BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD

Objections of: LYLE E. SAMMONS and JAMES JEVON MURPHY	)
To the Petition for Submission of Question of Public:	) No. 02-EB-QPP-03
"SHALL the owners of the rooftop clubs, who receive approximately $5 million from the rooftop businesses surrounding Wrigley Field contribute funds to resolve issues such as parking, traffic congestion and public urination in the Wrigleyville neighborhood?"	)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Theresa M. Petrone and Richard A. Cowen, 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 LYLE E. SAMMONS and JAMES JEVON MURPHY ("Objectors") to the petition for submission of question of public policy "SHALL the owners of the rooftop clubs, who receive approximately $5 million from the rooftop businesses surrounding Wrigley Field contribute funds to resolve issues such as parking, traffic congestion and public urination in the Wrigleyville neighborhood?" in certain precincts of the 44th Ward in the City of Chicago (the "Petition"), having convened on September 3, 2002, at 9:30 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois; and having heard and determined the Objections to the Petition in the above-entitled matter finds that:

1. Objections to the Petition 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 Objectors and upon Patrick Sammarco, the principal proponent of the Petition ("Proponent"), by personal service and by fax service and attorneys for Objectors and the Proponent waived the right to all other means of service.

4. A public hearing held on these Objections commenced on September 3, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner JACQUELINE A. WALKER for further hearings and proceedings.

6. The Objector and the Proponent were directed by the Electoral Board to appear before the Hearing Examiner immediately following the conclusion of the Electoral Board's initial public hearing. The following persons, among others, were present at such hearing: the Objectors, LYLE E. SAMMONS and JAMES JEVON MURPHY, by and through their attorney Michael E. Lavelle; and the Proponent, by and through his attorneys Mathias Delort, Michael J. Kasper and Lawrence G. Rubin.

7. By agreement of the Objectors and Proponent, 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 the State 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 Proponent or his duly authorized representatives were present during the examination of the registration records.

10. The Objectors 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. Following the records examination, there were 3,661 valid signatures. A minimum of 3,057 signatures are needed to qualify for the ballot.

12. A master file check was subsequently conducted pursuant to Rule 7, resulting in 3,667 valid signatures.

13. Both Objectors and Proponent filed Rule 8 motions objecting to the results of the records examination and master file examination.

14. Prior to the commencement of the hearing on the Rule 8 motions, Objectors filed two "Trial Briefs" on the issue of mandatory nature of Rule 6 of the Electoral Board's Rules and contesting the methodology used by the Board's staff in conducting the records examination. The relief sought by the Objectors was orally denied by the Hearing Examiner on the record for the reasons indicated on the transcript of the proceedings.

15. A hearing on the Rule 8 motions was commenced, but not concluded. Briefs on the Proponent's motion to dismiss the Objectors' Petition were filed and oral argument was conducted. However, before the Hearing Examiner had an opportunity to rule on these issues at the hearing on October 21, 2002, the Proponent filed a notarized "Withdrawal of Public Policy Referendum" stating his desire to withdraw the Petition and requesting that the proposition contained on the Petition not be printed on the official ballot for submission for the General Election to be held on November 5, 2002. The Objectors stated that they had no objection to the Proponent withdrawing the public question at issue.

16. Upon receiving the Proponent's Withdrawal of Public Policy Referendum, the Hearing Examiner suspended further proceedings and issued her report.

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

18. In this case, the Electoral Board will allow the public question to be withdrawn from that ballot at the Proponent's request at this time because the ballot assemblies for the precincts involved have not yet been shipped from the warehouse. However, the Board specifically reserves the right in future not to accept the withdrawal of public policy questions or to remove public questions from the ballot at the proponent's request if to do so would cause hardship to the Board or unfairness to voters.

IT IS THEREFORE ORDERED that the question of public policy "SHALL the owners of the rooftop clubs, who receive approximately $5 million from the rooftop businesses surrounding Wrigley Field contribute funds to resolve issues such as parking, traffic congestion and public urination in the Wrigleyville neighborhood?" SHALL NOT be printed on the official ballot for the General Election to be held on November 5, 2002.

Dated: Chicago, Illinois, this 22nd day of October, 2002.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

DISSENTING:

Based upon the express provision in 10 ILCS 5/28-3 that, "A petition, when presented or filed, shall not be withdrawn …" and the absence of any statutory authority for the proponent to withdraw the petition, I dissent.

Richard A. Cowen, 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.

PETITION FOR REFERENDUM

WE, the undersigned registered voters residing within the territory described below (hereinafter referred to as the "Territory"), within the City of Chicago, County of Cook, State of Illinois, pursuant to section 28-1, *et seq.*, of the Illinois Election Code, do hereby PETITION that the following advisory question of public policy be placed on the ballot and submitted to the voters of all precincts in the Territory for their approval or disapproval, by referendum, at the 2002 GENERAL ELECTION currently scheduled to be held November 5, 2002.

PRECINCTS: 44th Ward, Precincts 1 through 39 and 41 through 50

TERRITORY: The Territory shall be all that portion of the City of Chicago bounded as follows: beginning at the intersection of West Belmont Avenue and North Lincoln Avenue; thence northwest on North Lincoln Avenue to North Marshfield Avenue; thence north on North Marshfield Avenue to West Roscoe Street; thence east on West Roscoe Street to North Ashland Avenue; thence north on North Ashland Avenue to West Grace Street; thence east on West Grace Street to North Greenview Avenue; thence north on North Greenview Avenue to West Byron Street; thence east on West Byron Street to North Clark Street; thence northwest on North Clark Street to West Irving Park Road; thence east on West Irving Park Road to North Sheridan Road; thence south on North Sheridan Road to West Dakin Street; thence east on West Dakin Street to the centerline of the right-of-way of the Chicago Transit Authority; thence south on the centerline of the right-of-way of the Chicago Transit Authority to West Sheridan Road; thence east on West Sheridan Road to North Fremont Street; thence south on North Fremont Street to West Waveland Avenue; thence east on West Waveland Avenue to North Halsted Street; thence south on North Halsted Street to West Cornelia Avenue; thence east on West Cornelia Avenue to North Broadway thence southeast on North Broadway to West Stratford Place; thence east on West Stratford Place and West Stratford Place extended to the centerline of North Lake Shore Drive; thence north on the centerline of North Lake Shore Drive to West Cornelia Avenue extended to the centerline of North Lake Shore Drive and West Cornelia Avenue extended to the shore of Lake Michigan; thence east and northeast on West Cornelia Avenue extended to the shore of Lake Michigan; thence south following the shore of Lake Michigan to West Diversey Parkway extended east; thence west on West Diversey Parkway extended east and West Diversey Parkway to North Racine Avenue; thence north on North Racine Avenue to West Belmont Avenue; thence west on West Belmont Avenue to North Southport Avenue; thence north on North Southport Avenue to West Melrose Street; thence west on West Melrose Street to North Greenview Avenue; thence south on North Greenview Avenue to West Belmont Avenue; thence west on West Belmont Avenue to the place of beginning; excluding that portion of the above-described area beginning at the intersection of North Sheffield Avenue and West Diversey Parkway; thence west on West Diversey Parkway to North Racine Avenue; thence north on North Racine Avenue to West Oakdale Avenue; thence east on West Oakdale Avenue to North Sheffield Avenue; thence south on North Sheffield Avenue to the intersection of North Sheffield Avenue and West Diversey Parkway.

SHALL the owners of the rooftop clubs, who receive approximately $5 million from the rooftop businesses surrounding Wrigley Field, contribute funds to resolve issues such as parking, traffic congestion and public urination in the Wrigleyville neighborhood?	**YES**	
	NO	