

**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-076
Papers of: PETE DEMAY)	
)	
Candidate for the office of)	
Alderman of the 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 PETE DEMAY, candidate for the office of Alderman of 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 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 Joe Ponsetto for further hearings and proceedings.

6. The Objectors 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 Objectors, GRACE CONTRERAS, MICHAEL ANTHONY RODRIGUEZ and WILLIAM E. ANSON SR., and/or their Attorney, JAMES P. NALLY; and the Candidate, PETE DEMAY, 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. The Candidate and/or his duly authorized representative was present during the examination of the registration records. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

9. 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, indicating 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 1,126.

10. 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 12th Ward of the City of Chicago.

11. 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 1,126 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 12th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

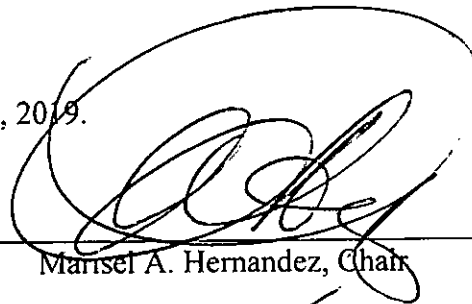
12. The Hearing Officer further found that the Candidate's Statement of Candidacy form was in substantial compliance with the relevant Election Code provisions because, although not expressly stating that the Candidate has been a resident of the 12th Ward for the year preceding the election, all of the Nomination Papers clearly identified that the Candidate was seeking election to the office of 12th Ward alderman, and the Statement of Candidacy included a sworn oath that the Candidate was legally eligible to hold the office sought.

13. 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.

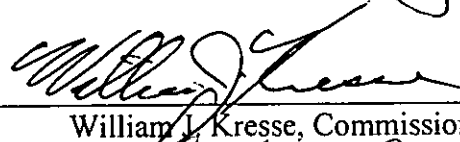
14. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of PETE DEMAY are legally valid.

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

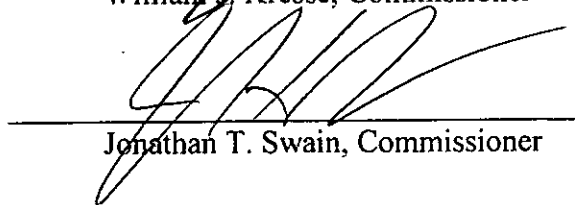
Dated: Chicago, Illinois, on Tuesday, January 22, 2019.



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

OBJECTION OF GRACE CONTREAS,
MICHAEL RODRIGUEZ, WILLIAM ANSON

NO: 19 EB ALD 76

PETITIONER – OBJECTOR

JOSEPH PONSETTO

TO THE NOMINATION PAPERS OF PETE DEMAY

HEARING OFFICER

RESPNDENT - CANDIDATE

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing officer on December 10, 2019. The Candidate was represented by Attorney Ed Mullen throughout the proceedings. The Objectors were represented by James Nally throughout the proceedings. Appearance forms were submitted and both parties acknowledged receipt of the call to the meeting of the Electoral Board, proper service and the rules of procedure. The Candidate confirmed receipt of the objector's petition.

The Hearing Officer received into evidence Group Exhibit A consisting of the Candidates nomination papers including a Statement of Candidacy for Alderman of the 9th Ward in the City of Chicago, nominating petitions of 235 pages and a receipt for Statement of Economic Interests.

Group Exhibit B consisted of the Objector's petition with a bound appendix recapitulation attached.

Group C confirmed that all service was complete.

The parties identified the factual and legal issues involved in the case and it was agreed that a record exam would be required in that the Objector's petition focused on the allegation that the nomination papers did not contain the signatures of 473 duly qualified, registered voters of the 12th Ward of the City of Chicago. If true, the nomination papers were insufficient in law and fact thus prohibiting the name of Pete DeMay from being printed on the ballot for election to the Office of Alderman of the 12th ward to be voted upon in the February 26, 2019 Municipal General Election in the City of Chicago.

The Objection also maintained that the Candidate had improperly prepared and submitted his Statement of Candidacy. The grounds were that the Statement of Candidacy failed to specify that the Candidate is a resident of the 12th Ward and that he had been a resident of the 12th Ward for at least one year. The Candidate filed a Motion to Strike this portion (paragraph 9) of the Objector's Petition and a hearing was held to address the issue. The Candidate showed that his Nomination Papers, including his Statement of Candidacy explicitly state that the Office the Candidate seeks is Alderman of

the 12th Ward and that he is "qualified to hold such office". While the Statement doesn't specifically state that he has resided in the ward for one he argued that this was encompassed in the swearing to his qualifications. He cited to Section 10-5 of the Illinois Election Code and Delay v Ferral 08 EB WC 07 to support his position that substantial not strict compliance is required in this situation. This argument was accepted in that his Nomination Papers do comply substantially with the Code requirements and the Motion to strike was granted.

A record exam was performed by the Board and completed on January 18, 2019. The results were as follows:

Total signatures required: 473

Total signatures: 2142

Total objections: 3143

Total ruled on: 3143

Total sustained: 1016

Total overruled: 755

Total Valid signatures: 1126

653 signatures greater than the required minimum

No Rule 8 Motions were filed either party

Considering the foregoing it is my report/recommendation that the Nomination Papers of Pete DeMay contain sufficient signatures and comply with law. It is recommended that his name should be printed on the ballot for election to the office of Alderman of the 12th Ward to be voted upon in the February 26, 2019 Municipal General Election in the City of Chicago.

Respectfully Submitted,

Joseph Ponsetto /s/

Joseph Ponsetto

Hearing Officer

January 20, 2019