BCCON-ALD

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

Objections of: Michael Petry	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-226
Papers of: Jose Guereca	)	
	)	Related Cases: 11-EB-ALD-139,
	)	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 Michael Petry ("Objector") to the nomination papers ("Nomination Papers") of Jose Guereca, candidate for the office of Alderman of the 12th 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 was held on these Objections commencing 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 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, Michael Petry, by attorney, Andrew Finko; 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 were 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 Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate 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 ptition filed by the Candidate total 552.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 277.

D. The remaining number of signatures deemed valid as a result of the records examination total 275.

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 election to the office of Alderman of the 12th Ward of the City of Chicago.

14. After the records examination, the Objector requested an evidentiary hearing on the issues he alleged were remaining in the Objector's Petition. Specifically, the Appendix-Recapitulation contained items designated with an "x" as to certain circulator and notary issues which did not have corresponding paragraphs in the text of the Objector's Petition. The Candidate moved to prohibit hearing on those issues.

15. The Hearing Officer found that where there was no corresponding text in the Objector's Petition to the items containing an "x" in the Appendix-Recapitulation, said items

failed to state fully the nature of the objections as required by Section 10-8 of the Election Code and that said purported objections should be stricken. (10 ILCS 5/10-8).

16. 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 275 valid 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.

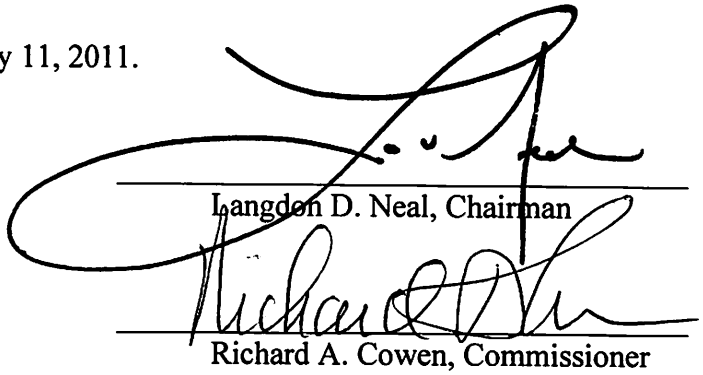
17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

18. 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 the Nomination Papers of Jose Guereca are, therefore, valid.

19. The Electoral Board further finds that objections in related case 11-EB-ALD-139 were overruled and that objections in 11–EB–ALD–345 were overruled.

IT IS THEREFORE ORDERED that the Objections of Michael Petry to the Nomination Papers of Jose Guereca, candidate for election to the office of Alderman of the 12th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JOSE GUERECA, candidate for election to the office of Alderman of the 12th 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 11, 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.