

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

Objections of: GEORGE C. MCKINLEY)
)
)
To the Nomination) No.: 19-EB-ALD-084
Papers of: DEONDRE RUTUES)
)
Candidate for the office of)
Alderman of the 37th 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 GEORGE C. MCKINLEY (“Objector”) to the nomination papers (“Nomination Papers”) of DEONDRE RUTUES, candidate for the office of Alderman of the 37th 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 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 Martin Greene 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, GEORGE C. MCKINLEY, and/or his Attorneys, JAMES P. NALLY and MARY RYAN NORWELL. Although the Candidate, DEONDRE RUTUES, did not appear at the initial hearing but the matter was continued and the Candidate did appear pro se at the additional hearings.

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 664.

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 37th Ward of the City of Chicago.

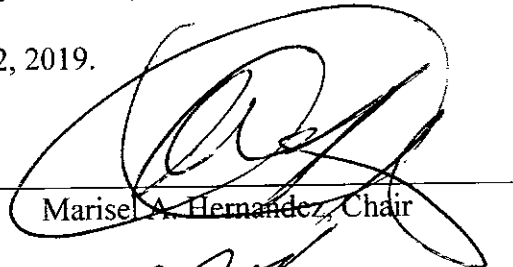
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 664 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 37th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

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.

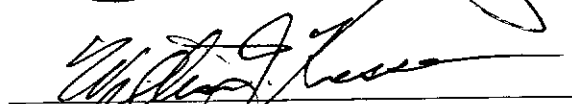
16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of DEONDRE RUTUES are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of GEORGE C. MCKINLEY to the Nomination Papers of DEONDRE RUTUES, candidate for the office of Alderman for the 37th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of DEONDRE RUTUES, candidate for the office of Alderman for the 37th 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.

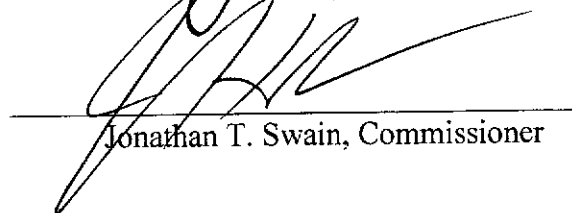
Dated: Chicago, Illinois, on Saturday, January 12, 2019.



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 BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO**

George C. McKinley,)	Case No. 19-EB-ALD-084
)	
Objector)	
)	
vs.)	Hearing Officer: Martin P. Greene
)	
Deondre Rutues,)	
)	
Candidate)	

HEARING OFFICER'S FINAL REPORT AND RECOMMENDED DECISION

1. In the matter of Petitioner-Objector, George C. McKinley ("Objector") regarding the Nomination Papers of Respondent-Candidate, Deondre Rutues, for the nomination for the Office of Alderman, 37th Ward of the City of Chicago, State of Illinois ("Candidate") to be voted upon during the upcoming Municipal General Election on February 26, 2019 (election), the hearing having convened on December 10, 2018; Martin P. Greene, Esq., the duly appointed Hearing Officer, hereby makes the following Final Report and Recommended Decision to the Board of Election Commissioners of the City of Chicago ("CBEC" or the "Board"):

2. Objector filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers for various reasons stated primarily in Paragraphs 2 through 7 of his Petition, to wit:

2. "Signer Not Validly Registered at Address Shown on Petition..."
3. "Signature not genuine signature of registered voter..."
4. "Signer resides out of Ward..."
5. "Signer signed multiple times..."
6. "Nomination papers contain signatures of persons who signed the petition of another candidate for the same office prior to signing the petition for this candidate..."
7. "Nomination Papers contain less than 473 validly collected signatures..."

3. The Objector's Petition was filed on December 3, 2018. James P. Nally filed his appearance for Objector on December 5, 2018. An initial status hearing took place on December 10, 2018, at which time Counsel appeared on behalf of Objector. The Board's file did not reflect that service of the Call was had upon the Candidate, Deondre Rutues, therefore, the matter was set for further status.

4. On December 18, 2018, the Candidate, Deondre Rutues, filed his appearance *pro se*.

5. At the next status hearing of December 18, 2018, the Hearing Officer encouraged the parties to read the Rules of Procedure. The parties exchanged e-mail addresses and the Hearing Officer outlined the proceedings, described anticipated exhibits and asked Objector's counsel to summarize the objections. Counsel for Objector stated that generally speaking, the objections were line-by-line signature objections that would be suitable for a records examination. Objector's counsel indicated that there were sufficient objections to bring the number of valid signatures below the amount of 473, which is required for this particular candidacy.

6. The Hearing Officer described to the parties what exhibits will be contained in Group Exhibit A (Candidate's Nomination Papers), Group Exhibit B (Objector's Petition and attachments), Group Exhibit C (proof of service of the Call) and Group Exhibit D (appearance forms).

7. In addition at the status hearing of December 18, 2018, the Candidate indicated that he had not previously been involved in similar proceedings and he did not intend to hire counsel. Neither party objected to service of the Call. The parties were

encouraged to read the Rule with respect to Motions to Strike the objections. The matter was set for further status.

8. Also on December 18, 2018, a records examination directive was issued setting the records examination for December 20, 2018.

9. On December 19, 2018, Objector and Candidate were served with a Records Examination Directive schedule.

10. On December 19, 2018, Candidate filed a Motion to Dismiss the Objector's Petition.

11. On December 20, 2018, Objector filed a Response to Candidate's Motion to Dismiss.

12. A status hearing was held on December 21, 2018. Objector's counsel and Candidate were both present. The parties were advised by the Hearing Officer that the Motion to Dismiss would be taken under advisement. The parties advised the Hearing Officer that the records examination was not yet complete. The matter was set for further status.

13. A status hearing was held on December 26, 2018. At that time, the parties indicated to the Hearing Officer that the records examination was in progress, but unfinished. The matter was set for further status.

14. On December 29, 2018 at 8:10:45 AM, the records examination was completed and the final records examination results were served upon the parties. The final results of the records examination were as follows:

Signatures Required	473
Total Pages	85

Total Signatures	1698
Total Objections	2155
Total Ruled On	2155
Total Remaining	0
Total Sustained	1236
Total Overruled	919
For Review (Candidate)	0
For Review (Objector)	53
Total Valid Signatures	664
Total Unchallenged Signatures	400

The results of the records examination were that the Candidate filed 191 signatures greater than the required minimum.

15. A final status hearing was held on January 2, 2019. At that time the parties elected to stand on the results of the records examination. The Hearing Officer indicated he would make his findings and recommendations based upon the then current record.

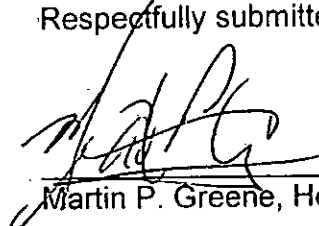
RECOMMENDED DECISION

Because of the foregoing, the Hearing Officer hereby makes the following Recommended Decision for consideration by the Commissioners:

1. That according to the Final Petition Summary Report, that the Candidate had 191 signatures greater than the required minimum of 473,
2. That the Respondent-Candidate's name SHOULD BE INCLUDED on the ballot for the office of Alderman of the 37th Ward of the City of Chicago during the upcoming election of February 26, 2019, and;
3. That given the results of the records examination, candidate's Motion to Dismiss is hereby moot.

Dated: Chicago, Illinois on January 7, 2019.

Respectfully submitted,



Martin P. Greene, Hearing Officer