



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 was held on these Objections commencing on December 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Lynne Ostfeld for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, Antoinette Puccio-Johnson, by attorneys John Bernbom and Christine Svenson; and the Candidate, Deborah L. Mell, by attorney Michael J. Kasper.

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

9. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was 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 result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate 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 1,528.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 458.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,070.

13. 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 the nomination of Democratic Party to the office of Representative in the General Assembly for the 40th Representative District of the State of Illinois.

14. Neither party filed a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

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


Candidate's Nomination Papers contained 1,070 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly for the 40th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

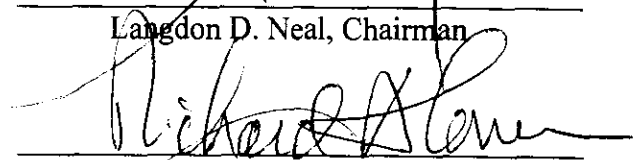
16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

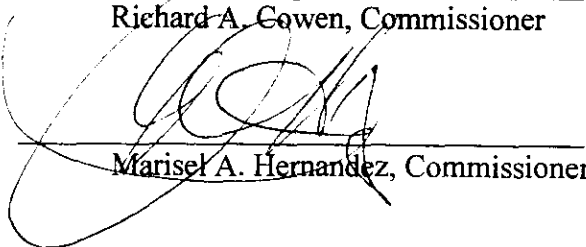
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Deborah L. Mell are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Antoinette Puccio-Johnson to the Nomination Papers of Deborah L. Mell, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 40th Representative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Deborah L. Mell, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 40th Representative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

Dated: Chicago, Illinois, on January 13, 2012.

  
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Langdon D. Neal, Chairman

  
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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.



A. the Candidate provided in excess of the maximum number of signatures authorized on her nomination petitions;

B. of the signatures which can be reviewed pursuant to Rule 11 of the CBOE's Rules of Procedure, there is an insufficient number of valid signatures to meet the minimum number required, for the reasons which follow:

- (1). certain signers were not registered at the address shown;
- (2). certain signatures were not genuine;
- (3). certain addresses were incomplete or missing;
- (4). certain signatures were printed and not written.

C. Certain Nomination Papers are invalid due to deficiencies in the circulator signatures, affidavits and notarizations.

5. The Hearing Officer found that no legal issues were in dispute and subject to motion. The only disputes involved the number of valid signatures. Consequently, a records examination was ordered at the initial hearing. It was completed on January 3, 2012. Notice was provided to both parties, through their attorneys, of the results.

6. No Rule 8 Motion was filed contesting the validity of the signature review.

7. The hearing was resumed on January 6, 2012. Counsel for the Candidate was present and counsel for the Objector was present by telephone.

8. Both attorneys indicated that they had received the results of the record examination performed by staff of the CBOE.

9. The Hearing Officer received the report of the Record Examination Results, prepared by the staff of the Chicago Board of Election Commissioners, and found the following:

Signatures required: 500

Total signatures submitted: 1528

Total objections: 1238

Total ruled on: 1238

Total objections sustained: 458

Total objections overruled: 780

Total valid signatures: 1070

The Candidate had 570 more signatures than the required minimum.

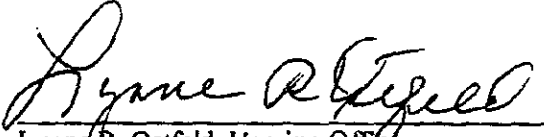
10. The Hearing Officer accepted the results of the record examination.

11. The Objector did not pursue her objections to the alleged deficiencies in the circulator signatures, affidavits and notarizations.

12. The Hearing Officer recommends that this Board find that the Nomination Papers of DEBORAH L. MELL be declared to be VALID for the reasons stated above.

13. The Hearing Officer recommends that this Board order that the name of DEBORAH L. MELL BE printed on the Democratic ballot for Illinois State Representative from the 40th District, in the General Primary Election to be held on March 20, 2012.

Dated: Chicago, Illinois, this 9th day of January , 2012

  
Lynne R. Ostfeld, Hearing Officer