BCTON-MUN

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

Objections of: Rickey R. Hendon, Bernette Barnes and Anthony Johnson	)	
To the Nomination Papers of: Susana A. Mendoza	)	No.: 11-EB-MUN-048
Candidate for the office of City Clerk of the 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 Rickey R. Hendon, Bernette Barnes and Anthony Johnson ("Objectors") to the nomination papers ("Nomination Papers") of Susana A. Mendoza, candidate for the office of City Clerk 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 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 Barbara Goodman for further hearings and proceedings.

6. The Objectors 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 Objectors, Rickey R. Hendon, Bernette Barnes and Anthony Johnson, pro se; and the Candidate, Susana A. Mendoza, by attorney, Michael J. Kasper.

7. The Hearing Officer ordered that an examination of the Board's 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 examination of the registration records of the Board was terminated after it was determined that the Candidate had more than enough valid signatures on her Nomination Papers.

10. 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 more 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 City Clerk of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

11. 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.

12. 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 Rickey R. Hendon, Bernette Barnes and Anthony Johnson to the Nomination Papers of Susana A. Mendoza, candidate for election to the office of City Clerk of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Susana A. Mendoza, candidate for election to the office of City Clerk of the City of Chicago, SHALL be printed on the 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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARDFOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION IN THE CITY OF CHICAGO

RICKY R. HENDON, BERNETTE BARNES, and ANTHONY JOHNSON Objector	)	11 EB MUN 048
-v-	)	
Susana A. Mendoza Candidate	)	

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 22 P 12: 34

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 6, 2010. Objectors appeared pro se and the candidate appeared through Michael Kasper and Paul Isaac. The parties were given the opportunity to file preliminary motions. Although the candidate filed a Motion to Strike and Dismiss, candidate did not proceed with the motion and the motion was considered withdrawn. The objections required a records examination and a records examination directive was signed and the matter was then continued to December 14, 2010 for further hearing.

On December 14, 2010, Paul Isaac appeared on behalf of the candidate and Rickey Hendon appeared on behalf of the Objectors. The records examination was not completed by that date and the matter was continued to January 20, 2010 for

further hearing. On January 20, 2010, the candidate appeared through additional counsel Anne Szkatulski and the objector appeared through Rickey Hendon. A memo prepared by Charles Holiday indicated that the records examination was suspended in that the candidate had more than enough signatures for placement on the ballot. The memo which was read into the record is attached hereto as Exhibit A. The parties indicated that neither party would be pursuing any further issues or evidentiary matters.

Accordingly, it is my recommendation that the objections be overruled in accordance with the results of the suspended records examination. It is my further recommendation that the nominating papers of Susana A. Mendoza for the office of Clerk of the City of Chicago be deemed valid and that the name of candidate Susana A. Mendoza appear on the ballot for said office at the February 22, 2011 General Municipal Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Examiner
12/21/10

Commissioners
Langdon D. Neal, Chairman
Richard A. Cowen, Secretary/Commissioner
Marisel A. Hernandez, Commissioner
Lance Gough, Executive Director

EXHIBIT A

(Board)

OFFICE MEMORANDUM December 15, 2010

TO: Hearing Officer Barbara Goodman

FROM: Charles Holiday, Mgr. Registration

SUBJECT: Case # 11-EB-MUN-048

Re: Candidate Susana A. Mendoza
Objectors Rickey R, Hendon, Bernette Barnes and Anthony Johnson

This case was remanded to me for a record examination. Candidate Susan A. Mendoza, candidate for City Clerk, filed 28,262 signatures. The minimum signature requirement is 12500. There were objections filed to 17,413 signatures. After working 7,224 of the objections, the candidate has 13,345 valid signatures. I am suspending the record examination as of 1:15 P.M.on December 15, 2010 in case #11-EB-MUN-048

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