NBCOFF-REP

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CERTAIN CANDIDATES AND TO PETITIONS FOR THE SUBMISSION OF QUESTIONS OF PUBLIC POLICY FOR THE MARCH 17, 1998 PRIMARY ELECTION IN THE CITY OF CHICAGO

Objections of: Debra Russcol	)	
	)	
To the Petition for the Submission of a Question of Public Policy in the 49th Ward;	)	
Proponent: Fran Tobin and REACH Project	)	No.: 98-EB-QPP-001
	)	
The question being: "Shall the City of Chicago give renters the right to put their security deposits in an independent Renters Escrow and Community/Housing (REACH) Fund that will: (a) treat tenants and landlords fairly regarding security deposits, (b) promote reinvestment of security deposit funds in community development?	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Theresa M. Petrone, 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 to Nomination Papers of Candidates for the offices of Representative in the General Assembly State of Illinois, State Senator for the State of Illinois, and to Petitions for the Submission of Questions of Public Policy, having convened on January 28, 1998, in City Hall, 121 North LaSalle Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above entitled matter, finds that:

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

2 Objections to the Petition for the Submission of Question of Public Policy herein were duly filed

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 Proponent, 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 January 12, 1998 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector, by counsel; and the Proponent, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner John Ashenden for further hearings and proceedings.

7. The Board finds that an initial hearing in this matter was held on January 12, 1998 and both the pro se Proponent and the Objector, by counsel, appeared. Proponents indicated they would file a motion to strike or a response to the Objector's Petition on or before 5:00 p.m. on Tuesday, January 13, 1998 and requested that the next hearing be set for 11:00 a.m. on Friday, January 16, 1998.

8. The Board finds that the Proponent failed to file a motion or response to the Objector's Petition as set in the briefing schedule and failed to appear at the hearing set at 11:00 a.m on Friday, January 16, 1998.

9 The Board finds that the Proponent's Petition consists of 82 petition sheets containing 1,453 purportedly valid signatures of registered voters in the 49th Ward of the City of Chicago.

10 The Board finds that under Sections 28-6 and 3-1.3 of the Election Code (10 ILCS 5/28-6 and 5/3-1 3), the Proponents' Petition was required to contain signatures equal in number to at least 10% of the total number of registered voters of the 49th Ward on the date registration closed before the November 5, 1996 General Election, which in this case was 2,085.

11 The Board finds, therefore, that the Proponents' Petition is legally insufficient for failing to satisfy the minimum 10% signature requirements as set forth in Section 3-1.3 and 28-6 of the Election Code (10 ILCS 5/3-1.3 and 5/28-6)

12 The Board further finds that the Proponents failed to number any of the 82 petition sheets consecutively as required by Section 28-3 of the Election Code. (10 ILCS 5/28-3)

13 The Board finds that the Objector's Petition, taken as true, constitutes sufficient grounds to invalidate the petition for the submission of a public policy question.

11 The Board further finds that the Proponents defaulted for failure to file a response as set in the briefing schedule and for failure to appear at the next scheduled hearing date.

IT IS THEREFORE ORDERED that the Objections of Debra Russcol, to the Petition for the Submission of Question of Public Policy of Fran Tobin and REACH Project, Proponents for the above-stated question in the 49th Ward, are hereby SUSTAINED and said Petition for Submission of Question of Public Policy is hereby declared INVALID and the above-stated question in the 49th Ward SHALL NOT be printed on the ballot for the General Primary Election to be held march 17, 1998.

Dated: Chicago, Illinois, this 23rd day of Jan., 1998.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner/Member

Theresa M. Petrone, Commissioner/Member

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 10 days after the decision of the Electoral Board.