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

Objections of: CARDELL HICKS	)	
	)	
To the Nomination	)	
Papers of: ROBERT ALAN MALDONADO	)	No.: 03-EB-ALD-060
	)	
Candidate for the office of	)	[related to 03-EB-ALD-081]
Alderman of the Thirty-fourth 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, Theresa M. Petrone, and Richard A. Cowen, 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 CARDELL HICKS ("Objector") to the nomination papers ("Nomination Papers") of ROBERT ALAN MALDONADO, candidate for the office of Alderman of the Thirty-fourth Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003 having convened on December 30, 2002, 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 held on these Objections commenced on December 30, 2002 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

Trial Call. The following persons, among others, were present at such hearing: the Objector, CARDELL HICKS, by counsel; and the Candidate, ROBERT ALAN MALDONADO, 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 his duly authorized representative was present during the examination of the registration records.

10. The Objector or his duly authorized representative was present during the examination of the registration records.

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 Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 240;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 352;

    c. The number of signatures deemed invalid because of objections sustained total 121;

    d. The remaining number of signatures deemed valid total 231;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is below the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Thirty-fourth Ward of the City of Chicago.

15. The Candidate then filed the equivalent of a Rule 8 motion with supporting documentation in an effort to rehabilitate printed signatures. However, before proceeding with the Rule 8 motion the Hearing Examiner proceeded to address another issue raised in the Objections as discussed below.

16. The Objections also allege that the Candidate's Nomination Papers are invalid because the Statement of Candidacy is false in that the Candidate was not a qualified elector at the time he executed the Statement of Candidacy.

17. The Objector submitted a certified record from the Chicago Board of Election Commissioners indicating that the Candidate registered to vote at the address on his Statement of Candidacy on December 19, 2002. The Candidate executed his Statement of Candidacy on November 20, 2002 and the Statement was filed with the Board of Election Commissioners on December 9, 2002. The Candidate stated that prior to December 19, 2002 he was registered to vote at 12942 Page Court, Blue Island, Illinois.

18. Section 3.1-10-5 of the Illinois Municipal Code provides that the person is not eligible for elective municipal office unless that person is a qualified elector of the municipality. In *Henderson v. Miller,* 228 Ill.App.3d 260, 592 N.E.2d 570 (1st Dist. 1992), it was held that a candidate must have been a qualified elector in the municipality at the time of signing and submission of his or her statement of candidacy.

19. The Electoral Board finds that the Candidate here was not a qualified elector in the city of Chicago at the time of his signing or submitting his Statement of Candidacy. Therefore, the Electoral Board finds that the Candidate's Statement of Candidacy is invalid.

20. For the reasons stated above, the Electoral Board finds that the Nomination Papers of ROBERT ALAN MALDONADO are not valid.

21. The Electoral Board finds that there are other objections filed against the Candidate's Nomination Papers in case number 03-EB-ALD-081 but that the objections in that case were withdrawn.

IT IS THEREFORE ORDERED that the Objections of CARDELL HICKS to the Nomination Papers of ROBERT ALAN MALDONADO, candidate for election to the office of Alderman of the Thirty-fourth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ROBERT ALAN MALDONADO, candidate for election to the office of Alderman of the Thirty-fourth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Seventh day of February, 2003.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.