NBCOFF-ALD

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

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| Objections of: CELINA VILLANUEVA | ) | |
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| | ) | |
| To the Nomination | ) | No.: 15-EB-ALD-040 |
| Papers of: ALEX VELAZQUEZ | ) | |
| | ) | Rel. ALD-024 |
| Candidate for the office of | ) | |
| Alderman of the 22nd 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 CELINA VILLANUEVA ("Objector") to the nomination papers ("Nomination Papers") of ALEX VELAZQUEZ, candidate for the office of Alderman of the 22nd Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014, 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 8, 2014, and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Richard E. Zulkey 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, CELINA VILLANUEVA, by her attorney, Richard K. Means. The Candidate, ALEX VELAZQUEZ, subsequently filed an appearance on December 15, 2014, appearing pro se.

7. The Objections allege that the Candidate's Nomination Papers were not securely bound as required by Section 10-4 of the Election Code.

8. Section 10-4 provide that petition sheets shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. Section 10-4 further provides that noncompliance with its provisions "shall" invalidate the signatures on a nominating petition. Specifically, the Code states: "No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." Based upon that language, which imposes sanctions in the event the provisions of the Code are not complied with, coupled with the use of the word "shall," the requirements of

section 10-4 are mandatory rather than directory. *Bendell v. Education Officers Electoral Board for School Dist. 148*, 338 Ill.App.3d 458, 463, 788 N.E.2d 173 (1st Dist. 2003).

9. Candidate's failure by any manner to bind or fasten the petition sheets together in a secure and suitable manner does not substantially comply with the mandatory requirements of Section 10-4 and renders the candidate's nomination papers invalid. *See*, *Wilson v. Rowans*, 03-EB-ALD-122, CBEC, January 14, 2003; *Brummit v. Brewer*, 07-EB-ALD-062, CBEC, January 23, 2007.

10. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found none of the Candidate's nomination papers, including 51 nominating petition sheets, were fastened or properly bound together in any manner. The Hearing Officer has recommended, therefore, that the Objections be sustained and that the Candidate' Nomination Papers be declared invalid.

11. 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.

12. The Electoral Board further finds that a similar result was reached in another objection filed against the Candidate's Nomination Papers in related case ALD-024.

13. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of CELINA VILLANUEVA to the Nomination Papers of ALEX VELAZQUEZ, candidate for election to the office of Alderman of the 22nd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ALEX VELAZQUEZ, candidate for election to the

office of Alderman of the 22nd Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on December 29, 2014.

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.**