**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: JERRY BAEZ	)	
	)	
To the Nomination	)	
Papers of: JOSE M. RODRIGUEZ	)	No.: 99-EB-ALD-073
	)	
Candidate for the office of	)	
Alderman of the 31st Ward	)	

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 ("Objections") of JERRY BAEZ to nomination papers ("Nomination Papers") of JOSE M. RODRIGUEZ, candidate for the office of Alderman for the 31st Ward of the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, 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 Objector(s) 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 28, 1998 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, JERRY BAEZ, by counsel; and the Candidate JOSE M. RODRIGUEZ, by counsel.

6. The Electoral Board assigned this matter to Hearing Examiner WILLIAM JONES for further hearings and proceedings.

7. The Electoral Board ordered that an examination of the registration records be conducted by its 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 Electoral Board directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate or his duly authorized representatives were present during the examination of the registration records at all times.

10. The Objector or his duly authorized representatives were present during the examination of the registration records at all times.

11. The examination of the registration records of the Board was terminated at the request of Robert J. Sawicki, Assistant Executive Director of the Chicago Board of Election Commissioner.

12. The Electoral Board finds that after completion of the first 13 pages of the Candidates nominating petitions, the Candidate had 135 valid signatures. The total number of legally required valid signatures for a Candidate for the office of Alderman of the 31st Ward of the City of Chicago is 110.

13. The Objector alleges petition sheets 2, 7 and 10 were not circulated by the purported circulator as required by law. The Objector further alleges that circulator Darwin Fuentes is not a registered voter as required by law.

14. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that at the bottom of each sheet of the petition shall be a statement, signed by a registered voter of the political subdivision, who has been a registered voter at all times he or she circulated the petition.

15. The Electoral Board finds that sheets 2, 7 and 10 of the Candidate's nominating petitions were circulated by Judy Lopez. The Objector produced eight affidavits of persons who signed the Candidate's petition at sheets 2, 7 and 10. The Objector presented no live testimony. The Hearing Examiner heard testimony from Judy Lopez that she circulated sheets 2, 7 and 10 of the Candidate's nominating petitions. The Hearing Examiner found Lopez' testimony to be credible and concluded that she did circulate petition sheets 2, 7 and 10. The Electoral Board adopts the findings of the Hearing Examiner that the testimony of Judy Lopez was credible and that she was the circulator of sheets 2, 7 and 10 of the Candidate's nominating petitions.

16. The circulator's affidavit on petition sheets 14, 16 and 21 state these sheets were circulated by Darwin Fuentes, a registered voter at 2850 North Keating Avenue. The Electoral Board finds that there is a "Dawin" Fuentes registered at 2850 North Keating Avenue. The Electoral Board finds that the registration card for "Dawin" Fuentes contains a clerical error by the clerk filling out the registration card. The registration card for "Dawin" Fuentes is actually the registration for "Darwin" Fuentes. The Electoral Board therefore finds that the circulator's affidavit on petition sheets 14, 16 and 21 is in compliance with Section 10-4 of the Election Code. However, even without such a finding and without the signatures on sheets 14, 16 and 21, the Candidate would still have a sufficient number of valid signatures to be placed on the ballot.

17. The Board has considered all evidence and arguments tendered by the parties.

18. The Board finds that the Candidate has a sufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for election to the office of Alderman of the 31st Ward of the City of Chicago.

19. The Board further finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of JERRY BAEZ, to the Nomination Papers of JOSE M. RODRIGUEZ, candidate for election to the office of Alderman of the 31st Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JOSE M. RODRIGUEZ, candidate for election to the office of Alderman of the 31st Ward of the City of Chicago, SHALL be printed on the ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Twenty-Eighth day of January, 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, 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 10 days after the decision of the Electoral Board.