. Lanford,)
Objector)
)
To the Nomination Papers of:)
Ira L. Silverstein,) **No. 18-EB-SS-05**
Candidate)
)
For the Election for the Office of State Senator of)
The State of Illinois for the 8th Legislative District,)
Chicago, Cook County, Illinois, to be voted on)
At the March 20, 2018, General Primary Election)

Recommended Decision

This matter came before the Chicago Board of Election Commissioners on the Objector's Petition of Beth A. Lanford ("Objector") to the nomination papers of Ira L. Silverstein ("Candidate") for the Office of State Senator of the State of Illinois for the 8th Legislative District. The Hearing Officer, Maurice A. Sone, finds and recommends as follows:

The initial hearing commenced at 1:30PM on December 18, 2017. The Objector appeared by her attorneys, Mr. Ross D. Secler and Mr. Luke J. Keller of Odelson & Sterk, Ltd. The Candidate appeared by his attorney, Mr. James P. Nally PC. The Objector's Petition alleges that the nominating papers contain fewer than the minimum number of signatures of qualified voters required by the Illinois Election code and are invalid in their entirety.

The parties were given the opportunity to file preliminary motions and the Candidate and the Objector declined. However, it was determined that this matter required a Records Examination. A Records Examination Directive was issued setting the Records Examination for December 20, 2017, at 9:30AM, and the matter was continued to December 27, 2017, for a

Status Hearing on the Records Examination. On the status date of December 27, 2017, it was determined that the records examination had not yet been concluded. Thus, the matter was continued to January 5, 2018, at 10:00AM for further status on the results of the records examination.

A Final Petition Summary Report states that the record examination was completed on December 29, 2017, at 8:43AM. A total of 1,000 valid signatures are required for the office sought. The petitions contained 1,999 signatures. Objections to 1,044 signatures were sustained leaving the candidate with 955 valid signatures which is 45 signatures less than the required minimum. The Candidate timely filed a Rule 8 Motion request for an evidentiary hearing. The Objector also timely filed a Rule 8 Motion request for an evidentiary hearing.

By agreement of the parties the status date of January 5, 2018, was stricken and the Rule 8 Hearing commenced on January 8, 2018, at 2:00PM. Generally, the objector presents their evidence first, however, since the results of the records examination conducted pursuant to Rule 6 indicated that the Candidate's petitions contained fewer valid signatures than the minimum number of valid signatures for the office sought, the Candidate was allowed to present his evidence first.

The Candidate offered into evidence 116 affidavits from individuals affirming that they signed a nomination petition for the Candidate. Rule 10 (c) of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago ("Rules") provides that "Affidavits may be considered in determining whether the signatures found not to be genuine during a records examination are, in fact, the genuine signatures of those signing the petition". A line by line review was conducted at the Rule 8 Hearing comparing the signatures on the voter's registration records to those on the petition sheets and on the affidavits. The Objector stated that

a number of the Candidate's objections were not preserved during the records examination and it was stated by the Candidate that many of the Candidate's objections were not noted by the records examiner. After a review of each affidavit, it was determined that 26 of the voters' signatures were similar enough to the signatures on the nomination petition and to the signatures on the Electoral Board's records to overrule the determination of the records examination and rehabilitate the signatures as valid signatures. The 26 signatures rehabilitated pertain to the following sheet and line numbers: 7/3, 26/5, 28/2, 42/1, 45/7, 46/3, 46/7, 51/10, 53/4, 56/2, 60/7, 75/6, 83/2, 83/3, 87/8, 118/10, 121/5, 124/1, 131/1, 165/6, 167/2, 169/5, 169/8, 170/5, 178/6 and 192/4. At the conclusion of the Candidate's affidavits being considered, it was determined that the Candidate had rehabilitated 26 signatures to now put him 19 signatures short of the required minimum.

After the Candidate's presentation of affidavits, the Objector was allowed to present their Rule 8 evidence and presented three affidavits from individuals attesting that they did not sign the nomination petitions of the Candidate. After a review of the affidavits, it was determined that the signatures were not similar to the signatures on the nomination petition, and thus not valid signatures. The three signatures determined to be invalid pertain to the following sheet numbers and line numbers: 2/1, 95/3 and 95/8. At the conclusion of the Objector's three affidavits being considered, the Candidate now remained 22 signatures short of the required minimum.

Following the review of both parties' affidavits, the Objector continued their Rule 8 case by calling Ms. Elizabeth Granato as a witness to testify as to the issue of unpreserved objections. Ms. Granato testified that she was present at the records examination as a watcher on behalf of the Objector on December 20, 2017, December 21, 2017, December 22, 2017, and December 23, 2017, each day from approximately 9:00AM to 5:00PM. Ms. Granato testified that she objected

to adversarial rulings made by the records examiner on behalf of the Objector and that at times during the records examination the Candidate's watcher was not present. Specifically, Ms. Granato testified that the Candidate's watcher left the room from approximately sheet 42 to sheet 82 and that the Candidate's watcher also left the room at sheet 152 and returned at sheet 165-line 9. Ms. Granato expressed surprise that the Candidate did not have a watcher present at all times. Under cross examination by the Candidate's counsel, Ms. Granato testified that she was unable to hear every single word uttered between the Candidate's watcher and the Board's employee.

During Ms. Granato's testimony and during her cross examination it was apparent that there may have been instances where objections made by a party to the examiner were not properly recorded. However, no evidence was presented as to any particular objection. The Candidate presented the affidavit of Tramaine Berry in his Response to Objector's Motion to Bar Evidence stating that he objected to all adverse rulings from approximately page 82 to the end of page 213. In the issue of fairness and of ballot access, and based on arguments from both sides as to objections not being properly preserved, it is determined that all objections made from sheet 166 through 213 be treated as properly preserved. In this instance, the Hearing Officer finds that the best evidence presented is the Board's Final Petition Summary Report.

The Rule 8 Hearing was continued to January 10, 2018, where the parties were granted leave to bring in handwriting experts and live witnesses, and for hearing on the Candidate's Rule 19 motion. The Objector filed two motions on January 10, 2018: A Motion to Bar Evidence and to Rule on Unpreserved Objections and a Motion to Rule on Unpreserved Objections. Said motions were entered and continued so that the live witnesses present could be afforded the opportunity to testify.

The Candidate began his presentation of live witnesses. There were a total of 31 witnesses who testified that they signed nomination petitions on behalf of the candidate. All of the witnesses were extremely credible in light of the fact that they took the time to travel downtown and wait to testify at a hearing to state that they had signed a nomination petition for the Candidate.

The Candidate proceeded to present his handwriting expert, Ms. Diane Marsh, as an expert witness and entered her curriculum vitae into evidence. Ms. Marsh testified that she has 37 years of experience as a document examiner and is certified by three boards: the Independent Association of Questioned Document Examiners, the World Association of Document Examiners and the American Board of Forensic Examiners, and she further testified as to the requirements needed for each board certification. Ms. Marsh testified that she worked on approximately 1,800 to 2,000 cases where the issue was the genuineness of a signature on a document. Ms. Marsh also testified that she worked for the Chicago Board of Election Commissioners for three years verifying the signatures on petitions matched the signatures of known voters. Ms. Marsh was then tendered as a qualified expert witness in the field of forensic document examination as recognized through her CV and particularly as recognized by the Chicago Board of Election Commissioners. There being no objection from Objector's counsel, Ms. Marsh was allowed to testify as an expert witness.

Ms. Marsh testified that she had occasion to examine the nomination petitions of the Candidate by examining the signatures on the petitions and comparing the signatures to those on the voter registration records through a list she had been provided. Ms. Marsh testified that she spent six hours on the sixth floor of the Cook County Administration Building examining signatures, conducting a side-by-side comparison whereby she looked at the signatures on the

original nomination petitions and the signatures on the official voting records of the Chicago Board of Elections. Ms. Marsh testified that she was instructed to look at the signatures where the records exam final report indicated that they did not believe it was a genuine signature of the voter. Ms. Marsh testified as to a total of 43 signatures. Ms. Marsh testified that it was her professional opinion that the signatures examined were genuine signatures based on the favorable comparisons between the signatures on the nomination petition and the signatures on the Board of Election's records. Ms. Marsh testified that her opinion was based on a standard from probable to highly probable that the signatures examined were genuine. The end of Ms. Marsh's testimony concluded the evidence and testimony of the Candidate's Rule 8 Motion.

The Objector proceeded to present her evidence in support of her Rule 8 Motion by calling Ms. Tamara Keller Kaiden as her first witness. Ms. Keller Kaiden testified that she is employed as a forensic document examiner by Robin Williams, Omni Document Examination, and that she has testified in approximately 20 cases similar to this one. On voir dire Ms. Kaiden testified that she is not currently board certified by any organization and further testified that she was found unqualified to be an expert witness by Judge Coleman in a probate case in the Circuit Court of Cook County. Ms. Kaiden further testified that she could not remember any other cases in which she was found qualified as an expert witness in forensic document examination and that no election authority has found her qualified as an expert forensic document examiner. It was determined that Ms. Kaiden lacks the requisite knowledge, skill and experience to be qualified as an expert witness in forensic document examination and would not be allowed to testify as such.

The Objector then called Mr. Warren Spencer as their next witness. Mr. Spencer's curriculum vitae was entered into the record. Mr. Spencer testified that he is a forensic document examiner employed by LS Spencer and that he is certified by the Scientific Association of

Forensic Examiners and a member of the National Association of Document Examiners. Mr. Spencer testified that he is currently working on 55 to determine the genuineness of signatures. The Candidate objected to Mr. Spencer's qualifications as an expert witness. However, it was determined that Mr. Spencer has the requisite knowledge and experience in handwriting authentication and was allowed to testify as an expert witness in forensic document examination.

Mr. Spencer testified that he spent about four hours over a period of two days at the Board of Elections reviewing a list of signatures he was given to examine and he proceeded to compare the signatures on the nomination petitions to the signatures on the Electoral Board's records. Mr. Spencer testified that he took each signature and determined a category for that signature: really looks similar, not sure and the presence of a big difference in the writing pattern and distinguished the characteristics of a drawn signature from the characteristics of a signed signature. Mr. Spencer testified that he reviewed 44 signatures in a four hour period spending approximately 10 minutes examining each signature, finding signatures to be either genuine, not genuine or inconclusive.

This concluded the Rule 8 Hearing and the matter was continued to January 17, 2018, for final hearing on the Objector's Motion to Bar Evidence and to Rule on Unpreserved Objections, the Objector's Motion to Bar and Strike Improper and Untimely Evidence and the Candidate's Motion for Reconsideration.

The Objector's Motion to Bar and Strike Improper and Untimely Evidence was denied. The Objector argued that the instant matter was set for hearing on January 8, 2018, and that the Candidate was trying to get more bites at the apple by bringing in untimely and improper evidence after the initial hearing date. However, the Rule 8 Hearing was continued by mutual agreement of the parties and each party was allowed to call in a handwriting expert to testify and

each party was given the same opportunity to continue to present their evidence at the continued hearing date of January 10, 2018. No party was given an advantage over the other party and the Rules provide discretion to continue a Rule 8 Hearing. Rule 2 (a) of the Rules states that “A hearing officer shall have the duties and powers of the Electoral Board provided in these Rules...”, and Rule 1(b) (ii) states, in pertinent part that the Board may “set the time and place for continued hearings...”

The next motion considered was the Candidate’s Motion for Reconsideration of Affidavits. The Candidate argued that there are 53 affidavits that provide new evidence in support of his Motion by bringing a third prong to reconsider the original ruling made. The Objector repeated her argument that the Candidate had his opportunity to present his evidence at the commencement of the Rule 8 Hearing on January 8, 2018, and was improperly allowed to bring in additional evidence on January 10, 2018. However, as previously stated, the Rule 8 Hearing was continued for January 10, 2018, and each party was afforded the opportunity to continue to present their evidence. The Candidate’s Motion for Reconsideration of Affidavits was granted as to the 53 affidavits presented in the Candidate’s motion.

The Objector’s Motion to Bar Evidence and to Rule on Unpreserved Objections was denied. As previously stated herein, the Rule 8 Hearing was continued from January 8, 2018, to January 10, 2018, by mutual agreement of the parties and each side had the opportunity to continue to present their evidence. Additional evidence was presented at the continuation of the Rule 8 Hearing. However, as stated below, no signature where an objection was not preserved at the records examination was considered in the final recommendation.

At this point, the Candidate has rehabilitated 26 signatures from the 116 affidavits presented at the beginning of the Rule 8 Hearing. However, objections to 15 of the rehabilitated

signatures were not preserved so only 11 signatures are rehabilitated, now leaving the Candidate 34 signatures short of the minimum numbers of signatures required for the office sought. The Objector presented three affidavits of people who attested to the fact that they did not sign a nomination petition for the Candidate, however, only as to one of the signatures was an objection preserved by the Objector, leaving the Candidate now 35 signatures short of the minimum numbers of signatures required for the office sought.

As stated above, the Candidate presented a total of 31 live witnesses who testified that they signed a nomination petition for the Candidate. Although all of the witnesses were found to be highly credible, there are 15 signatures for which no objection was preserved, leaving only 16 signatures rehabilitated which now leaves the Candidate 19 signatures short of the minimum number of signatures required for the office sought. However, as previously stated, all objections made from sheet 166 through 213 are to be treated as properly preserved, which rehabilitates the signature found at sheet 187-line 9, leaving the Candidate 18 signatures short of the minimum number of signatures required for the office sought.

The Candidate's Rule 19 Motion requested from the Board the registration records of 10 individuals showing the registered address of each voter. The Board was only able to find the voting registration records for the voter who signed sheet 15-line 3 of the nomination petition of the Candidate. The Candidate presented evidence as to the registration records for the voters who signed the nomination petition for the Candidate at the following sheet and line numbers: 8/5, 15/10, 177/2 and 177/3. However, the objection as to being registered at the address provided was not preserved as to 15/3 and 15/10, and 177/3 was not included as part of the Candidate's Rule 19 Motion. Therefore, only two signatures were rehabilitated as a result of the Candidate's

Rule 19 Motion, now leaving the Candidate 16 signatures short of the minimum numbers of signatures required for the office sought.

The handwriting experts presented by the Candidate and by the Objector were credible in their testimony as to their knowledge and experience in forensic handwriting examination. The Candidate's handwriting expert, Ms. Marsh, testified as to 43 signatures that she examined and the Objector's handwriting expert, Mr. Warren Spencer, testified as to 44 signatures that he examined. However, given the conflicting testimony as to the genuineness of signatures it is the Hearing Officer's opinion that neither of the experts presented sufficient evidence either as to rehabilitate any signatures or as to invalidate any signatures.

In reconsidering the Candidate's 53 affidavits in his Motion for Reconsideration of Affidavits, 16 affidavits are found to be from signers who testified at the Rule 8 Hearing and whose signatures have already been rehabilitated due to the credibility of their testimony. As to the remaining 37 affidavits, it is determined that the affidavits for sheet 21-line 10 and for sheet 121-line 7 were not presented into evidence at the Rule 8 Hearing, so they will not be taken into consideration, leaving a total of 35 affidavits for reconsideration. Additionally, the signatures found at the following sheet and line numbers were rehabilitated during the Rule 8 Hearing and no determination is now made otherwise: 121/5, 167/2, 170/5 and 192/4, leaving 31 affidavits for reconsideration. Upon a further review and examination of the remaining 31 affidavits, it is determined that the 18 signatures from the following sheet and line numbers are sufficiently similar to the signatures on the nomination petitions for rehabilitation purposes: 28/3, 105/8, 114/2, 117/2, 123/7, 126/2, 135/9, 144/10, 167/3, 167/5, 168/4, 169/5, 170/3, 170/4, 170/8, 175/4, 178/2 and 210/6, giving the Candidate 2 signatures more than the minimum number of signatures required for the office sought.

In light of the foregoing, the Hearing Officer recommends that the objections of Beth A. Lanford to the nominating papers of Ira L. Silverstein be denied and that the nominating papers of Ira L. Silverstein for the Office of State Senator of the State of Illinois for the 8th Legislative District be deemed valid and that the name of Ira L. Silverstein for said office be printed on the ballot at the March 20, 2018, General Primary Election.

January 28, 2018.

/s/Maurice A. Sone

Maurice A. Sone, Hearing Officer

Status Hearing on the Records Examination. On the status date of December 27, 2017, it was determined that the records examination had not yet been concluded. Thus, the matter was continued to January 5, 2018, at 10:00AM for further status on the results of the records examination.

A Final Petition Summary Report states that the record examination was completed on December 29, 2017, at 8:43AM. A total of 1,000 valid signatures are required for the office sought. The petitions contained 1,999 signatures. Objections to 1,044 signatures were sustained leaving the candidate with 955 valid signatures which is 45 signatures less than the required minimum. The Candidate timely filed a Rule 8 Motion request for an evidentiary hearing. The Objector also timely filed a Rule 8 Motion request for an evidentiary hearing.

By agreement of the parties the status date of January 5, 2018, was stricken and the Rule 8 Hearing commenced on January 8, 2018, at 2:00PM. Generally, the objector presents their evidence first, however, since the results of the records examination conducted pursuant to Rule 6 indicated that the Candidate's petitions contained fewer valid signatures than the minimum number of valid signatures for the office sought, the Candidate was allowed to present his evidence first.

The Candidate offered into evidence 116 affidavits from individuals affirming that they signed a nomination petition for the Candidate. Rule 10 (c) of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago ("Rules") provides that "Affidavits may be considered in determining whether the signatures found not to be genuine during a records examination are, in fact, the genuine signatures of those signing the petition". A line by line review was conducted at the Rule 8 Hearing comparing the signatures on the voter's registration records to those on the petition sheets and on the affidavits. The Objector stated that

a number of the Candidate's objections were not preserved during the records examination and it was stated by the Candidate that many of the Candidate's objections were not noted by the records examiner. After a review of each affidavit, it was determined that 26 of the voters' signatures were similar enough to the signatures on the nomination petition and to the signatures on the Electoral Board's records to overrule the determination of the records examination and rehabilitate the signatures as valid signatures. The 26 signatures rehabilitated pertain to the following sheet and line numbers: 7/3, 26/5, 28/2, 42/1, 45/7, 46/3, 46/7, 51/10, 53/4, 56/2, 60/7, 75/6, 83/2, 83/3, 87/8, 118/10, 121/5, 124/1, 131/1, 165/6, 167/2, 169/5, 169/8, 170/5, 178/6 and 192/4. At the conclusion of the Candidate's affidavits being considered, it was determined that the Candidate had rehabilitated 26 signatures to now put him 19 signatures short of the required minimum.

After the Candidate's presentation of affidavits, the Objector was allowed to present their Rule 8 evidence and presented three affidavits from individuals attesting that they did not sign the nomination petitions of the Candidate. After a review of the affidavits, it was determined that the signatures were not similar to the signatures on the nomination petition, and thus not valid signatures. The three signatures determined to be invalid pertain to the following sheet numbers and line numbers: 2/1, 95/3 and 95/8. At the conclusion of the Objector's three affidavits being considered, the Candidate now remained 22 signatures short of the required minimum.

Following the review of both parties' affidavits, the Objector continued their Rule 8 case by calling Ms. Elizabeth Granato as a witness to testify as to the issue of unpreserved objections. Ms. Granato testified that she was present at the records examination as a watcher on behalf of the Objector on December 20, 2017, December 21, 2017, December 22, 2017, and December 23, 2017, each day from approximately 9:00AM to 5:00PM. Ms. Granato testified that she objected

to adversarial rulings made by the records examiner on behalf of the Objector and that at times during the records examination the Candidate's watcher was not present. Specifically, Ms. Granato testified that the Candidate's watcher left the room from approximately sheet 42 to sheet 82 and that the Candidate's watcher also left the room at sheet 152 and returned at sheet 165-line 9. Ms. Granato expressed surprise that the Candidate did not have a watcher present at all times. Under cross examination by the Candidate's counsel, Ms. Granato testified that she was unable to hear every single word uttered between the Candidate's watcher and the Board's employee.

During Ms. Granato's testimony and during her cross examination it was apparent that there may have been instances where objections made by a party to the examiner were not properly recorded. However, no evidence was presented as to any particular objection. The Candidate presented the affidavit of Tramaine Berry in his Response to Objector's Motion to Bar Evidence stating that he objected to all adverse rulings from approximately page 82 to the end of page 213. In the issue of fairness and of ballot access, and based on arguments from both sides as to objections not being properly preserved, it is determined that all objections made from sheet 166 through 213 be treated as properly preserved. In this instance, the Hearing Officer finds that the best evidence presented is the Board's Final Petition Summary Report.

The Rule 8 Hearing was continued to January 10, 2018, where the parties were granted leave to bring in handwriting experts and live witnesses, and for hearing on the Candidate's Rule 19 motion. The Objector filed two motions on January 10, 2018: A Motion to Bar Evidence and to Rule on Unpreserved Objections and a Motion to Rule on Unpreserved Objections. Said motions were entered and continued so that the live witnesses present could be afforded the opportunity to testify.

The Candidate began his presentation of live witnesses. There were a total of 31 witnesses who testified that they signed nomination petitions on behalf of the candidate. All of the witnesses were extremely credible in light of the fact that they took the time to travel downtown and wait to testify at a hearing to state that they had signed a nomination petition for the Candidate.

The Candidate proceeded to present his handwriting expert, Ms. Diane Marsh, as an expert witness and entered her curriculum vitae into evidence. Ms. Marsh testified that she has 37 years of experience as a document examiner and is certified by three boards: the Independent Association of Questioned Document Examiners, the World Association of Document Examiners and the American Board of Forensic Examiners, and she further testified as to the requirements needed for each board certification. Ms. Marsh testified that she worked on approximately 1,800 to 2,000 cases where the issue was the genuineness of a signature on a document. Ms. Marsh also testified that she worked for the Chicago Board of Election Commissioners for three years verifying the signatures on petitions matched the signatures of known voters. Ms. Marsh was then tendered as a qualified expert witness in the field of forensic document examination as recognized through her CV and particularly as recognized by the Chicago Board of Election Commissioners. There being no objection from Objector's counsel, Ms. Marsh was allowed to testify as an expert witness.

Ms. Marsh testified that she had occasion to examine the nomination petitions of the Candidate by examining the signatures on the petitions and comparing the signatures to those on the voter registration records through a list she had been provided. Ms. Marsh testified that she spent six hours on the sixth floor of the Cook County Administration Building examining signatures, conducting a side-by-side comparison whereby she looked at the signatures on the

original nomination petitions and the signatures on the official voting records of the Chicago Board of Elections. Ms. Marsh testified that she was instructed to look at the signatures where the records exam final report indicated that they did not believe it was a genuine signature of the voter. Ms. Marsh testified as to a total of 43 signatures. Ms. Marsh testified that it was her professional opinion that the signatures examined were genuine signatures based on the favorable comparisons between the signatures on the nomination petition and the signatures on the Board of Election's records. Ms. Marsh testified that her opinion was based on a standard from probable to highly probable that the signatures examined were genuine. The end of Ms. Marsh's testimony concluded the evidence and testimony of the Candidate's Rule 8 Motion.

The Objector proceeded to present her evidence in support of her Rule 8 Motion by calling Ms. Tamara Keller Kaiden as her first witness. Ms. Keller Kaiden testified that she is employed as a forensic document examiner by Robin Williams, Omni Document Examination, and that she has testified in approximately 20 cases similar to this one. On voir dire Ms. Kaiden testified that she is not currently board certified by any organization and further testified that she was found unqualified to be an expert witness by Judge Coleman in a probate case in the Circuit Court of Cook County. Ms. Kaiden further testified that she could not remember any other cases in which she was found qualified as an expert witness in forensic document examination and that no election authority has found her qualified as an expert forensic document examiner. It was determined that Ms. Kaiden lacks the requisite knowledge, skill and experience to be qualified as an expert witness in forensic document examination and would not be allowed to testify as such.

The Objector then called Mr. Warren Spencer as their next witness. Mr. Spencer's curriculum vitae was entered into the record. Mr. Spencer testified that he is a forensic document examiner employed by LS Spencer and that he is certified by the Scientific Association of

Forensic Examiners and a member of the National Association of Document Examiners. Mr. Spencer testified that he is currently working on 55 to determine the genuineness of signatures. The Candidate objected to Mr. Spencer's qualifications as an expert witness. However, it was determined that Mr. Spencer has the requisite knowledge and experience in handwriting authentication and was allowed to testify as an expert witness in forensic document examination.

Mr. Spencer testified that he spent about four hours over a period of two days at the Board of Elections reviewing a list of signatures he was given to examine and he proceeded to compare the signatures on the nomination petitions to the signatures on the Electoral Board's records. Mr. Spencer testified that he took each signature and determined a category for that signature: really looks similar, not sure and the presence of a big difference in the writing pattern and distinguished the characteristics of a drawn signature from the characteristics of a signed signature. Mr. Spencer testified that he reviewed 44 signatures in a four hour period spending approximately 10 minutes examining each signature, finding signatures to be either genuine, not genuine or inconclusive.

This concluded the Rule 8 Hearing and the matter was continued to January 17, 2018, for final hearing on the Objector's Motion to Bar Evidence and to Rule on Unpreserved Objections, the Objector's Motion to Bar and Strike Improper and Untimely Evidence and the Candidate's Motion for Reconsideration.

The Objector's Motion to Bar and Strike Improper and Untimely Evidence was denied. The Objector argued that the instant matter was set for hearing on January 8, 2018, and that the Candidate was trying to get more bites at the apple by bringing in untimely and improper evidence after the initial hearing date. However, the Rule 8 Hearing was continued by mutual agreement of the parties and each party was allowed to call in a handwriting expert to testify and

each party was given the same opportunity to continue to present their evidence at the continued hearing date of January 10, 2018. No party was given an advantage over the other party and the Rules provide discretion to continue a Rule 8 Hearing. Rule 2 (a) of the Rules states that “A hearing officer shall have the duties and powers of the Electoral Board provided in these Rules...”, and Rule 1(b) (ii) states, in pertinent part that the Board may “set the time and place for continued hearings...”

The next motion considered was the Candidate’s Motion for Reconsideration of Affidavits. The Candidate argued that there are 53 affidavits that provide new evidence in support of his Motion by bringing a third prong to reconsider the original ruling made. The Objector repeated her argument that the Candidate had his opportunity to present his evidence at the commencement of the Rule 8 Hearing on January 8, 2018, and was improperly allowed to bring in additional evidence on January 10, 2018. However, as previously stated, the Rule 8 Hearing was continued for January 10, 2018, and each party was afforded the opportunity to continue to present their evidence. The Candidate’s Motion for Reconsideration of Affidavits was granted as to the 53 affidavits presented in the Candidate’s motion.

The Objector’s Motion to Bar Evidence and to Rule on Unpreserved Objections was denied. As previously stated herein, the Rule 8 Hearing was continued from January 8, 2018, to January 10, 2018, by mutual agreement of the parties and each side had the opportunity to continue to present their evidence. Additional evidence was presented at the continuation of the Rule 8 Hearing. However, as stated below, no signature where an objection was not preserved at the records examination was considered in the final recommendation.

At this point, the Candidate has rehabilitated 26 signatures from the 116 affidavits presented at the beginning of the Rule 8 Hearing. However, objections to 15 of the rehabilitated

signatures were not preserved so only 11 signatures are rehabilitated, now leaving the Candidate 34 signatures short of the minimum numbers of signatures required for the office sought. The Objector presented three affidavits of people who attested to the fact that they did not sign a nomination petition for the Candidate, however, only as to one of the signatures was an objection preserved by the Objector, leaving the Candidate now 35 signatures short of the minimum numbers of signatures required for the office sought.

As stated above, the Candidate presented a total of 31 live witnesses who testified that they signed a nomination petition for the Candidate. Although all of the witnesses were found to be highly credible, there are 15 signatures for which no objection was preserved, leaving only 16 signatures rehabilitated which now leaves the Candidate 19 signatures short of the minimum number of signatures required for the office sought. However, as previously stated, all objections made from sheet 166 through 213 are to be treated as properly preserved, which rehabilitates the signature found at sheet 187-line 9, leaving the Candidate 18 signatures short of the minimum number of signatures required for the office sought.

The Candidate's Rule 19 Motion requested from the Board the registration records of 10 individuals showing the registered address of each voter. The Board was only able to find the voting registration records for the voter who signed sheet 15-line 3 of the nomination petition of the Candidate. The Candidate presented evidence as to the registration records for the voters who signed the nomination petition for the Candidate at the following sheet and line numbers: 8/5, 15/10, 177/2 and 177/3. However, the objection as to being registered at the address provided was not preserved as to 15/3 and 15/10, and 177/3 was not included as part of the Candidate's Rule 19 Motion. Therefore, only two signatures were rehabilitated as a result of the Candidate's

Rule 19 Motion, now leaving the Candidate 16 signatures short of the minimum numbers of signatures required for the office sought.

The handwriting experts presented by the Candidate and by the Objector were credible in their testimony as to their knowledge and experience in forensic handwriting examination. The Candidate's handwriting expert, Ms. Marsh, testified as to 43 signatures that she examined and the Objector's handwriting expert, Mr. Warren Spencer, testified as to 44 signatures that he examined. However, given the conflicting testimony as to the genuineness of signatures it is the Hearing Officer's opinion that neither of the experts presented sufficient evidence either as to rehabilitate any signatures or as to invalidate any signatures.

In reconsidering the Candidate's 53 affidavits in his Motion for Reconsideration of Affidavits, 16 affidavits are found to be from signers who testified at the Rule 8 Hearing and whose signatures have already been rehabilitated due to the credibility of their testimony. As to the remaining 37 affidavits, it is determined that the affidavits for sheet 21-line 10 and for sheet 121-line 7 were not presented into evidence at the Rule 8 Hearing, so they will not be taken into consideration, leaving a total of 35 affidavits for reconsideration. Additionally, the signatures found at the following sheet and line numbers were rehabilitated during the Rule 8 Hearing and no determination is now made otherwise: 121/5, 167/2, 170/5 and 192/4, leaving 31 affidavits for reconsideration.

The affidavit for sheet 181-line 2 is rehabilitated upon further review and examination after a comparison of the printed name on the affidavit, which exhibits substantial indications of common authorship to the printed names on the nomination petition, and the cursive signatures on the affidavit adequately match the Board's registration records.

Upon further review the following affidavits are rehabilitated upon a finding that the affidavit signatures show adequate levels of common authorship as compared to the registration records, even though neither the affidavit signatures nor the registration signature show substantial commonalities with the petition signatures. Despite the lack of commonality with the petition signatures, the substantial similarities between the registration signatures and affidavit signatures evidences that the proper registered voter signed these affidavits, under oath, and the Objector has failed to present sufficient evidence to refute the legitimacy of the affidavits. Thus, the affiants' sworn statements in affidavits that adequately match the registration records have not been sufficiently rebutted by the Objector, and the signatures appearing at the following sheet and line numbers are deemed valid: 26/2; 107/3; 129/5; and 210/4.

Upon a further review and examination of the remaining 31 affidavits, it is determined that the 18 signatures from the following sheet and line numbers are sufficiently similar to the signatures on the nomination petitions for rehabilitation purposes: 28/3, 105/8, 114/2, 117/2, 123/7, 126/2, 135/9, 144/10, 167/3, 167/5, 168/4, 169/5, 170/3, 170/4, 170/8, 175/4, 178/2 and 210/6, giving the Candidate 3 signatures more than the minimum number of signatures required for the office sought.

The signatures from the 8 remaining affidavits pertaining to the following sheet and line numbers were not rehabilitated for the following reasons:

1. 83/8: The signature on the affidavit is a cursive signature while the nomination petition contains the printed name twice and does not have commonality with the affidavit.
2. 139/2: The signature on the affidavit contains a distinct legible curl in the capital "M" of the first name and a distinct legible curl in the capital "G" of the last name, yet both features lack substantial commonality with what appears on the nomination petition. The affidavit printed signature is in all-caps, whereas the petition printed signature is lowercase.
3. 139/6: There is a clear space between the distinct signature first name and the distinct signed last name on the affidavit while the nomination petition

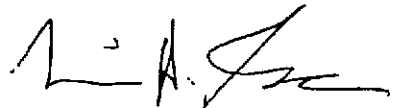
contains one signed name which does have commonality with the signature on the affidavit. Both the affidavit and petition signatures lack a similar level of definition of each letter as compared to the registration signature, thus showing a substantial deviation.

4. 147/2: The curl of the cursive "Y" of the first name on the affidavit is clear and distinct on the affidavit as is the curl of the cursive "G" in the last name on the affidavit while it does appear to have commonality with the nomination petition and the affiant signs with a middle initial "T" which is absent from the nomination petition. The affidavit and petition signatures show substantial deviations in slant and spacing, and neither of those signatures share substantial commonality with the registration signature.
5. 169/1: The signature on the affidavit contains a distinct and legible first and last name with a pronounced curl on the "Y" of the first name with a distinct loop at the bottom of the "Y". The curl of the "Y" on the signature on the nomination petition does not have commonality with that of the affidavit and the loop is missing.
6. 175/10: The signature on the affidavit contains a distinct curl on the upper part on the "M" of the first name and a distinct curl and loop on the lower part of the "Z" in the last letter of the last name which are not present in the nomination petition and the affiant signed the affidavit with a middle initial "R" which is absent from the nomination petition.
7. 187/4: The signature on the affidavit contains a pronounced curl and loop in the capital "A" of the first name and a distinct upstroke and curl on the capital "R" of the last name which are absent from the nomination petition.
8. 211/10: The signature on the affidavit contains a distinctive capital "H" on the first name with a diagonal bar crossing and connecting the "H" and a capital "B" in the last name with distinct curls and loops and the last letter "Y" of the last name contains a pronounced curly at the bottom, all of which are absent from the nomination petition.

Finally, the Hearing Officer finds that the Objector failed to present evidence, testimony or argument regarding an alleged pattern of fraud or regarding any alleged signatures of common authorship on the Candidate's petitions. Fraud cases must be proven by clear and convincing evidence, and in the absence of any evidence or argument presented by the Objector, the Hearing Officer finds no pattern of fraud in this case.

In light of the foregoing, the Hearing Officer finds the nomination papers contain 1,007 valid signatures, and the Hearing Officer thereby recommends that the objections of Beth A. Lanford to the nominating papers of Ira L. Silverstein be denied and that the nominating papers of Ira L. Silverstein for the Office of State Senator of the State of Illinois for the 8th Legislative District be deemed valid and that the name of Ira L. Silverstein for said office be printed on the ballot at the March 20, 2018, General Primary Election.

February 2, 2018.



Maurice A. Sone, Hearing Officer