BCCOFF-ALD

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION FOR MAYOR, CLERK, TREASURER AND ALDERMAN IN THE CITY OF CHICAGO**

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| Objections of: IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN | ) | |
| | ) | No.: 99-EB-ALD-115 |
| To the Nomination Papers of: BRIAN MARSHALL | ) | |
| Candidate for the office of Alderman of the 4th Ward, City of Chicago | ) | |

## 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 ("Objections") of IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN to the nomination papers ("Nomination Papers") of BRIAN MARSHALL, candidate for the offices of Alderman of the 4th Ward in the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, 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(s) 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 28, 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 Objectors, IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN, by counsel; and the Candidate, BRIAN MARSHALL, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner BARBARA GOODMAN 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 were not present during the examination of the registration records.

10. The Objector and/or their duly authorized representatives were present during the examination of the registration records.

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 Electoral Board's file in this case and is available for inspection upon request of a party.

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

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 213;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 418;

    c. The number of signatures deemed invalid because of objections sustained total 285;

    d. The remaining number of signatures deemed valid total 133;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition is below the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 4th Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that paragraphs G-R of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. For the reasons stated above, the Electoral Board finds that the Nomination Papers of BRIAN MARSHALL are not valid.

IT IS THEREFORE ORDERED, that the Objections of IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN to the Nomination Papers of BRIAN MARSHALL, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of BRIAN MARSHALL, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Twenty-Eighth day of January, 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, 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 10 days after the decision of the Electoral Board.**