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

Objections of: Emilia Munoz and Elizabeth Sauceda	)	
To the Nomination Papers of: Alan R. Mercado	)	No.: 11-EB-ALD-328
	)	Related Cases: 11-EB-ALD-134, 11-EB-ALD-221
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 Emilia Munoz and Elizabeth Sauceda ("Objectors") to the nomination papers ("Nomination Papers") of Alan R. Mercado, candidate for the office of Alderman of the 12th Ward in 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 Objectors 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 Ernesto D. Borges, Jr. for further hearings and proceedings.

6. The Objectors 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objectors, Emilia Munoz and Elizabeth Sauceda, by attorney, Nicholas Kefalos; and the Candidate, Alan R. Mercado, by attorney, Torrick Ward.

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 Objectors and/or 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 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 petition filed by the Candidate total 151;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 81;

D. The remaining number of signatures deemed valid as a result of the records examination total 70.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less 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 12th Ward of the City of Chicago.

14. The Candidate filed a motion, purportedly pursuant to Rule 8 of the Board's Rules of Procedure, which the Objector moved to strike in that the Motion attempted to rehabilitate rulings not preserved by the Candidate or his watchers in the records examination.

15. The Hearing Officer found that the Candidate failed to timely preserve enough appeals for further evidentiary review that could bring the Candidate's total number of valid signatures above the required minimum.

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 only 70 valid signatures, which is less 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 12th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

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 an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Alan R. Mercado are, therefore, invalid.

19. The Electoral Board further finds that additional objections were filed against the Candidate's Nomination Papers in Related Cases: 11-EB-ALD-134 and 11-EB-ALD-221 and Candidate's Nomination Papers were also found to be invalid in said cases.

IT IS THEREFORE ORDERED that the Objections of Emilia Munoz and Elizabeth Sauceda to the Nomination Papers of Alan R. Mercado, candidate for election to the office of Alderman of the 12th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Alan R. Mercado, candidate for election to the office of Alderman of the 12th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 18, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel 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.