

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

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Objections of: Curtiss Llong Bey )  
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To the Nomination ) No.: 11-EB-ALD-005  
Papers of: Anthony A. Beale )  
 )  
Candidate for the office of )  
Alderman of the 9th 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 Curtiss Llong Bey (“Objector”) to the nomination papers (“Nomination Papers”) of Anthony A. Beale, candidate for the office of Alderman of the 9th 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 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, Curtiss Llong Bey, pro se, the Candidate, Anthony A. Beale, by attorney Adam W. Lasker.

7. The Objector filed an Objector's Petition which was insufficient in that it did not adequately apprise the Candidate of the alleged defects in his nominating papers, and, as a result, the Candidate filed a Motion to Strike and Dismiss.

8. The Electoral Board finds that where objections fail to adequately apprise the candidate of the alleged defects in his nominating papers, the objections do not meet the requirements of an Objector's Petition set forth in Section 10-8 of the Election Code. Delay v Simms-Johnson, 00-EB-WC-12, CBEC, January 28, 2000.

9. Section 10-8 provides, in pertinent part,

The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nominating papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board. 10 ILCS 5/10-8.

10. Objector attempted to file an amended Objector's Petition and the Electoral Board finds that Objections, once filed, cannot be amended.

11. An electoral board is a creature of statute. The electoral board may only allow amendments to the objection where it is authorized by statute to do so; however, the Election Code does not authorize amendments to the objection, and an electoral board's action in allowing amendments is void. *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 638 N.E.2d 782 (Ill.App. 2 Dist. 1994). See, e.g., *Stein v. Cook County Officers Electoral Board*, 264 Ill.App.3d 447, 636 N.E.2d 1060 (First Dist. 1994) (motion to amend objector's petition made after the deadline for filing objection petitions is untimely and refusal of electoral board to permit objector to amend his petition is not an abuse of the electoral board's discretion).

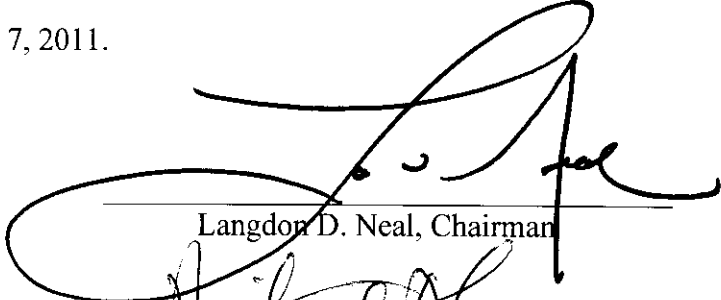
12. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and dismissed and that the Nomination Papers be declared valid.

13. 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.

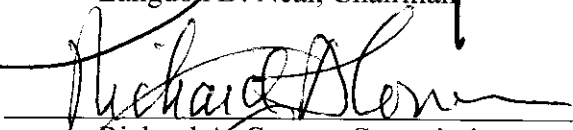
14. For the reasons stated above, the Electoral Board overrules and dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Curtiss Llong Bey to the Nomination Papers of Anthony A. Beale, candidate for election to the office of Alderman of the 9th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Anthony A. Beale, candidate for election to the office of Alderman of the 9th 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.

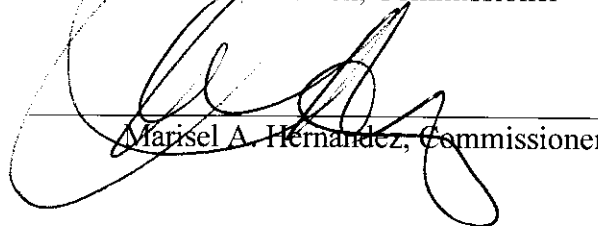
Dated: Chicago, Illinois, on January 7, 2011.



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Langdon D. Neal, Chairman



\_\_\_\_\_  
Richard A. Cowen, Commissioner



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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.

**BEFORE THE ELECTION COMMISSIONERS OF THE CITY OF CHICAGO  
FEBRUARY 22, 2011 ELECTION**

<b>CURTIS LLONG BEY</b>	]	
<b>Objector</b>	]	
v.	]	<b>No. 11-EB-ALD-005</b>
	]	<b>Ward 9</b>
<b>ANTHONY A. BEALE</b>	]	
<b>Candidate</b>	]	

**RECOMMENDATION OF HEARING OFFICER**

This cause came on to be heard for decision.

Objector is Curtis Llong Bey represented pro se.

Candidate is Anthony A. Beale represented by Adam Lasker, attorney.

BOARD OF ELECTIONS  
POLLING PLACE (EED)  
2010 DEC 24 P 4:48

**1. SUMMARY OF FACTS:**

A myriad of objections were alleged; however, the objections are flawed. A Motion to Strike was filed.

In the Objector's petition, the Objector fails to incorporate the Appendix nor is there any specific reference in objection petition to any specific defects. This is in violation of Section 10-8.

The objector filed a second document entitled "Objection Petition" where he seeks to cure the faults of the initial pleading.

**2. DISCUSSION OF LAW:**

The objections do not fully apprise the Candidate of the source or sources of any alleged defects whereby Candidate could affirmatively defend against the objections. *Pochie v. Cook County Officers Electoral Board*, 289 Ill. App. 3d 585 (1st Dist. 1997).

Directly on point is *Delay v. Simms-Johnson*, 00-EB-WC-12, CBEC, January 28, 2000, in which this Board ruled invalid an objector's petition which made general allegations with regard to the candidate's nomination papers without specifically identifying which of the petition sheets

or signatures contain the alleged defects or irregularities and where no appendix-recapitulation was filed with the objector's petition identifying the specific petition sheets and alleged defects therein. See also Coleman v. Ross, 00-EB-WC-023, CBEC, January 20, 2000; Ligas v. Martines, 95-EB-ALD-134, CBEC, January 17, 1995, Whitehead v. Hodges, 91-EB-ALD-047, CBEC, January 16, 1991.

The objector filed a second objection petition. The objector's petition cannot be amended once filed. Any amendments could not rectify deficiencies in the objector's petition. Bev v. Beale, 07-EB-ALD-170, CBEC, January 19, 2007.

The Motion to Strike is sustained and the objections are stricken.

The candidate is to remain on the ballot.

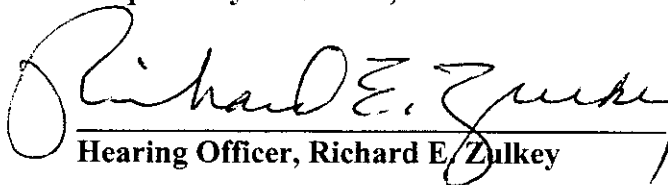
**3. RECOMMENDATION:**

It is recommended that the candidate remain on the ballot.

Hearing of December 13, 2010.

Written decision - December 13 2010.

Respectfully submitted,

  
Hearing Officer, Richard E. Zulkey

**Richard E. Zulkey**  
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Attorney No: 20881