

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

Objections of: KYLE SEAY, JACQUELINE	)	
A. GIANNINI and COREY SEALY	)	
	)	
To the Nomination	)	No.: 20-EB-CON-002
Papers of: KINA COLLINS	)	
	)	
Candidate for the nomination of the	)	
Democratic Party for the office of	)	
Representative in Congress, 7th Congressional	)	
District of the 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, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of KYLE SEAY, JACQUELINE A. GIANNINI and COREY SEALY (“Objectors”) to the nomination papers (“Nomination Papers”) of KINA COLLINS, candidate for the nomination of the DEMOCRATIC Party for the office of Representative in Congress, 7th Congressional District of the State of Illinois (“Candidate”) at the General Primary Election to be held on Tuesday, March 17, 2020, having convened on December 16, 2019 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 were duly and timely filed.
2. The Electoral Board was constituted according to the laws of the State of Illinois.

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

4. A public hearing was held on these Objections commencing on December 16, 2019 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer John Ashenden for further hearings and proceedings.

6. The Objectors 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 Objectors, KYLE SEAY, JACQUELINE A. GIANNINI and COREY SEALY through their Attorney, SCOTT B ERDMAN; and the Candidate, KINA COLLINS through her Attorney, ANDREW FINKO.

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

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

9. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or their 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 1,356.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 3,215.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,222.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,993.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party to the office of Representative in Congress, 7th Congressional District of the State of Illinois.

14. The Hearing Officer conducted a hearing to allow the Objectors an opportunity to present evidence in support of their 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 1,993 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in Congress, 7th Congressional District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

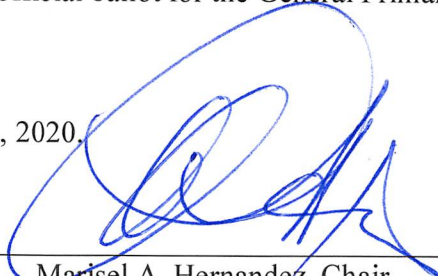
16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates them herein by this reference.

17. Specifically, the Electoral Board adopts the Hearing Officer's findings that the Objectors failed to provide evidence to prove that any *particular* changes to voters' addresses on the petition sheets were made *after* the circulators of those sheets attested to and certified the accuracy of the voters' signatures on their sheets. Thus, the Electoral Board agrees with and adopts the Hearing Officer's finding that the Objectors failed to meet their burden of proof that the Candidate, or any other campaign worker, participated in a pattern of fraudulent conduct.

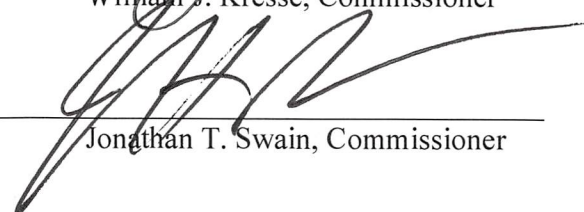
18. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of KINA COLLINS are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of KYLE SEAY, JACQUELINE A. GIANNINI and COREY SEALY to the Nomination Papers of KINA COLLINS, candidate for nomination of the Democratic Party for the office of Representative in Congress, 7th Congressional District of the State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of KINA COLLINS, candidate for nomination of the Democratic Party for the office of Representative in Congress, 7th Congressional District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 17, 2020.

Dated: Chicago, Illinois, on Tuesday, January 21, 2020.



Marisel A. Hernandez, Chair

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 CHICAGO BOARD OF ELECTION COMMISSIONERS

KYLE SEAY, JAQUELINE A.	)	
GIANNINI, and COREY SEALY,	)	
Petitioner-Objectors,	)	No. 20 -EB-CON -002
v.	)	
	)	John Ashenden
KINA COLLINS,	)	Hearing Officer
Respondent-Candidate.	)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATION THES

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Objectors' Petition of Kyle Seay, Jacqueline A. Giannini, Corey Sealy, ("Objectors") to the nomination papers of Kina Collins ("Candidate") for the Office of U.S. Representative in Congress, 7th Congressional District in Illinois, John Ashenden, Hearing Officer, finds and recommends as follows:

1. Candidate appeared at the initial through Attorney Andrew Finko. Objectors appeared through Attorney Scott B. Erdman. Candidate's Nomination Papers, Objector's Petition, Returns of Service, Waivers, Appearances and Disclosures, were marked and admitted as Board Group Exhibits A through D respectively. Candidate was given leave to file a Motion to Strike and Dismiss. Briefing schedules were agreed and Candidate's motion set for hearing. Hearing Officer submitted a records exam directive but no date was assigned.
2. Objectors' Petition alleges Candidate's Papers contain names of persons who did not sign in their proper persons; signatures not genuine per the Appendix-Recapitulation (A-R) (Par. 7, Obj Pet.); Contain names who are not registered voters at addresses shown (Par. 8, Obj Pet.); Names for whom addresses are not in district; not registered voters. (Par.9, Obj Pet.); Names for whom the addresses are missing or incomplete (Par. 10, Obj Pet.); Names who have signed the Papers more than once. (Par. 11, Obj Pet.); The "signatures" which are not signed but printed. (Par. 12, Obj Pet.); Contain the other "signatures" in violation of the Election Code. (Par. 13, Obj Pet.); Contain objections to the Circulator or Notary as indicated at the bottom of the A-R.(Par. 14, Obj Pet.); Contain less than 1356 validly collected signatures of qualified and duly registered district voters as set for in the A-R (Par. 15, Obj Pet.); Objector incorporated the A-R sheets. (Par. 16, Obj Pet.); Objector alleges sheets in Candidate's petition have been altered, many of which are presumably altered by Candidate as indicated by the initials "KC" in violation of Election Code Sec. 3-1.2. (Par. 17, Obj Pet.); Objector alleges 269 lines in 98 sheets have been altered by Candidate as they contain her initials. (Par. 18, Obj Pet.); Objector argues 149 lines in 45 Candidate's petition sheets have been "...altered by her or persons under her control." (Par. 19, Obj Pet.); Petition sheets contain 148 sheets and 416 lines with alterations and to strike out each altered line. (Par. 20, Obj Pet.); Objector pleads to strike out any page circulated by the Candidate "...as a result of her alterations to any other sheet circulated by her." (Par. 21, Obj Pet.); In conclusion, the Objector pleads to invalidate the entire nomination packet because such alterations by the Candidate after circulation has exhibited a pattern of fraud (Par. 22, Obj Pet.).

3. Candidate's motion to strike alleges First Amendment issues. (Sec. A of Mtn) Then Candidate argues of the 3000 voter signatures submitted in 377 petitions, at least "1,532 signatures" were not challenged. 1356 is the minimum number of signatures needed and Candidate would have 1,532 valid signature, as such Objector's petition must be dismissed. (Sec. B of Mtn). Candidate cites "...this Electoral Board has not adopted a liberal construction of pleadings... have demanded specificity in objection pleadings, especially with regard to allegations of fraud.", and argues an objector must offer clear and convincing evidence whether the circulator "corruptly or intentionally" filed false affidavits, or had "guilty knowledge." Objector fails to identify any fraudulent signature and no alleged circulator facts of any improper conduct. The Candidate also cites 10 ILCS 5/7-10 (striking out signatures) and claims her act of striking signature is valid. The Candidate claims Objector is shot gunning and on a "fishing expedition" and requests that the Objectors be compelled to appear. The Candidate argues that the "alteration" such as clarification of the city is *de minimus* in nature, with no changes to a voter's address but rather a simple clarification of the voter's city and the "alternation" such as (attempted) "strike outs" are authorized by 735 ILCS 5/7-10 of the Election Code. (Sec. C of Mtn) The Candidate argues all such attempted, but incomplete strike-outs, should be included, rather than excluded and reviewed in a records examination; and that the certification of deletion was inadvertently not filed, so the nomination papers at most reflect attempted deletion, or striking, of selected voter signatures and addresses. The Candidate cites *Levy v. Williams III* and argues Electoral Board has addressed this and the solution is to include the attempted but incomplete strike-outs and review these in a records examination and if there is an objection Candidate argues a records examination would resolve the validity of each such stricken signature. (Sec. D of Mtn.).

4. Objector's response argues Candidate's First Amendment claim lacks jurisdiction, should be stricken. (Obj, Count A) Recommend against; Candidate's motion is fact based with no legal support. (Obj. Count B); The Objector argues par. 17 of their petition outlines the pattern of fraud committed in "Sheet and Line" and cites Rule 5(b) to support facts pled in Objector's petition. Objectors identified 148 instances and 416 lines being altered with Candidate initialed "KC" and alleges section 3-1.2 of Election Code was violated. Objectors argue specifically pled violations in Pars. 18-22 sufficient to warrant Candidate's removal from the ballot. (Obj, Count C); The Candidate's claim the 'alterations' are either clarifications of the city or and attempted strike-outs are not true as the 'alterations' include changes to signers' names, signers' street addresses, and signers' village or city. Objectors assert the "clarifications" of cities are not "de minimis" in nature and all the Candidate's action in regard to alterations to petition sheets should be examined as a whole to reveal a "pattern". (Obj, Count D).

5. At the December 23, 2019 status parties discussed the Board's preliminary petition summary report totals 1628 unchallenged signatures; 1356 is the required minimum. Objections are not limited to sheets and lines but according to Objectors establish a pattern of fraud from the alterations. Objector argues there are at least 20 cross outs of addresses by the Candidate and contends *Ley v Williams III* doesn't apply since it dealt with the name on the Statement of Candidacy; and was not about establishing a pattern of fraud; The Objector also argued *Crossman vs Board of Election Commissioners of the City of Chicago*, 2012 IL App (1st) 120291, does not apply because the alterations made in the current petition sheets are not *de minimus* in nature i.e.

unlike Crossman, in the instant case Candidate has not just altered names by adding minor changes such as “th”, rather crossed out entire addresses and written a new address in numerous petition sheets. In response, Candidate argued that *Ley vs Williams III* and *Crossman v Board of Election Commissioners* must be applied here; even if the 25-30 counts of complete strikeouts are sustained and removed from the petition sheets, the Candidate will still have the minimum number of signatures to be listed on the ballot; The Objector replied that this case is similar to *Kowalski McDonald vs Cook County* with a pattern of fraud when all the alterations are considered together. Hearing was set for Candidate’s motion to strike.

6. On December 27, 2019 Hearing Officer recommended denying Candidate’s Motion to Strike as there may be a pattern of fraud on many of the petition sheets. Candidate was requested to obtain affidavits and/or present testimony of the Candidate and circulators. Objector argued Candidate violated the Election Code by editing the petition sheets at her whim to provide the most beneficial version and filed no certificate of deletion. Candidate replied that even if the Candidate is not the circulator, strike outs are legal under the Code and cited *Ley v Williams III* asserting the Candidate could submit certification of deletion. Objector argued if all the alterations are taken together, it demonstrates fraud on the face of the petition sheets. Hearing Officer recommended Objector submit demonstrative exhibits with one table containing the changes or strike outs where the Candidate is the circulator and another table containing changes or strike outs where the Candidate is not the circulator. Objector to file a memorandum in support, and any additional affidavits and/or evidence by January 2nd; Candidate response and affidavits by January 4th; Objector reply is due January 6th; Parties to provide affidavits and disclose witnesses by January 6th; The Evidentiary Hearing is scheduled at request of parties on January 9th 2020.

7. The Objector’s Memorandum in support of their challenge to Candidate’s nomination papers cites *Featherstone v. Kowalski-McDonald*, 17 COEB CC 03 (2018) and argues “the alteration of the petition sheets after its circulation to voters destroys the sheets integrity.” Objector attaches a sampling of alterations with KC initials in sheets 49; 256; 263; 27; 157; 360. Objector cites Election Code 3-1.2 that only the qualified registered voter or the circulator may write the address shown opposite the voter’s signature. (Obj Memo.II) Objector’s allege “hundreds” of Candidate’s petition sheets include: a) crossed out addresses replaced with believed valid addresses; b) changing street addresses previously written down; c) adding cities, village or townships; d) writing over a voter’s shorthand with a full name. Objector argues that out of 377 Candidate petition sheets, nine circulators (excluding the Candidate) submitted 5 or more sheets which contain alterations with “KC” initials next to them; Objector argues such alterations occurred more than 400 times; or one-third of Candidate’s Petition Sheets. Objector cites two examples at page 233 line 10 and 257 line 3 to demonstrate the original address written down and then the crossed out of the actual voter’s address. The second address is listed in a campaigned owned data base whose acronym is NGPVAN. Objector group exhibit D. Objector argues there is “no doubt regarding who modified the petition sheets.” (Obj Memo.III, Pattern of Fraud)

8. Candidate filed a Motion for Directed Finding in advance of the evidentiary hearing. Candidate argues objector has the burden of proof to demonstrate a pattern of fraud with clear and convincing evidence. (Par B of Candidate's Mtn for Directed Finding); Candidate asserts that an attempt to strike out signatures, with lines drawn through the voter names, and initials adjacent to such strike-outs are expressly authorized by the Election Code, 735 ILCS 5/7-10. However, the omission of filing certification listing line and page numbers was inadvertent and hardly an indication of fraud; Candidate argues that although the Objector has produced no facts to support the allegations. Candidate argues the changes demonstrated in the petition sheets are *de minimus* and do not warrant striking of any signatures. (Par C of Candidate's Mtn for Directed Finding); and Objector has not offered any evidence to identify the date of any alleged or improper changes, or the person who allegedly made the changes; Candidate pleads that even if the challenged sheets were stricken, Candidate will still have a sufficient number of valid signatures. (Par D of Candidate's Mtn for Directed Finding); Candidate's counsel asserts that for the purposes of rebuttal only, Candidate Kina Collins and circulator Molly Aronson may testify at the hearing specifically to rebut any factual evidence; Candidate has also offered affidavits of circulators and notaries for purposes of rebuttal. (Par F of Candidate's Directed Finding).

9. Objector filed a response to Candidate's motion for a directed finding. Objector argues Candidate does not dispute the fact that there are hundreds of changes with her initials but rather admits that her campaign had a systematic practice of making alterations to petition sheets after the qualified voter had affixed their signature (Objector's Reply to Mtn for DF, Part A); Objector argues that each of the Candidate's Circulator Affidavits attached are in the same form with the same language and each of the five circulator affidavits submitted include crossed out portions of the form affidavit. Objector also mentions that Candidate has failed to produce affidavit of circulator Molly Kraus-Steinmetz who have the highest volume of address changes with KC initials (Objector's Reply to Mtn for DF, Part B). Objector refers to the Crossman case and Kowalski McDonald's case to argue alterations made in the current case is not a minor, technical error or *de minimus* in nature (Objector's Reply to Mtn for DF, Part C & D); Objector attached an affidavit from the voter signor of Sheet 256 Line 3 as Exhibit B stating that the changes were neither made by the voter nor the circulator nor by anyone in the voter's presence.

10. On January 9, 2020, after review of Candidate's and Objector's memoranda the Hearing Officer recommends that the Candidate's Motion for Directed Finding may be denied.

The Hearing Officer and parties discussed the Board's Preliminary Petition Summary Report (12/19/19) showing required signatures for Office: 1356. Total pages filed: 376. Total signatures: 3215; Total Objections: 1940; Total remaining 1940; Total unchallenged sigs: 1628. 1859 Signatures greater than required minimum.

January 9, 2020 Evidentiary Hearing

11. Circulator Molly Aronson was called and testified that as the field director of the Candidate's campaign, she trained other circulators and volunteers about the procedure of collecting and signing the petition sheets. After receiving petition sheets she would verify the residence address in the petition sheets against the campaign's data base. Sometimes she instructed the circulators or the candidate to alter the unmatched addresses without the presence of the voter but before the circulator signed. As field director, Ms. Aronson personally did not make any alterations or strike out addresses in any petition sheets. On cross examination Ms. Aronson affirmed that in Sheet 126 and 130 the county section was left blank because petition was already signed and their campaign had a "strict policy" of not making any alterations to the petition sheets once signed by the circulator and the notary.

12. Kina Collins was called and credibly testified although she did not make changes to petition sheets where she is not the circulator, she did initial next to most of the alterations in the petition sheets. When referred specifically to Sheet 256 Line 3, Sheet 139 Line 2-10, Sheet 60 Line 6, Sheet 185 Line 4, Sheet 50 Line 2, Sheet 168 Line 7, Sheet 345 Line 6, Sheet 326 Line 4, Candidate credibly testified that she does not believe the changes had any resemblance to her handwriting but confirmed she initialled beside the alterations. Candidate testified Molly Aronson was accurate in describing the voter training process and agreed "typically" the changes in voter address were made in the presence of the voter.

13. After testimony, the Objector contended objections are based on the activities of the candidate, testimony of the field director, and her instructions to the circulators. Objector cites the Kowalski case and argued the act of changing voter addresses after the voter has signed the petition sheets is in itself fraudulent. As evidence, Objector marked and dated 1/9/20 Obj. Group Exhibits A, Affidavit of Susan Kutenbach, Group Exhibit B, Affidavit of Michelle Major, Group Exhibit C Affidavit of Leah Fluecke, Group Exhibit D, Affidavit of Sameena Mustafa, Group Exhibit E (Original Affidavit of voter signer Vernon Coleman), Obj. Group Exhibit F (same as Obj Exhibit A to Objector's Memorandum), Group Exhibit G (Exhibit B also attached to Objector's Memorandum), Group Exhibit H (Exhibit C attached to Objector's Memorandum), Group Exhibit I (Exhibit D attached to Objector's Memorandum), Group Exhibit J (Unknow petition sheet used by Objector to cross examine Molly Aronson), Group Exhibit K (Sheet 315, 192, 132, 112, 308, 141, 328, 68, 324).

14. Candidate argued there is no citation to the Election Code that prohibits changes to an address and asserted there is a stark difference between the Kowalski case and the current scenario because in Kowalski, the Electoral Board found extraneous circumstances of fraud by Kowalski whereas in this case all the alterations were made before the circulator signed the petition sheets and are de minimis.

15. At the conclusion, the parties again requested a full record examination. The Board received another copy of the Hearing Officer's directive and scheduled the record examination on January 10, 2020. A Status hearing was scheduled for January 10, 2020 at 3 pm.

January 10, 2020 Record Examination Status

16. At the status hearing Parties learned the record exam was still in progress. During the hearing the preliminary records exam was completed. At this time Candidate had 631 Signatures greater than the required minimum. The Board reported the handwriting expert was scheduled to review the preliminary report on January 11th. Hearing Officer scheduled a telephonic status for Saturday 1/11/20 regarding probable start of Rule 8 hearing.

January 11, 2020 Status Call & Final Petition Summary Report

17. The Board circulated the Final Petition Summary Report listing Total Signatures was 3215. Total Objections: 1944. Total Sustained lines: 1222. Total Overruled lines: 368. For review (Candidate): 1325. For Review (Objector): 604. Total Valid signatures: 1993. Total unchallenged signatures: 1625. There were now 637 Signatures greater than the required minimum for the Candidate. At 2 pm a status hearing was conducted regarding Rule 8 motion deadline and scheduling Rule 8 evidentiary hearing for January 14, 2020.

January 12, 2020 Receipt of Objector's Rule 8 and Candidate's Request for extension

18. Hearing Officer received Objector's timely filed Rule 8 motion seeking reconsideration of the Rule 6 and a request to rehabilitate the objections. Candidate advised Hearing Officer that he was experiencing "technical difficulties" filing attachments. Hearing Officer recommended granting Candidate's short extension to file a Rule 8 motion.

January 13, 2020 Receipt of Candidate's Rule 8 Motion

19. Receipt of Candidates Rule 8 motion with a table of sheet and line numbers for "each and every" sustained ruling by the Board's staff. Hearing Officer recommended granting Candidate's motion for a "short" (nearly 3 hr.) extension of time.

January 14, 2019 Rule 8 Evidentiary Hearing

20. The parties appeared at the status without any documents. Both Objector and Candidate Counsel stood on their filings and presented no further Rule 8 evidence. Objector did complain about some Candidate tweets and the Candidate's attorney Objected to the issue being raised. The Hearing Officer finds the matter of the Candidate's tweets about the Objector was not properly addressed and is not a Rule 8 issue.

Hearing Officer Findings and Recommendation

21. The Hearing Officer heard the testimony of the Candidate Kina Collins, Circulator Molly Aronson, and considered the exhibits admitted and the legal arguments of the parties.

22. Hearing Officer recommends overruling Objector's Petition paragraphs 17 and 18 in the entirety. Objector alleges "many of the alterations are indicated by the initials 'KC' and presumably made by the Candidate". The Hearing Officer finds the testimony of the Candidate Kina Collins to be credible. Ms. Collins testified that she did not personally make any changes to the voter addresses in the petition sheets where she is not the circulator but did write her initials next to almost all the changes on her petition sheets. While it is true the Candidate did initial beside almost every change to her sheets, the Hearing Officer finds the testimony of the Candidate credible that she initialed beside the alteration to recognize and validate alterations. Although this conduct of the Candidate is improper because the circulators should initial changes, the Hearing Officer finds that it was not an intentional attempt to mislead. Candidate's initialing alterations are deminimis in nature. Moreover, Candidate initialing beside clarifications of city, town, village is not fatal. There is no evidence that anyone would have been confused about the office and district that was the subject of the Candidate's candidacy. The Hearing Office finds the alterations in city, town, village are minor and technical clarifications and were not made to deceive.

23. Hearing Officer recommends sustaining in part Objector's Petition paragraphs 19 and 20 alleging voter addresses were crossed out and changed to different addresses, by the Candidate or persons under her control, presumably to match the campaign's data base. Hearing Officer finds credible the Objector's affidavit of voter signer Vernon L. Coleman where he states changes were made to his residence address neither by him, nor by the circulator nor by anybody in his presence. The Hearing Officer finds the Candidate testimony about the procedure to strike out entire voter addresses and replace it with a completely new address to be unclear as to whether these alterations were made before or after the circulator signed the sheets. As such Hearing Officer finds the Campaign's cross outs improper. The Hearing Officer recommends to strike out signatures where the Campaign changed addresses in Sheet 23 Line 10, Sheet 49 Lines 6 & 8, Sheet 55 Line 2, Sheet 60 Line 6, Sheet 233 Line 10, Sheet 241 Line 5, Sheet 242 Line 10, Sheet 255 Line 8, Sheet 256 Line 3, Sheet 256 Line 9, Sheet 257 Line 3, Sheet 258 Line 2, Sheet 262 Line 4, Sheet 262 Lines 2 & 7, Sheet 319 Line 5, Sheet 332 Line 8 and Sheet 333 Lines 2 & 4 as referenced in Objector's Exhibit A, Table 1 "addresses crossed out and replaced with KC initials." Hearing Officer recommends the 20 signatures to be stricken from the nomination papers. The Hearing Officer recommends overruling the remaining allegations Objector's Petition at paragraphs 19 and 20, because insufficient evidence has been presented to establish a pattern of fraud.

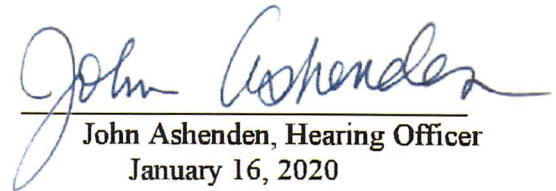
24. Hearing Officer recommends overruling Objector's Petition paragraph 21 in its entirety. While the Candidate's initials beside every alteration, along with Candidate's failure to file a certification regarding the 'strike outs' is improper, the Hearing Officer finds the Campaign's actions, for example, in altering OP to Oak Park; or Chgo to Chicago are examples of mere

technical clarifications and recommends them be deemed de minimis in nature. While the Objector's factual assertion of these deficiencies is correct, the Objector could not cite any authority with similar circumstance to prove that the remedy for such a violation would be striking "any page circulated by the Candidate." As the Crossman case states "...case law indicates...the failure to properly revoke signatures in a nomination petition requires their inclusion, not exclusion...". The Hearing Officer finds nothing that was added to the Candidate's nominating sheets regarding city, town, or village cured what would otherwise be considered a legal deficiency. The Hearing Officer finds that the Candidate's nomination sheets with these alterations were in substantial compliance with the requirements of the Election Code even before the minor alterations were made and the alterations did not affect the legal sufficiency of the document.

25. Hearing Officer recommends overruling Objector's paragraph 22 in its entirety. While the Hearing Officer finds credible the Objector affidavit of voter signer Vernon Coleman that changes were made to his residence address neither by him, nor by the circulator nor by anybody in his presence, the hearing officer finds this affidavit alone does not establish a pattern of fraud so extensive that the entire nomination packet should be stricken. According to the Crossman case, whether conduct constitutes a pattern of fraud involves the legal effect of a given set of facts. In the instant case, the Hearing Officer finds testimony of campaign field director Molly Aronson regarding her instructions to the campaign to make changes to voter addresses at times in the absence of the voter but before notarization is not a violation of the Election Code. Although the procedure followed by the campaign under her role as the field director was at times inappropriate, the Hearing Officer finds Ms. Aronson's testimony that all changes were made before notarization credible. Moreover, In *Kowalski McDonald v. Cook County*, the alterations to the voter addresses were made after the circulator had signed the petition sheets and when questioned under oath, Candidate Kowalski McDonald testified that she changed no addresses on her petition sheets. After testimony from a board-certified forensic document examiner and from one of Ms. Kowalski's circulators, Ms. Kowalski then agreed to have made those changes. In the instant case, the testimony of the Candidate and the circulator were clear evidence that there was no conscious and deliberate attempt to commit fraud in the candidate's nominating papers. The Candidate filed 4 circulator affidavits with cross outs and alterations in paragraph 3. Additionally, the Candidate failed to file an affidavit for Molly Kraus-Steinmetz who had the highest volume of petition sheets with alterations. Although this candidate's conduct and her campaign's actions regarding these candidate affidavits and the many cross outs are confusing, the Hearing Officer finds it is not 'clear and convincing' evidence establishing a pattern of fraud. The Hearing Officer finds the conduct of Candidate Kina Collins and her campaign was not indicative of an "extensive" pattern of fraud and the candidate's nominating papers would have been legally sufficient even without the additional clarifications and markup.

Conclusion

26. In the light of the foregoing, the Hearing Officer recommends that the objections of Kyle Seay, Jacqueline A. Giannini, and Corey Sealy to the nominating papers of Kina Collins be overruled and it is recommended that the nominating papers of Kina Collins for the office of U.S. Representative in Congress, 7th Congressional District in Illinois be deemed valid and that the name of Kina Collins for said office be printed on the ballot.


John Ashenden, Hearing Officer
January 16, 2020