BCCON

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

Objections of: Sigitas Astrauskas	)	
	)	
	)	
To the Nomination	)	No.: 26-EB-SBD-022
Papers of: Yesenia Lopez	)	
	)	
Candidate for the office of	)	
Member of the Chicago Board of Education,	)	
Subdistrict 7B, City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of the Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, June A. Brown and Laura Kotelman, 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 Sigitas Astrauskas ("Objector") to the nomination papers ("Nomination Papers") of Yesenia Lopez, candidate for the office of Member of the Chicago Board of Education, Subdistrict 7B in the City of Chicago ("Candidate") at the General Election to be held on Tuesday, November 3, 2026, having convened on Tuesday, June 9, 2026, at 10:00 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 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 Objector and the

Candidate, by registered or certified mail and by Sheriff's service, as provided by statute or statutory service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on Wednesday, June 10, 2026 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 Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. Appearances were filed by or on behalf of the following persons: the Objector, Sigitas Astrauskas, by Attorneys MICHAEL J KASPER, JOHN G. FOGARTY, JR., MICHAEL ALBERT and MICHAEL WEINSTEIN; and the Candidate, Yesenia Lopez, by Attorney ED MULLEN.

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 the Candidate's duly authorized representative was present during the examination of the registration records or waived their right to do so.

10. The Objector and/or the Objector's duly authorized representative was present during the examination of the registration records or waived their right to do so.

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 500.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,180.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 307.

D. The remaining number of signatures deemed valid as a result of the records examination total 873.

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 office of Member of the Chicago Board of Education, Subdistrict 7B, City of Chicago.

14. No motion was filed under Rule 8 of the Electoral Board's Rules of Procedure.

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 873 valid signatures, which exceeds by 373 the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Member of the Chicago Board of Education, Subdistrict 7B, City of Chicago, and that the Candidate's Nomination Papers should be found valid.

16. Objector(s) further allege that circulators who circulated for an established party candidate at the March 2026 General Primary are prohibited from circulating for a nonpartisan school board candidate to be elected at the November 2026 General Election and that the signatures gathered by the "dual circulators" are invalid and in violation of Section 10-4 of the Election Code. The Electoral Board, having heard this issue in a separate consolidated proceeding and having considered the pleadings, motions, responses, oral arguments and relevant caselaw, all of which shall remain a part of the record, finds that the decision in *McCaskill v Municipal Officers Electoral Bd. For the City of Harvey, et. al.,* 2019 IL App (1st) 190190, is binding upon the Electoral Board. The Appellate Court unequivocally ruled therein that "[s]imply stated, the dual-circulation prohibition in section 10-4 does not apply to nonpartisan elections." *Id.* at ¶ 45. Accordingly, the objection(s) based upon alleged dual circulation are therefore overruled.

17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates them herein. A copy of the Hearing Officer Report and Recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

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 Yesenia Lopez are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Sigitas Astrauskas to the Nomination Papers of Yesenia Lopez, candidate for the office of Member of the Chicago Board of Education, Subdistrict 7B, City of Chicago, are hereby OVERRULED, said Nomination

Papers are hereby declared VALID, and the name of Yesenia Lopez SHALL be printed on the official ballot for the General Election to be held on Tuesday, November 3, 2026.

Dated: Chicago, Illinois, Tuesday, July 28, 2026.

Marisel A. Hernandez, Chair

June A. Brown, Commissioner

Laura Kotelman, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved by 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

SIGITAS ASTRAUSKAS, Petitioner-Objector, v. YESENIA LOPEZ, Respondent-Candidate.	No. 26 EB SBD 022 John Ashenden Hearing Officer

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the Objector's Petition of Sigitas Astrauskas ("Objector") to the nomination papers of Yesenia Lopez ("Candidate") for the position of Member of the 7B District of the Chicago Board of Education, with John Ashenden serving as Hearing Officer, finds and recommends as follows:

1. On June 10, 2026, the Candidate appeared through Attorney Ed Mullen. The Objector appeared through Attorneys Michael Weinstein, Michael Albert, and John Fogarty. Candidate's Nomination Papers (A), Objector's Petition (B), the appearance of Objector's Attorneys (C), and non-disclosure agreements (D) were received and reviewed. Counsel agreed that this was a records exam case. A records examination ("RE") directive was prepared. Candidate's Counsel indicated an intent to file a motion to dismiss the Objector's petition. A briefing schedule and hearing date were set.

2. On June 11, 2026, Candidate filed a motion to strike Objector's Petition, alleging Illinois law does not support the dual-circulator objection in a nonpartisan race based on prior circulation for established party candidates.

3. On June 15, 2026, Delilah Smith of the Electoral Board signed the directive and assigned a team to begin the records exam on June 16, 2026.

4. Objector's Petition challenges the sufficiency of Lopez's nomination papers on grounds that some signers are not registered voters or not registered at the addresses listed; some signatures are forged or not made by the purported signer; some signers' addresses fall outside District 7B or they are not registered voters in that district; some signers appear on

the papers more than once; and certain petition sheets were circulated by individuals who had already circulated nomination papers for candidates in the March 17, 2026 Democratic Primary, allegedly in violation of Sections 10-4 and 10-3.1 of the Election Code, which Objector argues invalidates those sheets entirely. Objector contends that once the invalid signatures are stricken, the papers fall short of the 500 valid signatures required.

5. Candidate filed a motion to strike Paragraph 9 of Objector's Petition, which asserts a dual-circulator objection under Section 10-4. Candidate relies on the First District Appellate Court's ruling in *McCaskill*; in reaching its holding (quoted at Paragraph 8, below), the court reasoned that the dual-circulator prohibition "makes absolutely no sense in the context of nonpartisan elections." Objector cites no explicit statutory, case law, or administrative guidance prohibiting dual circulation between partisan and nonpartisan candidates. As a policy matter, granting the objection would leave voters with no meaningful choice, undermining Illinois' strong public policy favoring competitive elections and ballot access.

6. On June 23, 2026, the records examination was completed in the captioned case. The summary indicated 640 unchallenged signatures and 233 additional signatures found valid upon examination, for a total of 873 valid signatures — leaving Candidate 373 signatures above the 500-signature threshold.

7. On June 29, Objector's Counsel was asked to report the numerical status of the objection in advance of the scheduled hearing on Candidate's motion to dismiss.

8. On July 1, 2026, the Electoral Board unanimously voted to enter a preliminary finding and decision that the Illinois Appellate Court's opinion in *McCaskill v. Municipal Officers Electoral Board for the City of Harvey*, 2019 IL App (1st) 190190, is binding upon the Electoral Board. The Appellate Court held unequivocally that "the dual-circulation prohibition in Section 10-4 does not apply to nonpartisan elections." 10 ILCS 5/10-4. Hearing officers were directed to continue adjudicating pending matters on the understanding that the Electoral Board intends to overrule all objections based on the dual-circulation legal theory.

9. The Electoral Board recommended that Objector's requests for subpoenas regarding the dual-circulator objections be denied.

10. On July 9, 2026, the hearing was reconvened for status on the parties' stipulations. Based on the final detail report, including the results of the handwriting expert, Candidate had 640 unchallenged signatures and 873 valid signatures — 373 above the 500-signature threshold. A critical fact issue is how many signatures appear on petition sheets circulated by the alleged dual circulators: if those sheets account for fewer than 373 valid signatures, the objection fails on sufficiency grounds regardless of the legal merits of the dual-circulator theory. At this hearing, Candidate's Attorney agreed to file a short memorandum and a copy of the stipulation regarding the dual-circulator signature count.

11. On July 10, the Hearing Officer received Candidate's Statement of Case Status, reflecting that Candidate had 373 signatures above the minimum; that no Rule 8 motion was filed (it governs evidentiary hearings challenging or rehabilitating signatures following a "RE", and requiring a written statement of issues by 5:00 p.m. after the "RE" is completed) by Objector; and that the Board is recommending Paragraph 9 (the dual-circulator objection) be stricken. Candidate further stated that, in the event the Board's dual-circulation ruling is reversed on appeal, the parties have stipulated to the number of signatures that would be impacted by the dual-circulation objection — relevant only if a reviewing court overrules the Board's decision striking that objection. This statement did not include the mathematical calculation showing how far below the minimum Candidate would then fall.

12. On July 11, Objector's Counsel was directed to prepare that calculation — specifically, how the objected-to signatures in the stipulation's table translate into a net-insufficient count against the 373-signature cushion reflected in the records exam results.

13. At the July 13 hearing, Objector's Attorney submitted the following in an email to the board: "after the records exam, Candidate had 873 presumptively valid signatures. Of these, 796 are on petition sheets circulated by the dual circulators identified in Objector's petition and addressed in the parties' stipulation. If these sheets were invalidated, Candidate would be left with 77 presumptively valid signatures" — below the minimum for this office.

CONCLUSION

14. The Hearing Officer recommends that Paragraph 9 of Objector's Petition, asserting the dual-circulator objection under Section 10-4, be stricken, as binding precedent under *McCaskill v. Municipal Officers Electoral Board for the City of Harvey*, 2019 IL App (1st) 190190, holds that the dual-circulation prohibition does not apply to nonpartisan elections. Candidate's remaining nomination papers are found sufficient in law and in fact, Candidate having 373 valid signatures in excess of the 500-signature minimum required for ballot access. The Hearing Officer further recommends that the name of Yesenia Lopez shall appear on the ballot for election to the office of Member of the Chicago Board of Education, District 7B, in the upcoming election on November 5, 2026. The parties' stipulation regarding the number of signatures affected by the dual-circulator objection is preserved in the record and shall become relevant only in the event a reviewing court reverses the Board's decision striking that objection.

John Ashenden, Hearing Officer
July 15, 2026