NBCOFF-WC

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

Objections of: LESTER C. JEDYNAK	)
	)
To the Nomination	)
Papers of: JOSEPH MARTINEZ	)
	) No. 04-EB-WC-60
Candidate for the office of Ward Committeeman for	) (rel. 04-EB-WC-59)
the 31st 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 LESTER C. JEDYNAK to the nomination papers ("Nomination Papers") of JOSEPH MARTINEZ, candidate for the office of Ward Committeeman for the 31st 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.

6. The Electoral Board assigned this matter to Hearing Examiner RODNEY W. STEWART for further hearings and proceedings.

7. 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, LESTER C. JEDYNAK, by his attorney; and the Candidate, JOSEPH MARTINEZ, by his attorney.

8. The Candidate filed a motion to strike the Objector's petition, alleging that the Objector did not reside at the address set forth on the Objector's petition. The Hearing Examiner considered evidence presented by the Objector tending to show that he did reside at the address stated in his Objector's petition and the Hearing Examiner found that the Objector did, in fact, reside at such address. Therefore, the Hearing Examiner has recommended a finding that the Objector did have standing to file his objections and that the Candidate's motion to strike be denied.

9. The Electoral Board finds that the Objector does have standing to file his Objector's petition.

10. The Objector's petition alleges that the Candidate's Nomination Papers contain only 1 signature on the Candidate's nominating petitions, well below the 115 statutory minimum signature requirement for the office in question.

11. The Candidate has stipulated that his nominating petitions contain only 1 signature.

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is fewer than 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 31st Ward of the City of Chicago, Republican Party. Therefore, the Electoral Board finds that the Objections shall be sustained and that the Candidate's Nomination Papers are invalid.

11. The Electoral Board finds that there is another set of objections filed against the Candidate's Nomination Papers in case number 04-EB-WC-59, but the result in that case is the same as in this case.

IT IS THEREFORE ORDERED, that the Objections of LESTER C. JEDYNAK to the Nomination papers of JOSEPH MARTINEZ, candidate for the election to the office of Ward Committeeman for the 31st Ward of the City of Chicago, Republican Party are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOSEPH MARTINEZ, candidate for election to the office of Ward Committeeman for the 31st Ward of the City of Chicago, Republican Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 23rd day of January, 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.

LESTER C. JEDYNAK,
Objector,

vs. No. 04-EB-WC-60

JOSEPH MARTINEZ,
Candidate.

16 Recommended findings of fact and decision:

The Objector, Lester C. Jedynak, stated in his objection that the Candidate, Joseph Martinez had less than the required number of signatures on his candidate petitions. The Objector, maintained that the Candidate had one signature and that 115 valid signatures were required in order to allow the Candidates name to appear on the ballot. The Candidate, through his attorney, raised an objection as to standing by the Objector. The Objector presented evidence as Objector's Exhibit #1 demonstrating that he resided within the 31st Ward at 5110 W. Parker, Chicago, IL 60639. Therefore, if necessary, it is recommended that a finding be made that the Objector does have standing to object to the candidacy of the Candidate.

The Candidate was found in a companion matter, (specifically the matter of Raymond Casiano, Objector and Joseph Martinez, Candidate, 04-EB-WC-59) not to be a proper party due to an insufficient number of valid signatures thereby rendering him ineligible to be a candidate. The Candidate agrees that the same Nominating Petition is in question in the present proceeding and that only one signature appears on the Nominating Petition filed by him. In light of the fact that 115 valid signatures are required, and the Candidate has less than the required number, the issue of standing is, in all likelihood, a moot issue.

It is therefore recommended that Joseph Martinez not remain on the ballot as a candidate in the 31st Ward for the of ward committee representative based upon the standing of the Objector and the recommended findings in the above mentioned companion case.

2004 JAN 12 P 12: 35
BOARD OF ELECTION