

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

Objections of: JOAN HOLLINGSWORTH)	
)	
)	
To the Nomination)	No.: 19-EB-ALD-078
Papers of: MATTHEW RONEY)	
)	
)	
Candidate for the office of Alderman 43rd)	
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 JOAN HOLLINGSWORTH (“Objector”) to the nomination papers (“Nomination Papers”) of MATTHEW RONEY, candidate for the office of Alderman for the 43rd 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 Frank Tedesso 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, JOAN HOLLINGSWORTH, and/or her Attorneys, TARA O'MAHONEY AND STEVEN M. LADUZINSKY; and the Candidate, MATTHEW RONEY, and/or his Attorney, ADOLFO MONDRAGON.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer recommends that the Objections be sustained in conformity with the results of the records examination. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

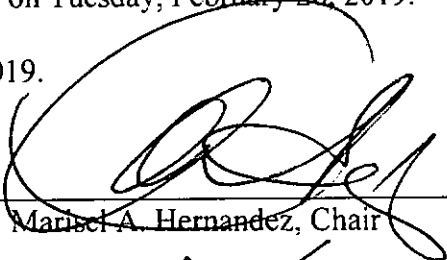
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer Report and Recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

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.

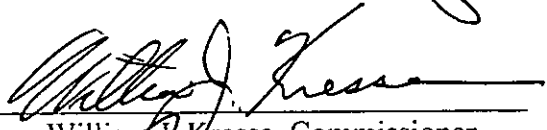
10.

IT IS THEREFORE ORDERED that the Objections of JOAN HOLLINGSWORTH to the Nomination Papers of MATTHEW RONEY, candidate for the office of Alderman for the 43rd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MATTHEW RONEY, candidate for the office of Alderman for the 43rd 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.

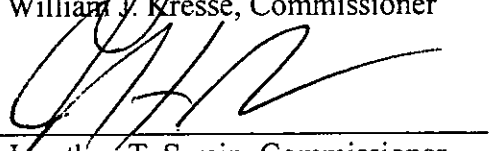
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF
CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE FORTY-
THIRD WARD (43RD) OF THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF
ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 26, 2019 MUNICIPAL
GENERAL ELECTION**

JOAN HOLLINGSWORTH,)	
Petitioner – Objector,)	
)	
v.)	Case No. 19-EB-ALD-078
)	
MATTHEW RONEY,)	
Respondent – Candidate.)	

HEARING OFFICERS RECOMMENDED DECISION

1. The Respondent – Candidate, MATTHEW RONEY, filed Nomination Papers for election to the Office of Alderman of the Forty Third (43rd) Ward of the City of Chicago, to be voted upon at the Municipal General Election to be held on February 26, 2019.
2. Petitioner – Objector, JOAN HOLLINGSWORTH, filed a timely petition objecting to the Nomination Papers of the Candidate.
3. On December 10, 2018 this matter appeared on the Board’s Initial Trial Call. The Hearing Officer received the following Board Group Exhibits into evidence: Board Group Exhibit A consisting of the Candidate’s Nomination Papers; Board Group Exhibit B consisting of the Objector’s Petition and Attachments; Board Group Exhibit C consisting of a copy of the call and proof of service; and Group Exhibit D consisting of the parties’ appearances. The parties acknowledged service and waived any and all issues regarding service. The Respondent indicated they would not file a Motion to Dismiss. The Hearing Officer signed a directive for a Records Examination pursuant to Rule 6 and continued the matter until December 20, 2018 for status on the completion of the records examination.

7. On December 24, 2018, the Records Examination was completed in this matter with the following results:

*Number of Signatures on Petition:	892
*Total Objections:	1122
*Number of Objections Overruled:	677
*Number of Objections Sustained:	444
* For Review by Candidate	373
* For Review by Objector	716
*Valid Signatures:	464
*Minimum Signature Requirement:	473

A copy of the Final Petition Summary Report is attached hereto as Hearing Officer's Exhibit A.

8. The Board notified the Candidate's Attorney and Objector's Attorney of the Final Record Exam Report via email on December 26, 2018 at 9:52 am. See Hearing Officer's Exhibit B.

9. Objector filed a Rule 8 Motion on December 22, 2018 prior to the Final Records Exam Report. The Candidate did not file a Motion for an Evidentiary Hearing pursuant to Rule 8 by 5:00 p.m. on December 27, 2018 as required by Rule 8(c)(i)(1) of the Board's Rules of Procedure.

10. On December 28, 2018, the matter appeared on the Hearing Officer's call for status on completion of the Rule 6 Records Exam and to set any Rule 8 Motions that were filed for an evidentiary hearing. The Hearing Officer noted that the Candidate did not file a Rule 8 Motion. Attorney for Candidate requested until 5 pm. on December 28, 2018 to file his Rule 8

Motion. The Candidate argued that timing provisions in Rule 8 8(c)(i)(1) are not mandatory and that Rule 8(c)(i)(2) provides the Hearing Officer or Electoral Board may set a different deadline for the filing of Rule 8 Motions. The Candidate argued the Objector would suffer no prejudice by allowing the Candidate to file his Rule 8 Motion instant. The Objector objected to Candidate's oral motion for leave to file a late Rule 8 Motion.

11. Rule 8(c) provides as follows: "Timing.

(i) A motion requesting an evidentiary hearing concerning the results of a Rule 6 records examination must be filed with the Electoral Board and served upon the opposing party

(1) not later than 5:00 p.m. on the first business day following completion of the records examination (i.e., the day on which the parties were notified of the results of the Rule 6 records examination), or

(2) by such other date and time established by the Electoral Board or the hearing officer."

12. The Hearing Officer denied the Candidate's Motion for leave to file his Rule 8 Motion. The Hearing Officer noted that Petition challenges are expedited matters. The Hearing Officer also noted that the timing provisions in Rule 8(c) are mandatory and that on December 20, 2018, the Hearing Officer did not provide a different filing deadline for Rule 8 Motions in this matter. The Hearing Officer further noted that the Candidate did not request additional time to file a Rule 8 Motion on December 20, 2018, nor did he file a written motion requesting an extension of time to file his Rule 8 Motion. Furthermore, the Hearing Officer noted that the Candidate did not offer any good cause why the Hearing Officer should extend the deadline provided in Rule 8(c)(i)(1).

13. The Candidate did not file a Rule 8 Motion; therefore, the results of the Rule 6 Records Examination stand.

14. It is the recommended finding of the Hearing Officer that the Candidate has 464 valid petition signatures which is under the 473 valid signatures required for placement on the ballot.

15. It is the Recommended Decision of the Hearing Officer that the Objector's Petition be sustained and that Matthew Roney not appear on the February 26, 2019 ballot as a candidate for the Office of Alderman of the 43rd Ward of the City of Chicago.

Frank A. Tedesso, Hearing Officer