BCCON-RGA

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

Objections of: CARMEL MALONE	)	
	)	
To the Nomination	)	
Papers of: WILLIAM "WILLIE" DELGADO	)	
	)	No. 06-EB-RGA-05
Candidate for the office of Representative in the	)	
General Assembly, 3rd Representative District,	)	
State of Illinois, Democratic 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 CARMEL MALONE ("Objector") to the nomination papers ("Nomination Papers") of WILLIAM "WILLIE" DELGADO, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 3rd Representative District, State of Illinois ("Candidate"), having convened on January 3, 2006, at 9:00 a.m., in the Conference Room, Eighth Floor, 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 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 JOSEPH A. MORRIS 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, CARMEL MALONE, by her attorney; and the Candidate, WILLIAM "WILLIE" DELGADO, by his attorneys. The Candidate filed a motion to strike and dismiss the Objections, and the Objector filed a response to the motion. The Hearing Examiner took both submissions under advisement.

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

10. The Objector or her 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. Both parties filed statements pursuant to Rule 8 of the Electoral Board's Rules of Procedure.

13. At an evidentiary hearing convened on January 21, 2006, the Objector opened her case-in-chief and presented evidence. During a recess in the Objector's case-in chief, the parties conferred with each other. Following the recess, the parties informed the Hearing Examiner that they wished to enter on the record of proceedings certain stipulations. The parties did jointly stipulate on the record the following:

A. That the Candidate's Nomination Papers do, indeed, contain more than 500 valid signatures, thus exceeding the minimum number of signatures required by law; and

B. That the Candidate's name should appear on the ballot for consideration by the electors for nomination for the office of Representative in the General

Assembly for the 3rd Representative District of Illinois to be voted upon at the general primary election to be held on March 21, 2006.

14. The Hearing Examiner found the stipulations to be reasonable in light of the totality of the circumstances and that they were freely entered into by the parties.

15. The Hearing Examiner has recommended that the Board find, as stipulated by the parties, that the Candidate's Nomination Papers contain more than 500 valid signatures, which is more than the minimum number of petition signatures required by law to appear on the ballot in 2006 for the nomination for the office of Representative in the General Assembly for the 3rd Representative District of Illinois.

16. The Electoral Board has considered all evidence and arguments tendered by the parties and the report and recommendations of the Hearing Examiner.

17. The Electoral Board finds, and the Objector and the Candidate stipulate, that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;

    b. The Candidate's Nomination Papers contain more than 500 valid signatures, thus exceeding the minimum number of signatures required by law to be placed upon the official ballot as a candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 3rd Representative District, State of Illinois.

18. For the reasons stated above, the Electoral Board finds that the Nomination Papers of WILLIAM "WILLIE" DELGADO are valid.

IT IS THEREFORE ORDERED that the Objections of CARMEL MALONE to the Nomination papers of WILLIAM "WILLIE" DELGADO, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 3rd Representative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of WILLIAM "WILLIE" DELGADO, candidate for nomination of the Democratic Party, to the office of Representative in the General Assembly for the 3rd Representative District, State of Illinois SHALL be printed on the official ballot for the General Primary Election to be held on March 21, 2006.

Dated: Chicago, Illinois, this 26th day of January, 2006.

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.