



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, Reginald Lockette, by attorneys, Adam W. Lasker, Lauren M. Davalle, Burton S. Odelson; and the Candidate, Curtiss Llong Bey, pro se.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found:

A. The 2011 Election Information Pamphlet and Calendar published by the Chicago Board of Election Commissioners states that the last day to file objections to nomination papers submitted for the February 22, 2011 Municipal General Election was Tuesday, November 30, 2010. Section 10-8 of the Election Code states that nomination papers shall be deemed valid unless objection thereto is duly made in writing "within five business days after the last day for filing" such nomination papers. The last day to file such nomination papers was Monday, November 22, 2010. With Thursday, November 25, 2010 being observed as a holiday for Thanksgiving, and the intervening Saturday and Sunday being

excluded from the calculation of dates on which to file objections, the fifth business day after November 22 was, in fact, November 30, 2010. The Candidate's motion to strike the Objector's Petition alleges that under the case of *Mierswa v. Kusper*, 121 Ill.App.3d 430, 459 N.E.2d 1110 (First Dist. 1984), the last day for filing objections should have been November 29, 2010, arguing that Saturday, November 27 should have been included in the calculation of 5 business days. However, Section 1-6 was added to the Election code subsequent to the *Mierswa* case to provide that Saturdays, Sundays and holidays are not to be counted in calculating "business days" for purposes of the Election Code. Therefore, the Hearing Officer denied the motion to strike the Objections on those grounds.

B. The Hearing Officer notes that upon advising the Candidate that his motion to strike was denied, the Candidate promptly left the hearing room and never returned.

C. An examination of the nominating petition sheets submitted by the Candidate revealed that at least nine of those petition sheets appear to be photocopies or at least partial photocopies of petition sheets that were submitted by the same Candidate at the February 27, 2007 aldermanic election. The signatures on both the 2007 and the 2011 petitions were identical, although the 2011 sheets did appear to contain original circulator affidavits and notary signatures. These sheets also exhibited text that was "whited-out" of the 2007 election petition sheets and modified to attempt to make them applicable for the February 22, 2011 aldermanic election. The Candidate signed as a circulator for

all of the petitions that he submitted with his nomination papers for the February 22, 2001 election. If these duplicate petition sheets are discounted, the Candidate was left with fewer than the 194 valid signatures required by law to be a candidate for the office of Aldermen of the 9<sup>th</sup> Ward.

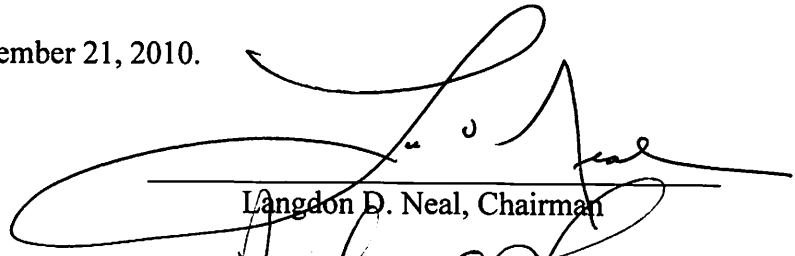
D. Accordingly, the Hearing Officer has recommended that the Objections to be sustained and at the Nomination Papers of the Candidate be declared invalid.

8. 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.

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

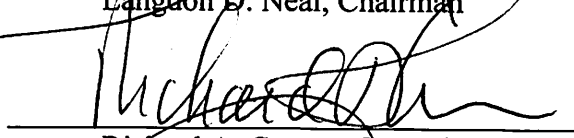
IT IS THEREFORE ORDERED that the Objections of Reginald Lockette to the Nomination Papers of Curtiss Llong Bey, candidate for election to the office of Alderman of the 9th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Curtiss Llong Bey, candidate for election to the office of Alderman of the 9th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2010.

Dated: Chicago, Illinois, on December 21, 2010.



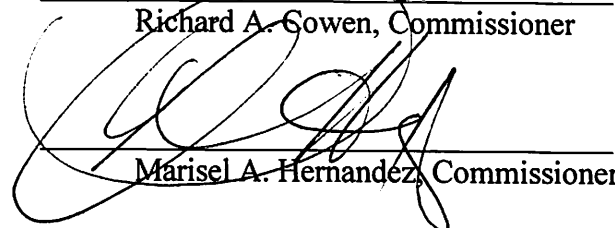
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Langdon D. Neal, Chairman



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Richard A. Gowen, 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.