

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

Objections of: WILFREDO GONZALEZ JR)
)
)
To the Nomination) No.: 19-EB-ALD-023
Papers of: RENNÉ "TEX" CHAVEZ)
) Rel.: 19-EB-ALD-026
)
Candidate for the office of Alderman 31st)
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 WILFREDO GONZALEZ JR ("Objector") to the nomination papers ("Nomination Papers") of RENNÉ "TEX" CHAVEZ, candidate for the office of Alderman for the 31st 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 held on these Objections commenced on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Thomas F. Arends 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. The following persons, among others, were present at such hearing: the Objector, WILFREDO GONZALEZ JR, and/or his Attorney, THOMAS A. JACONETTY.

7. The Candidate had not been served by the date of the first hearing and new hearing dates were set, the last of which was December 26, 2018. The Candidate was served on December 20, 2018 and failed to appear at the December 26, 2018.

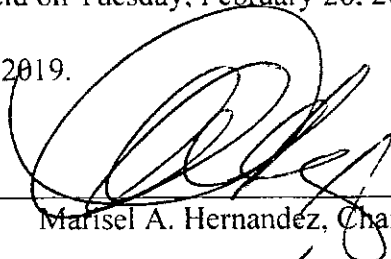
8. The Hearing Officer subsequently became unavailable, was relieved of his duties and, pursuant to Electoral Board Rule 23, the matter was reassigned to General Counsel Adam Lasker.

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

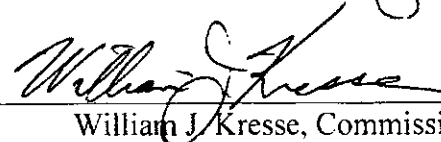
10. For the reasons stated above, the Electoral Board finds that the Candidate is in default, the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of WILFREDO GONZALEZ JR to the Nomination Papers of RENNÉ "TEX" CHAVEZ, candidate for the office of Alderman for the 31st Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of RENNÉ "TEX" CHAVEZ, candidate for the office of Alderman for the 31st Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

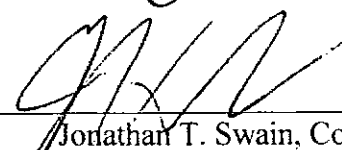
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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 BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO**

| | | |
|--------------------------------|---|--------------------------|
| WILLFREDO GONZALEZ JR., |) | |
| |) | |
| Objector, |) | |
| |) | |
| vs. |) | No. 19-EB-ALD-023 |
| |) | (Rel.: 19-EB-ALD-026) |
| RENNE "TEX" CHAVEZ, |) | |
| |) | |
| Candidate. |) | |

FINAL REPORT AND RECOMMENDED DECISION

This matter was first assigned to Hearing Officer Thomas Arends and was first heard on December 10, 2018. The Objector was present through attorney Thomas A. Jaconetty. The Candidate did not appear in person or by counsel.

On December 10, there was no evidence of service upon the Candidate in the case file. The matter was therefore continued for a status hearing on December 17. On December 17, the Objector again appeared through counsel, but the Candidate did not appear. The Hearing Officer ordered another attempt at service through the sheriff and certified mail, and the matter was continued for a status hearing on December 26.

At the December 26 hearing the Objector appeared through counsel but the Candidate did not appear. The record shows that the Candidate was served through substitute service by the Cook County Sheriff's office as early as December 20, 2018.

At the the December 26 hearing the Objector moved for a default judgment against the Candidate pursuant to the Electoral Board's Rule 12 and the Hearing Officer granted the motion.

Due to the unavailability of the Hearing Officer to timely submit a final report and recommended decision, on January 6, 2019, the Electoral Board's general counsel relieved the Hearing Officer of his duties and reassigned this matter to himself as the substituted hearing officer for purposes of reviewing the case file and submitting this Final Report and Recommended Decision, as authorized by Electoral Board Rule 23.

The general counsel finds that paragraph 2 of the Objector's Petition states a claim that, if taken as true, would result in a finding that the Candidate's nomination papers are legally invalid

for failing to contain at least 473 petition signatures, as required by the Illinois Revised Cities and Villages Act of 1941. 65 ILCS 20/21-28(a).

A review of the exhibits in the record of this case, including the Candidate's original Nomination Papers, it is clear on the face of the documents that the Candidate filed only about 43 petition signatures. The Objector is therefore entitled to a default judgment against the Candidate under Rule 12.

WHEREFORE, it is the general counsel's recommendation that the Electoral Board find that the Candidate has failed to submit the requisite minimum number of petition signatures, that the Candidate's Nomination Papers are thereby invalid in fact and law, that the Candidate's name shall not be printed upon the ballot for the February 26, 2019, election, and that the Electoral Board enter a default judgment against the Candidate.

Respectfully submitted,

/s/ Adam W. Lasker
General Counsel