

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE
DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING
UPON OBJECTIONS TO THE NOMINATING PAPERS OF CANDIDATES FOR THE
FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR
ALDERMAN OF THE 5th WARD IN THE CITY OF CHICAGO**

RASHIDA N. TUCKER,)	
Petitioner - Objector,)	
)	
)	
v.)	19-EB-ALD-111
)	
GABRIEL PIEMONTE,)	
Candidate - Respondent)	
)	

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

1. The Candidate Gabriel Piemonte (“Candidate”) filed his nominating papers for election to The Office of Alderman of the 5th Ward of the City of Chicago in the State of Illinois.
2. The Objector Rashida N. Tucker (“Objector”) filed a petition objecting to the nominating papers of the Candidate.
3. The initial case management hearing for this case occurred on December 10, 2018, when Board Exhibits were entered into evidence, a briefing schedule for preliminary motions was outlined, a record examination directive was issued, and a status hearing was initially set for December 20, 2018. The Candidate appeared through counsel, Elizabeth Homsy, and the Objector appeared through counsel, Randy Crumpton.
4. No preliminary motions were filed by the Candidate or the Objector.
5. The record examination was set to start on December 19, 2018 at 9:45 a.m. On December 20, 2018 the parties were served with the Final Petition Summary Report and the Final Petition Detail Report – Including the Results of the Handwriting Expert. The Final Petition Summary Report outlined the following:

- a. Signatures Required: 473
 - b. Total Pages: 75
 - c. Total Signatures: 739
 - d. Total Objections: 305
 - e. Total Ruled On: 305
 - f. Total Remaining: 0
 - g. Total Sustained: 186
 - h. Total Overruled: 119
 - i. For Review (Candidate): 66
 - j. For Review (Objector): 91
 - k. Total Valid Signatures: 555
 - l. Total Unchallenged Sigs: 437
 - m. 82 Signatures greater than the required minimum
6. The deadline to file Rule 8 motions was December 21, 2018 at 5 p.m. The Candidate filed a Rule 8 motion. The Objector did not file a Rule 8 motion.
7. The status hearing originally set for December 20, 2018 was rescheduled by email for December 28, 2018, with all parties in agreement.
8. At the December 28, 2018 hearing, the Final Petition Summary Report and the Final Petition Detail Report – Including the Results of the Handwriting Expert were entered into evidence as Board’s Exhibit E and the proof of service for these same reports was entered into evidence as Board’s Exhibit F. The Candidate acknowledged that they had filed a Rule 8 motion, and the Objector stated that they had not filed a Rule 8 motion.

9. Therefore, it is recommended that:

- a. the results of the record examination be accepted, maintaining that the Candidate has more than 82 signatures greater than the required minimum of 473 signatures for The Office of Alderman of the 5th Ward of the City of Chicago; and
- b. the Candidate appear on the ballot for The Office of Alderman of the 5th Ward of the City of Chicago.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Monica Llorente", written over a horizontal line.

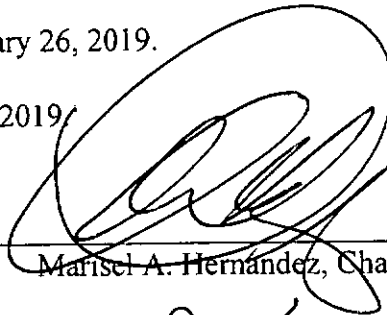
Monica Llorente, Hearing Officer

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 GABRIEL PIEMONTE are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of RASHIDA N. TUCKER to the Nomination Papers of GABRIEL PIEMONTE, candidate for the office of Alderman for the 5th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of GABRIEL PIEMONTE, candidate for the office of Alderman for the 5th 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.

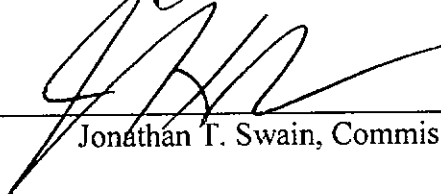
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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.

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

Objections of: RASHIDA N. TUCKER)
)
)
To the Nomination) No.: 19-EB-ALD-111
Papers of: GABRIEL PIEMONTE)
)
Candidate for the office of)
Alderman of the 5th 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 RASHIDA N. TUCKER (“Objector”) to the nomination papers (“Nomination Papers”) of GABRIEL PIEMONTE, candidate for the office of Alderman of the 5th 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 Monica L. Llorente 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, RASHIDA N. TUCKER, and/or her Attorney, RANDY CRUMPTON; and the Candidate, GABRIEL PIEMONTE, and/or his Attorney, ELIZABETH HOMSY.

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 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 739.
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 184.
- D. The remaining number of signatures deemed valid as a result of the records examination total 555, said number being 82 signatures above the statutory minimum.

13. The Candidate filed a motion pursuant to Rule 8 of the Board's Rules of Procedure. No motion was filed by the Objector.

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 555 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 5th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.