BCCON-ALD

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

Objections of: Delton J. Pierce	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-309
Papers of: Brian E. Sleet	)	
	)	Related Case: 11-EB-ALD-069
Candidate for the office of	)	
Alderman of the 6th 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 Delton J. Pierce ("Objector") to the nomination papers ("Nomination Papers") of Brian E. Sleet, candidate for the office of Alderman of the 6th 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 Frank A. Tedesso 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, Delton J. Pierce , by attorney, Paul J. Montes II; and the Candidate, Brian E. Sleet, pro se.

7. The Electoral Board finds that the Candidate's Motion to Strike and Dismiss was correctly denied by the Hearing Officer for the reasons set forth in the Hearing Officer's report and recommended decision.

8. 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.

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

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

11. The Objector and/or duly authorized representative were present during the examination of the registration records.

12. 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.

13. 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 261.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 420.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 147.

D. The remaining number of signatures deemed valid as a result of the records examination total 273.

14. 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 6th Ward of the City of Chicago.

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

16. The Electoral Board further finds that Objector's objection that the Statement of Candidacy was invalid because the date of the election was not set forth thereon was correctly

overruled by the Hearing Officer for the reasons stated in the Hearing Officer's report and recommended decision.

17. 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 273 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 6th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

18. 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.

19. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on nominating petitions and that the Nomination Papers of Brian E. Sleet are, therefore, valid.

20. The Electoral Board further finds that is also found the Candidate's Nomination Papers to be valid in Related Case 11-EB-ALD-069.

IT IS THEREFORE ORDERED that the Objections of Delton J. Pierce to the Nomination Papers of Brian E. Sleet, candidate for election to the office of Alderman of the 6th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BRIAN E. SLEET, candidate for election to the office of Alderman of the 6th 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 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.

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 SIXTH (6TH) WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION

BOARD OF ELECTION
ROLLING PLACE DEPT
DEC 27 A 9:52

DELTON J. PIERCE,	)	
Petitioner – Objector,	)	
	)	
v.	)	**11-EB-ALD-309**
	)	
BRIAN E. SLEET,	)	
Respondent – Candidate.	)	

HEARING OFFICER'S RECOMMENDED DECISION

1. Respondent – Candidate, BRIAN E. SLEET, filed Nomination Papers for Election to the Office of Alderman of the 6th Ward of the City of Chicago, to be voted upon at the February 22, 2011 Municipal General Election .

2. Petitioner– Objector, DELTON J. PIERCE, filed a 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 until 5:00p.m. to file a Motion to Strike and Dismiss the Objector's Petition and granted the Objector until December 8, 2010 at 5:00 p.m. to respond. The matter was continued until December 9, 2010 for hearing on the Candidate's Motion to

Strike and Dismiss. The Hearing Officer also signed a Directive for a Record's Examination pursuant to Rule 6 of the Board's Rules of Procedure.

4. The Candidate filed a timely Motion to Strike and Dismiss the Objector's Petition and the Objector file a timely Response.

5. On December 10, 2010, the matter proceeded to a hearing on the Candidate's Motion to Strike and Dismiss. The Candidate's motion sought dismissal of the Objector's petition for the following reasons:

a. The Petitioner lacked standing for failure to cite any statutory provision or legal authority in support of his Petition;

b. The Objector's Petition failed to adequately and sufficiently apprise the Candidate of each specific objection. The Candidate sought to strike all objections contained in sheets 1 thru 28 and sheet 39 of the Appendix and Recapitulation sheets attached and incorporated in Objector's Petition because they contained no line numbers or contained partial line numbers. The Candidate argued he was unable to identify what signatures on his corresponding sheets were being challenged, and

c. The Candidate further sought to strike all objections contained in paragraph 5 of the Objector's Petition for the reason that the paragraph used the word "forgeries" and the Objector did not plead sufficient facts to allow the Candidate to defend against a claim of forgery.

6. The Hearing Officer denied the Motion to Strike and Dismiss the Objector's Petition finding as follows:

a. The objector has standing in that he is a legal voter of the 6th Ward and brings the petition pursuant to the Illinois Election Code;

b. The objector fully stated the nature of the objections contained in sheets 1 thru 28 and sheet 39 of the Appendix and Recapitulation sheets attached and incorporated in Objector's Petition because the original Objector's Petition and attached Appendix and Recapitulation sheets in fact contained line numbers and an error was made in the copying of the original by Board staff. The Candidate was not prejudiced by this error in that a corrected copy was tendered to the Candidate prior to the commencement of the Rule 6 Records Examination.

c. The Objections contained under paragraph 5 of the Objector's Petition state valid objections in that the signatures are objected to as being not genuine signatures.

7. On December 17, 2010, the Records Examination was completed in this matter with the following results:

*Number of Signatures on Petition:	420
*Total Objections:	182
*Number of Objections Overruled:	34
*Number of Objections Sustained:	147
*Valid Signatures:	273
*Minimum Signature Requirement:	261

A copy of the Petition Summary Sheet is attached hereto as Hearing Officer's Exhibit 1.

8. On December 23, 2010, this matter appeared on the Hearing Officer's call for status on the hearing of any Rule 8 Motions. The Objector did not file a Rule 8 Motion.

9. The objections contained in paragraph 12 and 13 of the Objector's Petition are overruled in that the inclusion of the date of election of February 22, 2010 in the Statement of Candidacy does not invalidate the candidate's nomination papers in that it was clear from reading the nomination papers together the office that the candidate was seeking and the correct date of the election. *Summers, et al. v Morrow, 04-EB-WC-09, February 12, 2004; Ahimaz v. Sheriff, 92-EB-WC-88, CBEC, January 29, 1992; Gordon v. Pellett, 92-EB-WC-93, CBEC, January 30, 1992. Robinson v. Colvin, 07-EB-ALD-098, CBEC, January 23, 2007.*

10. The Hearing Officer finds that the Candidate's Nomination Papers contain in excess of the minimum signature requirement of 261 and recommends the Candidate, Brian E. Sleet, appear on the February 22, 2011 Municipal General Election ballot as a Candidate for Alderman of the 6th Ward of the City of Chicago.



Hearing Officer, Frank A. Tedesso

Cook County Clerk
Chicago Board of Election Commissioner

Petition Summary Report

Last Printed
12/17/2010
8:18:27 AM

Petition: 11EBALD309
Election: 022211

Objector Name: Delton J Pierce
Candidate Name: Brian E Sleet

Candidate Contact:
Phone:
Fax:

Objector Contact: Delton J Pierce
Phone:
Fax:

Signature Required:	261
Alderman 6th Ward	
Total Pages:	53
Total Signatures:	420
Total Objections:	182
Total Ruled On:	181
Total Remaining:	1
Total Sustained:	147
Total Overruled:	34
For Review (Candidate):	74
For Review (Objector):	4
Total Valid Signatures:	273

12 Signatures greater than the required minimum

I acknowledge the completion of the records examination at 12/17/2010 8:18:27 AM

_____ **Candidate Representative**

_____ **Objector Representative**

_____ **County / City Representative**