NBCOFF-ALD

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

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| **Objections of: RICARDO MUNOZ and MYRON D. BERMAN** | ) | |
| **To the Nomination Papers of: RAUL E. MOLINA** | ) | **No.: 07-EB-ALD-057** |
| **Candidate for the office of Alderman of the Thirty-third 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 RICARDO MUNOZ and MYRON D. BERMAN ("Objector(s)") to the nomination papers ("Nomination Papers") of RAUL E. MOLINA, candidate for the office of Alderman of the Thirty-third 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(s) 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 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner John Ashenden for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board's Call served upon them 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(s), RICARDO MUNOZ and MYRON D. BERMAN, by counsel, Thomas A. Jaconetty; and the Candidate, RAUL E. MOLINA, by counsel, Felix Gonzalez.

7. The Objections allege, among other things, that the Candidate's Nomination Papers are void because they contain partisan political references despite the fact that the February 27, 2007 Municipal General Election is nonpartisan.

8. The Hearing Examiner found that the Candidate's Statement of Candidacy and all of the Candidate's nominating petition sheets identify the Candidate as a candidate of the Democratic Party in spite of the fact that the election for Alderman is nonpartisan.

9. 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 sustained and that the Nomination Papers be found invalid.

10. Candidate's statement of candidacy and nominating petition sheets for Alderman indicated that he was seeking the nomination of the "Democratic Party."

11. Aldermanic candidates are nonpartisan and no political party affiliation is allowed on the ballot. (65 20/21-32)

12. The Candidate's Nomination Papers violate the Election Code requiring aldermanic petitions to conform with the provisions relating to "nomination of independent candidates for public office by petition" and prohibiting political party designations on nomination papers and ballots. Candidate nomination papers violating these requirements are therefore invalid. See *Toney v. Maxwell*, 91-EB-ALD-122, CBEC, January 25, 1991.

13. The Objectors did not proceed with their other objections but reserved the right to do so should the Candidate's Nomination Papers not be invalidated for containing political party designations.

14. 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.

15. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of RICARDO MUNOZ and MYRON D. BERMAN to the Nomination Papers of RAUL E. MOLINA, candidate for election to the office of Alderman of the Thirty-third Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of RAUL E. MOLINA, candidate for election to the office of Alderman of the Thirty-third Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 16th 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.**