

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

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Objections of: RENA HARDY	)	
	)	
	)	
To the Nomination	)	No.: 15-EB-ALD-009
Papers of: OTIS PERCY	)	
	)	
Candidate for the office of	)	
Alderman of the 37th Ward, City of Chicago	)	
	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of RENA HARDY ("Objector") to the nomination papers ("Nomination Papers") of OTIS PERCY, candidate for the office of Alderman of the 37th Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014 at 9:00 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 herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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 December 8, 2014 and was continued from time to time.
5. The Electoral Board assigned this matter to Hearing Officer Edna Turkington 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, RENA HARDY , pro se; and the Candidate, OTIS PERCY, 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. Neither party attended the examination of the registration records.
10. 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.
11. 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 850;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 201;
- D. The remaining number of signatures deemed valid as a result of the records examination total 649.

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeded the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 37th Ward of the City of Chicago.

13. The Objector did not file a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

14. The Objector further contended that the Candidate's Nomination Papers are defective because:

The heading on each of the Candidate's nominating petition sheets states "General Primary Petition," below which it continues, "We, the undersigned, member of and affiliated with the Democratic Party and qualified primary electors of the Democratic Party, in the thirty-seventh (37<sup>th</sup>) ward of Chicago in the County of Cook, and State of Illinois, do hereby petition that the following named person shall be a candidate of the Democratic Party for the nomination/election

for the office hereinafter specified to be voted for at the Primary Election to be held the Twenty-fourth (24<sup>th</sup>) day of February 2015.”

On each petition page, the circulator certified that the signatures on the sheets were signed by “qualified voters of the Democratic Party.”

On his Statement of Candidacy, the Candidate used a form that stated in a box in the heading, “Party Democate [sic].” Furthermore, the Candidate stated he was a “qualified Primary voter of the Democratic Party, that I am a candidate for election to the office of Alderman of the 37<sup>th</sup> (thirty-seventh) ward in Chicago, as duly nominated at said party’s caucus ....”

15. 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 are invalid as they used partisan political designations in a nonpartisan election.

16. 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.

17. The Electoral Board finds that an aldermanic candidate’s introductory paragraph of the petition sheet and in the circulator’s affidavit identifying the candidate as from the “Democratic Party” is in violation of the Election Code requiring aldermanic petitions to conform with the provisions relating to “nomination of independent candidates for public office by petition” and the requirements of the Revised Cities and Villages Act, 65 ILCS 20/21-1 et seq.) providing that Aldermanic elections shall be nonpartisan. See, *Toney v. Maxwell*, 91-EB-

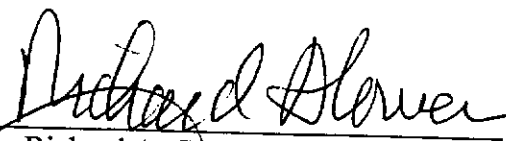
ALD-122, CBEC (1991); *Williams v. Buckner*, 07-EB-ALD-023, CBEC (2007); *Munoz v. Molina*, 07-EB-ALD-057, CBEC (2007); *Jackson v. Johnson*, 11-EB-ALD-158, CBEC (2010).

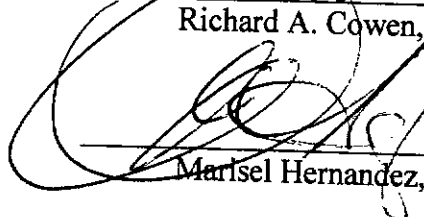
18. For the reasons stated above, the Electoral Board finds that the Nomination Papers of OTIS PERCY are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of RENA HARDY to the Nomination Papers of OTIS PERCY, candidate for election to the office of Alderman of the 37th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of OTIS PERCY, candidate for election to the office of Alderman of the 37th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on January 5, 2015.

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Langdon D. Neal, Chairman

  
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Richard A. Cowen, Commissioner

  
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Marisel Hernandez, 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.