BCCON-ALD

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

Objections of: SANDRA A. LENZEN	)	
	)	
To the Nomination	)	
Papers of: VELDA J. BRUNNER	)	No.: 01-EB-ALD-03
	)	
Candidate for the office of	)	
Alderman of the 37th Ward,	)	
City of Chicago		

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 ("Objection") of SANDRA A. LENZEN ("Objector") to the nomination papers ("Nomination Papers") of VELDA J. BRUNNER, candidate for the office of Alderman of the 37th Ward for the City of Chicago ("Candidate") to be elected at the Interim Aldermanic Elections to be held on February 27, 2001, having convened on December 29, 2000, at 10:00 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 Chairman 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.

4. A public hearing was held on these Objections commencing on December 29, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner JACQUELINE A. WALKER for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the

Call. The following persons, among others, were present at such hearing; the Objector, SANDRA A. LENZEN, by her attorney, James Nally; and the Candidate, VELDA J. BRUNNER, pro se.

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

9. The Candidate or her duly authorized representative(s) were present during the examination of the registration records at all times.

10. The Objector or her duly authorized representative(s) were present during the examination of the registration records at all times.

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 is available upon request of a party.

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

13. The Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 188;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 417;

    c. The number of signatures deemed invalid because of objections sustained total 165;

    d. The remaining number of signatures deemed valid total 252;

14. The 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 Alderman of the 37th Ward of the City of Chicago.

15. The Board finds, therefore, that paragraphs 2 through 8 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objector also filed Objections to the Candidate's Nomination Papers alleging, at Paragraphs 9 –18, that the circulator's affidavit on the Candidate's petition sheets contain certain inadequacies that would render such sheets invalid. At the second Trial Call for this matter, the Objector withdrew Paragraphs 10, 13 and 16 – 18.

17. The Candidate filed a Motion to Strike the Objector's Petition. However the contents of said Motion was inadequate as a motion to dismiss, and was better characterized as a response to Objector's Petition. The Motion to Dismiss was denied.

18. The Hearing Examiner viewed the circulator's affidavit on each of the Candidate's petition sheets and concluded that these affidavits were all in order, and therefore, the allegations in Paragraphs 9, 11, 12, 14 and 15 of Objector's Petition should not be sustained.

19. Based on her findings, the Hearing Examiner recommended that the Electoral Board find that the Candidate's Nomination Papers are valid.

20. The Electoral Board hereby adopts the recommended findings and conclusions of the Hearing Examiner.

21. For the reasons stated above, the Electoral Board finds that the Nomination Papers of VELDA J. BRUNNER are valid.

IT IS THEREFORE ORDERED that the Objections of SANDRA A. LENZEN to the Nomination Papers of VELDA J. BRUNNER, candidate for election to the office of Alderman of the 37th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of VELDA J. BRUNNER, candidate for election to the office of Alderman of the 37th Ward of the City of Chicago, SHALL be printed on the official ballot for the Interim Aldermanic Elections to be held on February 27, 2001.

Dated: Chicago, Illinois, this Sixteenth day of January, 2001.

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.