NBCON-ALD

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

Objections of: Norman Stropshear	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-205
Papers of: Brian Scott	)	
	)	
Candidate for the office of	)	
Alderman of the 4th 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 Norman Stropshear ("Objector") to the nomination papers ("Nomination Papers") of Brian Scott, candidate for the office of Alderman of the 4th 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 John R. Ashenden 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, Norman Stropshear, by attorney, Michael J. Kasper through Andrew Raucci; the Candidate, Brian Scott, by attorney, Alvin M. Foreman.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision.

8. Based upon the evidence presented, the Hearing Officer found that the Candidate submitted 829 presumably valid signatures. The Objector objected to the validity of only 49 signatures. The Candidate had stricken on his own 107 signatures. The Candidate, therefore, had at least 231 uncontested and valid signatures on his Nomination Papers. The minimum signature requirement for the office in question is 201.

9. 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.

10. The Electoral Board finds that the Candidate's Nomination Papers contain more than the minimum number of signatures required by law to be placed on the ballot for the office of Alderman of the 4th Ward of the City of Chicago.

11. 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 Norman Stropshear to the Nomination Papers of Brian Scott, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Brian Scott, candidate for election to the office of Alderman of the 4th 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 13, 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.