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: JULIUS ANDERSON	)	No.: 07-EB-ALD-085 (Rel. 07-EB-ALD-181)
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 ("Objector(s)") to the nomination papers ("Nomination Papers") of JULIUS ANDERSON, 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 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 Gerald Mullin 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), MELVIN DELK and LARRY G. NELSON, *pro se*, the Candidate, JULIUS ANDERSON, by counsel, Lee Pulliam.

7. Objections were made that the Candidate's Nomination Papers did not contain a sufficient number of valid voter signatures.

8. The Hearing Examiner found that the Candidate's nominating petition contained at least 270 signatures for which no objection was made. The minimum signature requirement is 172. The Hearing Examiner recommends that these Objections be overruled.

9. The Objector also alleges that the Candidate did not reside at the address stated on his Nomination Papers for at least one year prior to the February 27, 2007 Municipal General Election.

10. After considering the evidence and argument presented by the parties, the Hearing Examiner found that the Objector had not shown by a preponderance of the evidence that the

Candidate did not reside in the Ward for the requisite one year. Accordingly, the Hearing Examiner recommends that these Objections be overruled.

11. The Electoral Board adopts the recommendations of the Hearing Examiner.

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

13. The Electoral Board further finds that another objection was filed against the Candidate's Nomination Papers in case 07-EB-ALD-181 and that the objections in that case were overruled and the Candidates' Nomination Papers were deemed valid.

IT IS THEREFORE ORDERED that the Objections of MELVIN DELK and LARRY G. NELSON to the Nomination Papers of JULIUS ANDERSON, 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 JULIUS ANDERSON, 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 25th 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.

ORDER

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MELVIN DELK and LARRY NELSON

v.

JULIUS ANDERSON, et al.

No. 07 COEL 000014

ORDER

This matter coming before the Court on Petitioners' Petition for Judicial Review, Petitioners ~~by~~ and the Board of Election Commissioners and its members being present through counsel but Mr. ~~Mr.~~ Anderson not being present either in person or through counsel, and the Court being advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Respondents' oral motion to dismiss based on jurisdiction is DENIED.
2. Petitioners' Petition for Judicial Review is denied for the reasons stated in open court.
3. The decision of the Electoral Board is AFFIRMED.
4. This is a final judgment and there is no just cause for delay in enforcement or appeal.

Atty. No. : 10383

Name : James M. Scanlon

Atty. for : Bd of Election Commissioners

Address : 8 S. Michigan Ave #3500

City/State/Zip : Chicago IL 60603

Telephone : 312-782-5163

ENTERED
JUDGE MARK BALLARD-1742

ENTER : FEB 21 2007

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS