NBCON-SS

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO RESOLUTIONS TO FILL VACANCIES IN NOMINATION FOR THE NOVEMBER 7, 2000 GENERAL ELECTION FOR STATE SENATOR AND REPRESENTATIVE IN THE GENERAL ASSEMBLY

Objections of: JOHN BOROVICKA	)	
	)	
To the Resolution to Fill a Vacancy in Nomination	)	
nominating: ERIC W. SOLIS	)	
	)	No. 00-EB-RES-001
Candidate for the office of	)	
State Senator for the 6th Legislative District, State of	)	
Illinois Legislative District, Republican 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 JOHN BOROVICKA (the "Objector") to the resolution to fill a vacancy in nomination ("Resolution") nominating ERIC W. SOLIS as a candidate for the office of State Senator for the 6th Legislative District, State of Illinois, Republican Party ("Candidate"), having convened on June 6, 2000, 3:00 P.M., in Room 800, 69 West Washington Street, Chicago, Illinois; and having heard and determined the Objections to the Resolution in the above-entitled matter finds that:

1. Objections to the Resolution nominating 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 June 6, 2000 and was continued from time to time.

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

6. The Hearing Examiner conducted a hearing in this matter on June 7, 2000 at 10:30 A.M. The following persons, among others, were present at such hearing: the Objector, JOHN BOROVICKA; by counsel, David Ellis; and the Candidate, ERIC W. SOLIS, by counsel, Tina Solis.

7. At a continued hearing conducted on June 14, 2000, attorney M. C. Davis filed his appearance substituting for Tina Solis on behalf the Candidate.

8. The sole allegation in the Objections is that the Candidate is not constitutionally qualified for the office of State Senator for the 6th Legislative District of the State of Illinois because the Candidate does not satisfy the residency requirements set forth in the Illinois Constitution and that the Candidate's Statement of Candidacy submitted with the Resolution is false and perjurious.

9. Article IV, Section 2(c) of the Illinois Constitution provides in part that "to be eligible to serve as a member of the General Assembly, a person must be *** for the two years preceding his election or appointment a resident of the district which he is to represent."

10. The Hearing Examiner reports that at the June 14, 2000 hearing conducted in this matter, the Candidate submitted extensive documentation and four affidavits to establish the Candidate's compliance with the constitutional residency requirements. Each affidavit, together with the attached exhibits, was admitted into evidence without objection.

11. The Hearing Examiner further reports that the Objector's attorney stated at the hearing that based on the documentation provided by the Candidate and entered into evidence that the Objector could not sustain his burden of proof.

12. The Hearing Examiner recommends, therefore, that the objections of John Borovika be dismissed and that the name of the Candidate be printed on the ballot as a candidate of the Republican Party for the office of State Senator for the 6th Legislative District of the State of Illinois to be voted on at the November 7, 2000 General Election.

13. The Electoral Board hereby adopts the findings and recommendations of the Hearing Examiner and finds:

    A. The Objector has failed to sustain his burden of proof.

B. The Objections shall be overruled.

C. The name of the Candidate shall be printed upon the ballot as a candidate of the Republican Party for the office of State Senator for the 6th Legislative District of the State of Illinois to be voted upon at the November 7, 2000 General Election.

IT IS THEREFORE ORDERED that the Objections of JOHN BOROVICKA to the Resolution to fill a vacancy in nomination nominating ERIC W. SOLIS as a candidate of the Republican Party for election to the office of State Senator for the 6th Legislative District, State of Illinois, are hereby OVERRULED and said Resolution is hereby declared VALID and the name of ERIC W. SOLIS, candidate of the Republican Party for election to the office of State Senator for the 6th Legislative District, State of Illinois, SHALL be printed on the official ballot for the General Election to be held on November 7, 2000.

Dated: Chicago, Illinois, this 27th day of June, 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.