

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

Objections of: JAY G. RAMIREZ)	
)	
)	
To the Nomination)	No.: 19-EB-ALD-067
Papers of: JUSTIN TUCKER)	
)	Rel.: 19-EB-ALD-025
)	
Candidate for the office of Alderman 1st)	
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 JAY G. RAMIREZ (“Objector”) to the nomination papers (“Nomination Papers”) of JUSTIN TUCKER, candidate for the office of Alderman for the 1st 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 Demetrius Carney 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, JAY G. RAMIREZ, and/or his Attorney, JAMES P. NALLY. At the time of the first hearing, the Candidate had not been served. The hearing was rescheduled on two separate occasions in an effort to have the Candidate served.

7. The Hearing Officer found that although the Candidate was not served, a Candidate cannot evade the effects of a duly filed objection by being unavailable for service.

8. 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 nominating papers, on their face, contained less than the statutorily required number of signatures for placement on the ballot. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

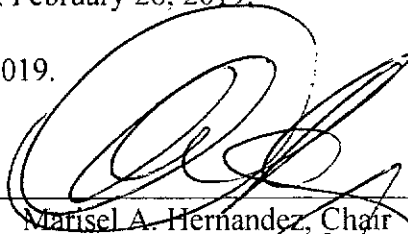
9. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

10. The Electoral Board further finds that there is another objection filed against the Candidate's Nomination Papers in related case 19-EB-ALD-025 in which it was found that the Candidate's Nomination Papers are invalid.

11. For the reasons stated above, the Electoral Board finds that 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 JAY G. RAMIREZ to the Nomination Papers of JUSTIN TUCKER, candidate for the office of Alderman for the 1st Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JUSTIN TUCKER, candidate for the office of Alderman for the 1st 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.

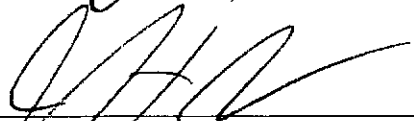
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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.

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

Objections of: JAY G. RAMIREZ)
)
To the Nomination)
Papers of: JUSTIN TUCKER)
) No. 19-EB-ALD-067
)
)
Candidate for the Office of) Demetrius E. Carney
Alderman of the 1 st Ward of) Hearing Officer
the City of Chicago, State of Illinois.)
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)
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HEARING OFFICER'S FINDINGS AND RECOMMENDATION

This matter coming before the Board of Election Commissioners of the City of Chicago (CBEC or the Board) on the verified objections of JAY G.RAMIREZ ("Objector") to the nomination papers (Nominating Papers) of JUSTIN TUCKER candidate for Alderman of the 1st Ward for the City of Chicago, (Candidate), the hearing having convened on December 10, 2018. Demetrius E. Carney, Esq., the duly appointed Hearing Officer, hereby makes the following Report of Findings and Recommendations.

1. The Candidate filed Nomination Papers with the CBEC for the 1st Ward of the City of Chicago, State of Illinois, for the Municipal General Election to be held on February 26, 2019. Such Nomination Papers consisted of: a) A Statement of Candidacy; b) Receipt for the Candidate's Statement of Economic Interest; c) Loyalty Oath; and d) 15 Nominating Petition Sheets containing a total of 216 signatures. The Candidate's Nomination Papers were marked as Board Group Exhibit A, and admitted into evidence.

2. Objections (Objection or Objections) to the Nomination Papers of the Candidate herein were duly and timely filed.
3. A public hearing held on the Objections commenced on December 10, 2018 at 2:00 PM. The Objector was represented by his attorney James Nally. The Candidate did not appear. Although service was attempted on the Candidate on December 8, 2018 there was no proof of service on the Candidate. The matter was scheduled for a status hearing (Status Hearing) on December 14, 2018 to provide time to attempt service of process on the Candidate.
4. On December 14, 2018, Mr. Nally appeared for the Objector. Although service was attempted on the Candidate on December 13, 2018 the Candidate did not appear. The matter was continued for Status to December 20th, 2018.
5. On December 20, 2018. Mr. Nally appeared for the Objector. The Candidate did not appear. The Hearing Officer stated that two attempts have been made by the Board to provide notice to the Candidate that an Objection has been made to the Candidate's Nominating Papers. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that a candidate cannot be found by the statutory methods of service. If this were permitted, candidates would simple go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot. *Glatstein v. Beacham*, 15-EB-ALD-029 (CBEC, 2014). The Candidate has a responsibility to stay informed of the process and cannot evade service of process by the Board.


6. In the Hearing the Objector stated that the Candidate filed approximately 15 pages of petitions containing 15 signature lines per page. Even if each and every one of the signature lines contained a valid signature of a registered voter within the 1st Ward, the Candidate would have far fewer than 473 valid signatures, and has in fact fewer than 250 total signatures. The Candidate's petitions do not contain the minimum number of 473 signatures of duly qualified registered and legal voters of the 1st Ward as required by law, and the nomination papers are invalid in their entirety.
7. The Hearing Officer reviewed the Candidate's Nominating Petitions and as a result of the review will recommend to the Board that the Nominating Papers be dismissed on the basis of being factually and legally insufficient. Nominating Petitions for candidates for Alderman of any Ward must contain not less than 473 valid signatures of registered voters residing in the Ward. [65 ILCS 20/21-28(a)]

RECOMMENDED DECISION

Accordingly, as disclosed in the above Paragraph 6 of the Hearing Officer's Findings, the Nominating Petitions do not contain the required valid number of signatures. The Nominating Papers do not meet the requirements of the Illinois Election Code [10 ILCS 5/10-10]. Therefore it is the recommendation of this Hearing Officer that the name of JUSTIN TUCKER, candidate for the Office of Alderman of the 1st Ward of the City of Chicago, State of Illinois, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 26, 2019.

Dated: January 1, 2019

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that extends to the right.

Demetrius E. Carney
Hearing Officer