STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

NBC

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: REPRESENTATIVE IN THE GENERAL ASSEMBLY AND STATE SENATOR

IN RE: Objection of: Elga Jefferies)
)
To the)
Nominating Petition of: Carl J. Virgin)
)
) NO: 88-EB-REP-17
Candidate for the Office of Representative in)
the General Assemby in the 23rd Representative)
district, in the city of Chicago, Illinois.)

DECISION

The duly constituted Electoral Board, consisting of JAMES R. NOLAN, NIKKI M. ZOLLAR AND MICHAEL J. HAMBLET, organized by law in response to a Call issued by MICHAEL E. LAVELLE, then Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Representative in the General Assembly and State Senator, having convened on December 28, 1987 at 10:00 a.m. in the viewing gallery of the City Council Chambers, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the Objector and the Candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing on December 28, 1987;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector, by counsel, and the Candidate by counsel;

6. The Board finds that the Candidate does live at the address stated on his petition and is a qualified voter therefrom. Futher, the record demonstrates that the Board of Election should have registered the candidate to the active registration list after the February 1987 Primary Election, based on the February 1987 affidavit as well as the affidavit and certificate to vote from the April 1987 Municipal Election.

IT IS THEREFORE ORDERED that the name of Carl J. Virgin, as candidate for nomination to the office of Representative in the General Assembly in the 23rd Representative district, Democratic party, shall be printed on the ballot for the Primary Election to be held on March 15, 1988.

Dated: Chicago, Illinois, this 20th day of January, 1988.

James R. Nolan.
JAMES R. NOLAN, COMMISSIONER

Nikki M. Zollar
NIKKI M. ZOLLAR, COMMISSIONER

Michael J. Hamblet
MICHAEL J. HAMBLET, COMMISSIONER

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

NBC

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: REPRESENTATIVE IN THE GENERAL ASSEMBLY AND STATE SENATOR

IN RE: Objection of: Elga Jefferies)
)
To the)
Nominating Petition of: Carl J. Virgin)
)
) NO: 88-EB-REP-17
Candidate for the Office of Representative in)
the General Assemby in the 23rd Representative)
district, in the city of Chicago, Illinois.)

AMENDED DECISION

The duly constituted Electoral Board, consisting of JAMES R. NOLAN, NIKKI M. ZOLLAR AND MICHAEL J. HAMBLET, organized by law in response to a Call issued by MICHAEL E. LAVELLE, then Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Representative in the General Assembly and State Senator, having convened on December 28, 1987 at 10:00 a.m. in the viewing gallery of the City Council Chambers, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the Objector and the Candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing on December 28, 1987;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector, by counsel, and the Candidate by counsel;

6. On January 20, 1988, the Electoral Board overruled the objection to the nominating papers of Carl J. Virgin as candidate for nomination to the office of Representative in the General Assembly in the 23rd district, Democratic party, and ordered his name placed on the ballot.

7. The Board, in light of the the objector's motion to vacate and for rehearing, hereby vacates its decision of January 20, 1988, and directs the General Counsel to reassign this matter to another hearing officer soley to determine whether the candidate was a registered voter at the time he filed his nomination papers or whether the Board should have activated the registration of the candidate at the time he filed his nomination papers.

Dated: Chicago, Illinois, this 22nd day of January, 1988.

James R. Nolan
JAMES R. NOLAN, COMMISSIONER

Nikki M. Zollar
NIKKI M. ZOLLAR, COMMISSIONER

Michael J. Hamblet
MICHAEL J. HAMBLET, COMMISSIONER

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

NBC

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: REPRESENTATIVE IN THE GENERAL ASSEMBLY AND STATE SENATOR

IN RE: Objection of: Elga Jefferies)
)
To the)
Nominating Petition of: Carl J. Virgin)
)
) NO: 88-EB-REP-17
Candidate for the Office of Representative in)
the General Assemby in the 23rd Representative)
district, in the city of Chicago, Illinois.)

SECOND AMENDED DECISION

The duly constituted Electoral Board, consisting of JAMES R. NOLAN, NIKKI M. ZOLLAR AND MICHAEL J. HAMBLET, organized by law in response to a Call issued by MICHAEL E. LAVELLE, then Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Representative in the General Assembly and State Senator, having convened on December 28, 1987 at 10:00 a.m. in the viewing gallery of the City Council Chambers, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the Objector and the Candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing on December 28, 1987;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector, by counsel, and the Candidate by counsel;

6. On January 22nd, 1988, the Board vacated its January 20th, 1988 decision and remanded the decision to a new hearing officer to determine if the candidate was a registered voter at the time he filed his nomination papers or whether the Board should have activated the registration of the candidate at the time he filed his nomination papers.

The Board further finds that sole question in the objections on the remand was whether the candidate's registration was, or should have been, valid after his name was removed from the registration records as a result of a canvass of the voters in the precinct. Proof was introduced at an evidentiary hearing that the candidate had voted legally, by affidavit, in two elections in 1987; that his registration had been removed from the binders and placed in suspense in error by the Board; and that the registration should have been restored by the Board, but was not. No notice of a hearing into the validity of that removal as reqired under Section 6-59 of the Election Code, was given to the candidate. According to the testimony, the Board should have restored the candidates registration on its own volition. Therefore, the Board finds the registration of the candidate as it appears on his Statement of Candidacy is valid.

IT IS THEREFORE ORDERED that the name of Carl J. Virgin, as candidate for nomination to the office of Representative in the General Assembly in the 23rd Representative district, Democratic party, shall be printed on the ballot for the Primary Election to be held on March 15, 1988.

Dated: Chicago, Illinois, this 28th day of January, 1988.

James R. Nolan
JAMES R. NOLAN, COMMISSIONER

Nikki M. Zollar
NIKKI M. ZOLLAR, COMMISSIONER

Michael J. Hamblet
MICHAEL J. HAMBLET, COMMISSIONER