NBCOFF-REP

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CERTAIN CANDIDATES AND TO PETITIONS FOR THE SUBMISSION OF QUESTIONS OF PUBLIC POLICY FOR THE MARCH 17, 1998 PRIMARY ELECTION IN THE CITY OF CHICAGO

Objections of: Aaron Del Valle	)	
	)	
To the Nomination	)	
Papers of: Paulino Villarreal, Jr.	)	
	)	No. 98-EB-RGA-04
Candidate for the Nomination of the Democratic	)	
Party for the Office of Representative in The General	)	
Assembly for the 2nd Representative District, State	)	
of Illinois	)	

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 Theresa M. Petrone, 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 of Aaron Del Valle to Nomination Papers of Paulino Villarreal, Jr., Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, having convened on December 29, 1997, in City Hall, 121 North LaSalle Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above entitled matter, finds that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

2. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

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(s) and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 29, 1997 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector by counsel; and the Candidate did not appear.

6. The Board assigned this matter to Hearing Examiner John Ashenden for further hearings and proceedings.

7. The Board finds that an initial hearing in this matter was held on December 29, 1997. The Candidate was not present at the initial hearing. The Board's files indicated that the Sheriff had attempted service of the Notice of Hearing at the Candidate's listed address and that service was unsuccessful. Sheriff's return of service indicated that a person identified as the Candidate's mother stated to the Sheriff's deputy that the Candidate had moved.

8. The Hearing Examiner rescheduled the hearing on the Objector's Petition for January 5, 1998 and reissued a written notice asking the Sheriff to again attempt service of the Notice of Hearing on the Candidate at his written address. The Candidate was served by the Sheriff, with the Notice of Hearing on December 30, 1997 at 7:30 p.m.

9. Neither the Candidate nor his representatives appeared at the rescheduled hearing held on January 5, 1998.

10. The Board finds that the Objector's Petition, taken as true, constitutes sufficient grounds to invalidate Candidate's Nomination Papers.

11. The Board defaults the Candidate for failure to appear at hearings conducted in this cause and the Board finds that the Candidate's Nomination Papers are invalid

IT IS THEREFORE ORDERED that the Objections of Aaron Del Valle to the Nomination Papers of Paulino Villarreal, Jr., Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Paulino Villarreal, Jr., Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, SHALL NOT be printed on the ballot for the General Primary Election to be held March 17, 1998.

Dated: Chicago, Illinois, this 12 day of January, 1998.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner/Member

Theresa M. Petrone, Commissioner/Member

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 10 days after the decision of the Electoral Board.