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

Objections of: MICHAEL J. PLANTHABER SR.	)	
To the Nomination Papers of: JUAN "JOHNNY" ELIAS	)	No.: 20-EB-WC-015
Candidate for the office of Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of 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 MICHAEL J. PLANTHABER SR. ("Objector") to the nomination papers ("Nominating Papers") of JUAN "JOHNNY" ELIAS, candidate for the office of Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago ("Candidate") at the General Primary Election to be held on March 17, 2020, having convened on December 16, 2019, 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 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 or service was waived.

4. A public hearing was held on these Objections commencing on December 16, 2019 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Martin Greene 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 such hearing; the Objector, MICHAEL J. PLANTHABER SR. through his Attorneys THOMAS A. JACONETTY and PATRICK J HANLON ; and the Candidate, JUAN "JOHNNY" ELIAS through his Attorney, ED MULLEN.

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 his duly authorized representative were 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 547.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 911.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 245.

D. The remaining number of signatures deemed valid as a result of the records examination total 666.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago.

14. The Hearing Officer made available a hearing to allow the Objector an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination.

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 contained 666 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 Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago, and recommends that the Candidate's Nomination Papers be found valid.[1]

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. 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 JUAN "JOHNNY" ELIAS are, therefore, valid.

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[1] The Hearing Officer's report contained a typo suggesting that the Candidate's Nomination Papers were not valid, despite all other aspects of the report indicating that the nomination papers are valid. Thus, the Board disregards the Hearing Officer's typographical error, and adopts only those portions of the Hearing Officer's recommendation that accurately reflect the factual findings and legal conclusions of the case.

IT IS THEREFORE ORDERED that the Objections of MICHAEL J. PLANTHABER SR. to the Nomination Papers of JUAN "JOHNNY" ELIAS, candidate for the office of Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JUAN "JOHNNY" ELIAS, candidate for the office of Democratic Party Ward Committeeperson, 30th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Primary Election to be held on March 17, 2020.

Dated: Chicago, Illinois, on January 21, 2020.

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.