

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

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Objections of: LAROY DAVIS	)	
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	)	
To the Nomination	)	No.: 19-EB-ALD-016
Papers of: JOSEPH C. ZIEGLER, JR.	)	
	)	Rel.: 19-EB-ALD-050
Candidate for the office of	)	
Alderman of the 21st Ward of the City of	)	
Chicago	)	
	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of the 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 LAROY DAVIS (“Objector”) to the nomination papers (“Nomination Papers”) of JOSEPH C. ZIEGLER, JR., candidate for the office of Alderman of the 21st Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 legally constituted under 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.

4. A public hearing was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Samuel V. Jones 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, LAROY DAVIS, and/or his Attorneys, ERIC M. WHITE, ANTHONY B. BASS and KEITH L. SPENCE; and the Candidate, JOSEPH C. ZIEGLER, JR. pro se.

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

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination. The Candidate and/or his duly authorized representative was present during the examination of the registration records. The Objector and/or his duly authorized representative was present during the examination of the registration records.

9. 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.

10. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473.

B. The remaining number of signatures deemed valid as a result of the records examination total 485.

11. 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 Alderman for the 21st Ward of the City of Chicago.

12. The Hearing Officer conducted a hearing to allow the Objector and Candidate an opportunity to present evidence in support of their Rule 8 motions objecting to the Board's clerk's findings during the records examination. However, at the commencement of the Rule 8 hearing, the Objector filed a Motion to Withdraw Objector's Petition.

13. 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 485 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 21st Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.


14. 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,

and in light of the similar result in related case 19-EB-ALD-050, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

15. 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 JOSEPH C. ZIEGLER, JR. are, therefore, valid. The Electoral Board also finds that the Objector's Motion to Withdraw Objector's Petition should be granted, as it was filed in the interests of judicial economy and a good-faith concession by the Objector that he failed to obtain the evidence necessary to prove the allegations raised in the Objector's Petition.


IT IS THEREFORE ORDERED that the Objections of LAROY DAVIS to the Nomination Papers of JOSEPH C. ZIEGLER, JR., are hereby WITHDRAWN and DISMISSED, and said Nomination Papers are hereby declared VALID and the name of JOSEPH C. ZIEGLER, JR., candidate for the office of Alderman for the 21st Ward of the City of Chicago, SHALL be printed on the official ballot for the Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on Tuesday, January 22, 2019.




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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF ALDERMAN FOR THE 21<sup>ST</sup> WARD, CITY OF CHICAGO, STATE OF ILLINOIS, TO BE VOTED ON AT THE MUNICIPAL ELECTION TO BE HELD ON FEBRUARY 26, 2019**

Case No. 19-EB-ALD-016

**LAROY DAVIS**, Petitioner-Objector

vs.

**JOSEPH ZIEGLER, JR.**, Respondent-Candidate.

**Report and Recommendation of Hearing Officer Samuel V. Jones**

1. On November 26, 2018, the Respondent-Candidate, **JOSEPH ZIEGLER, JR.** (hereinafter ("Candidate")), filed Nomination Papers in support of his nomination to the office of Alderman for the 21st Ward, City of Chicago, in the State of Illinois ("Nomination Papers").
2. On or about December 4, 2018, Petitioner-Objector, **LAROY DAVIS**, (hereinafter, "Objector") objected to the sufficiency of the candidate's Nomination Papers, for various reasons stated in paragraphs 1-8 of Objector's Petition, claiming Candidate lacks 473 valid signatures as required under Illinois law.
3. On December 10, 2018, the initial hearing was conducted. At such time, Objector appeared by and through their attorney, Eric White. Candidate appeared *pro se* according to his signed and filed Appearance, but stated during the hearing he had retained counsel. An Appearance was later filed and entered into the record on January 18, 2018.
4. After reviewing the issues and facts identified in the filed documents, it became readily clear that the issues raised by Objector could be resolved by a Records Examination.
5. Pursuant to Rule 6 of the Rules of Procedure, during the initial hearing, a Records Examination was ordered to determine the adequacy of the Objector's allegations relative to whether Candidate had filed the minimum number of required valid signatures under Illinois law.
6. On December 13, 2018, Candidate filed Motion to Strike/Dismiss and Other Relief, which was held in abeyance until the records examination could be completed.
7. On January 12, 2019, the Final Petition Summary Report of the Records Examination was completed. The reported results were as follows:

Signatures required: 473  
Total pages: 57  
Total signatures: 978  
Total objections: 1586  
Total ruled on: 1586  
Total sustained lines: 493  
Total overruled lines: 254  
**Total valid signatures: 485**  
Total unchallenged Signatures: 231

8. The results of the Record Examination indicates that Candidate has “**12 Signatures greater than the required minimum.**”
9. On January 13, Objector filed Objector’s Rule 8 Motion.
10. On January 14, Candidate filed Candidate’s Rule 8 Motion.
11. On January 18, 2019, a second hearing was conducted. Minutes prior to the hearing, Objector filed a **Motion to Withdraw Objector’s Petition** and requested that a Rule 8 hearing scheduled for January 18, 2018, “not occur.” The Rule 8 hearing was canceled and the results of the record examination were read into the record. Candidate and Candidate’s counsel, Anthony Bass, were present. Objector chose not to appear.

**Findings and Recommendation:** Based on the results of the records examination in this matter, and in a related case, *Debra Parker, Geralda Morgan, Objectors vs. Joseph Ziegler, Jr.*, Candidate, 19-EB-ALD-050, in which a records exam also found Candidate exceeded the minimum number of required signatures, I find that Candidate’s Nomination Papers satisfy the minimum requirements for Candidate’s name to be placed on the ballot for the office of Alderman for the 21st Ward, City of Chicago, State of Illinois, during the municipal election to be held February 26, 2019. Therefore, I recommend: (1) the Objector’s Motion to Withdraw Objector’s Petition be granted; (2) both Motions to Strike and Rule 8 Motions be denied as the issues raised therein are moot; and (3) Candidate’s name, Joseph Ziegler, Jr., be included on the ballot during the upcoming Alderman election because Candidate’s Nomination Papers contain the minimum number of valid signatures required under Illinois law.

*Samuel V. Jones*

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Samuel V. Jones  
Hearing Officer