BCCON-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: Sylvia P. Cato	)	
	)	
To the Nomination	)	
Papers of: Ronald I. Gaines	)	No. 98-EB-RGA-014
	)	
Candidate for the Nomination of the Democratic Party for the Office of Representative in The General Assembly for the 27th Representative District, State of Illinois	)	

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 of Sylvia P. Cato to Nomination Papers of Ronald I. Gaines, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 27th Representative District of the State of Illinois, having convened on December 29, 1997, 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 Nomination Papers of the Candidate herein were duly and timely 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(s) 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 29, 1997 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 Candidate by counsel.

6. The Board assigned this matter to Hearing Examiner Lewis W. Powell, III, for further hearings and proceedings.

7. The Electoral Board ordered that an examination of the registration records be conducted by its 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 Electoral Board 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 his duly authorized representatives was present during the examination of the registration records at all times.

10. The Objector and/or her duly authorized representatives was present during the examination of the registration records at all times.

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 is available upon request of a party.

12. The Board has considered all evidence and arguments tendered by the parties.

13. The Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 372;

    b. The number of signatures appearing on the nominating petition filed by the Candidate total 1509;

    c. The number of signatures deemed invalid because of objections sustained total 447;

    d. The remaining number of signatures deemed valid total 1062.

14. The Board further finds that the Objector has failed to prove that the notarization of petition sheets by Steven Watkins was improper. Mr. Watkins testified credibly that he personally knew the circulator Tessa Gaines, that the circulator

appeared before him and signed the circulator's affidavit and that he notarized the petition sheets on the dates indicated on the petition sheets. The fact that the date on which the notarization took place appeared to have been altered or corrected does not establish perjury or fraud and the objections to those sheets are overruled.

15. The Board finds, therefore, that the number of valid signatures appearing on the Candidate's nominating petition exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 27th Representative District of the State of Illinois.

16. The Board finds, therefore, that the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

17. For the reasons stated above, the Board finds that the Nomination Papers of Ronald I. Gaines are valid.

IT IS THEREFORE ORDERED that the Objections of Sylvia P. Cato to the Nomination Papers of Ronald I. Gaines, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 27thRepresentative District of the State of Illinois are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Ronald I. Gaines, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 27th Representative District of the State of Illinois, SHALL be printed on the ballot for the General Primary Election to be held March 17, 1998.

Dated: Chicago, Illinois, this 23rd day of January 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.