

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

Objections of: ARNULFO SALAZAR,)
KAREN RODRIGUEZ-ORTIZ)
)
To the Nomination) No.: 15-EB-ALD-052
Papers of: PETER JOHN DEMAY)
)
Candidate for the office of)
Alderman of the 12th 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 ARNULFO SALAZAR and KAREN RODRIGUEZ-ORTIZ (“Objectors”) to the nomination papers (“Nomination Papers”) of PETER JOHN DEMAY, candidate for the office of Alderman of the 12th 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 Objectors 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 William P. Jones for further hearings and proceedings.

6. The Objectors 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 Objectors, ARNULFO SALAZAR and KAREN RODRIGUEZ-ORTIZ , by their attorney, James P. Nally; and the Candidate, PETER JOHN DEMAY, by his attorney, Frank Avila.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition. For the reasons stated in his report and recommendations, the Hearing Officer denied the motion to strike and dismiss.

8. 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.

9. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

10. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

11. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

12. 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.

13. 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 2,139;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,420;

D. The remaining number of signatures deemed valid as a result of the records examination total 719.

14. 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 12th Ward of the City of Chicago.

15. Both the Objector and the Candidate filed Rule 8 motions. The Hearing Officer conducted a hearing to allow both the Objector and the Candidate an opportunity to present evidence in support of their respective Rule 8 motions.

16. The Objector's Rule 8 motion and evidence largely centered upon allegations that circulator's affidavit at the bottom of certain petition sheets were signed by individuals who did not, in fact, circulate such petition sheets. The individuals in question were Peter Demay, the Candidate, and Noah Stein. The Objector called six (6) witnesses and presented 34 affidavits from individuals who claim that they did not sign the Candidate's petition before the person listed as the circulator of the particular sheet.

17. In rebuttal, the Candidate called nine (9) witnesses and presented 57 affidavits from individuals who claim they signed the Candidate's petition before Candidate/circulator Peter John Demay.

18. The Candidate did not make a specific presentation of his Rule 8 motion. Counsel argued that he had 129 signatures that were ruled as "out of district" signatures and that it evidences defects in the Board's database. However, the Candidate acknowledged that these sheet/line signatures had to be listed in his Rule 8 motion. Because these alleged 129 "out of district" signatures were not listed in the Candidate's Rule 8 motion, the Hearing Officer ruled that they were not admissible. See, transcript of proceedings ("Tr."), January 4, 2014, pp. 81-87.

19. The Candidate contends in his Rule 20 motion before the Electoral Board that the Candidate adopted the Board's records examination Summary Report and analysis in his Rule 8 motion and that it was not objected to. However, there is nothing in the record or in the transcript that evidences that the Candidate was allowed to adopt or use the Board's records examination reports as part of his Rule 8 motion. The Electoral Board has not condoned such a practice. See, *Sanchez v. Bocanegra*, 15-EB-ALD-053, CBEC, January 9, 2015.

1. "It is the responsibility of the trier of fact to assess the credibility of the witnesses and the weight of their testimony, resolve conflicts in the evidence and draw reasonable

inferences from the evidence” *People v. McCulloch*, 404 Ill.App.3d 125, 131-132, 936 N.E.2d 743 (2nd Dist. 2010). Here, the Hearing Officer, having heard the testimony of the witnesses and adjudging their credibility, and having considered the evidence, found that the with “clear and convincing evidence” that the Objector’s proved a pattern of fraud. The Hearing Officer concluded that a circulator other than Peter Demay circulated certain petition sheets that were signed by him as the circulator. The Hearing Officer found that under Illinois case law, all the petition sheets circulated by Demay should be stricken in their entirety. As a result, the striking of the Demay circulator affidavits adds 312 invalid signatures, leaving the Candidate with only 407 valid signatures, less than the 473 valid signatures required by law.

20. The Electoral Board finds that when a circulator falsely swears that all the signatures were gathered in his or her presence a pattern of fraud, false swearing and a total disregard for the mandatory requirements of the Election Code has been established. When such a pattern is established, all sheets circulated by that individual should be stricken in their entirety. An electoral board “relies on the honesty of the circulator who swears that he witnessed each signature whenever the Board counts the signatures toward the number required for nomination.” *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill.App.3d 1111, 1116, 864 N.E.2d 996, 1002 (1st Dist. 2007). “ If the evidence supports a finding that the circulator lied under oath, it further supports a decision to refuse to count any signatures that circulator purportedly witnessed,” *Id.*, citing *Fortas v. Dixon*, 122 Ill.App.3d at 701, 462 N.E.2d 615 (1st Dist. 1984) and *Canter v. Cook County Officers Electoral Board*, 170 Ill.App.3d at 369, 523 N.E.2d 1299 (1st Dist. 1988).

21. The Electoral Boar further finds that in the City of Chicago, nominating petitions for candidates for Alderman must be signed by the number of legal voters of the ward as will

aggregate not less than 4% of the total number of votes cast for Alderman in such ward at the last preceding general election. 65 ILCS 20/21-28(a), as amended by P.A. 98-115, eff. July 29, 2013. For the election following the redistricting of wards petitions for nominations of candidates shall be signed by the number of legal voters of the ward as will aggregate not less than 4% of the total number of votes cast for mayor at the last preceding municipal election divided by the number of wards. Id. At the last preceding municipal election (February 22, 2011), 590,391 votes were cast for Mayor. Four percent (4%) of 590,391 is 23,615.64, which, divided by the number of wards (50), yields a minimum signature requirement of 472.3128, or 473.

22. Therefore, in the case of a candidate for the office of Alderman in any Ward of the City of Chicago, the candidate's nominating petitions shall contain not less than 473 signatures of legal voters of the Ward.

23. The Electoral Board finds that the Candidate's nominating petitions fail to contain the minimum number of valid signatures of legal voters of the Ward required by law and are, therefore, invalid.

24. The Candidate contends that the signature requirement for Alderman in the City of Chicago is unconstitutional.

25. An electoral board's scope of inquiry is limited to the sole issue of whether a challenged petition and papers comply with the provisions of the Election Code pertaining thereto. *Phelan v. County Officers Electoral Board*, 240 Ill.App.3d 368, 608 N.E.2d 215 (1992); *Wiseman v. Elward*, 5 Ill.App.3d 249, 283 N.E.2d 282 (1972). An electoral board may only exercise the powers conferred upon it by the legislature. *Kozel v. State Board of Elections*, 126 Ill.2d 58, 533 N.E.2d 796 (1988); *Reyes v. Bloomingdale Township Electoral Board*, 265

Ill.App.3d 69, 638 N.E.2d 782 (1994) ("electoral boards are creatures of statute endowed with no power beyond what the Election Code enumerates;" "electoral board possess only the powers endowed to them by the Election Code;" "unauthorized actions are void").

26. A statute is presumed constitutional, and the party challenging the statute bears the burden of demonstrating its invalidity. *People v. Devenny*, 199 Ill.2d 398, 769 N.E.2d 942 (2002). The legislature, however, did not intend that an electoral board entertain constitutional challenges. *Tobin v. Illinois State Board of Elections*, 105 F. Supp.2d 882, 886 (N.D. Ill. 2000), *aff'd*, 268 F.3d 517 (7th Cir. 2001); *Troutman v. Keys*, 156 Ill.App.3d 247, 509 N.E.2d 453 (1987). "An administrative agency must accept as constitutional the statute over which it has jurisdiction." *Board of Education of Rich Township High School v. Brown*, 311 Ill.App.3d 478, 724 N.E.2d 956, 966 (2000), citing *Wiseman v. Elward*, *supra*, and *Phelan v. County Officers Electoral Board*, *supra*. "An administrative agency lacks the authority to invalidate a statute on constitutional grounds or even to question its validity." *Texaco-Cities Service Pipeline Company v. McGaw*, 182 Ill.2d 262, 695 N.E.2d 281 (1998), citing *Moore v. City of East Cleveland*, 431 U.S. 494, 497 n. 5, 97 S.Ct. 1932, 1934 n.5 (1977). Administrative agencies such as the electoral board have no authority to declare statutes unconstitutional or even to question their validity. *Goodman v. Ward*, 241 Ill.2d 398, 411, 948 N.E.2d 580, 588 (2011). The Electoral Board therefore presumes that 65 ILCS 20/21-28(a) is constitutional and must be applied.

27. 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 less than 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

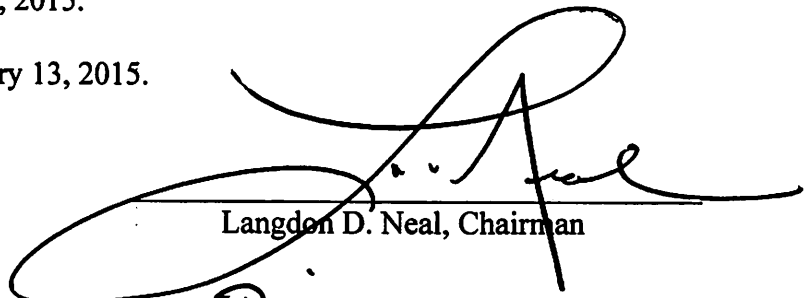
Alderman of the 12th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

28. 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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

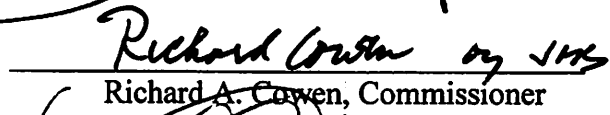
29. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of PETER JOHN DEMAY are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of ARNULFO SALAZARKAREN RODRIGUEZ-ORTIZ to the Nomination Papers of PETER JOHN DEMAY, candidate for election to the office of Alderman of the 12th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of PETER JOHN DEMAY, candidate for election to the office of Alderman of the 12th 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.

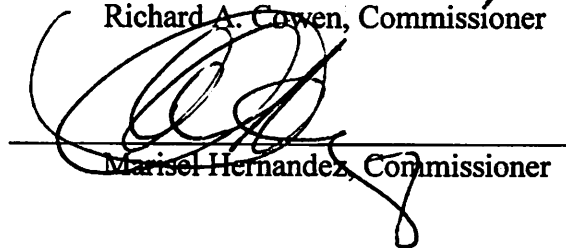
Dated: Chicago, Illinois, on January 13, 2015.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisol 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.

**BEFORE THE CHICAGO BOARD OF
ELECTION COMMISSIONERS**

Hearing Officer's Report

ARNULFO SALAZAR and
KAREN RODRIGUEZ-ORTIZ,

Objectors,

vs.

PETER JOHN DEMAY,

Candidate.

No. 15-EB-ALD-052

CHICAGO BOARD OF
ELECTION COMMISSIONERS
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HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

1. The initial hearing commenced at 10:00 a.m. on December 10, 2014. The Objectors were represented by Attorneys Bumiller & Nally. The Candidate was represented by Attorney Avila.

2. Board Group Exhibit A, B, C and D were marked, identified and admitted into evidence, being the Nomination Papers, the Objectors' Petition, the Sheriff's Return, etc., and the Appearances and Non-Disclosure Statements, respectively.

3. Candidate's counsel stated that a Motion to Strike would be filed. A briefing schedule, pursuant to the Rules, was established and the hearing on the Motion to Strike was set for 11:00 a.m. on December 19, 2014.

4. At 11:00 a.m. on December 19, 2014, a hearing commenced based upon the Candidate's Motion to Strike and Dismiss, Objectors' Response to Strike Objectors' Petition, and Candidate's Reply in Support of Motion to Strike and Dismiss. Candidate's Motion to Strike

and Dismiss is a 45-paragraph, 13-page pleading that can be summarized to four (4) essential points¹:

- A. Assertion that the Objectors' Petition is defectively verified:
- B. Assertion that the methods and motives behind the Objectors' Petition were improper:
- C. Assertion that Objectors failed to comply with Section 10-8 of the Election Code, 10 ILCS 5/10-8 (2012) in that the Objectors' Petition was legally insufficient; and
- D. Assertion of violations of the Federal Constitution, as amended, under the First and Fourteenth Amendments.

5. After full argument, Candidate's Motion to Strike and Dismiss was denied, except for the striking of Paragraph 17 of Objectors' Petition. In ruling, the Hearing Officer cited and relied upon:

- A. The precise language of Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109 (2012), which provides for verification upon information and belief. Additionally, Illinois Supreme Court Rule 191 practice was distinguished from the practice before the Board of Elections:
- B. Nader v. Ill. State Bd. of Elections, ____ Ill.App.3d ____, 819 N.E.2d 1148, 1156 (1st Dist. 2004) holding that an Objectors' methods and motives are irrelevant:
- C. Crosby v. Beavers, 95-EB-ALD-202 (1/24/95), ¶¶ 6.7, holding that the requirements pursuant to Section 10-8 of the Election Code are elemental and that substantial compliance is the standard; and

¹ Many of the paragraphs in the Candidate's Motion to Strike and Dismiss were conclusory and duplicative.

D. Goodman v. Ward, 241 Ill.2d. 398, 948 N.E.2d 580, 588 (2011) holding that the electoral board does not have subject matter jurisdiction concerning constitutional issues and therefore has no authority to adjudicate such issues.

6. This matter was continued for a status hearing to December 29, 2014 to await the results of the Record Examination.

7. On December 29, 2014, a status hearing commenced. Objector was represented by Attorney Nally. The Candidate was present and represented by Attorney Avila. The results of the Record Examination were marked, identified and admitted as Board Group Exhibit E, being the 261-page Final Detail Report and Board Exhibit F, being the 1-page Final Summary. Board Exhibit F noted completion of the Records Examination at 12/28/14 at 10:30 a.m., with 246 signatures greater than the required minimum.

8. The parties indicated that Rule 8 Motions would be filed. The Hearing Officer ordered that the next hearing would be the evidentiary hearing to commence at 10:00 a.m. on Sunday, January 4, 2015. Further, it was ordered that counsel exchange witness lists, documentary exhibits, etc. 48 hours before the hearing.

9. Prior to the evidentiary hearing on January 4, 2015, the parties filed Rule 8 Motions, Witness Lists, and a series of Affidavits. Objector also served an Illinois Supreme Court Rule 237 Notice and Section 2-1102 Notice for the production of the Candidate for adverse examination at the scheduled hearing.

10. Going into the evidentiary hearing, the results of the Record Examination (Board Exhibit F) indicate that:

A. The minimum number of valid signatures 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 2,139;
- C. The number of signatures deemed invalid because objections sustained as a result of the Record Examination total 1,420; and
- D. The remaining number of signatures deemed valid as a result of the Record Examination total 719.

11. Objector called six (6) witnesses. Objectors' Group Exhibit 1, being 34 Affidavits, was admitted and Objectors' counsel presented his Rule 8 Motion:

Objectors' Case

A. Witness/Candidate Peter Demay

Testified he was the Candidate and he had circulated about 100 sheets. There were about 15 other circulators. On November 4, 2014 [Election Day] he circulated at 7 different locations. He testified that he circulated at the Spry School in the late evening of November 4, 2014. Mr. Demay testified that people on the streets signed in front of him and he normally asked if they were registered voters.

B. Witness Eugene Rodriquez, Sr.²

Testified that he signed on Sheet 100/Line 4 in the presence of the Candidate Demay and a young lady. He was told the petition was to upgrade community. He did not know it was a petition for Demay's Candidacy. On cross-examination he testified that he did not see the top of the sheet but did see that the sheet related to the 12th Ward.

² Affiant in Objectors' Group Exhibit 1

C. Witness Lucero Avila³

Testified she signed Sheet 215/Line 4 before a Latino man and that Candidate Demay was not present when she signed. The circulator was the only person present. The circulator said it was Super Bowl day. On cross-examination she testified that the circulator was over 30, wearing jeans and a black jacket, who initially spoke Spanish and then spoke English. She believed she signed on a Saturday.

D. Witness Carmela Sanchez⁴

She testified that she signed on Sheet 135/Line 8 while at home alone. She testified that circulator was Latino, maybe Mexican. She testified that the circulator was tall with dark hair. On cross-examination, the witness stated she was not sure she signed in October and maybe she signed on a weekend. She was contacted by the Alderman's office to testify. She knows Alderman Cardenas. She knows Carlos from the Alderman's office.

E. Witness Ana Gaeta⁵

She testified that she signed on Sheet 226/Line 3. She did not remember when she signed it. She signed it at her house sometime in the afternoon. She signed before a Latino man and a Latino woman. The man had light brown skin. The lady was short and had dark skin. Candidate Demay was not present and only

³ Affiant in Objectors' Group Exhibit 1

⁴ Also Affiant in Objectors' Group Exhibit 1. Sheet 135 was ostensibly circulated by Noah Stein. Ms. Sanchez testified by a translator appropriately sworn to accurately translate. Over Candidate's objection of bias, the Hearing Officer permitted the use of the translator and permitted Candidate to have Mr. Diaz present to confirm accuracy. Additionally, Candidate's counsel stated he spoke Spanish fluently.

⁵ Affiant in Objectors' Group Exhibit 1. Testimony via translator.

the 2 circulators could have seen her sign the petition. On cross-examination she does not remember the month she signed. She signed around 6 or 7 p.m. She maybe signed it during the week. A woman called her to come to testify, one conversation. She knows Alderman Cardenas. She never met Candidate Demay. The two circulators spoke Spanish.

F. Witness Julia Quezada

She testified that on November 4, 2014, she was circulating petitions at Spry School for Alderman Cardenas. She did not see Candidate Demay at Spry School on November 4, 2014. She testified that she was circulating at Spry School from 8:00 a.m. to noon, and then 2:00 p.m. to 5:30 p.m. She testified that there were other people at Spry School circulating petitions for Demay. The witness testified that a tall Hispanic woman with long hair asked the witness to sign a petition for Jesus Garcia. The witness testified that the petition was a petition for Candidate Demay, but that the circulator kept saying it was a petition for Garcia. On cross-examination the witness testified that she met this Hispanic lady circulator around 3:00 p.m.

G. Admission of Objectors' Group Exhibit #1

Over Candidate's objections, Objectors' Group Exhibit #1 was admitted, being 34 Affidavits. These Affidavits assert that the Affiant did not sign before the circulator listed on the particular sheet. Candidate's counsel objected on three (3) bases:

1. Counsel asserted (though did not demonstrate) that the Affiant's signatures were all ruled invalid by the Board via the records

examination and, therefore, should be considered invalid for purposes of evidence at the Rule 8 hearing.

2. Although some of the witnesses/affiants needed Spanish translators, the Affidavits were English language.
3. Photographs of the Candidate/Circulator and Noah Stein/Circulator were not in color but in black and white.

In a brief response, Objectors' counsel argued that Affidavits contained in Objection #1 were intended for purposes different from the issue of validity of signatures at the time of the records examination.

H. Objectors' Presentation of Rule 8 Motion

Objectors' counsel noted (as asserted in Rule 8 Motion, "Sheets not in numeric order") that 15 signatures were miscounted because on the listed sheets the first/top signature was executed above Line 1. Counsel asserted that an additional records examination was needed for these 15 sheets, involving 15 signatures. Secondly, Objectors' counsel asserted that circulator's fraud occurred when signatures were executed not in the presence of Candidate/Circulator Demay, though the sheets were completed with Demay as circulator. Counsel stated that 312 such signatures should be invalidated because of the pattern of fraud, which would put the total valid signatures below the 473 minimum required. Counsel referred to the Fortas, Huskey & Canter decisions in support of a finding of fraud. Counsel noted that circulators had talked about community improvements and not disclosing the true purpose of the petition.

12. Candidate called nine (9) witnesses. Candidate's Exhibits #2 and #3 were admitted. Candidate did not make a specific presentation of his Rule 8 Motion:

Candidate's Case

Over objection, Candidate's Group Exhibits #2 and #3 were admitted. Candidate's #2 consists of 27 Affidavits asserting that the Affiant signed before Candidate/Circulator Peter John Demay. Candidate's #3 contains 30 Affidavits wherein the Affiant asserts they signed before Candidate/Circulator Demay.⁶ Candidate's counsel stated he had 129 signatures that were "out of district" signatures that evidenced defects in the data base. Counsel acknowledged that these sheet/line signatures had not be listed in his Rule 8 Motion. Counsel referred to an offer of proof, but never presented an offer of proof. Counsel argued that these "out of district" signatures evinced a violation of Due Process. The Hearing Officer ruled that these items were not admissible because they were not included in Candidate's Rule 8 Motion. Also, the Hearing Officer reminded Candidate's counsel that an earlier ruling established that constitutional issues were beyond the subject matter jurisdiction of the Board, referring counsel to the holding in Goodman v. Ward, supra.

A. Witness Marsha Rubin

The witness testified that she resides in Northbrook and had circulated one (1) petition on a Saturday or Sunday. She circulated with her husband and 2 sons. On cross-examination she testified that she was the sister of the Candidate, Peter John Demay. She testified that she did not circulate on November 4, 2014.

⁶ The 11th Affidavit is incomplete and therefore Candidate's #3 contains 29 admissible Affidavits.

B. Witness William Drew

The witness testified that he circulated about 10 petitions and went with other people. On cross-examination he testified that he had circulated with Kevin Merwin, but most of the time he circulated by himself.

C. Witness Nathan Czuba

He testified he had circulated about 1 or 2 sheets. On cross-examination he testified he circulated by himself.⁷

D. Witness Amber Cicotte

She testified she circulated one sheet and went with her husband.

E. Witness Rebecca Wolfram

She testified that she had circulated sheets for Candidate Demay. She does not remember how many sheets she circulated. She circulated over a period of 4 or 5 days. She may have circulated with Ben Stein. She testified that she had circulated at Hammond School on November 4, 2014.

F. Witness Kevin Merwin

The witness testified he was a circulator. He went out with Bill Drew and they got about 50 signatures. He did not recall how many sheets.

G. Witness Noah Stein

He testified that he circulated approximately 10 sheets. On cross-examination, the witness testified that he never went out with a Latino male or a Latino female. Then he testified he went out with Fidel Caballero.

⁷ Witness Circulator Czuba ostensibly circulated Sheet 245, containing 5 signatures, one of which is M. Czuba. The circulator's Affidavit is not dated.

H. Witness Antonio Diaz

He testified that he circulated with Candidate Demay. He circulated about 12 sheets. On cross-examination he had circulated with the Candidate 5-10 times and had circulated with Merwin, Drew, Coulter and Stein. He testified that he is the campaign manager and is being paid \$10/hour. He has received about \$2,000 to date and expects to be paid more.

I. Witness/Candidate/Circulator Demay

The witness testified that he circulated about 100 sheets containing about 1000 signatures. He referred to knowing a short Hispanic woman as circulator as possibly Anna Espinoza. He may have circulated with Beatriz Olvera or Cristina Martinez. The witness testified that he speaks Spanish fluently. He believed that he, Noah Stein and a white woman circulated at Spry School on November 4, 2014. To the best of his recollection, he did not believe there was a Spanish male-female team circulating petitions for him. He testified that he had circulated petitions for Jesus Garcia. He believed some of his petition signers thought he was Spanish. On cross-examination the witness testified that he was not Latino. He testified that many of his circulators "were on their own." He testified that 9 people testified that they were circulators, but that there were many more circulators. He testified that his circulators would sometimes also act as circulators for Jesus Garcia.

13. The parties having rested, counsel presented closing statements:

A. Objectors' Initial Closing

A pattern of fraud established by independent witnesses, except for Witness Quezada, who was a Cardenas Circulator. Candidate Demay signed as circulator to sheets he did not circulate. Witness Wolfram testified that she circulated on November 4, 2014, but she did not in fact circulate on that date.

B. Candidate's Closing

The use of black and white photographs in Objectors' Affidavits are defective. Objectors' Petition is a "fishing expedition". Objectors' Affidavits were done on December 8, 2014. The testimony of Eugene Rodriguez that he did not read the petition is incredible. Testimony from Lucera Avila that she signed at the time of the Super Bowl is incredible. It is burden of Objector to prove a pattern of fraud and there were no independent witnesses.

C. Objectors' Final Closing

With respect to testify of Lucero Avila, it was the circulator who said it was day of Super Bowl. Objectors' Affidavits are not inconsistent with records examination. Objectors' counsel stated that evidence established a pattern of fraud and violation of statutes as established in the Huskey, Canter and Fortas opinions.

14. The Hearing Officer finds that Board Group Exhibit A establishes that Candidate's Nomination Papers contain 255 sheets of which 129 sheets contain the Candidate's name as circulator.

15. The Hearing Officer finds that when taken together, Appendix A, Appendix B and Appendix C, herein, establish that only 4 of the Candidate's Affidavits, out of a total of 56 Affidavits, conflict with Objectors' 34 Affidavits, namely numbers 3, 4 and 6 on Appendix B and

number 19 on Appendix C, i.e. Sheet 153 and Sheet 252. The Hearing Officer finds with respect to the Objectors' Affidavits (Obj #1) except for three (3) Affidavits relative to Sheet 153 and Sheet 252, there exists clear and un rebutted evidence that a circulator other than Peter Demay circulated those petitions, adding number 31 on Appendix A, which circulator's petition had been signed by Noah Stein.

16. The Hearing Officer further finds that Objectors' witnesses Avila, Sanchez and Gaeta presented credible testimony that, in the case of Avila and Gaeta, Peter Demay was not present when they signed the petition; and in the case of Sanchez that Noah Stein was not present when she signed the petition.

17. The Hearing Officer further finds that although witness Julia Quezada was a circulator for Alderman Cardenas, her testimony was credible when she testified that a Demay circulator was mis-representing Demay's petitions as Garcia petitions.

18. The Hearing Officer finds that, under all the circumstances taken together with the admissible evidence, the existence of a pattern of fraud specifically in a number of false circulator's affidavits in the following instances:

Sheets 54, 57, 76, 80, 91, 100, 111, 125, 127, 135, 138, 144, 156.

161, 168, 174, 178, 190, 197, 199, 200, 215, 223, 226, 227

Twenty four (24) of these sheets contained Demay's Affidavit as a circulator and one (1) was a Noah Stein circulator Affidavit. Twenty four (24) sheets represents approximately 19% of the total number of sheets containing Demay's circulator's Affidavit.

19. The Hearing Officer finds that with clear and convincing evidence, the Objectors' have proven a pattern of fraud. Further, the Hearing Officer finds that the "circulator's Affidavits on the sheets are meaningless in light of the testimony presented before the Board". Huskey v.

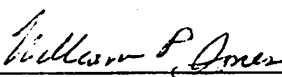
Mun. Officers Electoral Board, 156 Ill.App.3d 201, 509 N.E. 2d 555, 558 (1st Dist. 1987). In addition to the Huskey opinion, the opinions in Fortas v. Dixon, 122 Ill.App.3d 697, 462 N.E.2d 615 (1st Dist. 1984) and Canter v. Cook County Officers Electoral Board, 170 Ill.App.3d 364, 523 N.E.2d 1299, 1301 (1st Dist. 1988) support the finding that the sheets purportedly circulated by Peter John Demay be stricken in their entirety.

20. The Hearing Officer finds that after considering the particular detailed results of the Records Examination, the striking of the Demay Circulator Affidavits adds 312 invalid signatures, leaving total valid signatures at 407, which is less than the 473 valid signatures minimum requirement. See, also, Appendix D, an accurate calculation of the results of the Records Examination combined with the invalidation of Demay's Circulated Sheets.⁸

21. The Hearing Officer adopts and incorporates into these Findings and Recommendations the contents of Appendices A, B, C and D, attached hereto.⁹

22. Based upon all the foregoing, the Hearing Officer recommends that the name of Peter John Demay not appear on the ballot for Alderman of the 12th Ward, City of Chicago.

Date: January 7, 2015



Hearing Officer

⁸ Appendix D is a summary calculation presented and exchanged by Objector at the time of the evidentiary hearing as a demonstrative exhibit. Among other things, this summary incorporates findings contained in Board Group Exhibit E.

⁹ These findings moot Objectors' Rule 8 "out of numeric order" issue.

APPENDIX A

Obj #1 – 34 Affidavits 27 Different Sheets

1. Sheet 197 / Line 3
- ②. Sheet 153 / Line 1
- ③. Sheet 252 / Line 3
4. Sheet 215 / Line 1
5. Sheet 215 / Line 2
6. Sheet 215 / Line 4
7. Sheet 174 / Line 6
8. Sheet 174 / Line 3
9. Sheet 168 / Line 1
10. Sheet 190 / Line 6
11. Sheet 200 / Line 6
12. Sheet 100 / Line 4
13. Sheet 227 / Line 6
14. Sheet 223 / Line 10
15. Sheet 226 / Line 3
16. Sheet 111 / Line 3
17. Sheet 76 / Line 2
18. Sheet 54 / Line 4
19. Sheet 215 / Line 3
20. Sheet 111 / Line 1
21. Sheet 57 / Line 8
22. Sheet 91 / Line 8
23. Sheet 138 / Line 1
24. Sheet 178 / Line 2
25. Sheet 91 / Line 10
26. Sheet 252 / Line 1
27. Sheet 199 / Line 7
28. Sheet 156 / Line 7
29. Sheet 127 / Line 9
30. Sheet 125 / Line 1, 11
31. Sheet 135 / Line 8*
32. Sheet 80 / Line 7
33. Sheet 161 / Line 4
34. Sheet 144 / Line 5

* All sheets, except #31 were circulated and signed by Peter Demay. #31 was signed and circulated by Noah Stein.

APPENDIX B

Candidate Ex. 2 – 27 Affidavits 17 Different Sheets

1. Sheet 173 / Line 6
2. Sheet 173 / Line 7
3. Sheet 153 / Line 8
4. Sheet 153 / Line 9
5. Sheet 162 / Line 7
6. Sheet 153 / Line 10
7. Sheet 184 / Line 9
8. Sheet 79 / Line 1
9. Sheet 44 / Line 7
10. Sheet 147 / Line 6
11. Sheet 129 / Line 7
12. Sheet 232 / Line 8
13. Sheet 239 / Line 3
14. Sheet 231 / Line 7
15. Sheet 239 / Line 2
16. Sheet 145 / Line 4
17. Sheet 231 / Line 9
18. Sheet 145 / Line 3
19. Sheet 239 / Line 5
20. Sheet 206 / Line 3
21. Sheet 131 / Line 9
22. Sheet 131 / Line 7
23. Sheet 131 / Line 8
24. Sheet 207 / Line 9
25. Sheet 13 / Line 4
26. Sheet 13 / Line 5
27. Sheet 245 / Line 1

APPENDIX C

Candidate Ex. 3 – 30 Affidavits 20 Different Sheets

1. Sheet 87 / Line 6
2. Sheet 221 / Line 9
3. Sheet 203 / Line 1
4. Sheet 188 / Line 1
5. Sheet 174 / Line 1
6. Sheet 176 / Line 9
7. Sheet 174 / Line 9
8. Sheet 213 / Line 8
9. Sheet 213 / Line 9
10. Sheet 210 / Line 3
11. Sheet [no information]
12. Sheet 174 / Line 4
13. Sheet 175 / Line 5
14. Sheet 212 / Line 4
15. Sheet 212 / Line 2
16. Sheet 212 / Line 8
17. Sheet 212 / Line 3
18. Sheet 152 / Line 6
19. Sheet 252 / Line 10
20. Sheet 185 / Line 2
21. Sheet 17 / Line 1
22. Sheet 79 / Line 3
23. Sheet 101 / Line 1
24. Sheet 154 / Line 9
25. Sheet 162 / Line 1
26. Sheet 158 / Line 4
27. Sheet 17 / Line 3
28. Sheet 211 / Line 6
29. Sheet 185 / Line 1
30. Sheet 185 / Line 3

Page	Circulator	Notary	Date Notarized	Sustained	Overruled	Unchallenged	Circulators w/o Demay	DeMay Only
1	Pete Demay	Jose F. Hernandez	11/4/14	6	4		4	5
2	Antonio Diaz	Jose F. Hernandez	11/4/14	8	2		2	
3	Antonio Diaz	Jose F. Hernandez	11/4/14	9	1		1	
4	Julie Hodek	Jose F. Hernandez	11/4/14	7	3		3	
5	Julie Hodek	Jose F. Hernandez	11/4/14	6	2	2	2	
6	Julie Hodek	Jose F. Hernandez	11/4/14	8	2		2	
7	Julie Hodek	Jose F. Hernandez	11/4/14	6	1		1	
8	Julie Hodek	Jose F. Hernandez	11/4/14	3	2		2	
9	William Drew	Jose F. Hernandez	11/4/14	1	2		2	
10	Kevin Merwin	Jose F. Hernandez	11/4/14	1	1		1	
11	Anna Espinoza	Jose F. Hernandez	11/4/14	7	2	1	2	
12	Anna Espinoza	Jose F. Hernandez	11/4/14	6	4		4	
13	Kevin Merwin	Jose F. Hernandez	11/4/14	7	2	1	2	
14	Kevin Merwin	Jose F. Hernandez	11/4/14	7	3		3	
15	Ana Saldana	Jose F. Hernandez	11/4/14	6	4		4	
16	Antonio Diaz	Jose F. Hernandez	11/4/14	7	3		3	
17	Pete Demay	Jose F. Hernandez	11/4/14	2	2		2	3
18	Fidel Caballero	Jose F. Hernandez	11/4/14	7	2	1	2	
19	Richard Drew	Andrea O. Munoz	11/4/14	9	1		1	
20	Richard Drew	Andrea O. Munoz	11/4/14	8	2		2	
21	Richard Drew	Andrea O. Munoz	11/4/14	9	0		0	
22	Richard Drew	Andrea O. Munoz	11/4/14	7	2	1	2	
23	Richard Drew	Andrea O. Munoz	11/4/14	9	1		1	
24	Richard Drew	Andrea O. Munoz	11/4/14	7	3		3	
25	Richard Drew	Andrea O. Munoz	11/4/14	7	3		3	
26	Pete Demay	Jose F. Hernandez	11/4/14	7	3		3	4
27	Pete Demay	Jose F. Hernandez	11/4/14	8	2		2	2
28	Pete Demay	Jose F. Hernandez	11/4/14	8	2		2	3
29	Pete Demay	Jose F. Hernandez	11/4/14	7	2		2	5
30	Pete Demay	Jose F. Hernandez	11/4/14	7	3		3	4

APPENDIX D

32	William Drew	Jose F. Hernandez	11/4/14	4	4	0
33	William Drew	Jose F. Hernandez	11/4/14	1	1	0
34	William Drew	Jose F. Hernandez	11/4/14	0	0	0
35	Pete DeMay	Jose F. Hernandez	11/4/14	2	2	0
36	Julie Hodek	Esperanza Avina	11/4/14	3	3	0
37	Julie Hodek	Esperanza Avina	11/4/14	2	2	0
38	John Kugler	Carolyn D. Fulton	10/7/14	3	3	0
39	John Kugler	Carolyn D. Fulton	10/7/14	4	4	0
40	John Kugler	Carolyn D. Fulton	10/7/14	4	4	0
41	Noah Stein	Andrea O. Munoz	11/4/14	2	2	0
42	Noah Stein	Andrea O. Munoz	11/4/14	3	3	0
43	Noah Stein	Andrea O. Munoz	11/4/14	3	3	0
44	Noah Stein	Andrea O. Munoz	11/4/14	3	3	0
45	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
46	Elizabeth Gres	Esperanza Avina	11/4/14	4	4	0
47	Elizabeth Gres	Esperanza Avina	11/4/14	2	2	0
48	Elizabeth Gres	Esperanza Avina	11/4/14	4	4	0
49	Jason Coulter	Esperanza Avina	11/4/14	4	4	0
50	Jason Coulter	Esperanza Avina	11/4/14	3	3	0
51	Jason Coulter	Esperanza Avina	11/4/14	3	3	0
52	Jason Coulter	Esperanza Avina	11/4/14	3	3	0
53	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
54	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
55	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
56	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
57	Pete DeMay	Andrea O. Munoz	11/4/14	3	3	0
58	Richard Drew	Andrea O. Munoz	11/4/14	2	2	0
59	Marie Szyman	Jose F. Hernandez	11/4/14	4	4	0
60	Marie Szyman	Jose F. Hernandez	11/4/14	1	1	0
61	Marie Szyman	Jose F. Hernandez	11/4/14	2	2	0
62	Marie Szyman	Jose F. Hernandez	11/4/14	1	1	0
63	Marie Szyman	Jose F. Hernandez	11/4/14	7	7	0

64 Marie Szyman	Jose F. Hernandez	11/4/14	7	7	7
65 Peter DeMay	Jose F. Hernandez				
66 Peter DeMay	Jose F. Hernandez				
67 Peter DeMay	Jose F. Hernandez				
68 Peter DeMay	Jose F. Hernandez				
69 Peter DeMay	Jose F. Hernandez				
70 Peter DeMay	Jose F. Hernandez				
71 Peter DeMay	Jose F. Hernandez				
72 Peter DeMay	Jose F. Hernandez				
73 Beatriz Olvera	Jose F. Hernandez	11/1/14	2	2	2
74 Beatriz Olvera	Jose F. Hernandez	11/1/14	2	2	2
75 Beatriz Olvera	Jose F. Hernandez	11/1/14	1	1	1
76 Peter DeMay	Jose F. Hernandez				
77 Peter DeMay	Jose F. Hernandez				
78 Peter DeMay	Jose F. Hernandez				
79 Peter DeMay	Jose F. Hernandez				
80 Peter DeMay	Jose F. Hernandez				
81 William Drew	Jose F. Hernandez	10/26/14	1	1	1
82 William Drew	Jose F. Hernandez	10/26/14	6	6	6
83 William Drew	Jose F. Hernandez	10/26/14	1	1	1
84 Jackson Potter	Carolyn D. Fulton	10/6/14	2	2	2
85 Jackson Potter	Carolyn D. Fulton	10/6/14	2	2	2
86 Peter DeMay	Jose F. Hernandez	10/27/14			
87 Peter DeMay	Jose F. Hernandez	10/27/14			
88 Peter DeMay	Jose F. Hernandez	10/27/14			
89 Peter DeMay	Jose F. Hernandez	10/27/14			
90 Peter DeMay	Jose F. Hernandez	10/27/14			
91 Peter DeMay	Jose F. Hernandez	10/27/14			
92 Peter DeMay	Jose F. Hernandez	10/27/14			
93 Peter DeMay	Jose F. Hernandez	10/27/14			
94 Jackson Potter	Carolyn D. Fulton	10/27/14	4	4	4
95 Jackson Potter	Carolyn D. Fulton	10/6/14	0	0	0
96 Peter DeMay	Jose F. Hernandez	11/1/14			

97	Pete Dawley	Jose F. Hernandez	11/1/14	4		4
98	Pete Dawley	Jose F. Hernandez	11/1/14	3		4
99	Pete Dawley	Jose F. Hernandez	11/1/14	6		4
100	Pete Dawley	Jose F. Hernandez	11/1/14	8		4
101	Pete Dawley	Jose F. Hernandez	11/1/14	9		4
102	Pete Dawley	Jose F. Hernandez	11/1/14	6		4
103	Christina Gonzal	Jose F. Hernandez	11/1/14	4		4
104	Pete Dawley	Jose F. Hernandez	11/1/14	4		4
105	Antonio Diaz	Jose F. Hernandez	11/1/14	4		4
106	Antonio Diaz	Jose F. Hernandez	11/1/14	1		1
107	Antonio Diaz	Jose F. Hernandez	11/1/14	0		0
108	Antonio Diaz	Jose F. Hernandez	11/1/14	1		1
109	Kevin Merwin	Jose F. Hernandez	11/1/14	1		1
110	Pete Dawley	Jose F. Hernandez	11/1/14	4		5
111	Pete Dawley	Jose F. Hernandez	11/1/14	3		2
112	Pete Dawley	Jose F. Hernandez	11/1/14	7		2
113	Pete Dawley	Jose F. Hernandez	11/1/14	6		3
114	Marie Szyman	Jose F. Hernandez	11/4/14	4		4
115	Marie Szyman	Jose F. Hernandez	11/4/14	2		2
116	Marie Szyman	Jose F. Hernandez	11/4/14	4		4
117	Marie Szyman	Jose F. Hernandez	11/4/14	3		3
118	Marie Szyman	Jose F. Hernandez	11/4/14	5		5
119	Marie Szyman	Jose F. Hernandez	11/4/14	4		4
120	Marie Szyman	Jose F. Hernandez	11/4/14	5		5
121	Marie Szyman	Jose F. Hernandez	11/4/14	5		5
122	Pete Dawley	Jose F. Hernandez	10/31/14	4		1
123	Pete Dawley	Jose F. Hernandez	10/31/14	6		2
124	Pete Dawley	Jose F. Hernandez	10/31/14	7		3
125	Pete Dawley	Jose F. Hernandez	10/31/14	6		3
126	Pete Dawley	Jose F. Hernandez	10/31/14	4		3
127	Pete Dawley	Jose F. Hernandez	10/31/14	4		3
128	Pete Dawley	Jose F. Hernandez	10/31/14	4		3
129	Pete Dawley	Jose F. Hernandez	10/31/14	3		3

130	Kevin Merwin	Jose F. Hernandez	10/25/14	6	4	4	3
131	Kevin Merwin	Jose F. Hernandez	10/25/14	6	3	0	0
132	Noah Stein	Kathie D. Szott Cutk	10/25/14	10	0	0	4
133	Noah Stein	Kathie D. Szott Cutk	10/25/14	5	4	0	4
134	Noah Stein	Kathie D. Szott Cutk	10/25/14	7	3	0	3
135	Noah Stein	Kathie D. Szott Cutk	10/25/14	5	3	0	3
136	Jackson Potter	Carolyn D. Fulton	10/19/14	6	4	0	4
137	Pete Damay	Esperanza Avila	10/20/14	6	4	0	4
138	Pete Damay	Esperanza Avila	10/20/14	6	4	0	4
139	Rebecca Wolfra	Robert F. Torres	10/8/14	2	1	4	1
140	Jackson Potter	Carolyn D. Fulton	10/17/14	5	0	0	0
141	Anna Espinoza	Cynthia Leyte	10/21/14	3	3	0	3
142	Anna Espinoza	Cynthia Leyte	10/21/14	6	3	1	3
143	Anna Espinoza	Cynthia Leyte	10/21/14	6	1	3	1
144	Pete Damay	David Hernandez	10/6/14	7	4	1	4
145	William Drew	David Hernandez	10/6/14	3	4	1	2
146	Anna Espinoza	Cynthia Leyte	10/21/14	7	2	1	2
147	Pete Damay	Esperanza Avila	10/20/14	4	2	0	0
148	Pete Damay	Esperanza Avila	10/20/14	10	0	0	0
149	Pete Damay	Esperanza Avila	10/20/14	7	0	0	2
150	Pete Damay	Esperanza Avila	10/20/14	7	0	0	1
151	Pete Damay	Esperanza Avila	10/20/14	7	0	0	6
152	Pete Damay	Esperanza Avila	10/20/14	4	6	0	5
153	Pete Damay	Esperanza Avila	10/20/14	4	5	0	1
154	Pete Damay	Esperanza Avila	10/20/14	3	0	0	1
155	Pete Damay	Esperanza Avila	10/20/14	7	0	0	0
156	Pete Damay	Esperanza Avila	10/20/14	4	0	0	2
157	Pete Damay	Esperanza Avila	10/20/14	4	2	0	3
158	Pete Damay	Esperanza Avila	10/20/14	5	0	0	0
159	Pete Damay	Esperanza Avila	10/20/14	1	0	0	0
160	Pete Damay	Esperanza Avila	10/20/14	1	0	0	3
161	Pete Damay	Esperanza Avila	10/20/14	4	0	0	2
162	Pete Damay	Esperanza Avila	10/20/14	4	2	0	2

163	Pete DeMay	Clem Balanoff	10/1/14	6	1	3	1
164	Marie Szyman	Sean T. Rabiola	10/1/14	6	4		4
165	Marie Szyman	Sean T. Rabiola	10/1/14				
166	Pete DeMay	Esperanza Avina	9/29/14				
167	Pete DeMay	Esperanza Avina	9/29/14				
168	Pete DeMay	Esperanza Avina	9/29/14				
169	Pete DeMay	Esperanza Avina	9/29/14				
170	Pete DeMay	Esperanza Avina	9/29/14				
171	Pete DeMay	Esperanza Avina	9/29/14	4			
172	Pete DeMay	Esperanza Avina	9/29/14	9			
173	Pete DeMay	Esperanza Avina	9/29/14	3			
174	Pete DeMay	Esperanza Avina	9/29/14	8			
175	Pete DeMay	Esperanza Avina	9/29/14	9	2		
176	Pete DeMay	Esperanza Avina	9/29/14	9	1		
177	Pete DeMay	Esperanza Avina	9/29/14	6	0		
178	Pete DeMay	Esperanza Avina	9/29/14	5	2		
179	Pete DeMay	Esperanza Avina	9/29/14	9	2		
180	Pete DeMay	Esperanza Avina	9/29/14	6	0	4	
181	Rebecca Wolfrat	Jarese A. Wilson	9/22/14	6	1		1
182	Rebecca Wolfrat	Jarese A. Wilson	9/22/14	8	0	2	0
183	Amber Cicotte	Victoria L Kunz	9/16/14	7	0	2	0
184	Pete DeMay	Esperanza Avina	9/15/14	3			
185	Pete DeMay	Esperanza Avina	9/15/14	6			
186	Pete DeMay	Esperanza Avina	9/15/14	9	4		
187	Pete DeMay	Esperanza Avina	9/15/14	1	0		
188	Pete DeMay	Clem Balanoff	9/17/14	2			
189	Pete DeMay	Clem Balanoff	9/17/14	0			
190	Pete DeMay	Clem Balanoff	9/17/14	3			
191	Pete DeMay	Clem Balanoff	9/17/14	0			
192	Pete DeMay	Clem Balanoff	9/17/14	1	2		
193	Marsha Rubin	Cheryl M. Cromer	9/8/14	6	3		3
194	Julie Hodek	Esperanza Avina	9/6/14	9	1		1
195	Laura Herbert	Esperanza Avina	9/6/14	4	5		5

196 Julie Hodek	Esperanza Avina	9/6/14		0	1	0
197 Pete DeMay	Esperanza Avina	9/6/14				
198 Pete DeMay	Esperanza Avina	9/6/14				
199 Pete DeMay	Esperanza Avina	9/6/14				
200 Pete DeMay	Esperanza Avina	9/6/14				
201 Pete DeMay	Jorge L. Diaz	10/5/14				
202 Pete DeMay	Jorge L. Diaz	10/5/14				
203 Pete DeMay	Esperanza Avina	10/20/14				
204 William Drew	Faustino Hurtado	10/17/14	4	1	1	
205 William Drew	Faustino Hurtado	10/17/14	3	2	2	
206 William Drew	Faustino Hurtado	10/17/14	3	0	0	
207 William Drew	Faustino Hurtado	10/17/14	5	5	5	
208 William Drew	David Hernandez	10/6/14	7	3	3	
209 William Drew	David Hernandez	10/6/14	2	2	2	
210 Pete DeMay	David Hernandez	10/6/14	5	1		4
211 Pete DeMay	Glen Balanoff	10/1/14	5	3		3
212 Pete DeMay	Jorge L. Diaz	10/5/14	6	2		2
213 Pete DeMay	Jorge L. Diaz	10/5/14	6	4		4
214 Pete DeMay	Jorge L. Diaz	10/5/14	7	3		3
215 Pete DeMay	Andrea O. Minoz	11/4/14	5			5
216 Richard K. Poole	Jose F. Hernandez	11/6/14	7	3	3	
217 Richard K. Poole	Jose F. Hernandez	11/6/14	5	5	5	
218 Pete DeMay	Glen Balanoff	11/13/14	6	4		4
219 Richard K. Poole	Jose F. Hernandez	11/6/14	6	4	4	
220 Pete DeMay	Glen Balanoff	11/13/14				3
221 Pete DeMay	Glen Balanoff	11/13/14				5
222 Pete DeMay	Glen Balanoff	11/13/14				1
223 Pete DeMay	Glen Balanoff	11/13/14				2
224 Pete DeMay	Glen Balanoff	11/13/14				1
225 Pete DeMay	Glen Balanoff	11/13/14				5
226 Pete DeMay	Glen Balanoff	11/13/14				3
227 Pete DeMay	Glen Balanoff	11/13/14				4
228 Pete DeMay	Glen Balanoff	11/13/14				4

229	Pete DeMay	Clem Balanoff	11/17/14	3	0	0	0	
230	Pete DeMay	Clem Balanoff	11/17/14	3	0	0	0	
231	William Drew	Jose F. Hernandez	11/10/14	8	2	2	3	
232	William Drew	Jose F. Hernandez	11/10/14	7	3	3	3	
233	Noah Stein	Jose F. Hernandez	11/11/14	6	4	4	4	
234	Cristina Martinez	Jose F. Hernandez	11/8/14	0	2	2	2	
235	Cristina Martinez	Jose F. Hernandez	11/8/14	6	4	4	4	
236	William Drew	Jose F. Hernandez	11/6/14	5	4	4	4	
237	Pete DeMay	Clem Balanoff	11/13/14	3	0	0	0	
238	Jackson Potter	Lue Esther Jackson	11/10/14	8	1	1	0	
239	William Drew	Jose F. Hernandez	11/10/14	2	3	3	3	
240	William Drew	Jose F. Hernandez	11/10/14	3	0	0	0	
241	Richard Drew	Maclovia I Covarrub	11/15/14	4	0	0	0	
242	Richard Drew	Maclovia I Covarrub	11/15/14	7	3	3	3	
243	Beatriz Olvera	Jose F. Hernandez	11/22/14	1	3	3	3	
244	Pete DeMay	Jose F. Hernandez	11/23/14	4	2	2	2	
245	Nathan Czuba	Jose F. Hernandez		2	3	3	3	
246	Antonio Diaz	Jose F. Hernandez	11/18/14	9	1	1	1	
247	Fidel Caballero	Jose F. Hernandez	11/16/14	7	2	2	2	
248	Pete DeMay	Jose F. Hernandez	11/13/14	2	0	0	0	
249	Antonio Diaz	Jose F. Hernandez	11/18/14	3	1	1	1	
250	Fidel Caballero	Lisandra Figueroa	10/19/14	9	1	1	1	
251	Fidel Caballero	Lisandra Figueroa	10/19/14	9	1	2	2	
252	Pete DeMay	Jose F. Hernandez	11/19/14	7	3	3	3	
253	Beatriz Olvera	Jose F. Hernandez	11/22/14	7	3	3	3	
254	John Flores	Jose F. Hernandez	11/20/14	6	4	4	4	
255	Rebecca Wolfra	Clem Balanoff	11/15/14	9	1	1	1	
TOTAL				1426	623	96	312	312
				Sustained	Overruled	Unchallenged		
Unchallenged				96				
New overruled				623				
TOTAL				719				

Page	Circulator	Notary	Date Notarized	Sustained	Overruled	Unaffiliated	Circulators w/o Demay	Demay Only
1	Pete DeMay	Jose F. Hernandez	11/4/14	6	4		4	5
2	Antonio Diaz	Jose F. Hernandez	11/4/14	6	4		4	
3	Antonio Diaz	Jose F. Hernandez	11/4/14	8	2		2	
4	Julie Hodek	Jose F. Hernandez	11/4/14	9	1		1	
5	Julie Hodek	Jose F. Hernandez	11/4/14	7	3		3	
6	Julie Hodek	Jose F. Hernandez	11/4/14	6	2	2	2	
7	Julie Hodek	Jose F. Hernandez	11/4/14	8	2		2	
8	Julie Hodek	Jose F. Hernandez	11/4/14	6	1		1	
9	William Drew	Jose F. Hernandez	11/4/14	3	2		2	
10	Kevin Merwin	Jose F. Hernandez	11/4/14	1	2		2	
11	Anna Espinoza	Jose F. Hernandez	11/4/14	1	1		1	
12	Anna Espinoza	Jose F. Hernandez	11/4/14	7	2	1	2	
13	Kevin Merwin	Jose F. Hernandez	11/4/14	6	4		4	
14	Kevin Merwin	Jose F. Hernandez	11/4/14	7	2	1	2	
15	Ana Saldana	Jose F. Hernandez	11/4/14	7	3		3	
16	Antonio Diaz	Jose F. Hernandez	11/4/14	6	4		4	
17	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	3
18	Fidel Caballero	Jose F. Hernandez	11/4/14	2	2		2	
19	Richard Drew	Andrea O. Munoz	11/4/14	7	2	1	2	
20	Richard Drew	Andrea O. Munoz	11/4/14	9	1		1	
21	Richard Drew	Andrea O. Munoz	11/4/14	8	2		2	
22	Richard Drew	Andrea O. Munoz	11/4/14	9	0		0	
23	Richard Drew	Andrea O. Munoz	11/4/14	7	2	1	2	
24	Richard Drew	Andrea O. Munoz	11/4/14	9	1		1	
25	Richard Drew	Andrea O. Munoz	11/4/14	7	3		3	
26	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	1
27	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	2
28	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	3
29	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	5
30	Pete DeMay	Jose F. Hernandez	11/4/14	7	3		3	4

APPENDIX D

32	William Drew	Jose F. Hernandez	11/4/14
33	William Drew	Jose F. Hernandez	11/4/14
34	William Drew	Jose F. Hernandez	11/4/14
35	Pete DeMay	Jose F. Hernandez	11/4/14
36	Julie Hodek	Esperanza Avina	11/4/14
37	Julie Hodek	Esperanza Avina	11/4/14
38	John Kugler	Carolyn D. Fulton	10/7/14
39	John Kugler	Carolyn D. Fulton	10/7/14
40	John Kugler	Carolyn D. Fulton	10/7/14
41	Noah Stein	Andrea O. Munoz	11/4/14
42	Noah Stein	Andrea O. Munoz	11/4/14
43	Noah Stein	Andrea O. Munoz	11/4/14
44	Noah Stein	Andrea O. Munoz	11/4/14
45	Pete DeMay	Andrea O. Munoz	11/4/14
46	Elizabeth Gres	Esperanza Avina	11/4/14
47	Elizabeth Gres	Esperanza Avina	11/4/14
48	Elizabeth Gres	Esperanza Avina	11/4/14
49	Jason Coulter	Esperanza Avina	11/4/14
50	Jason Coulter	Esperanza Avina	11/4/14
51	Jason Coulter	Esperanza Avina	11/4/14
52	Jason Coulter	Esperanza Avina	11/4/14
53	Pete DeMay	Andrea O. Munoz	11/4/14
54	Pete DeMay	Andrea O. Munoz	11/4/14
55	Pete DeMay	Andrea O. Munoz	11/4/14
56	Pete DeMay	Andrea O. Munoz	11/4/14
57	Pete DeMay	Andrea O. Munoz	11/4/14
58	Richard Drew	Andrea O. Munoz	11/4/14
59	Marie Szyman	Jose F. Hernandez	11/4/14
60	Marie Szyman	Jose F. Hernandez	11/4/14
61	Marie Szyman	Jose F. Hernandez	11/4/14
62	Marie Szyman	Jose F. Hernandez	11/4/14
63	Marie Szyman	Jose F. Hernandez	11/4/14

4			4
1			1
0			0
2			2
3			3
2		1	2
3			3
4			4
4			4
2			2
3			3
3		1	3
3			3
4		2	4
2			2
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4			4
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3		1	3
3			3
3			3
3			3
3			3
3			3
2			2
4			4
1			1
2			2
1			1
7		1	7

64 Marie Szyman	Jose F. Hernandez	11/4/14	7	7	3
65 Pete DelMay	Jose F. Hernandez				7
66 Pete DelMay	Jose F. Hernandez				7
67 Pete DelMay	Jose F. Hernandez				7
68 Pete DelMay	Jose F. Hernandez				7
69 Pete DelMay	Jose F. Hernandez				7
70 Pete DelMay	Jose F. Hernandez				7
71 Pete DelMay	Jose F. Hernandez				7
72 Pete DelMay	Jose F. Hernandez				7
73 Beatriz Olivera	Jose F. Hernandez	11/1/14	2	2	2
74 Beatriz Olivera	Jose F. Hernandez	11/1/14	2	2	2
75 Beatriz Olivera	Jose F. Hernandez	11/1/14	1	1	1
76 Pete DelMay	Jose F. Hernandez				2
77 Pete DelMay	Jose F. Hernandez				1
78 Pete DelMay	Jose F. Hernandez				0
79 Pete DelMay	Jose F. Hernandez				3
80 Pete DelMay	Jose F. Hernandez				1
81 William Drew	Jose F. Hernandez	10/26/14	1	1	1
82 William Drew	Jose F. Hernandez	10/26/14	6	6	6
83 William Drew	Jose F. Hernandez	10/26/14	1	1	1
84 Jackson Potter	Carolyn D. Fulton	10/6/14	2	2	2
85 Jackson Potter	Carolyn D. Fulton	10/6/14	2	2	2
86 Pete DelMay	Jose F. Hernandez	10/26/14			1
87 Pete DelMay	Jose F. Hernandez	10/26/14			1
88 Pete DelMay	Jose F. Hernandez	10/26/14			0
89 Pete DelMay	Jose F. Hernandez	10/26/14			9
90 Pete DelMay	Jose F. Hernandez	10/26/14			3
91 Pete DelMay	Jose F. Hernandez	10/26/14			3
92 Pete DelMay	Jose F. Hernandez	10/26/14			3
93 Pete DelMay	Jose F. Hernandez	10/26/14			3
94 Jackson Potter	Carolyn D. Fulton	10/27/14	4	4	4
95 Jackson Potter	Carolyn D. Fulton	10/6/14	0	0	0

130	Kevin Merwin	Jose F. Hernandez	10/25/14	6	4	1	4
131	Kevin Merwin	Jose F. Hernandez	10/25/14	6	3	1	3
132	Noah Stein	Kathie D. Szott Cutk	10/25/14	10	0	1	0
133	Noah Stein	Kathie D. Szott Cutk	10/25/14	5	4	1	4
134	Noah Stein	Kathie D. Szott Cutk	10/25/14	7	3	2	3
135	Noah Stein	Kathie D. Szott Cutk	10/25/14	5	3	2	3
136	Jackson Potter	Carolyn D. Fulton	10/19/14	6	4	2	4
137	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	2
138	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	1
139	Rebecca Wolfra	Robert F. Torres	10/8/14	2	1	4	1
140	Jackson Potter	Carolyn D. Fulton	10/17/14	5	0	1	0
141	Anna Espinoza	Cynthia Leyte	10/21/14	3	3	1	3
142	Anna Espinoza	Cynthia Leyte	10/21/14	6	3	1	3
143	Anna Espinoza	Cynthia Leyte	10/21/14	6	1	3	1
144	Pete DeMay	David Hernandez	10/6/14	7	1	1	3
145	William Drew	David Hernandez	10/6/14	3	4	1	4
146	Anna Espinoza	Cynthia Leyte	10/21/14	7	2	1	2
147	Pete DeMay	Esperanza Avila	10/20/14	4	2	1	2
148	Pete DeMay	Esperanza Avila	10/20/14	10	0	1	0
149	Pete DeMay	Esperanza Avila	10/20/14	7	1	1	2
150	Pete DeMay	Esperanza Avila	10/20/14	7	1	1	1
151	Pete DeMay	Esperanza Avila	10/20/14	5	1	1	6
152	Pete DeMay	Esperanza Avila	10/20/14	4	1	1	5
153	Pete DeMay	Esperanza Avila	10/20/14	2	1	1	1
154	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	1
155	Pete DeMay	Esperanza Avila	10/20/14	7	1	1	0
156	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	1
157	Pete DeMay	Esperanza Avila	10/20/14	2	1	1	3
158	Pete DeMay	Esperanza Avila	10/20/14	5	1	1	0
159	Pete DeMay	Esperanza Avila	10/20/14	2	1	1	0
160	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	3
161	Pete DeMay	Esperanza Avila	10/20/14	1	1	1	2
162	Pete DeMay	Esperanza Avila	10/20/14	4	1	1	2

164	Marie Szyman	Sean T. Rabiola	10/1/14	6	1	1
165	Marie Szyman	Sean T. Rabiola	10/1/14	4	4	4
166	Pete DelMay	Esperanza Avina	9/29/14	7	3	3
167	Pete DelMay	Esperanza Avina	9/29/14	4	1	1
168	Pete DelMay	Esperanza Avina	9/29/14	1	1	1
169	Pete DelMay	Esperanza Avina	9/29/14	7	0	0
170	Pete DelMay	Esperanza Avina	9/29/14	6	1	1
171	Pete DelMay	Esperanza Avina	9/29/14	4	1	1
172	Pete DelMay	Esperanza Avina	9/29/14	3	1	1
173	Pete DelMay	Esperanza Avina	9/29/14	3	2	2
174	Pete DelMay	Esperanza Avina	9/29/14	3	2	2
175	Pete DelMay	Esperanza Avina	9/29/14	3	1	1
176	Pete DelMay	Esperanza Avina	9/29/14	3	0	0
177	Pete DelMay	Esperanza Avina	9/29/14	3	0	0
178	Pete DelMay	Esperanza Avina	9/29/14	3	0	0
179	Pete DelMay	Esperanza Avina	9/29/14	3	0	0
180	Pete DelMay	Esperanza Avina	9/29/14	6	1	1
181	Rebecca Wolfrai	Jarese A. Wilson	9/22/14	6	1	1
182	Rebecca Wolfrai	Jarese A. Wilson	9/22/14	8	0	0
183	Amber Cicotte	Victoria L Kunz	9/16/14	7	0	0
184	Pete DelMay	Esperanza Avina	9/15/14	3	1	1
185	Pete DelMay	Esperanza Avina	9/15/14	6	0	0
186	Pete DelMay	Esperanza Avina	9/15/14	3	1	1
187	Pete DelMay	Esperanza Avina	9/15/14	1	0	0
188	Pete DelMay	Cheryl M. Cromer	9/17/14	3	1	1
189	Pete DelMay	Cheryl M. Cromer	9/17/14	3	0	0
190	Pete DelMay	Cheryl M. Cromer	9/17/14	3	0	0
191	Pete DelMay	Cheryl M. Cromer	9/17/14	3	0	0
192	Pete DelMay	Cheryl M. Cromer	9/17/14	3	0	0
193	Marsha Rubin	Cheryl M. Cromer	9/8/14	6	3	3
194	Julie Hodek	Esperanza Avina	9/6/14	9	1	1
195	Laura Herbert	Esperanza Avina	9/6/14	4	5	5

196	Julie Hodek	Esperanza Avina	9/6/14		0		0
197	Pete DeMay	Esperanza Avina	9/6/14				
198	Pete DeMay	Esperanza Avina	9/6/14				
199	Pete DeMay	Esperanza Avina	9/6/14				
200	Pete DeMay	Esperanza Avina	9/6/14				
201	Pete DeMay	Jorge L. Diaz	10/6/14				
202	Pete DeMay	Jorge L. Diaz	10/6/14				
203	Pete DeMay	Esperanza Avina	10/6/14				
204	William Drew	Faustino Hurtado	10/17/14	4	1		1
205	William Drew	Faustino Hurtado	10/17/14	3	2		2
206	William Drew	Faustino Hurtado	10/17/14	3	0		0
207	William Drew	Faustino Hurtado	10/17/14	5	5		5
208	William Drew	David Hernandez	10/6/14	7	3		3
209	William Drew	David Hernandez	10/6/14	2	2		2
210	Pete DeMay	David Hernandez	10/6/14	5			
211	Pete DeMay	Glen Balaroff	10/6/14	5			
212	Pete DeMay	Jorge L. Diaz	10/6/14	3			
213	Pete DeMay	Jorge L. Diaz	10/6/14	3			
214	Pete DeMay	Jorge L. Diaz	10/6/14	7			
215	Pete DeMay	Andreas O. Mino	11/7/14	5			
216	Richard K. Pool	Jose F. Hernandez	11/6/14	7	3		3
217	Richard K. Pool	Jose F. Hernandez	11/6/14	5	5		5
218	Pete DeMay	Glen Balaroff	11/13/14	6			
219	Richard K. Pool	Jose F. Hernandez	11/6/14	6	4		4
220	Pete DeMay	Glen Balaroff	11/13/14	7			
221	Pete DeMay	Glen Balaroff	11/13/14	5			
222	Pete DeMay	Glen Balaroff	11/13/14	9			
223	Pete DeMay	Glen Balaroff	11/13/14	7			
224	Pete DeMay	Glen Balaroff	11/13/14	9			
225	Pete DeMay	Glen Balaroff	11/13/14	5			
226	Pete DeMay	Glen Balaroff	11/13/14	7			
227	Pete DeMay	Glen Balaroff	11/13/14	9			
228	Pete DeMay	Glen Balaroff	11/13/14	5			

231	William Drew	Jose F. Hernandez	11/10/14	8	2	2
232	William Drew	Jose F. Hernandez	11/10/14	7	3	3
233	Noah Stein	Jose F. Hernandez	11/11/14	6	4	4
234	Cristina Martinez	Jose F. Hernandez	11/8/14	0	2	2
235	Cristina Martinez	Jose F. Hernandez	11/8/14	6	4	4
236	William Drew	Jose F. Hernandez	11/6/14	5	4	4
237	Pete DeMay	Clem Balanoff	11/13/14	3	0	0
238	Jackson Potter	Lue Esther Jackson	11/10/14	8	1	1
239	William Drew	Jose F. Hernandez	11/10/14	2	3	3
240	William Drew	Jose F. Hernandez	11/10/14	3	0	0
241	Richard Drew	Maclovia I Covarrub	11/15/14	4	0	0
242	Richard Drew	Maclovia I Covarrub	11/15/14	7	3	3
243	Beatriz Olvera	Jose F. Hernandez	11/22/14	1	3	3
244	Pete DeMay	Jose F. Hernandez	11/23/14	4	2	2
245	Nathan Czuba	Jose F. Hernandez		2	3	3
246	Antonio Diaz	Jose F. Hernandez	11/18/14	9	1	1
247	Fidel Caballero	Jose F. Hernandez	11/16/14	7	2	2
248	Pete DeMay	Jose F. Hernandez	11/18/14	2	0	0
249	Antonio Diaz	Jose F. Hernandez	11/18/14	3	1	1
250	Fidel Caballero	Lisandra Figueroa	10/19/14	9	1	1
251	Fidel Caballero	Lisandra Figueroa	10/19/14	9	1	2
252	Pete DeMay	Jose F. Hernandez	11/22/14	7	3	3
253	Beatriz Olvera	Jose F. Hernandez	11/22/14	7	3	3
254	John Flores	Jose F. Hernandez	11/20/14	6	4	4
255	Rebecca Wolfram	Clem Balanoff	11/15/14	9	1	1
				1426	623	96
				Sustained	Overruled	Unchallenged

TOTAL

Unchallenged
New
TOTAL
overruled

96
623
719

312 312

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Demand

v.

No. 2015 COCL13

City of Chicago Board of Elections

ORDER

This cause coming to be heard on the Candidate Petition For Judicial Review, the Court having reviewed the record and the written submissions and heard oral argument
IT IS HEREBY ORDERED:

- ① The Court finds the 473 signature requirement is constitutional.
- ② The CBOE Rule 8 requirement to list sheet + line is affirmed.
- ③ The Decision of the Electoral is not clearly erroneous and the pattern of fraud was proven by clear + convincing evidence on the record.
- ④ The Petition For Judicial Review is DENIED and the Decision of the Electoral Board is affirmed.

Atty. No.: 55164

Name: Joe Prokoff PC

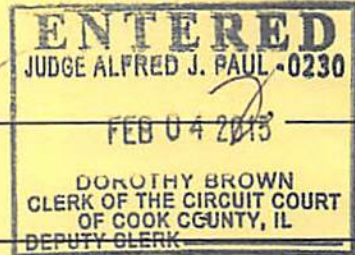
ENTERED:

Atty. for: Respondent

Dated: 7

Address: 85 Michigan #3500

City/State/Zip: Chicago IL 60603



Judge

Judge's No.

Telephone: _____

ORDER ENTERED

1-15-0452

FEB 23 2015

**IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT**

APPELLATE COURT, FIRST DISTRICT

PETER JOHN DEMAY,)	Appeal from the
)	Circuit Court of
Petitioner-Appellant,)	Cook County
)	
v.)	No. 2015 COEL 13
)	
CITY OF CHICAGO BOARD OF ELECTION)	
COMMISSIONERS, et al.,)	Honorable Alfred J. Paul,
)	
Respondents-Appellees.)	Judge Presiding

ORDER

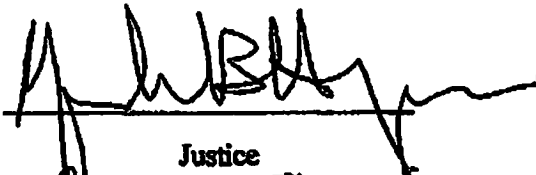
This matter coming before the court on Petitioner-Appellant's motion for an accelerated docket, the court having examined the motion, appellant's proposed brief and supporting record and the response in opposition to the motion filed by respondents, IT IS HEREBY ORDERED that:

- 1. Petitioner's motion for an accelerated docket is DENIED, petitioner failing to show good cause for the accelerated treatment of his appeal filed more than two weeks after the circuit court's ruling and with less than one business day for the court to consider the merits of petitioner's claims that he is entitled to be placed on the ballot for tomorrow's aldermanic election; and**
- 2. This appeal is DISMISSED as moot based on petitioner's declaration of intent to be a write-in candidate filed with the Board of Election Commissioners on January 20, 2015, the court finding that under any circumstances, petitioner would not be entitled to be both listed on the ballot as a candidate and included as a write-in candidate.**

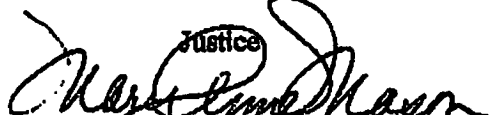
ORDER ENTERED

FEB 23 2015

APPELLATE COURT, FIRST DISTRICT


Justice



Justice


Justice
