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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: Paul M. Orange	)	
	)	
To the Nomination	)	
Papers of: Rickey R. Hendon	)	No.: 98-EB-SS-01
	)	
Candidate for the Nomination of the Democratic Party for the Office of State Senator for the 5th Legislative 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 Paul M. Orange to Nomination Papers of Rickey R. Hendon, Candidate for the nomination of the Democratic Party for the office of State Senator for the 5th Legislative 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, pro se.

6. The Board assigned this matter to Hearing Examiner Anthony Iosco 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(s) and/or his 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 as a result of the records examination:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 600;

    b. The number of signatures appearing on the nominating petition filed by the Candidate total 3,312;

    c. The number of signatures deemed invalid because of objections sustained total 2,082;

    d. The remaining number of signatures deemed valid total 1,230.

14. The Board finds that the Candidate's nominating petition sheets 148, 149, 150 and 152 are photocopies of original petition sheets 147, 146, 145 and 151, respectively. The record examination conducted in this matter sustained

objections in Count II of Objector's petition to the duplicate photocopies of the sheets and petition sheets 148, 149, 150 and 152 are, therefore, invalid. However, no evidence was presented by Objector that these sheets were intentionally or fraudulently filed by Candidate as part of his nominating petitions. The Board, therefore, overrules that part of the Objector's objection seeking relief that pages subsequent to the photocopied pages also be stricken from the Candidate's nominating petition inasmuch as there is no basis or authority for such relief.

15. The Board finds that the Candidate's nominating petition sheets contain a number of signatures that have had lines drawn through them in an apparent attempt to strike said signatures. These signatures are identified in a three-page addendum attached to and made a part of the Objector's petition as mentioned in paragraph 35 of the Objector's Petition. The Board finds that Section 8-8 of the Election Code provides that the person circulating the petition or the candidate on whose behalf the petition is circulated may strike any signature from the petition provided that (1) the person striking the signature shall initial the petition at the place where the signature is struck, and (2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Section 8-8 provides that such certification must be filed as part of the petition. The Board further finds that the Candidate did not strictly follow the procedures set forth in Section 8-8 of the Election for striking signature from a petition sheet. However, Objector presented no evidence that the Candidate's failure to comply with the signature striking procedures set forth in Section 8-8 was intentional or fraudulent. Objections to individual signatures identified in the Objector's addendum were sustained in part and overruled in part during the records examination as more fully described in the worksheets and report of the records examination. However, the Board overrules that part of the Objector's Petition seeking a ruling that the entire petition sheets containing stricken signatures be stricken from the Candidate's nominating petition inasmuch as there is no basis or authority for granting such relief.

16. The Board finds 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 State Senator for the 5th Legislative District of the State of Illinois.

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

18. For the reasons stated above, the Board finds that the Nomination Papers of Rickey R. Hendon are valid.

IT IS THEREFORE ORDERED that the Objections of Paul M. Orange to the Nomination Papers of Rickey R. Hendon, Candidate for the nomination of the Democratic Party for the office of State Senator for the 5th Legislative District of the State of Illinois are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Rickey R. Hendon, Candidate for the nomination of the Democratic Party for the office of State Senator for the 5th Legislative 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 27th 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.