NBCON-ALD

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

Objections of: Luz Caban	)	
	)	
	)	No. 11-EB-ALD-084
To the Nomination Papers of:	)	
Nancy Schiavone	)	
	)	
Candidate for the Office of	)	
Alderman of the 35th 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, Richard A. Cowen and Marisel A. Hernandez, 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 Luz Caban ("Objector") to the nomination papers ("Nomination Papers") of Nancy Schiavone, candidate for the office of Alderman of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 held on these Objections commenced on December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer June A. Brown for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Luz Caban, by attorney, Thomas A. Jaconetty; and the Candidate, Nancy Schiavone, by attorney, Michael C. Dorf.

7. The Objector's Petition alleges that the petition sheets are invalid in that at the top of the sheets, they omit language that the signers are residents of the 35th Ward of the City of Chicago and that they are further invalid because there is no affirmative statement in the circulator's affidavit that the signers of the petition sheets are registered voters of the 35th Ward.

8. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer concluded that there was no reference in the heading of the petition being residents of the 35th Ward of the City of Chicago. However, the Hearing Officer found that the circulator's affidavit indicated that the signers were "registered voters of the political division in which the candidate is seeking elective office." The Hearing Officer further found that the heading of the petition provided that the

candidate was seeking to be placed on the ballot for the office of "Alderman in the 35th Ward of the City of Chicago."

9. The Hearing Officer concluded that there was no requirement that the heading of the petition sheets contain a statement that the signers are residents of the Ward in which the candidate is running for election. Wilson v Kato, 99 EB-ALD-148 (CBEC, January 29, 1999).

10. The Hearing Officer also concluded that the statement in the circulator's affidavit, when read in conjunction with the heading of the petition was sufficient to identify the signers as registered voters in the 35th Ward of the City of Chicago. The Hearing Officer further concluded that there was no conflict or confusion between the Statement of Candidacy and the petition sheets.

11. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

12. The Electoral Board finds that the petition sheets are in substantial compliance with the requirements of Section 10-4 of the Election Code. 10 ILCS 5/10-4.

13. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Luz Caban to the Nomination Papers of Nancy Schiavone, candidate for election to the office of Alderman of 35th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Nancy Schiavone, candidate for election to the office of Alderman of the 35th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 7, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.