BCCON-WC

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

Objections of: ANGEL GARCIA	)
	)
To the Nomination	)
Papers of: MICHAEL A. DEROSS	)
	) No. 04-EB-WC-14
Candidate for the office of Ward Committeeman for	)
the 14th Ward of the City of Chicago, Republican	)
Party	)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 ANGEL GARCIA ("Objector") to the nomination papers ("Nomination Papers") of MICHAEL A. DEROSS, candidate for election to the office of Ward Committeeman for the 14th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 5, 2004, at 2:00 p.m., in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 January 5, 2004 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner CASANDRA B. WATSON for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, ANGEL GARCIA; and the Candidate, MICHAEL A. DEROSS.

7. The Candidate filed a motion to strike and dismiss the Objector's petition as to objections in paragraph 5 alleging only that the signatures were printed. Relying on *Lyles v. McGee*, 02-EB-SS-04, the Hearing Examiner granted the Candidate's motion to strike paragraph 5 of the Objector's petition.

8. The Candidate also moved to strike and dismiss the Objector's petition based on the alleged failure of the Objector's Appendix-Recapitulation sheets to state fully the nature of the objections. The Hearing Examiner denied the Candidate's motion in this regard, observing that Section 10-8 of the Election Code does not prescribe or contain a suggested or specific form for the petition of the objector to the exclusion of all other forms. The fact that the Objector inserted handwritten line numbers on to a typed pre-printed appendix recapitulation form does not render notice of the objections impossible nor does the objector fail to state fully the nature of the objections by use of this method. The handwritten line numbers are clear, easily readable, handwritten in the column entitled line number, and spaced sufficiently away from the preprinted typed numbers rendering confusion as to the objector's intent unlikely. Additionally, the nature of each objection is clearly set forth at the top of each column and the objections are clearly set forth by use of an ("x") within the appropriate boxes.

9. The Hearing Examiner ordered that an examination of the registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

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

11. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

12. The Objector pr his duly authorized representative(s) was present during the examination of the registration records.

13. 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 results 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.

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

15. The results of the records examination indicated that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 105;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 150;

    c. The number of signatures deemed invalid because of objections sustained total 48;

    d. The remaining number of signatures deemed valid total 102.

16. The Hearing Examiner conducted an evidentiary hearing at which the Candidate rehabilitated additional signatures by way of affidavit without objection from opposing counsel and by way of stipulation. At the conclusion of the evidentiary hearing the Candidate had 116 valid signatures.

17. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination and the evidentiary hearing exceeds 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 Ward Committeeman for the 14th Ward of the City of Chicago, Republican Party.

18. The Electoral Board finds that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination and the evidentiary hearing.

19. For the reasons stated above, the Electoral Board finds that the Nomination Papers of MICHAEL A. DEROSS are valid.

IT IS THEREFORE ORDERED that the Objections of ANGEL GARCIA to the Nomination Papers of MICHAEL A. DEROSS, candidate for election to the office of Ward Committeeman for the 14th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MICHAEL A. DEROSS, candidate for election to the office of Ward Committeeman for the 14th Ward of the City of Chicago, Republican Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 6th day of February, 2004.

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.