NBCON-ALD

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

Objections of: ALICIA DURR and KENNETH CARPENTER	)	
To the Nomination Papers of: LIVIA VILLARREAL	)	No.: 03-EB-ALD-094
Candidate for the office of Alderman of the Fifteenth 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 ALICIA DURR and KENNETH CARPENTER ("Objectors") to the nomination papers ("Nomination Papers") of LIVIA VILLARREAL, candidate for the office of Alderman of the Fifteenth Ward of 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 Objectors 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 KELLYE A. KEYES for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board 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 Objectors, ALICIA DURR and KENNETH CARPENTER, by counsel, the Candidate, LIVIA VILLARREAL, pro se.

7. The Candidate filed a timely motion to strike and dismiss the Objectors' Petition on the grounds that even all of the specific sheet and line objections were sustained, she would still have more than 240 valid signatures on her petitions. The Objectors responded by arguing that a records examination would reveal that a number of the signatures on the Candidate's petitions were void and that a pattern of fraud existed due to the large number of void signatures. The Hearing Examiner reviewed the Objectors' Petition and the appendix thereto, as well as the Candidate's Nomination Papers, and concluded that the Candidate's statement that she would still have over 240 valid signatures on her petition even if all of the objections were sustained was true. Accordingly, the Hearing Examiner is recommending that the Candidate's motion to strike and dismiss the Objectors' Petition be granted and that the Objectors' Petition be dismissed.

8. The Electoral Board hereby adopts the recommended findings of the Hearing Examiner and finds that the Candidate's motion to strike and dismiss the Objectors' Petition is granted and the Objectors' Petition is hereby dismissed.

IT IS THEREFORE ORDERED that the Objections of ALICIA DURR AND KENNETH CARPENTER to the Nomination Papers of LIVIA VILLARREAL, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of LIVIA VILLARREAL, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

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