NBCON-ALD

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

Objections of: Thomas C. Bush	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-135
Papers of: Oddis "O.J." Johnson	)	
	)	
Candidate for the office of	)	
Alderman of the 29th 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 Thomas C. Bush ("Objector") to the nomination papers ("Nomination Papers") of Oddis "O.J." Johnson, candidate for the office of Alderman of the 29th Ward 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 Frank A. Tedesso 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, Thomas C. Bush, by attorney, James P. Nally; the Candidate, Oddis "O.J." Johnson, pro se.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

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

IT IS THEREFORE ORDERED that the Objections of Thomas C. Bush to the Nomination Papers of Oddis "O.J." Johnson, candidate for election to the office of Alderman of the 29th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Oddis "O.J." Johnson, candidate for election to the office of Alderman of the 29th 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 December 21, 2010.

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.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE TWENTY-NINTH (29TH) WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 15 P 4:08

THOMAS C. BUSH,
Petitioner – Objector,

v.

ODDIS "O.J." JOHNSON,
Respondent – Candidate.

11-EB-ALD-135

HEARING OFFICER'S RECOMMENDED DECISION

1. The Respondent – Candidate, ODDIS "O.J." JOHNSON, filed Nomination Papers for election to the Office of Alderman of the 29th Ward of the City of Chicago, to be voted upon at the February 22, 2011Municipal General Election.

2. Petitioner – Objector, THOMAS C. BUSH, filed a timely petition objecting to the Nomination Papers of the Candidate.

3. On December 6, 2010 this matter appeared on the Board's Initial Trial Call. The Hearing Officer received the following Board Group Exhibits into evidence: Board Group Exhibit A consisting of the Candidate's Nomination Papers; Board Group Exhibit B consisting of the Objector's Petition and Attachments; Board Group Exhibit C consisting of a copy of the call and proof of service; and Group Exhibit D consisting of the parties appearances. The parties acknowledged service and waived any and all issues regarding service. The Hearing Officer granted the Candidate leave to file a Motion to Strike and Dismiss and granted the Objector leave to file his Response. The Hearing Officer also signed a Directive for a Records Examination pursuant to Rule 6 of the Rules of Procedure. The matter was continued until December 14,

2010 for argument on Candidate's Motion to Strike and Dismiss and status on the Records Examination.

4. On December 14, 2010, the Hearing Officer denied the Candidate's Motion to Strike and Dismiss the Objector's Petition. The Hearing Officer noted that paragraphs 1-23 of the Candidate's motion merely admitted or denied certain allegations set forth in the Objector's petition. The Hearing Officer also denied paragraph 24 of the Candidate's Motion and found that the Objector's petition was timely filed and the deadline to file objections was November 30, 2010 at 5:00 p.m.

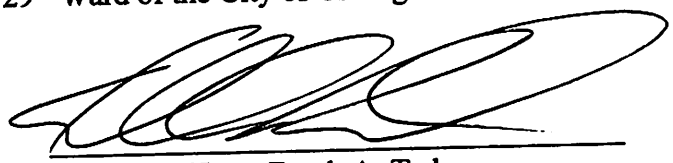
5. On December 14, 2010 the Objector withdrew the objection contained in paragraph 21 that alleged a pattern of fraud.

6. On December 14, 2010 the Hearing Officer advised the parties that the Board of Elections did not perform a Records Examination pursuant to Rule 6 due to the fact that the petition sheets contained 525 signatures and the objector did not object to 168 signatures.

7. The Hearing Officer reviewed the Objector's Petition on the record with the parties and it was determined that at a minimum, there were 166 signatures not objected to by the Objector. The Hearing Officer also noted that the objector's petition did not make any "circulator objections" to any specific petition sheets in the Appendix Recapitulation attached to the Objector's petition.

8. The minimum signature requirement for placement on the ballot for election to the Office of Alderman of the 29th Ward of the City of Chicago in the February 22, 2011 Municipal General Election is 157 signatures. The Candidate's petition sheets contain in excess of the minimum signature requirement even if all objections to signatures are sustained.

9. It is the recommended decision of the Hearing Officer that the Candidate, ODDIS "O.J." JOHNSON, appear on the February 22, 2011 Municipal General Election ballot for election to the Office of Alderman of the 29th Ward of the City of Chicago.



Hearing Officer, Frank A. Tedesso