BCTOFF-RGA

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 NEW POLITICAL PARTY CANDIDATES FOR THE NOVEMBER 7, 2000 GENERAL ELECTION

Objections of: ROBERT C. COTTER	)	
	)	
To the Nomination	)	
Papers of: STEVE PIEKARCZYK	)	
	)	No. 00-EB-NPP-001
Candidate for the office of Representative in the	)	
General Assembly, 4th Representative District, State	)	
of Illinois Representative District, Death to Congress	)	
Party		

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 ROBERT C. COTTER ("Objector") to the nomination papers ("Nomination Papers") of STEVE PIEKARCZYK, candidate for nomination to the office of Representative in the General Assembly for the 4th Representative District, State of Illinois, Death to Congress Party ("Candidate"), having convened on July 11, 2000, at 9:00 a.m., in Room 800, 69 West Washington Street, 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 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 July 11, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner BARBARA GOODMAN for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing: the Objector, ROBERT C. COTTER, by his attorney; and the Candidate, STEVE PIEKARCZYK, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by 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 Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the record examination.

9. The Candidate was present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) was present during the examination of the registration records.

11. The examination of the registration records of the Board was terminated after completing examination of 12 petition sheets. The Candidate had 765 signatures on his petition sheet. Objections to 118 signatures were sustained, leaving the Candidate with 647 signatures. The minimum number of signatures required for a new political party candidate for the office in question is 717. The Candidate did not object to any of the rulings made by the Board's clerks regarding the invalidity of signatures on the Candidate's nominating petition sheets.

12. The Hearing Examiner found that:

(A) The Candidate filed petition sheets containing 765 signatures.
(B) The record examination was terminated by the Board's clerks after 12 petition sheets were examined and objections to 118 signatures on the Candidate's petition sheets were sustained, leaving the Candidate with at most only 647 valid signatures.
(C) According to law, the Candidate was required to submit nominating petition sheets containing at least 717 valid signatures.
(D) After the conclusion of the record examination, the Candidate's nominating petition sheets were 70 signatures short of meeting the statutory minimum signature requirements for the office in question.
(E) At the record examination, the Candidate did not object to any of the rulings made by the Board's clerks sustaining the objections to signatures on the

Candidate's nominating petition sheets. Therefore, the Candidate waived his opportunity to present further evidence as to the objected signatures.
(F) A hearing was held on July 18, 2000 to consider the results and status of the record examination. The Candidate did not appear at this hearing.

13. The Hearing Examiner granted the Objector's motion to sustain the objections light of the results of the record examination.

14. The Hearing Examiner recommends that the Nomination Papers of STEVEN PIEKARCYZK be declared invalid and that the Candidate's name not be printed on the ballot for the office in question for the November 7, 2000 General Election.

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

16. The Electoral Board adopts the recommended findings and conclusions of the Hearing Examiner.

17. The Electoral Board finds that the Candidate has an insufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for nomination to the office of Representative in the General Assembly for the 4th Representative District, State of Illinois Representative District, Death to Congress Party.

18. The Electoral Board further finds that the Candidate's Nomination Papers are not valid.

IT IS THEREFORE ORDERED that the Objections of ROBERT C. COTTER to the Nomination Papers of STEVE PIEKARCZYK, candidate for nomination of the Death to Congress Party to the office of Representative in the General Assembly for the 4th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of STEVE PIEKARCZYK, candidate for nomination of the Death to Congress Party to the office of Representative in the General Assembly for the 4th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Election to be held on November 7, 2000.

Dated: Chicago, Illinois, this 25th day of July, 2000.

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.