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

Objections of: DANIEL KELLEY	)	
	)	
	)	
To the Nomination	)	No.: 24-EB-WC-037
Papers of: MAXWELL RICE	)	
	)	related: 24-EB-WC-039
Candidate for election to the office of	)	
REPUBLICAN Ward Committeeperson of	)	
the 50th Ward, City of Chicago, State of	)	
Illinois	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of the Election Commissioners for 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 DANIEL KELLEY ("Objector") to the nomination papers ("Nomination Papers") of MAXWELL RICE, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 50th Ward, City of Chicago, State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, March 19, 2024, having convened on December 18, 2023, at 9:30 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 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 statutory service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on December 18, 2023 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Christopher Agrella for further hearings and proceedings.

5. The Objector 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. Appearances were filed by or on behalf of the following persons: the Objector, DANIEL KELLEY, a licensed attorney, *pro se*, and the Candidate, MAXWELL RICE, *pro se* and then by Attorney PERICLES ABBASI.

6. 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.

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

8. The Candidate and/or his duly authorized representative was present during the examination of the registration records or waived their right to do so.

9. The Objector and/or his duly authorized representative was present during the examination of the registration records or waived their right to do so.

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 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 198.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 348.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 156.

D. The remaining number of signatures deemed valid as a result of the records examination total 192.

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of REPUBLICAN Ward Committeeperson of the 50th Ward, City of Chicago, State of Illinois.

13. However, the Candidate filed a Motion pursuant to Rule 8 of the Board's Rules of Procedure, and the Objector then filed a Motion to Strike the Rule 8 Motion on the basis that it contained an improper request for board documents and that it failed to meet the requirements of a Rule 8 Motion.

14. The Hearing Office found that the Candidate's Rule 8 Motion contained the necessary components of a Rule 8 Motion and that there was no valid basis to strike the Rule 8 Motion and the Objector's Motion was denied.

15. The Electoral Board finds that after the completion of the Rule 8 hearing, the Candidate had 8 signatures above the statutory minimum.

16. 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 206 valid signatures, which 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 REPUBLICAN Ward Committeeperson of the 50th Ward, City of Chicago, State of Illinois, and that the Candidate's Nomination Papers should be found valid.

17. A motion pursuant to Rule 20 of the Board's Rules of Procedure was filed by the Objector in which he alleged that the Hearing Officer erred in failing to strike the Candidate's Rule 8 Motion.

18. The Electoral Board finds that the Hearing Officer did not err in denying the Objector's motion to Strike the Candidate's Rule 8 Motion, as said motion adequately complied with the substantive requirements of Rule 8 and adequately put the Objector on notice of the specific petition signatures at issue therein, and the basis for the Candidate's argument that said signatures were to be deemed valid. Therefore, the Objector's Rule 20 Motion alleging otherwise is denied.

19. 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 and incorporates them herein.

20. 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 MAXWELL RICE are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of DANIEL KELLEY to the Nomination Papers of MAXWELL RICE, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 50th Ward, City of Chicago, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MAXWELL RICE, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 50th Ward, City of Chicago, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 19, 2024.

Dated: January 23, 2024.

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 by 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.