BCTON-ALD

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

Objections of: Henry Moss	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-187
Papers of: Burl L. Mcqueen	)	
	)	
Candidate for the office of	)	
Alderman of the 34th 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 Henry Moss ("Objector") to the nomination papers ("Nomination Papers") of Burl L. Mcqueen, candidate for the office of Alderman of the 34th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Elections 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 Richard E. Zulkey 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, Henry Moss, by attorney, Peter Cleary; and the Candidate, Burl L. Mcqueen, pro se.

7. The Hearing Officer ordered that an examination of the Board's 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 of the Board was terminated after it was determined that even if all of the remaining objections to individual signatures on the petition were sustained in favor of the Objector, the Candidate would still have more than the

minimum number of valid signature on his nominating petitions to qualify for a place on the ballot for the office of Alderman of the 34th Ward of the City of Chicago.

12. The Objector's Petition contained an allegation that the Statement of Economic Interests filed by the candidate was defective in that it was not dated by the candidate. The Hearing Officer concluded that the Electoral Board is without authority to inquire into the statement's correctness or completeness. *Welch v. Johnson*, 147 Ill. 2d 40, 558 N.E.2d 149 (1992). The Hearing Officer also concluded that any alleged defect in the Statement of Economic Interests was de minimis and was not a cognizable basis to invalidate the nominating papers.

13. The Electoral Board hereby finds that the allegation regarding the Statement of Economic Interests failed to set forth a cognizable basis to invalidate the nominating papers.

14. 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 at least 325 valid signatures, which is more than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 34th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

15. 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.

16. The Electoral Board finds that the Candidate has a sufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for election to the office of Alderman of the 34th Ward of the City of Chicago.

17. The Electoral Board further finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Henry Moss to the Nomination Papers of Burl L. Mcqueen, candidate for the office of Alderman of the 34th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Burl L. Mcqueen, candidate for election to the office of Alderman of the 34th Ward of the City of Chicago, SHALL be printed on the ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 3, 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.