

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;
2. Objections to the nomination papers of the candidate herein were duly filed;
3. A Call to the hearing on said objections was duly issued and was caused to be served upon the members of the Electoral Board, the objector and the candidate, by mail and by personal service as provided by Statute;
4. An initial public hearing was held on these objections on Monday, December 19, 2011;
5. There were present at such hearings the following persons, among others:
 - a) Honorable David Orr, by Daniel P. Madden, Honorable Anita Alvarez, by Daniel H. Brennan, Jr., and Honorable Dorothy Brown, by Catherine Zaryczny;
 - b) Objector, By Counsel
 - c) Candidate, By Counsel
6. All evidence, if any, that was tendered by those appearing at the hearing was heard and considered by the Board;
7. All arguments, if any, that were made at the hearing were considered by the Board;
8. The Board having heard oral argument and having considered all evidence, if any, **HEREBY MAKES THE FOLLOWING FINDINGS:**

This matter was referred to the Election Authorities for a Registration Records Examination, which was held, and the results of which were reported to the Board. The report of the results of the Examination showed that the Candidate's Petition had 3585 total signatures, to which 2782 objections were made. 2313 of the objections were sustained, leaving 1272 presumably valid signatures, which is 272 more than the minimum 1000 required for a valid petition for the office in question.

Both Parties filed a Rule 8 Motion, and the case was assigned to a Hearing Officer for hearing. The Hearing was held over a number of days, and the Hearing Officer issued a Report and Recommendation to the Board, which addressed the issues raised as to residency, circulation and notarization, as well as changed the status of certain signatures, giving the Candidate 7 more signatures.


The Board voted to adopt the findings and conclusions of the Report as the Board's findings and conclusions herein, and to adopt the Recommendation of the Hearing Officer. The Board voted to overrule the Objection herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the objections of Shelly Van Slyke, to the filing for office of Circuit Court, located in the County of Cook, State of Illinois for candidate Beatriz Santiago are hereby overruled in conformity with the findings in paragraphs 8 hereof. The said nomination papers are hereby declared valid, the name of Beatriz Santiago, candidate for the Office of Circuit Court Judge in the Cook County Circuit, shall be printed on the ballot for the Primary Election to be held on March 20, 2012.

DATED, at Chicago, Illinois this 1st day of February, 2012.

DAVID ORR, Chairman


by:



Daniel P. Madden

ANITA ALVAREZ, Member

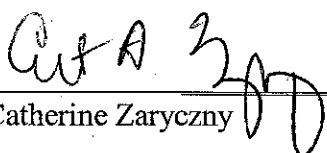
by:



Patrick Driscoll

DOROTHY BROWN, Member

by:



Catherine Zaryczny

BEFORE THE COUNTY OFFICERS ELECTORAL BOARD

Shelley Van Slyke)
Objector)
-v-) 11 COEB JUD 34
Beatriz Santiago)
Candidate)

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard by the County Officers Electoral Board on December 20, 2011 and sent for a records examination.

The results of the records examination were as follows:

- 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 3,585.
- C. The number of signatures deemed invalid because of objections sustained in the records examination total 2,313.
- D. The remaining number of signatures deemed valid as a result of the records examination total 1,272.

After the records examination, the Candidate had 272 signatures above the minimum number required. The Candidate filed a Motion pursuant to Rule 8 of the Board's Rules of Procedure. The matter was assigned to this Hearing Officer to conduct the Rule 8 hearing and to conduct a hearing on the remaining issues in the Objector's Petition.

At the hearing, the Objector appeared through attorney Steve Laduzinsky. The Candidate

appeared through counsel Adam Lasker. At the Hearing, Objector submitted two binders of evidence constituting 83 Exhibits with numerous subparts. In addition to the Candidate, the notary, a private investigator, a forensic document examiner and another candidate running in the 6th subcircuit, ten (8) circulators were called to testify in the Objector's case. The circulators called to testify were Joel Vazquez, Jose Santiago, Leticia Santiago, Luis Santiago, Miguel Vazquez, Vanessa Santiago, Aricon Floren, Alexis Vasquez and Angelica Gutierrez.

THE CANDIDATE'S RESIDENCY

Objector alleges at paragraphs 2-5 and 13 of her Objector's Petition that the Candidate did not reside in the 6th subcircuit at the time she filed her nominating papers. According to the Objector, the Candidate's nominating papers indicate that she resides at [REDACTED] [REDACTED]. However, according to the Objector, Candidate's actual residence address is [REDACTED]. The parties acknowledge that [REDACTED] [REDACTED] is not within the 6th Judicial Subcircuit.

In support of her residency allegation, the Objector called the Candidate to testify. Candidate testified that she owned the property on [REDACTED] and that sometime between August and September, 2011, she moved back to her parents' residence at [REDACTED]. She was approached in the summer of 2011 by Joseph Berrios who asked if she would be interested in running for the judgeship. At that time, she did not want to run as it would require her to give up her current job in the Public Defender's Office. Candidate indicated that she moved back to [REDACTED] in late August or early September because her father had been diagnosed with the early stages of Parkinsons and she wanted to help take care of him. She felt it was her duty as the oldest daughter. She learned of the diagnosis sometime in 2010 or early 2011. When she moved into the [REDACTED] property, she brought her dogs and personal effects such as her toothbrush, clothes, make up, and towels. All of her large items, such as furniture, were left at [REDACTED]. She decided to run for office only after she was slated sometime in October.

The [REDACTED] property is a two flat with three apartments. Each of the units in the building is occupied by Candidate's relatives. The basement is occupied by Candidate's sister, Leticia, and Leticia's daughter. The first floor which has three bedrooms and one bath is occupied by her brother Luis, his wife and children. The second floor which has three bedrooms

and one bath is occupied by the Candidate, her parents and her brother, Jose.

Candidate testified that she owned [REDACTED] from 2005-present. After she bought [REDACTED] she renovated it and resided there from 2007 until she moved back into [REDACTED] around Labor Day of 2011. The [REDACTED] house is a single family, three bedroom home. After she moved from [REDACTED] Candidate leased the property to her cousin Luz Vasquez ("Luz") until the end of November. After Luz moved out, Candidate rented the property to her cousin/adopted brother Joel Vasquez who continues to rent the property at the present time. Candidate testified that she did not produce any leases between her and Luz or her and Joel because they each paid in cash. According to Candidate she receives \$500 in cash per month from Joel. According to Joel, he pays \$600 in cash per month. Because no rent payments are paid with checks, they are not reflected in Candidate's bank statements.

Candidate further testified that she still owns the [REDACTED] address and that she has landlord duties there. She returns to the property regularly to perform landlord duties. She has keys to the property and all utilities are still in her name. While she goes to [REDACTED] regularly, Candidate testified that she has not spent one night at [REDACTED] since she moved out. She further testified that she intends to remain at [REDACTED] indefinitely.

Candidate updated her driver's license to reflect her change of residence back to [REDACTED]. She also updated her voter registration to the [REDACTED] address. The Candidate's car is registered at [REDACTED] and her car payment bills are mailed there. The electricity bill was also changed and is now in the Candidate's name. Candidate was unable to produce a number of documents subpoenaed by the Objector because the Candidate shreds bills once they are paid. Candidate never changed her address to [REDACTED] with the Cook County Public Defender's Office or the Illinois Attorney registration and Disciplinary Committee and the records of those offices reflect her [REDACTED] address. Inasmuch as they never reflected the [REDACTED] address, these documents neither support the Candidate's position nor the Objector's position.

Objector called witness Gregory Ahern ("Ahern") who testified that he was also a candidate for judge in the 6th judicial subcircuit. According to Ahern, he learned that the Candidate was running when she was slated in October, 2011. He had heard that she was not a resident of the 6th Judicial subcircuit and decided to investigate. In the morning of November 27,

2011, he learned from his attorney, Steven Laduzinsky that Candidate's car was parked at [REDACTED]. Ahern and Laduzinsky drove back to the property together with a video camera and still camera. They drove past the house several times and took pictures and videos of the Candidate's car parked outside the [REDACTED] property. (Objector's Exhibit 68 -68F). Ahern then decided to hire a private investigator.

Vanessa Paolili, the investigator hired by Ahern, testified that she was hired to conduct surveillance at the [REDACTED] property. She was given a picture of the Candidate from Candidate's Facebook page as well as the make, model and license plate number of Candidate's car. Candidate stipulated that she owned a gray Toyota Rav4 and further provided her license plate number. Paolili arrived at [REDACTED] at 6:58 a.m. on November 28, 2011. When Paolili arrived, the Candidate's car was parked outside and the television was on. There was no activity at the house until 7:30 a.m when a woman who was not the candidate arrived in a black car and went into the [REDACTED] property. Around 10:30 a.m., the Candidate walked out of the house and put a box and other belongings into her car. A woman who candidate identified as Luz Vasquez walked outside the house and handed something to the Candidate. Paolili followed Candidate throughout the day as she went to a spa, to an apartment building and then Paolili lost sight of Candidate's car. Paolili then went back to the [REDACTED] house where a man in a blue mini van pulled up and an older woman came out of the house, got into the van and the van drove off. Paolili also observed two dogs in the front fenced in area. Candidate returned to [REDACTED] at approximately 1:45 p.m. The surveillance ended at approximately 5:00 p.m. The surveillance did not extend overnight. Exhibit 51 and its subparts are pictures taken by Paolili throughout her surveillance. No surveillance was conducted at [REDACTED]

Numerous relatives of the Candidate who were also circulators of the petition were called to testify. When asked where the Candidate resides, each testified that the Candidate resides at [REDACTED] and that she moved back there sometime around Labor Day. Some of the Candidate's relatives were also asked about her father's condition in light of the Parkinson's. Each confirmed that Candidate's father is able to walk, feed himself, take care of his daily needs, drive a car and play dominoes. No medical evidence was offered regarding the father's condition.

There are a number of facts regarding the Candidate's residency that are not entirely

plausible. Candidate testified that she moved in September, 2011 to take care of her father. However, Candidate admitted that her father was diagnosed with Parkinson's in 2010 or early 2011. She provided no testimony regarding a sudden or even gradual change in his condition necessitating her care. In fact, Candidate conceded that she worked during the weekdays and was often out at campaign functions so it is unlikely that she has the time to provide the care she claims that is needed as a result of her father's disease. Additionally, the amount of rent the Candidate testified that she receives (\$500) was not consistent with the amount her cousin/adopted brother claimed to be paying her (\$600).

Regardless of the inconsistencies and improbabilities created by the Candidate's testimony, the Objector's evidence was not sufficient to conclusively establish that the Candidate does not reside at [REDACTED]. Every relative of the Candidate testified that she resides at [REDACTED]. The presence of Luz Vasquez at [REDACTED] on November 28, 2011 was consistent with her testimony that the house was rented to Luz at the time. Her sister testified that she resides in the basement with her daughter. Her cousin/adopted brother testified that he used to reside in the basement but now resides at [REDACTED]. Candidate's sworn statement was that she not only resides at [REDACTED] but that she has not slept overnight at [REDACTED] since she moved out. While the Objector's surveillance by candidate Ahern, attorney Laduzinsky and private investigator Valerie Peolili established that Candidate had substantial contact with [REDACTED], her contact was as consistent with the acts of a landlord and relative of the lessee than as that of a resident. The surveillance did not include any overnight period and therefore there is no evidence to contradict Candidate's statement that she has slept at [REDACTED] and not [REDACTED] every night since she moved back to [REDACTED].

Objector, in her summation, claims that Candidate failed to show, by a preponderance of the evidence that she actually resides at the [REDACTED]. Objector has misstated the burden. It is the Objector's burden to establish by a preponderance of the evidence that Candidate does not reside at the address on her nominating papers. The nominating papers and contents are presumptively valid unless proven otherwise. While Objector's evidence created questions, these questions were insufficient to constitute proof that the Candidate did not at the time of filing reside at [REDACTED] and that she does not currently reside at [REDACTED].

THE NOTARIZATION

Objector alleges at paragraphs 14-15 of her Objector's Petition that the petition sheets 1-67, 108-137 and 139-170 are invalid because the circulators did not appear before notary Esperanza Hernandez (Hernandez). It is the Objector's theory that none of the circulators appeared before the notary and that the Candidate brought the sheets to the notary to be notarized. Each of the sheets notarized by Hernandez bear the date of November 21, 2011 in the notarial jurat. In support of paragraphs 14-15 of the Objector's petition, Objector called Hernandez as a witness.

Hernandez testified that she was the notary of the sheets in question. She knows the Candidate from work and agreed to do a favor for the Candidate by notarizing the Candidate's petition sheets. When she notarized the sheets, she came to Candidate's house on [REDACTED] and met with circulators. She asked for identification from each and every circulator and each and every circulator signed the petition sheets in front of her. She did not administer an oath. Hernandez was unable to recall a number of facts regarding the notarization. She could not recall the exact dates she came to the house although she recalled that it was on two or three occasions. She could not recall what day of the week the notarization took place. She did not recall the number of circulators that appeared before her. Hernandez had no explanation as to why each sheet bore the date of November 21, 2011 but she did not write the date in on any sheet. It was the circulators who wrote the dates.

All of the circulators who were called to testify except Arleen Flores whose petition was notarized by Hernandez at work, testified that they received a phone call from either the Candidate or the Candidate's mother advising them of when the notary would be present. Each testified that they appeared before the notary when they signed their petitions. Most remembered that it was on a weekend. They each testified that they came to the Candidate's house on

██████████, sat at the round table in the dining room, showed Hernandez their identification, signed the sheet(s) and Hernandez signed and stamped their sheets. Some testified that their sheets were notarized on more than one occasion. None of the circulators could explain why the only date in their respective notarial jurats was November 21, 2011, particularly because November 21, 2011 was a Monday, not a weekend. Some remembered that it was Hernandez who told them to fill in the date of November 21, 2011. No one offered an explanation as to why, if the notarization took place on more than one day, there was only one date specified for the sheets notarized by Hernandez.

While the fact that there was a single date in the notarial jurat on each of the sheets notarized by Hernandez when there were multiple dates of notarization raises a question, there was no evidence to establish that the circulators did not appear before notary Hernandez when their sheets were notarized. The testimony of the circulators was consistent. They each described where the notarization took place as well as the process of notarization.

In an effort to establish that it was highly improbable that the notary would have traveled to Candidate's house on two to three occasions, Objector's Exhibit 67 was offered. Exhibit 67 is a map illustrating, among other things, that the notary lived several miles from the Candidate's residence.¹ According to the Objector, it is simply illogical to believe that the notary who resided so far away and who was not a personal friend of the Candidate would have voluntarily gone to the Candidate's house on two to three occasions.

The Objector's position is simply a theory which was unsupported by any of the testimony. Supposition and inference do not constitute evidence. All of the testimony of all of the witnesses established that the circulators did, in fact, appear before the notary when their sheets were notarized. The date of notarization whether wrong or incomplete, is not a sufficient basis to invalidate a petition sheet and, as the Candidate correctly points out in her written

¹ A poster size exhibit was submitted with a 8 x 11 copy included in the Objector's Exhibit binder.

summation, was not specifically plead in the Objector's Petition. Therefore, the Objector has failed to prove that the sheets in question were not signed before a notary.

Objector's argument of law that all of the formalities of notarization may be lacking is unpersuasive. What matters is that the process placed the circulators under the possibility of prosecution of perjury if lying. The notarization process in the instant case accomplishes this.

PATTERN OF FRAUD

Objector alleges at paragraph 16 of her Objector's Petition that the sheets of certain circulators evidence a pattern of fraud and false swearing and that said sheets contain signatures "which were not signed by the voters in their own proper persons, but rather by one or a few individuals who simply printed voters' names, or forged the voters' signatures in a 'roundtable', printed or seriatim fashion." In support of paragraph 16 of the Objector's Petition, Objector called forensic document examiner Todd Welch ("Welch"). Welch testified that he spent approximately 70 hours reviewing the handwriting on the petition sheets provided by Objector's counsel. His review consisted of copies of the petition sheets only. He testified that on the sheets of circulators Luis Santiago, Vanessa Santiago, Beatriz Santiago, Jose Santiago, Alexis Vazquez, Miguel Vazquez and Joel Vazquez he found evidence of common authorship. He created a report of Common Authorship for each of the circulators in question. These reports were submitted by the Objector as Objector's Exhibits 53-59. The common authorship Welch found was confined to individual sheets and did not extend beyond individual sheets. In other words, he did not analyze whether the handwriting on a given sheet was the same handwriting that existed on any other sheet. He simply determined that the handwriting on a given sheet was common to other handwriting on the same sheet.

Welch further testified that he used the handwriting exemplars of the circulators in the circulator's affidavits (Objector's Exhibits 60-66) to determine whether it was the circulators who wrote in any of the names, addresses or cities on the sheets. He conclusively determined that the circulators of the respective sheet in question did not write in the petition signer's names,

addresses or cities. Welch indicated that he had insufficient time to analyze the sheets as a whole to determine if the same handwriting existed on more than one sheet.

Welch further testified that “tabling” (as it is known in Michigan) occurs when individuals forge signatures on sheets and attempt to make the signatures appear genuine. Often, where people engage in “tabling”, they are assigned specific duties. Sometimes, one or more persons may write in the addresses, the cities, and one or more persons may sign the signatures. When asked, Welch conceded that “tabling” usually occurs among several different sheets and the forged signatures are spread throughout a document in contrast to the instant case where similar signatures were only found on the same sheet. He also found evidence of “tabling” here from the manner in which the addresses appeared. In many cases, the addresses appeared to be written in the same hand but not in the same hand as the respective signature. He found it significant because it established that the individuals, other than the petition signer and circulator were writing signatures, street addresses and cities on the petition. Welch further testified that it was the worst case of “tabling” that he had seen in his years as a forensic document examiner.

Each of the circulators was called to testify about the signatures they gathered. They each testified that they observed each and every signer sign the petition and that no one signed for another signer and that only the petition signer filled in the address and city. Each circulator further testified that they never filled in any of the information on the sheet except in the circulator’s affidavit and in the notarial jurat.

It is true that a review of the sheets in question establishes that some of the signatures as more fully set out in Objector’s Exhibits 53-59 were of common authorship. A further review of the petition sheets also establishes that some of the addresses were in the same handwriting as well as the word “Chicago”. These incidences of common authorship call into question the validity of the circulator’s affidavits. In other words, it is impossible for the circulators to have witnessed the signing of each of the purported petition signers when some of the signatures were

clearly signed by the same person and some of the addresses were signed by someone other than the petition signer and not the circulator.

However, as the Candidate correctly points out, these instances of common authorship may constitute nothing more than “mom and pop” signatures, many of which were stricken in the records examination.² Welch determined in each and every instance that the circulator of the sheet in question did not engage in forgery on his or her respective sheets.³ While such instances do not make the circulator’s affidavits true, they do serve to rebut the allegation that the circulators engaged in deliberate round tabling.

The Candidate further correctly points out that the pattern of fraud cases do not extend beyond circulator behavior. In each of the pattern of fraud cases, the circulators engaged in behavior leading to the striking of their sheets. In *Fortas v Dixon*, 122 Ill. App. 3d 697, 462 N.E.2d 615 (1st Dist. 1984) there was evidence that someone other than the purported circulators circulated certain sheets. In *Cantor v Cook County Officers Electoral Board*, 170 Ill. App. 3d 364, 523 N.E.2d 129 (1st Dist. 1988), there was evidence that certain sheets had signatures that appeared to have been written in the same hand and when the circulator was called to testify, he invoked the 5th amendment thereby allowing the electoral board to draw a negative inference regarding his circulation process. In *Huskey v Oak lawn Municipal Electoral Board*, 156 Ill. App. 3d 201, 509 N.e.2D 555 (1st Dist. 1987), the circulators admitted to allowing family members to sign for each other and admitted to signing sheets circulated by someone else.

The Objector contends that the high percentage of signatures stricken on each of the various circulators’ sheets justifies the striking of each of the circulator’s sheets as the Court did in *Harmon v Cicero Municipal Officers Electoral Board*, 371 Ill. App. 3d 111, 864 N.E. 2d 996. To that end, Objector submitted with her written summation a chart indicating the percentages of

² The exact number of signatures sustained on the basis of being not genuine and also referenced in the reports of Common Authorship was not ascertained when this Report was completed.

³ While not specifically asked during his testimony, it was clear that Welch reviewed the petition sheets without the benefit of the registration records.

signatures stricken for each circulator. In the *Harmon* case, the Court relied on two bases in striking the sheets of certain circulators. The *Harmon* court relied on the high percentage of stricken signatures along with affidavits establishing that a particular circulator did not circulate the specific sheets in question. While the *Harmon* case lends some support for the striking of sheets containing a high percentage of sustained allegations, the Candidate correctly points out that there is no per se rule established as to when a sheet or all of the sheets of a particular circulator should be stricken. Where, as here, there was no evidence presented that the circulators engaged in any conduct amounting to fraud or roundtabling, there is an insufficient basis to strike their sheets in their entirety. While striking sheets on the basis of a high number of sustained signatures may be permitted, there is no per se rule and it is simply not an established practice. See

THE TESTIMONY OF MIGUEL VAZQUEZ

The testimony of one of the several circulators was particularly troubling. Circulator Miguel Vazquez ("Miguel") testified through a Spanish interpreter. He is the Candidate's uncle and circulated a number of petition sheets for the Candidate. He testified that after he was done circulating each sheet, he turned in the unsigned sheets to Candidate. He believed he did this on eight (8) different occasions. He had his petition sheets notarized after he received a call from his sister, the Candidate's mother, as to when the notary was going to be at the Candidate's house. He did not recall the day or date upon which the petition sheets were notarized. Before the sheets were notarized, he received the sheets back from the Candidate. He could not recall when he received the sheets back from the Candidate, could not recall how many sheets he received back from her and could not identify the sheets he circulated but remembers that he circulated some. He was unable to confirm that the sheets he was shown at the hearing with his name as the circulator were the actual sheets he circulated. When Candidate was called to testify in the Candidate's case in chief, she testified that she collected Miguel's sheets as well as the sheets of other circulators. The sheets of the circulators were not marked in any fashion with

initials, names on the back or numbers so as to provide a method of identification. When the sheets were collected, the Candidate put the petition sheets in piles. Candidate's mother also collected sheets from other circulators and then gave them to the Candidate. Miguel's testimony was extremely troubling and called into question the integrity of the process in so far as his sheets were concerned. Having allowed the sheets out of his custody, and having not known or remembered how many sheets he circulated and which ones they were, it is clear he signed the sheets solely because they were given to him by the Candidate.

Although there is no evidence to establish that Miguel Vazquez knowingly signed a false affidavit, the evidence is clear that he was without knowledge at the time he signed the circulator's affidavit as to whether the circulator's affidavit on each sheet was, in fact, true. Accordingly, it is my opinion that his sheets must be stricken. The total number of signatures remaining on his sheets after the records examination was 42. Although other circulators testified that they dropped off sheets to the Candidate, no other circulator testified that they could not conclusively identify their own sheets and could not recall which sheets they circulated.

Objector also takes particular issue with the testimony of Joel Vazquez because of his demeanor and evasiveness while testifying. He testified that he went door to door on some occasions and when shown sheet 35, confirmed that it was one of the sheets on which the signatures were gathered door to door. When asked how signatures written in the same handwriting could have been placed on the sheet, he became evasive and appeared to be nervous. Additionally, when it was pointed out that the addresses on lines 6 and 7 were over three (3) miles apart, he continued to insist that the signatures were gathered door to door. He also testified that he paid \$600 in rent when the Candidate testified that she received \$500 from him each month. While the testimony of Joel Vazquez strained the imagination and was not believable, it did not serve to establish that he engaged in a pattern of fraud or that the petitions were roundtabled.

THE JANUARY 25, 2012 MEETING

On January 25, 2012, there was a meeting held at the Candidate's house on [REDACTED]. In attendance were the Candidate, her counsel Adam Lasker, notary Hernandez and all of the circulators except two. Objector places great weight on this meeting because it is her contention that this was a meeting to allow the witnesses to coordinate their testimony. The testimony regarding this meeting differed substantially. Some of the witnesses testified that the meeting lasted 20 minutes, some testified that it lasted from ½ hour to one hour and one testified that it may have lasted as long as 3 hours. Each testified that the purpose of the meeting was for the attorney to explain what the process was for testifying, what to wear, to be prompt and to tell the truth. None of the witnesses remembered anything else that was discussed at the meeting and none of the witnesses admitted to looking through or being shown the Objector's evidence binders despite the fact that there was testimony of the binders' presence at the house during the meeting. While it is possible that the meeting was held to allow the witnesses to "get their stories straight", it is equally plausible, given the attendance of counsel for the Candidate, that it was held for the sole purpose of assuaging the fears and concerns of people who are not accustomed to being subpoenaed to testify and to allow the witnesses to better understand what was to occur at the hearing. The fact that these individuals met does not further the Objector's position in any meaningful way.

THE CANDIDATE'S RULE 8 MOTION

Candidate submitted the Affidavits of thirteen (13) petition signers in order to rehabilitate their respective signatures. Where there was a sufficient nexus between the signature on the affidavit, the signature on the petition sheet and the signature on the registration record, the ruling was changed from sustained to overruled. The ruling was changed to overruled as to sheet/line 34/8 (Ex. 2), 35/1 (Ex. 3), 35/2 (Ex. 4), 49/5 (Ex. 6), 49/6 (Ex.7), 150/2 (Ex. 11), 35/13 (Ex. 12). Where there was an insufficient nexus between all of the signatures of a petition signer, there was no change in the ruling. These sheets/lines were: 35/8 (Ex. 5), 127/16 (Ex. 9),

127/17 (Ex. 10), 35/14 (Ex. 13). Additionally, an affidavit was submitted for sheet/line 139/8 (Ex. 1) but there was no objection to said sheet and line. Finally, an affidavit was submitted for sheet/line 127/15 (Ex. 8) but the objection was already overruled in the records examination. As a result of the Rule 8 hearing, the Candidate successfully rehabilitated seven (7) signatures.

SUMMARY

As to the issue of the Candidate's residency, it is my opinion that the Objector failed to establish that the Candidate did not reside at the time of filing and does not now reside at [REDACTED], said address being within the 6th judicial subcircuit.

As to the issue of the notarization of sheets notarized by Esperanza Hernandez, it is my opinion that the Objector failed to establish that the circulators did not appear before the notary when they executed the circulator's affidavits.

As to the issue of a pattern of fraud and roundtabling, it is my opinion that the Objector failed to establish that the circulators engaged in a pattern of fraud or that the petitions were roundtabled so as to justify the striking of all remaining signatures on each of their sheets. That is not to say that questions were not raised as to how signatures appearing to be of common authorship were placed on the sheets. However, evidence of some common authorship without evidence that the circulators engaged in fraudulent behavior was insufficient to establish a pattern of fraud or round tabling under *Fortis, Husky, and Cantor*.

As to one circulator, Miguel Vazquez, the evidence was sufficient to establish that he signed the circulator's affidavits without knowing the truth or falsity of the information contained in the affidavit thereby justifying the striking of his sheets which contained a total of 42 remaining signatures.

At the conclusion of the hearing, Candidate had rehabilitated seven (7) signatures, bringing the total to 279 signatures above the minimum required. With the striking of Miguel Vazquez' sheets, the number of valid signatures was reduced by 42, leaving the Candidate with 235 signatures above the minimum number to be placed on the ballot.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the objections of Shelly Van Slyke to the nominating papers of Beatriz Santiago be **overruled** and that the nominating papers of Beatriz Santiago for Democratic nomination to the office of Judge of the Circuit Court, 6th Judicial Subcircuit (David Delgado Vacancy) be deemed **valid** and that the name of Beatriz Santiago for said office be printed on the ballot at the March 20, 2012 General Primary Election.

Respectfully submitted,

Barbara Goodman /s/
Barbara Goodman
Hearing Officer
1/30/12