BCCON-ALD

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

Objections of: Jose Guerrero	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-139
Papers of: Jose Guereca	)	
	)	Related Cases: 11-EB-ALD-226,
	)	11-EB-ALD-345
Candidate for the office of	)	
Alderman of the 12th 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 Jose Guerrero ("Objector"), to the nomination papers ("Nomination Papers") of Jose Guereca, candidate for the office of Alderman for 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 Casandra B. Watson 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 Call. The following persons, among others, were present at such hearing: the Objector, Jose Guerrero, by attorney, James P. Nally; and the Candidate, Jose Guereca, by attorney, Michael J. Kasper.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objector and/or his duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and a copy has been provided or made available to the parties.

12. The Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 88.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 536.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 316.

D. The remaining number of signatures deemed valid as a result of the records examination total 220.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman of the 12th Ward of the City of Chicago.

14. No motions were filed by either party pursuant to Rule 8 of the Board's Rules of Procedure.

15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 220 signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the

office of Alderman of the 12th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

16. 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 adopt the Hearing Officer's recommended findings and conclusions of law.

17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that Objections are overruled.

18. The Electoral Board further finds that there are objections pending in Related Cases 11-EB-ALD-226 and 11-EB-ALD-345 that will determine whether the Nomination Papers of Jose Guereca are valid.

IT IS THEREFORE ORDERED that the Objections of Jose Guerrero to the Nomination Papers of Jose Guereca, candidate for the office of Alderman of the 12th Ward of the City of Chicago, are hereby OVERRULED.

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.