



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

Objections of: Charese David and John Nelson)
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To the Nomination) No. 10-EB-RGA-14
Papers of: Deb Leticia Gordils)
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Candidate for the office of Representative)
in the General Assembly, 11th)
Representative District, State of Illinois,)
Republican Party)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 Charese David and John Nelson ("Objectors") to the nomination papers ("Nomination Papers") of Deb Leticia Gordils, candidate for nomination of the Republican Party for the office of Representative in the General Assembly, 11th Representative District, State of Illinois ("Candidate"), having convened on November 16, 2009, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 November 16, 2009 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Terence E. Flynn for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board to appear before the Hearing Officer for a hearing on the date and at the time designated on the Electoral Board's Initial Hearing Schedule. The following persons, among others, were present at such hearing: the Objectors, Charese David and John Nelson, appearing by counsel, John Fogarty; and the Candidate, Deb Leticia Gordils, appearing by counsel, Andrew B. Spiegel.

7. The Hearing Officer ordered that an examination of the 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 the records examination.

9. The Candidate or her duly authorized representative(s) were present during the examination of the registration records.

10. The Objectors or their duly authorized representative(s) were 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties, as well as the report and recommended findings and conclusions of law of the Hearing Officer.

13. 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 500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 605;

C. The number of signatures deemed invalid because of objections sustained total 514;

D. The remaining number of signatures deemed valid total 91;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination of the Republican Party for the office of Representative in the General Assembly, 11th Representative District, State of Illinois.

15. The Electoral Board finds, therefore, that the Objectors's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Candidate filed a motion to strike the Objectors' Petition, alleging that the name of "Scott Tucker" in the upper-left hand corner of each of the Appendix-Recapitulation sheets instead of the Candidate's name was fatal to the Objectors' Petition even if the petition was otherwise in proper form. The Candidate further argued that the Objectors' Petition was defective to the extent it alleged that the office specified in the heading of each petition sheet ("11th District General Assembly State Representative") does not exist (see Paragraph 14 of Objectors' Petition) and that allegations that signatures were "printed and not written" are not valid objections (see Paragraph 12 of Objectors' Petition).

17. The Hearing Officer granted the Candidate's motion to strike Paragraph 14 of the Objectors' Petition, finding that there was no meaningful mis-description of the office.

18. The Hearing Officer also granted the Candidate's motion to strike Paragraph 12 of the Objectors' Petition, finding that an objection alleging only that signatures are "printed and not written" does not state a valid objection, citing *Reid v. Washington*, 03-EB-ALD-172.

19. The Hearing Officer denied the Candidate's motion to strike as relates to the allegation that the listing of the name "Scott Tucker" in the heading of each of the Appendix-Recapitulation sheets. It was uncontested that "Scott Tucker" is the name of another candidate in the same race as the Candidate here. Candidate argues that this

Electoral Board's decision in *Kyles v. Daniels*, 92-EB-LEG-19, CBEC, February 10, 1992, which invalidated objections that contained a prayer for relief seeking the removal from the ballot of someone other than the candidate, compels the Electoral Board in this case to strike the Objectors' Petition listing the name of some other candidate in the heading of the Appendix-Recapitulation sheets. Although the Candidate claimed confusion by the listing of Scott Tucker's name and that it constituted a technical violation by its incorporation, the Candidate presented no actual evidence of confusion. See, e.g., *Davis v. Hendon*, 02-EB-SS-09; *Novak v. Miller*, 00-EB-WC-04. The Hearing Officer agreed with the Candidate's contention that the text of the Objectors' Petition is in proper form, that the 61 Appendix-Recapitulation sheets all conform to the 61 petition sheets filed by the Candidate, and that no confusion could possibly have resulted, as the Board itself was not confused in performing the Rule 6 records examination. The Hearing Officer also agreed that the Objectors' Petition fully complied with the requirements set forth in Section 10-8 of the Election Code.

20. The Electoral Board agrees with the Hearing Officer's recommended findings and conclusions in this matter and adopts them here. In addition, the Electoral Board further finds that Section 10-8 of the Code "contains no requirement that the candidate or the office be precisely identified in the objections." *Wollan v Jacoby*, 274 Ill.App.3d 388, 391, 653 N.E.2d 1303 (1st Dist. 1995). In *Wollan*, the objector's petition referred to the office sought by the candidates as "Commissioner" instead of "Trustee." The court found no confusion or prejudice to the candidates and that the candidates "failed to articulate evidence of any confusion, prejudice, or detriment as a result of the misidentification" of the office. 274 Ill.App.3d at 391-392.

21. For the reasons stated above, the Electoral Board finds that the Nomination Papers of Deb Leticia Gordils are invalid.

IT IS THEREFORE ORDERED that the Objections of Charese David and John Nelson to the Nomination Papers of Deb Leticia Gordils, candidate for the nomination of the Republican Party for the office of Representative in the General Assembly, 11th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Deb Leticia Gordils, candidate for the nomination of the Republican Party for the office of Representative in the General Assembly, 11th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 2, 2010.

Dated: Chicago, Illinois, on December 8, 2009.



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 10 days after the decision of the Electoral Board.