NBCON-ALD

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

Objections of: Sylvia Y. Jones	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-349
Papers of: Patricia A. Foster	)	
	)	
Candidate for the office of	)	
Alderman of the 21st 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 Sylvia Y. Jones ("Objector") to the nomination papers ("Nomination Papers") of Patricia A. Foster, candidate for the office of Alderman of the 21st 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 Gerald B. Mullin 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, Sylvia Y. Jones, pro se; the Candidate, Patricia A. Foster, by attorney Richard K. Means.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Sylvia Y. Jones to the Nomination Papers of Patricia A. Foster, candidate for election to the office of Alderman of the 21st Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Patricia A. Foster, candidate for election to the office of Alderman of the 21st 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 29, 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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULYCONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 21st WARD IN THE CITY OF CHICAGO TO BE VOTED UPON AT THE ELECTION TO BE HELD ON FEBRUARY 22, 2011

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 21 A 8:32

SYLVIA Y. JONES
PETITIONER-OBJECTOR

V.

PATRRICIA A. FOSTER
CANDIDATE

11—EB-ALD-349

Hearing officer: Gerald B. Mullin

HEARING OFFICER'S RECOMMENDATION

Thos matter was heard on December 17, 2010, in order that evidence to be adduced on Petitioner's Objection and for argument on the Candidates motion to strike and dismiss the objection.

Richard Means appeared for the candidate and Sylvia Y. Jones appeared pro se as the Objector. The Objector alleged (1) that the circulator's signatures were not genuine, and that the circulators did not reside at the addresses shown on the petitions and (2) the presence of a column for the printed names of the signors of the nominating petition invalidated the petitions. The Objector requested the States Attorney of Cook County be notified as to the evidence adduced as to the signatures for purposes of criminal complaints being sought.

The objector requested and received subpoenas for attendance at the hearing to the following persons who circulated petitions: Cachet Jones, LaQwan Flowers, Evada Jackson and Maria Garza. Each of these witnesses were examined by the Objector and produced identification showing their signatures. Each of the witnesses testified that the signatures on the petition sheets they signed as circulators were their signatures and the addresses shown on the petition sheets were, in fact their addresses.

RECOMMENDATION

The Hearing Officer finds as a matter of fact that the signatures of the circulators and the addresses on the petition are genuine and factual, and that the Objector has failed to

sustain her burden of proof on this issue. The Hearing Officer finds as a matter of law that the section of the Election Code detailing the requirements for petitions for alderman does not prohibit an additional column for the printed name of the signor, and that the presence of that additional column does not invalidate the petitions, provided that all other information required by 10 ILCS 5/10-4 are present in the petitions.

Accordingly, the Hearing Office recommends that the Board enter an order overruling the Objector's Petition, and that the name of the Candidate Patricia A. Foster be placed on the ballot for Alderman of the 21st Ward at the election to be held on February 22, 2011.

December 17, 2010

Gerald B. Mullin