BCCON-ALD

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

Objections of: EMMA ROBINSON	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-099**
Papers of: ALEXZANDUAL "ALEX" M. LYONS	)	
	)	
	)	
Candidate for the office of	)	
Alderman of the Twenty-eighth 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 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 EMMA ROBINSON ("Objector") to the nomination papers ("Nomination Papers") of ALEXZANDUAL "ALEX" M. LYONS, candidate for the office of Alderman of the Twenty-eighth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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 was held on these Objections commencing on January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Edwin Reyes 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 Call. The following persons, among others, were present at such hearing: the Objector, EMMA ROBINSON, by counsel, James P Nally, PC; and the Candidate, ALEXZANDUAL "ALEX" M. LYONS, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 this records examination.

9. The Candidate or his duly authorized representative was present during the examination of the registration records at all times.

10. The Objector and/or her duly authorized representatives were present during the examination of the registration records at all times.

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 result of the registration records

examination is contained in the Board's file in this case and a copy was made available to the parties.

12. The Electoral Board has reviewed the applicable law and has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

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 141.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 587.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 384.

D. The remaining number of signatures deemed valid as a result of the records examination total 203.

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 ballot as a candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that the Objectors' Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objector alleges that the Candidate's Nomination Papers contain a Statement of Candidacy that does not specify the 28th Ward.

17. The Hearing Examiner found that each of the Candidate's nominating petition sheets did correctly specify that the Candidate was seeking the office of Alderman in the 28th Ward.

18. The failure to properly designate the office the candidate is seeking on the statement of candidacy does not render his nomination papers invalid if it can be determined or ascertained by looking at the nominating petitions for which office the candidate is filing. *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443 (1976). The candidate's failure to insert the Ward number on his statement of candidacy is not fatal since the Ward designation is clearly listed on each petition sheet. *Morgan v. Stowers*, 87-EB-ALD-140, CBEC, January 20, 1987.

19. The Objector alleges that the Candidate's Statement of Candidacy does not properly indicate whether the candidate is seeking "nomination" or "election".

20. The Electoral Board finds that the use of the term "election," "nomination" or "election/nomination" in describing the office sought on either a statement of candidacy or on a nominating petition sheet substantially complies with the provisions of the Election Code. *Arce v. Santos*, 96 EB-WC-34, CBEC, January 29, 1996.

21. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

22. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

23. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of EMMA ROBINSON to the Nomination Papers of ALEXZANDUAL "ALEX" M. LYONS, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ALEXZANDUAL "ALEX" M. LYONS, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd day of January, 2007.

Langdon D. Neal, Chairman

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.

SERVICE ATTACHED

BEFORE THE DULY CONSTITUTED BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 27, 2007 MUNICIPAL GENERAL ELECTION FOR ALDERMAN IN THE CITY OF CHICAGO

IN THE MATTER OF:

EMMA ROBINSON,	)	
	)	
Petitioner-Objector,	)	
	)	
	)	No.: 07-EB-ALD-099
vs.	)	
	)	
	)	
ALEXZANDUAL "ALEX" M. LYONS,	)	Hearing Officer: Edwin Reyes
	)	
Respondent-Candidate.	)	

The Objector, Emma Robinson, filed a verified Objector's Petition on December 26, 2006. The Respondent-Candidate, Alexzandual "Alex" M. Lyons alleged at the January 2, 2006 hearing that he did not receive a copy of Objector's Petition and needed time to respond. A copy of Objector's Petition was given to the candidate at the hearing. The hearing was continued to January 6, 2007.

At the January 6, 2007, both parties were represented by counsel and a Records Examination was ordered.

A Records Examination was conducted January 11, 2007. The results revealed that the candidate had obtained 587 signatures. The number of Objections overruled were 107. The number of objections sustained were 384. The number of valid signatures were 203. The minimum signature requirement for a candidate of the 28th Ward is 141.

At the January 12, 2007 hearing the Objector alleged that:

The Objector, Emma Robinson, alleges that:

A) The statement of candidacy does not comply with the Election Code because it does not specify a ward.

B) The candidate does not specify in the statement of candidacy that he is seeking election to office..."There is a line. There is an instruction to circle nomination or election. The candidate did not do either.

In Morgan vs. Stevens, 87 EB-ALD-140, CBEC, January 2, 1987, the Board held that candidate's failure to insert the ward number on his statement of candidacy is not fatal since the ward designation is clearly listed on each petition sheet. Similarly, Alexzandual "Alex" Lyons nomination petitions clearly states the ward designation.

With respect to the nomination petition, the candidate did not circle nomination or election. The use of th term "election," "nomination" or "election/nomination" in describing the office sought or the political division on either a statement of candidacy or nominating petition substantially complies with the provisions of the Election Code. Arce vs. Santos, 96 EB-WC-34, CBEC, January 29, 1996. Alexzandual "Alex" Lyons has substantially complied with Section 7-10 of the Election Code.

RECOMMENDED FINDINGS OF FACT AND DECISIONS:

After reviewing the records, motions, objections and documents submitted, the Hearing Officer recommends that Alexandual "Alex" Lyons be placed on the ballot as a candidate for 28th Ward Alderman in the February 27, 2007 Municipal General Election in the city of Chicago.

Edwin Reyes

Hearing Officer, Edwin Reyes