

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

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Objections of: JAY G. RAMIREZ )  
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To the Nomination ) No.: 19-EB-ALD-068  
Papers of: DANIEL LA SPATA )  
 )  
Candidate for the office of )  
Alderman of the 1st Ward of the City of )  
Chicago )  
 )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of 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, Chairwoman 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 DANIEL LA SPATA, candidate for the office of Alderman of 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 herein were duly and timely filed.
2. The said Electoral Board has been legally 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.

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 Maurice Sone 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, JAY G. RAMIREZ, and/or his Attorney, JAMES P. NALLY; and the Candidate, DANIEL LA SPATA, and/or his 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 his duly authorized representative was present during the examination of the registration records.

10. The Objector and/or his duly authorized representative was present during the examination of the registration records.

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 473.

B. The remaining number of signatures deemed valid as a result of the records examination total 1,033.

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 Alderman for the 1st Ward of the City of Chicago.

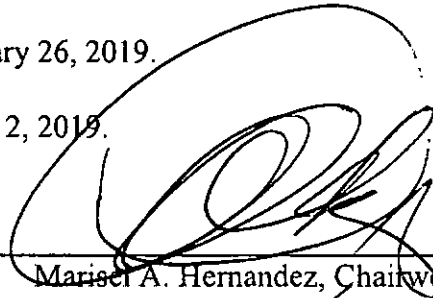
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 1,033 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 1st Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid. The Hearing Officer also found that the Candidate's Statement of Candidacy form adequately informed the election authority that the Candidate is a resident of the 1<sup>st</sup> Ward, and that the alleged deficiency in the content of that document is in substantial compliance with the Election Code requirements and therefore remedied by the full and complete information provided in the headings of the Candidate's petition sheets. (See, for example, *Lewis v. Dunne*, 63 Ill.2d 48 (1976).

15. 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.

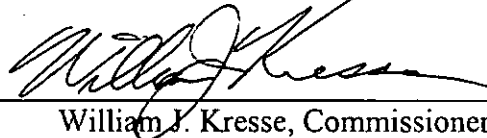
16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of DANIEL LA SPATA are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of JAY G. RAMIREZ to the Nomination Papers of DANIEL LA SPATA, candidate for the office of Alderman for the 1st Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of DANIEL LA SPATA, candidate for the office of Alderman for the 1st 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.

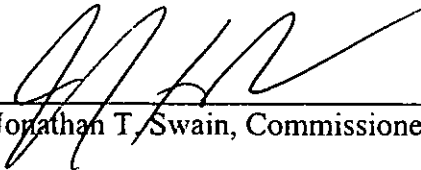
Dated: Chicago, Illinois, on Wednesday, January 2, 2019.



Marisel A. Hernandez, Chairwoman



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 OF THE CITY  
OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD**

Objections of: )  
Jay G. Ramirez, )  
Objector )  
)  
To the Nomination Papers of: )  
Daniel La Spata, ) No. 19-EB-ALD-068  
Candidate )  
)  
For the Election for the Office of Alderman for the )  
1<sup>st</sup> Ward, City of Chicago, Cook County, Illinois, )  
To be voted on at the February 26, 2019, Municipal )  
General Election. )

**Recommended Decision**

This matter came before the Chicago Board of Election Commissioners on the Objector's Petition of Jay G. Ramirez ("Objector") to the nomination papers of Daniel La Spata ("Candidate") for the Office of Alderman of the 1<sup>st</sup> Ward in the City of Chicago. The Hearing Officer, Maurice Sone, finds and recommends as follows:

The initial hearing commenced at 1:30PM on December 10, 2018. The Objector appeared by his attorney, Mr. James P. Nally. The Candidate appeared by his attorney, Ms. Elizabeth A. Homsy. The Objector's Petition alleges that the nominating papers are insufficient and not in compliance with the laws of the State of Illinois. The parties were given the opportunity to file preliminary motions and the matter was continued to December 20, 2018, for hearing on Candidate's motion. The Candidate's Motion to Strike was filed on December 11, 2018, and the Objector's Response to Candidate's Motion to Strike was filed on December 12, 2018. No reply was filed by the Candidate.

On December 20, 2018, a hearing was held on Candidate's Motion to Strike. The Candidate's Motion to Strike solely concerned paragraph 10 of the Objector's Petition, which states that the Candidate's "Statement of Candidacy does not specifically identify that the candidate is a resident of the 1<sup>st</sup> Ward the district in which the candidate is running". The Candidate stated that his Statement of Candidacy directly tracks the language of the Illinois Election Code and complies with same. After review of the pleadings and brief oral argument, the Hearing Officer ruled that the Candidate's Statement of Candidacy substantially complied with the Illinois Election Code and granted Candidate's Motion to Strike paragraph 10 of the Objector's petition. It had previously been determined that this matter required a Records Examination since the motion filed would not be dispositive of all matters. A Records Examination Directive had been issued setting the Records Examination for December 18, 2017, at 9:45AM, and the matter was continued to December 28, 2018, for a Status Hearing on the Records Examination.

The hearing commenced at 9:30AM on December 28, 2018. The Final Petition Summary Report of the Records Examination, dated December 24, 2018, stated that the Candidate had 560 signatures greater than the required minimum. As a result of the Final Petition Summary, the Hearing Officer recommends that the objections of Jay G. Ramirez to the nominating papers of Daniel La Spata be overruled and that the nominating papers of Daniel La Spata for the Office of 1<sup>st</sup> Ward in the City of Chicago be deemed valid and that the name of Daniel La Spata for said office be printed on the ballot at the February 26, 2019, Municipal General Election.

December 31, 2018.

  
Maurice Sone, Hearing Officer