

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 3<sup>RD</sup> WARD, CITY OF CHICAGO, ILLINOIS,  
TO BE VOTED UPON AT THE FEBRUARY 26, 2019 MUNICIPAL GENERAL ELECTION

Mattie B. Lacy,	)	
	)	
Objector	)	
	)	
vs.	)	19-EB-ALD-102
	)	
Andre S. Love,	)	
	)	
Candidate.	)	

**HEARING OFFICER'S REPORT AND RECOMMENDATION**

This matter was first heard on December 10, 2018. The Objector appeared through counsel, James P. Nally, whose appearance was filed, but there was no proof of service upon the Candidate, nor did the Candidate appear. The matter was continued to December 18, 2018 for service. On December 17, 2018, the candidate filed a "Receipt of Call and Other Electoral Board Documents and Waiver of Statutory Service" and an "Appearance" pro se.

On December 18, 2018, this matter was called 3 times and the Objector appeared through counsel, but the Candidate did not appear. The Hearing Officer received into evidence the following documents:

- a. **Board Exhibit A**, consisting of:
  - 1. Petition Cover Page
  - 2. Statement of Candidacy
  - 3. Nomination petition sheets, consisting of 37 signature pages
- b. **Board Exhibit B**, consisting of Objector's Petition

c. **Board Exhibit C**, consisting of:

1. Service documents
2. The call

d. **Board Exhibit D**, consisting of:

1. Appearance of Mr. Nally
2. Nondisclosure from Andre Love
3. Appearance from Andre Love
4. Nondisclosure from Mr. Nally

Also, on December 18, a Rule 6 Records Exam Directive was filled out and the matter set for hearing on December 26, 2018 at 11:00am.

On December 26, 2018 the records exam was not complete, and Mr. Nally and Mr. Love agreed to continue the matter to January 2, 2018 so an Agreed Off Call Order was prepared.

On January 2, 2018 the Final Record Exam Report was served upon the parties by the Electoral Board. At the hearing at 4:00pm on January 2, 2019, Mr. Nally appeared on behalf of the Objector and Mr. Love appeared pro se. The "Agreed Off Call Order" from December 26, 2018 was read into the record without objection. The Final Record Exam Report was received into evidence as "**Board Exhibit E**" showing 157 valid signatures. Both the Objector and the Candidate declined to file any further motions.

Also, at the January 2<sup>nd</sup> hearing, the Candidate, Andre Love, indicated he wanted to withdraw his candidacy. Mr. Love tendered a "Motion to Withdraw" to the Hearing Office which he indicated was his withdrawal statement. After further review following the hearing, it was discovered the "Motion to Withdraw" filed was actually the form which an objector could withdraw their objection, not a candidate withdraw their candidacy.

Illinois statutes provide "All nominations for alderman of any ward in the city shall be by petition. Each petition for nomination of a candidate shall be signed by at least 473 legal voters of the ward." *65 ILCS 20/21-28(a)*.

**IT HEREBY RECOMMENDED** the Objection of Mattie B. Lacy be **sustained** and the name of Andre S. Love **NOT** be printed on the official ballot for the Office of Alderman of the 3<sup>rd</sup> Ward of the City of Chicago, County of Cook, State of Illinois for the General Primary Election to be held February 26, 2019 for the following reasons:

1. Following the records exam, the Candidate, Andre S. Love, had 157 valid signatures, less that the 473 required by *65 ILCS 20/21-28(a)*; and
2. Andre Love's statements on the record at the January 2, 2019 hearing that he was withdrawing his candidacy.

So recommended this 8<sup>th</sup> day of January, 2019.



Bryan A. Gutraj  
Hearing Officer

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

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Objections of: MATTIE B. LACY )  
 )  
 )  
To the Nomination ) No.: 19-EB-ALD-102  
Papers of: ANDRE S. LOVE )  
 )  
Candidate for the office of )  
Alderman of the 3rd 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 MATTIE B. LACY (“Objector”) to the nomination papers (“Nomination Papers”) of ANDRE S. LOVE, for the office of Alderman of the 3rd 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 Bryan A. Gutraj 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, MATTIE B. LACY, and/or her Attorney, JAMES P. NALLY; and the Candidate, ANDRE S. LOVE, pro se.

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 her 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 Electoral 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 157.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was 316 fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman of the 3rd 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 only 157 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman for the 3rd Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid. The Hearing Officer also found that the Candidate attempted to file a withdrawal of candidacy form, but instead erroneously filed a Motion to Withdraw Objector's Petition. That incorrect document cannot serve to withdraw a candidacy. Thus, the Electoral Board moved forward with this matter.

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 an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of ANDRE S. LOVE are, therefore, invalid.

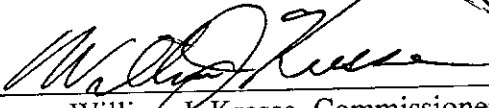
IT IS THEREFORE ORDERED that the Objections of MATTIE B. LACY to the Nomination Papers of ANDRE S. LOVE, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ANDRE S. LOVE, candidate for the office of Alderman for the 3rd 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 Saturday, January 12, 2019.



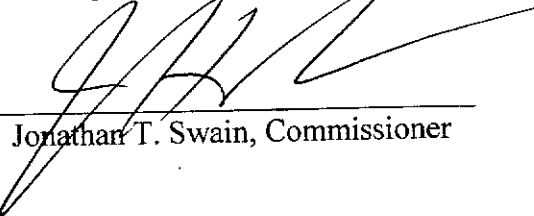
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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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.