

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

Objections of: GRACE CONTRERAS,)	
MICHAEL ANTHONY RODRIGUEZ and)	
WILLIAM E. ANSON SR.)	
To the Nomination)	No.: 19-EB-ALD-072
Papers of: SAMUEL ALCANTAR)	
)	
)	
Candidate for the office of Alderman 12th)	
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 GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR. (“Objectors”) to the nomination papers (“Nomination Papers”) of SAMUEL ALCANTAR, candidate for the office of Alderman for the 12th 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 Objectors 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 Mary Celeste Meehan for further hearings and proceedings.

6. The Objectors 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 Objectors, GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR., and/or their Attorney, JAMES P. NALLY; and the Candidate, SAMUEL ALCANTAR, *pro se*.

7. 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 fail to designate the office the Candidate is seeking. Specifically, the Hearing Officer found that neither the Candidate's signature petition sheets nor the Statement of Candidacy form indicate the ward in which the Candidate is seeking election. The Hearing Officer found that the Electoral board has previously ruled that such facts legally invalidate the Nomination Papers. *Taylor v. Harley*, 07-EB-ALD-033 (CBEC 2007), and *Lomanto v. Gunderson*, 07-EB-ALD-056 (CBEC 2007). The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

8. 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.

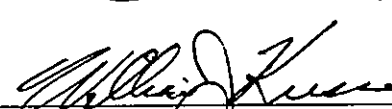
9. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR. to the Nomination Papers of SAMUEL ALCANTAR, candidate for the office of Alderman for the 12th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SAMUEL ALCANTAR, candidate for the office of Alderman for the 12th 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.

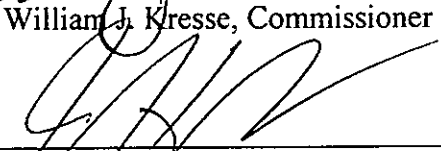
Dated: Chicago, Illinois, on Tuesday, January 22, 2019.



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 THE DULY CONSTITUTED ELECTORAL BOARD**

Grace Contreras,)	
Michael Anthony Rodriguez,)	
William E. Anson Sr.)	
Petitioner-Objectors,)	Case No. 19-EB-ALD-72
)	Hearing Officer Meehan
v.)	
)	
Samuel Alcantar,)	
Respondent-Candidate)	

RECOMMENDED DECISION ON MOTION TO DISMISS

The above-named cause came to be heard before the Chicago Board of Election Commissioners ("The Board") on the verified objection petition of Grace Contreras, Michael Anthony Rodriguez, and William E. Anson Sr. ("the Objectors") to the nomination papers of Samuel Alcantar ("the Candidate") for the Office of Alderman for the 12th Ward, City of Chicago, State of Illinois. Mary C. Meehan, Hearing Officer finds and recommends as follows:

1. The initial hearing in this matter was conducted on December 10, 2018. The Candidate represented himself. The Objectors were represented by Attorney James Nally. In sum, in addition to signature objections, the Objector's petition alleged a fatal defect in the Candidates nominating papers. The Objector's Petition states the Candidate's petition sheets, statement of candidacy, statement of economic interest and receipt, lacked the description of Candidate's office being sought. Specifically, the nominating papers do not list the office beyond the word "Alderman" and fail to list the office of Alderman of the "12th Ward" for the City of Chicago.
2. The Candidate filed a timely Motion to Dismiss which was titled "Answer to Initial Hearing" on December 11, 2018. The Objector responded and the Candidate replied. The Candidate raised two issues. First the Candidate Objected to the amount of time the Hearing Officer passed the case at the initial call. The initial hearing was set for 10:30 and the matter was heard at 11:20. The case was passed due to the Objector's attorney

was present at the initial call, filed an appearance in this matter, and relayed through a law clerk he was in another hearing. This issue is not addressed in this recommendation as it does not speak to the legal sufficiency of the pleadings and is memorialized in the record. Secondly, the Candidate states he lists the proper office, "12th Ward", on his statement of organization and his webpage, neither of which are part of his nominating papers. In his motion and reply, the Candidate fails to assert he lists the correct description of office sought, Alderman for the 12th Ward of the City of Chicago, anywhere on his nominating papers.

3. A hearing on the Motion to Dismiss was held December 14, 2018. The Candidate presented argument as to why the case should not have been passed. The Candidate admitted his petition sheets and statement of candidacy did not contain the ward number of the office of Alderman for which he sought. Sheets that do not contain the ward number identifying the office the candidate is seeking, as required by law, are invalid. *Taylor v. Harley, 07-EB-ALD-033, CBEC, January 16, 2007; Lomanto v. Gunderson, 07-EB-ALD-056, CBEC, January 23, 2007.*

For the reasons stated above, the Hearing Officer finds and recommends in the above referenced case, the Candidate's Motion Dismiss the Objector's Petition be DENIED and the Nominating Papers of the Candidate for the Samuel Alcantar for Office of Alderman for the 12th Ward, City of Chicago, State of Illinois are deemed INVALID;

Entered this 17th Day of December, 2018



Mary C. Meehan
Hearing Officer