

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

Objections of: JUAN B. TOVAR and JUAN)	
TOMAS TOVAR)	
)	
To the Nomination)	No.: 07-EB-ALD-165
Papers of: WALLACE DAVIS, JR.)	
)	
Candidate for the office of)	
Alderman of the Second 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 and Richard A. Cowen, 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 JUAN B. TOVAR and JUAN TOMAS TOVAR, (“Objector(s)”) to the nomination papers (“Nomination Papers”) of WALLACE DAVIS, JR., candidate for the office of Alderman of the Second Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 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(s) 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Ernesto Borges, Jr. for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector(s), JUAN B. TOVAR and JUAN TOMAS TOVAR, by counsel, Michael E. Lavelle and Adam Lasker; and the Candidate, WALLACE DAVIS, JR., by counsel, Leonard Murray.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate or his duly authorized representative was present during the examination of the registration records at all times.

10. The Objector(s) and/or their duly authorized representatives were present during the examination of the registration records at all times.

11. The examination of the registration records was suspended after the Board's staff determined that the Candidate had at least 237 signatures to which there was no objection.

12. The Electoral Board hereby adopts and incorporates by reference the results of the partial 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 was made available to the parties.

13. The Electoral Board has reviewed the applicable law and has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

14. The Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 133.

B. The number of signatures to which no objection was made and are deemed valid as a result of the records examination total 237.

15. 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 Second Ward of the City of Chicago.

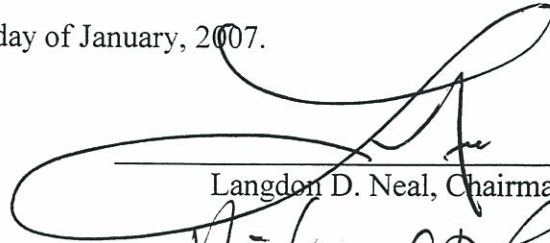
16. At a hearing on January 13, 2007, the Objectors withdrew all remaining objections to the Candidate's Nomination Papers.

17. For the reasons stated above, the Electoral Board overrules the Objections and finds that the Nomination Papers of WALLACE DAVIS, JR. are deemed valid.

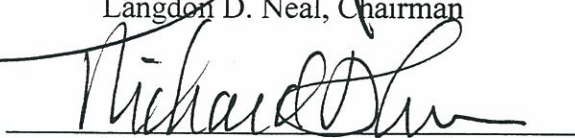
IT IS THEREFORE ORDERED that the Objections of JUAN B. TOVAR and JUAN TOMAS TOVAR to the Nomination Papers of WALLACE DAVIS, JR., candidate for election to the office of Alderman of the Second Ward of the City of Chicago, are hereby OVERRULED

and said Nomination Papers are hereby declared VALID and the name of WALLACE DAVIS, JR., candidate for election to the office of Alderman of the Second Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd day of January, 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, 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 10 days after the decision of the Electoral Board.

SERVICE ATTACHED

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 27, 2007 MUNICIPAL GENERAL ELECTION

FILED
JAN 16 4 10 10

Juan B. Tovar)	
Juan Tomas Tovar)	
)	
Petitioner-Objector,)	
)	Case No. 07-EB-ALD-165
vs.)	
)	
Wallace Davis,)	
)	
Respondent-Candidate.)	

Hearing Examiner: Ernesto D. Borges, Jr.

Hearing Examiner's Report and Recommended Decision

This matter came before the hearing examiner on January 2, 2007. The case was called at or about 4:00 p.m. The Objectors appeared through their attorneys, Michael E. Lavelle and Adam Lasker. The Candidate was represented by counsel Leonard Murray. This matter was continued for Candidate to file Motion for Summary Judgment Response by Objectors and Reply. The matter was continued to January 16, 2007 at 12:00 p.m. This matter was subsequently reset to an earlier date for a hearing to January 11, 2007 at 12:00 p.m. for record exam results and hearing on motions. At said time, records examination conducted January 9, 2007 indicated that Candidate had 237 valid signatures not objected to from pages 1 through 40. With the minimum requirement 133 signatures, the examination was stopped.

On January 11, 2007, Candidate argued Motion to Strike and Dismiss at which time this matter was continued to January 13, 2007 at 3:00 p.m. for evidentiary hearing and continuation of hearing on Motion to Strike and Dismiss.

On January 13, 2007, this matter was called at 3:00 p.m. at which time Objectors' Attorney, Adam Lasker appeared as did the Candidate Wallace Davis. At such time, Objectors withdrew their objections to the validity of signatures of nomination papers and withdrew their objections to Paragraphs 13 and 17 regarding the Candidate's ineligibility for candidacy. There being no further objections, the Candidate moved for Summary Judgment. Said motion for judgment was granted.

I. Objections Presented.

- A. The Objector presented objections regarding the validity of the signatures on the nomination papers;
- B. Objections to circulator's affidavit;


- C. Pattern of fraud;
- D. Statement of Candidacy;
- E. Ineligibility of Candidacy as a result of felony conviction.

II. Findings of Fact.

- A. The records results indicated the Candidate had 237 signatures unobjected to which was sufficient to meet the signature requirements.
- B. The Objector did not challenge the records exam results and withdrew all pending objections.

III. Recommendations.

Taking into consideration the above mentioned factual finding and matter of law, it is the recommendation of the hearing examiner that the Board adopt the findings, decisions and recommendations herein validating Candidate Wallace Davis, Jr. for the nomination for the office for the office of Alderman of the 2nd Ward of the City of Chicago, State of Illinois. Be it further recommended that the name of Candidate Wallace Davis, Jr. be placed on the ballot for the upcoming Municipal General Election set for February 27, 2007.


Ernesto D. Borges, Jr.
Hearing Examiner

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