OBJWD-ALD

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

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| Objections of: DAWN HODGES and DONALD MCGRUDER | ) | |
| To the Nomination Papers of: JULIO MIRAMONTES | ) | No.: 23-EB-PDC-012 |
| Candidate for the office of Council Member of the 4th Police District, City of Chicago | ) | |

## FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners of the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse, and June A. Brown, 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 DAWN HODGES and DONALD MCGRUDER ("Objectors") to the nomination papers ("Nomination Papers") of JULIO MIRAMONTES, candidate for the office of Council Member of the 4th Police District in the City of Chicago ("Candidate") to be elected at the Municipal General and Alderperson Elections to be held on February 28, 2023, having convened on December 9, 2022 at 4:00 p.m. 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 timely filed.

2. The Electoral Board was legally constituted udner 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 Objectors 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 held on these Objections commenced on December 9, 2022, and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Richard Zulkey for further hearings and proceedings.

5. The Objectors and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule.

6. The Electoral Board finds that on December 8, 2022, Objector DAWN HODGES moved *pro se* to withdraw the Objections against the Candidate's Nomination Papers. The Electoral Board hereby grants the motion to withdraw the Objections and the Objections are withdrawn in regards to *pro se* Objector Dawn Hodges. However, as a non-attorney, *pro se* litigant, she is not authorized to represent co-Objector Donald McGruder. Rule 3(a) and Rule 3(b) of the Electoral Board's Rules of Procedure require that a party to these proceedings may be self-represented or may have a licensed attorney appear on his or her behalf. Non-attorneys are prohibited from representing others in these proceedings. Therefore, Objector Hodges's *pro se* Motion to Withdraw the objections is limited to herself only.

7. The Electoral Board also finds that Objector McGruder has never appeared for these proceedings, despite the Board's due diligence with statutory service of notice and the fact that co-Objector Hodges has appeared. The Electoral Board therefore finds Objector McGruder to be in default, and the Objector's Petition will therefore be dismissed in relation to Objector McGruder as a default judgment.

8. The Electoral Board finds that with granting the withdrawal motion for Objector Hodges, and entering a default judgment against Objector McGruder, results in a total dismissal of this action with prejudice.

9. The Electoral Board further finds that there are no additional Objections filed against the Candidate's Nomination Papers.

IT IS THEREFORE ORDERED that the Objections are withdrawn as to Objector Hodges and the Objections are dismissed by default as to Objector McGruder, and there being no other objections to the Candidate's Nomination Papers, the Nomination Papers are legally valid and the name of JULIO MIRAMONTES, candidate for election to the office of Council Member of the 4th Police District of the City of Chicago, SHALL be printed on the official ballot for the Municipal General and Alderperson Elections to be held on February 28, 2023.

Dated: Chicago, Illinois, on December 22, 2022.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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.**