BCCON-ALD

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

Objections of: HENRY MOSES	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-003**
Papers of: BERNARD "BK" KELLY	)	
	)	
Candidate for the office of	)	
Alderman of the Thirty-fourth 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 HENRY MOSES ("Objector") to the nomination papers ("Nomination Papers") of BERNARD "BK" KELLY, candidate for the office of Alderman of the Thirty-fourth 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, HENRY MOSES, by counsel, Peter S. Cleary; and the Candidate, BERNARD "BK" KELLY, 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 his 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 228.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 646.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 195.

D. The remaining number of signatures deemed valid as a result of the records examination total 451.

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 Thirty-fourth Ward of the City of Chicago.

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

16. For the reasons stated above, the Electoral Board finds that the Nomination Papers of BERNARD "BK" KELLY are valid.

IT IS THEREFORE ORDERED that the Objections of HENRY MOSES to the Nomination Papers of BERNARD "BK" KELLY, candidate for election to the office of Alderman of the Thirty-fourth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BERNARD "BK" KELLY, candidate for election to the office of Alderman of the Thirty-fourth 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:

HENRY M. MOSES,

Petitioner-Objector,

vs.

BERNARD "BK" KELLY,

Respondent-Candidate.

No.: 07-EB-ALD-003

Hearing Officer: Edwin Reyes

2007 JAN 16 A 11:51

The Objector-Petitioner, Henry M. Moses filed a verified Objector's Petition on December 22, 2006. The Respondent-Candidate, Bernard "BK" Kelly filed a Motion to Strike and Dismiss on January 3, 2007. The Hearing Examiner denied both motions, a record examination was ordered.

The Objector alleges in his verified Objector's Petition that the candidate did not have the requisite number of 228 valid signatures in his election petitions.

In the hearing at hand, 07-EB-ALD-003, Henry M. Moses vs. Bernard "BK" Kelly, a records examination was conducted on January 13, 2007. The results revealed that of the 646 signatures obtained by the candidate, the Board of Elections found that 451 were valid. The number of objections sustained was 195. Th minimum signature requirement for an aldermanic candidate of the 34th Ward is 228.

In the City of Chicago, nominating petitions for Alderman must be signed by the number of legal votes of the ward as will aggregate not less than 2% of the total number of votes cast for Alderman in such ward at the last preceding General Election 65 ILCS 20/21-28(a).

Bernard "BK" Kelly, the Respondent-Candidate filed his nominating petitions for 34th Ward Alderman. A candidate for the 34th Ward needs 228 valid signatures. The candidate has obtained 451 valid signatures. Therefore, it is recommended that Bernard "BK" Kelly's name appear for the February 27, 2007 Municipal General Election.

The Objector states other allegations against candidate such as forgery of signatures and notorial jurat not proper, but has not presented credible evidence to substantiate his claim.

RECOMMENDED FINDINGS OF FACT AND DECISIONS:

After reviewing the records examination, objections, motions and documents submitted, it has been determined that Bernard "BK" Kelly has in excess of the minimum valid signature requirement. The Hearing Officer recommends that Bernard "BK" Kelly be on the ballot as a candidate for 34th Ward Alderman in the February 27, 2007 Municipal General Election in the City of Chicago, for the reasons stated.

Edwin Reyes

Hearing Officer, Edwin Reyes

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

HENRY MOSES
Objector(s)

vs.

BERNARD "BK" KELLY
Candidate

Case No. 07-EB-ALD-003

APPEARANCE

The undersigned hereby makes his/her appearance (either ~~pro se~~ or **by attorney** * *[circle one]*) for BERNARD "BK" KELLY *(print name of Objector or Candidate here)* and designates the following address and telephone number(s)for Service or Notice of Filing pursuant to Rules 2 and 15 of the Electoral Board's Rules of Procedure:

Name: BERNARD "BK" KELLY
(print your name here)

Address: 10853 S. EMERALD
(print your street address, suite, room, unit or apartment number here)

CHICAGO, IL Zip 60628
(print your city, village or town and State here) *(print your Zip Code here)*

Telephone Number(s) ** _____ 773-660-0066
(office) *(home)*

I agree to accept service by facsimile at the following fax number: 773-5351605

Date: JAN 2, 07

Check here if you are a licensed attorney: ☐

Bernard "BK" Kelly

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*** TX REPORT ***
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TRANSMISSION OK

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RESULT	OK

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

HENRY MOSES
Objector(s)

vs.

BERNARD "BK" KELLY
Candidate

Case No. 07-EB-ALD-003

APPEARANCE

The undersigned hereby makes his/her appearance (either ***pro se*** or **by attorney** *(circle one)*) for OBJECTOR *(print name of Objector or Candidate here)* and designates the following address and telephone number(s)for Service or Notice of Filing pursuant to Rules 2 and 15 of the Electoral Board's Rules of Procedure:

Name: PETER S. CLEARY
(print your name here)

Address: 8542 S. PULASKI
(print your street address, suite, room, unit or apartment number here)

CHICAGO, IL
(print your city, village or town and State here)

Zip 60652
(print your Zip Code here)

Telephone Number(s)** 773-585-9400
(office)

(home)

I agree to accept service by facsimile at the following fax number: 773-585-7443

Date: JANUARY 5, 2007

Check here if you are a licensed attorney: ☒

Peter S Cl