NBCON-ALD

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

Objections of: JUDY GARRETT	)	
	)	
To the Nomination	)	
Papers of: MINERVA OROZCO	)	No.: 03-EB-ALD-137
	)	
Candidate for the office of	)	
Alderman of the Thirty-seventh 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 JUDY GARRETT ("Objector") to the nomination papers ("Nomination Papers") of MINERVA OROZCO, candidate for the office of Alderman of the Thirty-seventh 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 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 ROBERT S. ANDREW for further hearings and proceedings.

6. The Objector 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 Trial Call. The following

persons, among others, were present at such hearing; the Objector, JUDY GARRETT, pro se; and the Candidate, MINERVA OROZCO, pro se.

7. The Candidate filed a motion to strike and dismiss and the Objector filed her response thereto. Paragraph 23 of the Objector's Petition alleging that the notarial seals on the Candidate's nominating petition sheets were defected because they were printed in blue ink rather than black ink was dismissed as this is a merely technical violation of the notary requirements.

8. The remaining allegations in the Objector's Petition attach individual signatures on the Petition, but the Board's staff determined that even if all of the Objector's remaining allegations were sustained, the Candidate would have had at least 262 valid and not objected to signatures, which is above the 240 signatures required by law.

9. The Hearing Examiner determined that the Objector's Petition did not provide any specific facts supporting a "pattern of fraud" allegation.

10. The Hearing Examiner recommends, therefore, that the Candidate's motion to strike and dismiss the Objector's Petition should be granted.

11. The Electoral Board, having reviewed the applicable law and having considered all the evidence and arguments submitted by the parties as well as the Hearing Examiner's report of recommended findings and conclusions of law, hereby adopts the Hearing Examiner's recommended findings and conclusions of law, grants the Candidate's motion to strike and dismiss the Objector's Petition and dismisses said Petition.

IT IS THEREFORE ORDERED that the Objections of JUDY GARRETT to the Nomination Papers of MINERVA OROZCO, candidate for election to the office of Alderman of the Thirty-seventh Ward of the City of Chicago, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of MINERVA OROZCO, candidate for election to the office of Alderman of the Thirty-seventh 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 Fourteenth 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.