

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

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Objections of: CLARENCE S DEISCH )  
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)  
To the Nomination ) No.: 19-EB-ALD-095  
Papers of: ANGELA CLAY )  
) Rel.: 19-EB-ALD-125  
Candidate for the office of )  
Alderman of the 46th 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 CLARENCE S DEISCH (“Objector”) to the nomination papers (“Nomination Papers”) of ANGELA CLAY, candidate for the office of Alderman of the 46th 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 Joe Ponsetto 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, CLARENCE S DEISCH, and/or his Attorney, JAMES P. NALLY; and the Candidate, ANGELA CLAY, and/or her Attorneys, MICHAEL KRELOFF and JOHN FOX.

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 her 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 number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 871.
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 332.
- D. The remaining number of signatures deemed valid as a result of the records examination total 539.

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 46th Ward of the City of Chicago.

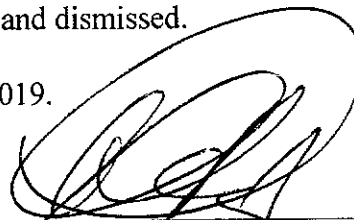
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 539 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 46th 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 her nominating petitions and that the Nomination Papers of ANGELA CLAY are, therefore, valid. However, due to a pending related case (19-EB-ALD-125), the Electoral Board cannot in this case make a determination as to whether the Candidate's name is legally entitled to be placed upon the ballot.

IT IS THEREFORE ORDERED that the Objections of CLARENCE S DEISCH to the Nomination Papers of ANGELA CLAY, candidate for the office of Alderman for the 46th Ward of the City of Chicago, are hereby OVERRULED and dismissed.

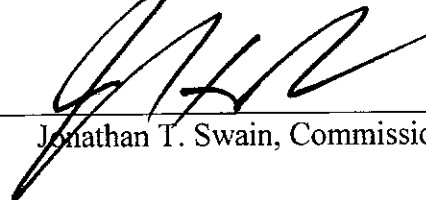
Dated: Chicago, Illinois, on Friday, January 25, 2019.



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 CLARENCE DEISCH	19 EB ALD 095
PETITIONER – OBJECTOR	JOSEPH PONSETTO
TO THE NOMINATION PAPERS OF ANGELA CLAY	HEARING OFFICER
RESPONDENT – CANDIDATE	Related case: 19 EB ALD 125

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing officer on December 10, 2019. The Candidate, ANGELA CLAY was represented by Attorney Michael Kreloff throughout the proceedings. The Objector, CLARENCE DEISCH was 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 46<sup>th</sup> Ward in the City of Chicago, nominating petitions of 92 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 46<sup>th</sup> ward of the City of Chicago. If true, the nomination papers were insufficient in law and fact thus prohibiting the name of Angela Clay from being printed on the ballot for election to the Office of Alderman of the 46th ward to be voted upon in the February 26 2019 Municipal General Election in the City of Chicago.

A record exam was performed by the Board and completed on January 19, 2019. The results were as follows:

Total signatures: 871

Total objections: 1031

Total ruled on: 1031

Total sustained: 332

Total overruled: 251

Total Valid signatures: 539

66 signatures greater than the required minimum

No Rule 8 Motions were filed either party

An objection was also filed against the Candidate in 19 EB ALD 125 relating to the signature requirement and other issues and I recommend that the Board also consider the findings in that matter.

Considering the foregoing it is my report/recommendation that the nomination papers of Angela Clay contain sufficient signatures and her name should be printed on the ballot for election to the office of Alderman of the 46<sup>th</sup> 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 23, 2019