NBCON-ALD

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

Objections of: MELVIN DELK and LARRY G. NELSON	)	
To the Nomination Papers of: THOMAS WORTHY	)	**No.: 07-EB-ALD-084**
Candidate for the office of Alderman of the Twenty-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 MELVIN DELK and LARRY G. NELSON ("Objectors") to the nomination papers ("Nomination Papers") of THOMAS WORTHY, candidate for the office of Alderman of the Twenty-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 Objectors 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 Gerald Mullin for further hearings and proceedings.

6. The Objectors 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 Objectors, MELVIN DELK and LARRY G. NELSON, *pro se*; the Candidate, THOMAS WORTHY, by counsel, Carolyn B. Burns.

7. The Candidate file a motion to strike the Objectors' petition, asserting that one of the Objectors was not a registered voter in the 24th Ward, that several specific objections listed more objections than appeared upon the sheet to which the objection was made, and that a sample record examination demonstrated that a large number of signatures that were objected to were, in fact, valid.

8. The Hearing Examiner denied the motion to dismiss the Objection due to the charge that one of the Objectors was not a registered voter in the 24th Ward based upon the Candidate's admission that at least one of the Objectors was, in fact, a registered voter in the 24th Ward.

9. The Objectors stipulated that there were 1,125 signatures appearing on the Candidate's Nomination Papers.

10. It was further stipulated that signatures of 172 qualified and legal voters of the 24th Ward were necessary to have one's name printed on the ballot.

11. The Candidate was sworn and testified that he had personally obtained the signatures appearing on petition sheet number one and testified as to how the signatures were obtained in conformance with the requirements of the Election Code. The Objectors alleged that one of the signatures appear to be in the same handwriting of the signature above it, but presented no other handwriting expert testimony or other evidence contesting the Candidate's testimony. After an extensive hearing in which each of the parties present was given a full opportunity to present and express the positions they asserted, the Hearing Examiner, based upon his determination of the demeanor and credibility of witnesses, the evidence presented and the questions put to the witnesses by the Hearing Examiner, made a determination that there were about 1,125 signatures on the Candidate's Nomination Papers and that based upon the statements of the Objectors and the evidence presented, there were at least 172 signatures that were those of duly qualified registered and legal voters of the 24th Ward.

12. The Hearing Examiner has recommended to the Electoral Board that the Objections be overruled.

13. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions.

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

IT IS THEREFORE ORDERED that the Objections of MELVIN DELK and LARRY G. NELSON to the Nomination Papers of THOMAS WORTHY, candidate for election to the office of Alderman of the Twenty-fourth Ward of the City of Chicago, are hereby OVERRULED and

said Nomination Papers are hereby declared VALID and the name of THOMAS WORTHY, candidate for election to the office of Alderman of the Twenty-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 9th 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.