

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

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Objections of: Miguel Sotomayor and Roger P. Klich )  
Klich )  
)  
To the Nomination ) No.: 12-EB-WC-33  
Papers of: Rey Colon )  
)  
Candidate for the office of Democratic Party )  
Ward Committeeman for the 35th Ward, City )  
of Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for 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 Miguel Sotomayor and Roger P. Klich (“Objectors”) to the nomination papers (“Nominating Papers”) of Rey Colon, candidate for the office of Democratic Party Ward Committeeman for the 35th Ward of the City of Chicago (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011, at 8:30 AM, 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 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 December 19, 2011 and was continued from time to time.

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

6. The Objectors 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 Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objectors and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Objectors, Miguel Sotomayor and Roger P. Klich, by attorney, Michael C. Dorf.

7. The Candidate, Rey Colon, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 19, 2011 and at no time did the Candidate or any person purporting to represent the Candidate appear.

8. The hearing was continued to December 23, 2011 to allow the Board to attempt a second service upon the Candidate. The Candidate also failed to appear at the continued hearing on December 23.

9. The Hearing Officer has submitted her report and recommended findings. The Hearing Officer recommends that the Candidate be found in default, that the Objections be sustained, and that the Candidate's Nomination Papers be declared invalid.

10. The Electoral Board hereby adopts the recommendations of the Hearing Officer. A copy of her report and recommendations is attached hereto and adopted and incorporated herein as though fully set forth herein.

11. The Electoral Board finds that the Candidate, Rey Colon, did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve the Candidate with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

12. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that a candidate cannot be found by the statutory methods of service. If this were permitted, candidates would simply go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot.


13. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

14. Therefore, the Electoral Board finds that the Candidate, Rey Colon, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Miguel Sotomayor and Roger P. Klich to the Nomination Papers of Rey Colon, candidate for the office of Democratic Party Ward Committeeman for the 35th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Rey Colon, candidate for the office of Democratic Party Ward Committeeman for the 35th Ward of the City of Chicago,

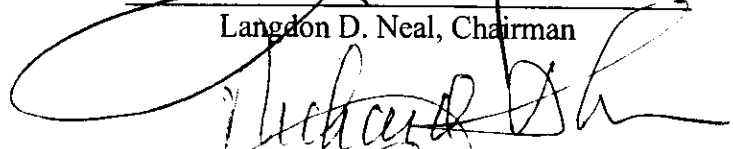
SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

Dated: Chicago, Illinois, on January 4, 2012.



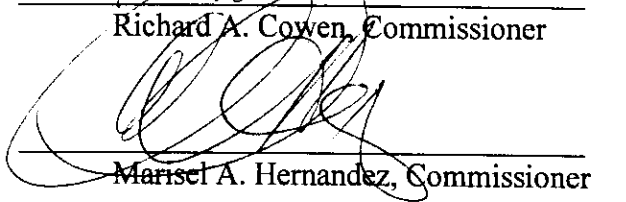
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Langdon D. Neal, Chairman



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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.




4. Examination of the file indicated that the Candidate had been served by means of Sheriff's service on December 21, 2011, at 2:50 p.m., by Deputy Sheriff #10241.
5. The matter was then called for the second time on December 23, 2011 at 1:21 p.m., at which time the Candidate again failed to appear. The undersigned Hearing Officer then consulted with the Board's General Counsel to ensure that service had been executed properly.
6. At 1:45 p.m., the undersigned Hearing Officer called the matter for the third and final time. When it was determined that the Candidate again failed to appear, the Objectors made an argument for default and a preliminary showing that the objections, if taken as true, were sufficient to invalidate the Candidate's nomination papers based on Rule 12 of the Rules of Procedure as adopted by the Board on December 19, 2011.
7. Upon reexamining the file, the Hearing Officer found that the number of signatures submitted is 427. The Objectors filed objections to 162 signatures. If all of the objections were sustained, the remaining number of valid signatures would be 265. The minimum number of signatures required is 347. The remaining signatures would be 82 less than the required statutory minimum.
8. Therefore, the undersigned Hearing Officer made a finding on the record that the Objector's petition sufficiently stated grounds which, accepted as true, would invalidate the Candidate's Nomination Papers as a matter of law.
9. At this time, the undersigned Hearing Officer accepted into evidence and marked as Group Exhibit A the Candidate's Nomination Papers which consisted of: a) a Statement of Candidacy; b) a Receipt for Statement of Economic Interests; c) a

Loyalty Oath; and d) Nominating Petition Sheets numbered one (1) through forty-five (45).

10. The Verified Objectors' Petition was timely filed on December 12, 2011. Such Petition and attached Appendix-Recapitulation sheets, numbered one (1) through forty-five (45), were admitted into evidence and marked as Group Exhibit B.
11. A Call to the hearing on said objections was duly issued by the Chairman of the Board of Election Commissioners and served upon the Objectors and, after a second attempt, upon the Candidate. The Call and proof of service thereof were admitted into evidence and marked Group Exhibit C.
12. At the initial hearing on these Objections on December 19, 2011, the Objectors filed an appearance through their attorney. Such appearance was admitted into evidence and marked Group Exhibit D.
13. For the forgoing reasons, the Hearing Officer recommends the Candidate be held in default, that the objections be sustained, and that the nomination papers be declared invalid.

Respectfully submitted,



Yolanda H. Sayre  
Hearing Officer