

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

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Objections of: SAMUEL LEWING )  
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 )  
To the Nomination ) No.: 19-EB-ALD-020  
Papers of: DWAYNE TRUSS )  
 ) Rel.: 19-EB-ALD-022, 19-EB-ALD-071  
Candidate for the office of )  
Alderman of the 29th Ward of the City of )  
Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of the Board of Election Commissioners of 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 SAMUEL LEWING (“Objector”) to the nomination papers (“Nomination Papers”) of DWAYNE TRUSS, candidate for the office of Alderman of the 29th Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 26, 2019, having convened on 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 held on these Objections commenced on December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Martin Greene 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. By the date of the first hearing, the Objector had not been served but was served by the date of the subsequently scheduled hearing of December 20, 2018. The following persons, among others, were present at such hearing on December 20, 2018: the Objector, SAMUEL LEWING, pro se; the Candidate, DWAYNE TRUSS, and/or his Attorneys ED MULLEN and JOHN FOX.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled.

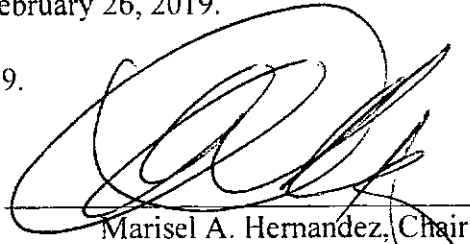
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's Final Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers.

10. The Electoral Board further finds that objections to the Candidate's Nomination Papers were filed in related case(s) Rel.: 19-EB-ALD-022, 19-EB-ALD-071 and the Candidate's Nomination Papers were deemed valid in each of those cases.

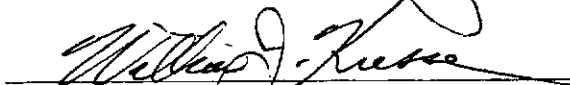
IT IS THEREFORE ORDERED that the Objections of SAMUEL LEWING to the Nomination Papers of DWAYNE TRUSS, candidate for election to the office of Alderman of the 29th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Dwayne Truss, candidate for the office of Alderman of the 29<sup>th</sup> Ward of the City of Chicago, SHALL BE printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on January 08, 2019.



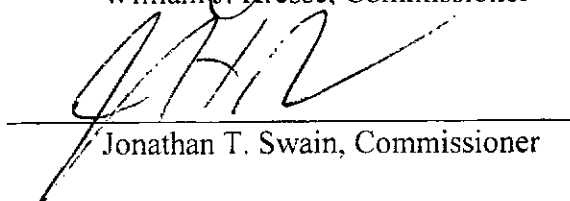
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Marisel A. Hernandez, Chair



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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 BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO**

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Samuel Lewing	)	<b>Case No. 19-EB-ALD-020</b>
Objector(s)	)	(Rel. ALD-022 and Rel. ALD-071)
	)	
vs.	)	Hearing Officer: Martin P. Greene
	)	
Dwayne Truss	)	
Candidate	)	

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**HEARING OFFICER'S FINAL REPORT AND RECOMMENDED DECISIONS**

In the matter of Petitioner-Objector, Samuel Lewing ("Objector") regarding the Nomination Papers of Respondent-Candidate, Dwayne Truss, for the nomination for the Office of Alderman, 29<sup>th</sup> Ward of the City of Chicago, State of Illinois ("Candidate") to be voted upon during the upcoming Municipal General Election on February 26, 2019 (election), the hearing having convened on December 10, 2018, Martin P. Greene, Esq., the duly appointed Hearing Officer, hereby makes the following Final Report and Recommended Decisions to the Board of Election Commissioners of the City of Chicago ("CBEC" or the "Board"):

Objector filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers for various reasons stated primarily in Paragraphs 5 to 11 of his Petition, to wit:

5. "Signer Not Registered at Address Shown..."
6. "Signer's Signature Not Genuine..."
7. "Signer Address Missing or Incomplete..."
8. "Signer's Petition More Than Once at Sheets/Line Indicated..."
9. "Nomination Papers Contain Less Than 473 Validly Collected Signatures..."
11. Nomination Papers Failed To Include Circulator's Residents Address "...on Sheets 83, 84, 87, 88, 182, 183, 184, 193, 209, 223, 234, 250, 257, 220, 222, 248"

The Objector's Petition was filed on December 3, 2018. An initial status hearing took place on December 10, 2018. Counsel for the Candidate, Ed Mullen and/or Elizabeth Homsy were present and Ed Mullen filed an Appearance. The Objector did not appear. The Hearing was scheduled for 9:30 a.m. and the matter was called for Hearing at approximately 9:45 a.m. The

record reflects that the call for the Hearing was posted at the offices of the Chicago Board of Election Commissioners on or about December 5, 2018.

The Hearing Officer inquired of Counsel for the Candidate whether said Counsel had any communication with either the Objector or persons purporting to represent the Objector. Candidate's counsel responded in the negative. The Hearing Officer advised that he will prepare a report and recommendation to the Board of Election Commissioners recommending Objector be defaulted.

Counsel for the Candidate stated that in the event Objector is not defaulted and the matter is not dismissed, that the Candidate will ask for a consolidated records examination with two other matters currently pending, those being Yolanda L. Hoskins vs. Dwayne Truss, Case Number 19-EB-ALD-022 and Samuel Lewing vs. Dwayne Truss, Case Number 19-EB-ALD-071. In support of which Counsel for the Candidate stated that the three Objection Petitions are identical in the font of the documents, the relief requested, the signatures challenged and the notarization provided.

On December 9, 2018, at 10:42:43 a.m., a Petition Summary Report was generated relating to the subject Objections. That Petition Summary Report indicated that there were 594 unchallenged signatures and that the Candidate had 875 signatures greater than the required minimum.

Subsequently it was learned by the Hearing Officer that Objector was not served with the Call prior to the December 10, 2018 hearing. Accordingly a new status hearing was set for December 20, 2018. At that time the Objector appeared, filed an Appearance and Non-Disclosure forms and acknowledged he received a copy of the Rules and Procedures. Objector further indicated he was proceeding *pro se*. He provided his email address as indicated as [appteam04@yahoo.com](mailto:appteam04@yahoo.com).

On December 27, 2018, a further status hearing was held. At that time the Hearing Officer indicated he would make his findings and recommendations based upon the then current record.

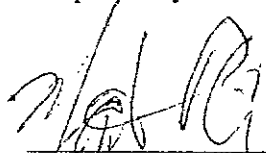
### RECOMMENDED DECISIONS

Because of the foregoing, the Hearing Officer hereby makes the following Recommended Decisions for consideration by the Commissioners:

1. That according to the Petition Summary Report there were 594 unchallenged signatures and, further, that the Candidate had 875 signatures greater than the required minimum of 473;
2. That if all of the objections were ruled in favor of Objector, the Candidate would still have a sufficient number of signatures to appear on the ballot, and;
3. That the Respondent-Candidate's name SHOULD BE INCLUDED on the ballot for the office of Alderman of the 29<sup>th</sup> Ward of the City of Chicago during the upcoming election of February 26, 2019.

Dated: Chicago, Illinois on January 5, 2019.

Respectfully submitted,



Martin P. Greene, Hearing Officer