BCCON-WC

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

Objections of: FRANCISCO PEREZ	)
	)
To the Nomination	)
Papers of: MARIA LOPEZ	)
	) No. 04-EB-WC-66
Candidate for the office of Ward Committeeman for	)
the 35th 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 FRANCISCO PEREZ ("Objector") to the nomination papers ("Nomination Papers") of MARIA LOPEZ, candidate for election to the office of Ward Committeeman for the 35th 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 FRANK A. TEDESSO 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, FRANCISCO PEREZ, by his attorney; and the Candidate, MARIA LOPEZ, by her attorney.

7. 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.

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

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

10. The Objector or his duly authorized representative(s) 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 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.

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

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 128;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 258;

    c. The number of signatures deemed invalid because of objections sustained total 111;

    d. The remaining number of signatures deemed valid total 147.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination 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 35th Ward of the City of Chicago, Republican Party.

15. An evidentiary hearing was conducted to hear evidence regarding the Objections alleging a pattern of fraud by Jose L. Pagan in the circulation of petition sheets 6, 7, 8, 10 and 11. The Objector called Mr. Pagan, who testified that he personally circulated sheets 6, 7, 8, 10 and 11; that he had a poll sheet with him at the time he circulated the petition sheets; that when he asked people to sign the petition he checked their identification and asked to see their voter registration cards; that he signed the circulator affidavit in front of a Notary Public on each of the petition sheets in question; and that in regard to petition sheets 6 and 11, a number of names do not appear on the poll sheet. There was a stipulation that objections to those signatures were sustained for lack of registration. The Candidate did not present any evidence in rebuttal.

16. Based on the testimony of Mr. Pagan and the failure to show any effort on his part to engage in any fraud in circulating the petition sheets in question, the Hearing Examiner overruled the objections raised in paragraph 7 of the Objector's petition and found that the Candidate has 147 valid signatures on his nominating petition sheets, which exceeds the minimum signature requirement.

17. The Electoral Board finds, therefore, that the Objector's Petition is overruled and that the Nomination Papers of MARIA LOPEZ are valid.

IT IS THEREFORE ORDERED that the Objections of FRANCISCO PEREZ to the Nomination Papers of MARIA LOPEZ, candidate for election to the office of Ward Committeeman for the 35th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MARIA LOPEZ, candidate for election to the office of Ward Committeeman for the 35th 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 30th 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.