

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

Objections of: Antonio D. Mannings)
)
)
To the Nomination) No.: 14-EB-RGA-02
Papers of: Edward J. Acevedo)
)
Candidate for the nomination of the)
Democratic Party for the office of)
Representative in the General Assembly for the)
2nd Representative District, State of Illinois)

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 Antonio D. Mannings (“Objector”) to the nomination papers (“Nomination Papers”) of Edward J. Acevedo, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013, 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 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frederick H. Bates 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, Antonio D. Mannings, by his attorney, Thomas G. Cosgrove; the Candidate, Edward J. Acevedo, by his attorney, Michael Kasper.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition, alleging that even if every challenged signature was invalidated the Candidate would still have substantially more than the minimum 500 valid signatures required by law.

8. At a case management conference, counsel for both Objector and Candidate stipulated that the Nomination Papers filed by this Candidate contain substantially more than the 500 minimum number of valid signatures required by law. Accordingly, the Hearing Officer granted Candidate's motion to strike and dismiss the Objector's Petition in this matter.


9. 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 dismissed and that the Nomination Papers be declared valid.

10. 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.

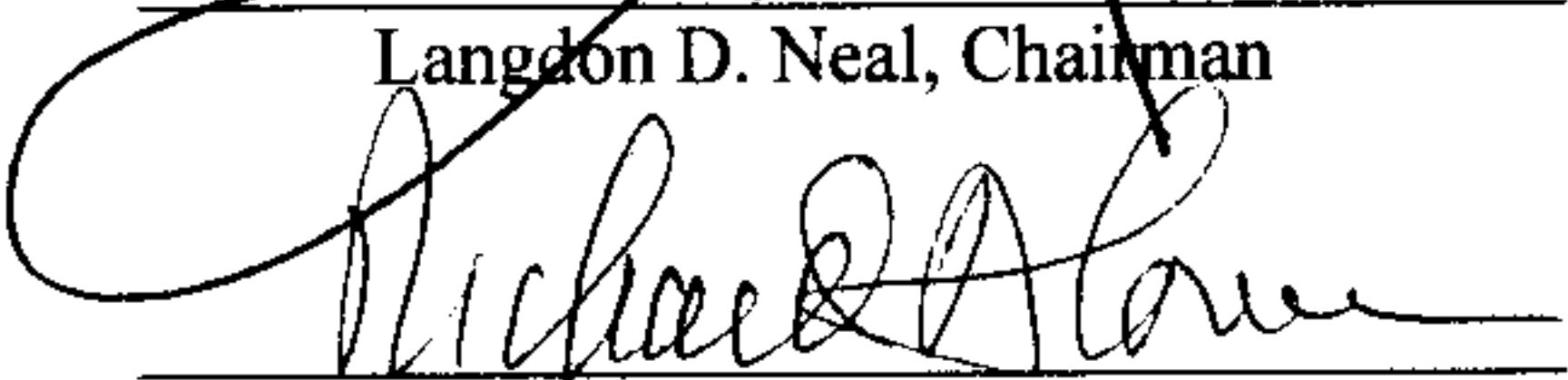
11. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Antonio D. Mannings to the Nomination Papers of Edward J. Acevedo, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of Edward J. Acevedo, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

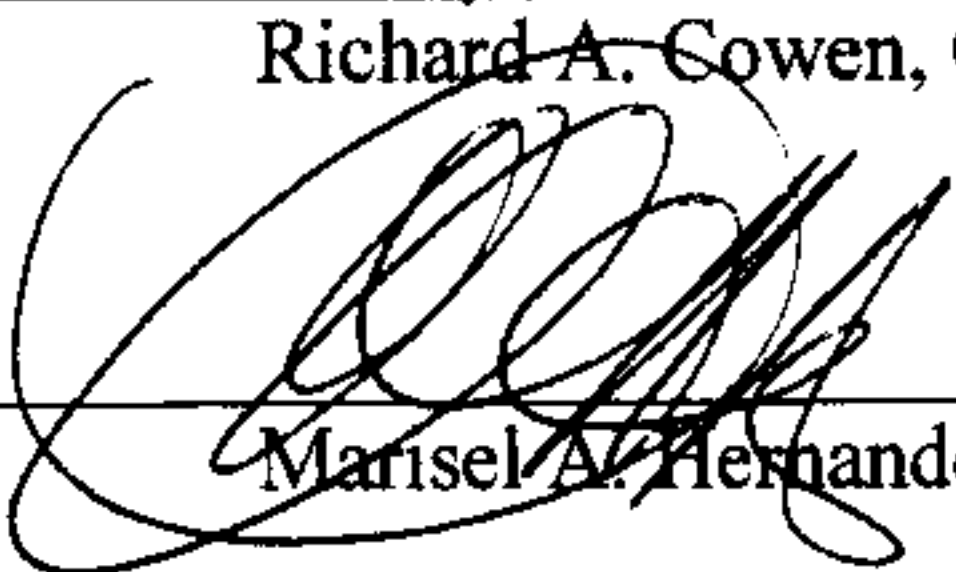
Dated: Chicago, Illinois, on January 6, 2014.



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 5 days after service of the decision of the Electoral Board.

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

Objections of: ANTONIO D. MANNINGS,)
)
To the Nomination)
Papers of EDWARD J. ACEVEDO,) No.: 14-EB-RGA-02
)
Candidate for the Office of) Fredrick H. Bates
State Representative, 2nd) Hearing Officer
District, State of Illinois,)
Democratic Party.)

BOARD OF ELECTIONS
COMMISSIONER

2013 DEC 27 11 A 8:21

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

In the matter of ANTONIO D. MANNINGS' (Objector) objections to the Nomination Papers of EDWARD J. ACEVEDO, candidate for the nomination of the Democratic Party for the office of State Representative, 2nd District, State of Illinois, (Candidate), Fredrick H. Bates, Esq., Hearing Officer.

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The Candidate's Motion to Strike and Dismiss the Objection, alleges in part that even if every challenged signature is invalidated the Candidate purportedly will still have substantially more than the 500 minimum number of signatures required by law. 10 ILCS 5/8-8 (2012).
3. At the Hearing & Case Management Conference on Monday, December 23, 2013, at 11:00am, Counsel for the Objector/Petitioner and Counsel for the Candidate

stipulated¹ that the Nominating Petition in this case contains substantially more than the 500 minimum number of signatures required by law. 10 ILCS 5/8-8 (2012).

4. Accordingly, the Candidate's Motion to Strike and Dismiss the Objection was GRANTED, and the additional issues raised in the Motion were deemed moot.

RECOMMENDED DECISION

It is the recommendation of this Hearing Officer that the Objection Petition in this case be Dismissed, and that the name of EDWARD J. ACEVEDO be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

Dated: Chicago, Illinois, on December 23, 2013.

Respectfully Submitted By:



Fredrick H, Bates, Hearing Officer

¹ Courts look with favor upon stipulations because "they tend to promote disposition of cases, simplification of issues ... and the saving of expense to litigants." *People v. Coleman*, 301 Ill.App.3d 37, 48, 704 N.E.2d 690, 698 (1998), quoting *In re Estate of Moss*, 109 Ill.App.2d 185, 192, 248 N.E.2d 513, 516 (1969). Parties are generally bound by their stipulations. See *Montgomery Ward & Co. v. Industrial Commission*, 304 Ill. 576, 578, 136 N.E. 796, 797 (1922), *In re Marriage of Sanborn*, 78 Ill.App.3d 146, 149, 396 N.E.2d 1192, 1195 (1979); *Greig v. Griffel*, 49 Ill. App. 3d 829, 364 N.E.2d 660 (2d Dist. 1977); *People v. Buford*, 19 Ill.App.3d 766, 769-70, 312 N.E.2d 796, 799 (1974); A trial court's discretion concerning stipulations are generally not disturbed. *Brink v. Industrial Comm'n*, 368 Ill. 607, 609, 15 N.E.2d 491, 492 (1938).