NBCON-RGA

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

Objections of: KEITH HARRIS	)
	)
To the Nomination	)
Papers of: STEVEN BOONE	)
	) No. 02-EB-RGA-12
Candidate for the office of Representative in the	)
General Assembly, 6th Representative District,	)
Democratic Party	)

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 KEITH HARRIS to the nomination papers ("Nomination Papers") of STEVEN BOONE, candidate for the nomination to the office of Representative in the General Assembly for the 6th Representative District, Democratic Party ("Candidate"), having convened on January 8, 2002, 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 January 8, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Frank A. Tedesso 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, KEITH HARRIS, *pro se*; and the Candidate, STEVEN BOONE, by counsel.

7. The Candidate filed a Motion to Strike and Dismiss the Objector's petition. The Hearing Examiner granted the Candidate's motion. A motion for was filed by the Objector to address the Electoral Board regarding the Hearing Examiner's ruling on the motion to strike and dismiss. The Electoral Board affirmed the Hearing Examiner's decision granting the Candidate's motion to strike paragraph 4 of the Objector's petition, but reversed the Hearing Examiner's decision as to the remainder of the Candidate's motion and remanded the matter back to the Hearing Examiner for further proceedings.

8. The sole objection is that the Candidate does not reside at 5539 S. Prairie Street, Chicago, Illinois, the address listed in his Statement of Candidacy, and that his Statement of Candidacy is false and perjurious.

9. On January 29, 2002, the Hearing Examiner conducted an evidentiary hearing on the Objections. The Objector appeared *pro se* and the Candidate appeared with his attorney. Based on the testimony and evidence presented during the hearing, the Hearing Examiner found, for the reasons stated in the Hearing Examiner's Recommended Decision, a copy of which is attached and incorporated herein, that the Candidate does in fact reside at 5539 S. Prairie Street, Unit H, Chicago, Illinois, as stated in his Statement of Candidacy. Therefore, the Hearing Examiner recommends that the Objector's objections to the Candidate's Nomination Papers will be overruled.

10. The Electoral Board hereby adopts the recommended findings and decision of the Hearing Examiner and finds that the Candidate resides at the address listed on his Statement of Candidacy. Accordingly, the Electoral Board overrules the Objections and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of KEITH HARRIS to the Nomination papers of STEVEN BOONE, candidate for nomination to the office of Representative in the General Assembly for the 6th Representative District, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of STEVEN BOONE, candidate for nomination to the office of Representative in the General Assembly for the 6th Representative District, Democratic Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 19, 2002.

Dated: Chicago, Illinois, this 4th day of February, 2002.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

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.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY, 6TH REPRESENTATIVE DISTRICT, COOK COUNTY, ILLINOIS

KEITH HARRIS,	)	
Petitioner – Objector,	)	
	)	
v.	)	**02-EB-RGA-12**
	)	
STEVEN BOONE,	)	
Respondent – Candidate.	)	

HEARING EXAMINER'S RECOMMENDED DECISION

The Respondent – Candidate, STEVEN BOONE, filed Nomination Papers for nomination to the Office of Representative in the General Assembly, 6th Representative District, Illinois, Democratic Party, to be voted upon at the General Primary Election to be held on March 19, 2002. The Petitioner – Objector, KEITH HARRIS, filed a petition objecting to the Nomination Papers of the Candidate on the grounds that the Candidate does not reside at the address shown on the Nomination Papers and that the Nomination Paper's are invalid in their entirety, and that the Candidate is not a registered voter at the address shown on the Nomination Papers.

On January 8, 2002 this mater appeared on the initial trial call. The hearing examiner granted the Candidate leave to file a Motion to Strike and granted the Objector's request for the issuance of certain subpoena. The matter was then continued until January 15, 2002 for hearing on Candidate's Motion to Strike and scheduling of any further hearings.

On January 15, 2002, a hearing was had on Candidate's Motion to Strike and Dismiss. The Hearing Examiner granted Candidate's motion, and the Objector filed a

Rule 20 Motion. The Board adopted the Hearing Examiner's recommendation to strike and dismiss paragraph 4 of Objector's Petition and reversed the remainder of Hearing Examiner's recommended decision and remanded this matter for further proceedings. On January 22, 2002, this matter was continued until January 29, 2002 for an evidentiary hearing as to the issue of the Candidate's residence.

On January 29, 2002 this matter came before the Hearing Examiner for an evidentiary hearing on Objector's Petition. The Objector appeared pro se and the Candidate appeared in person and by counsel.

In support of his objections, Petitioner – Objector presented the testimony of the Candidate and 5 exhibits. The Candidate, Steven Boone, testified as follows: That he resides at 5539 S. Prairie, and has resided at said address since October of 2000. Petitioner sought admission of Objector's Exhibit 1, a lease agreement signed by the candidate for premises located at 5539 S. Prairie, Unit H for a lease term of November 1, 2001 until October 31, 2002. Mr. Boone explained that this was a renewal lease and that he originally moved in to the apartment in October 2000. The Candidate testified that his prior address was 360 E. 70th Street. Mr. Boone testified hat his vehicle is registered at 5539 S. Prairie and that the vehicle registration comes up for renewal every November. Mr. Boone was asked to produce his Driver's License, which he did not have on his person; however, the Candidate did produce a State Identification Card which bore an address of 5539 S. Prairie, Unit H. Mr. Boone testified that he is a registered voter at 5539 S. Prairie and that the address on his voter's registration was changed in November of 2001.

On Cross Examination, the Candidate testified regarding 17 Exhibits bearing the address of Steven Boone at 5539 S. Prairie, Unit H, Chicago, Illinois 60637. The exhibits were as follows:

Candidate's Exhibit #1: Lease for 5539 S. Prairie, Unit H, term 10-21-00 thru 10-3-01;

Candidate's Exhibit #2: Security Deposit Receipt for 5539 S. Prairie, Unit H, dated 10-01-00;

Candidate's Exhibit #3: Work order for Cable TV for 5539 S. Prairie, Unit H, Subscriber: Steven Boone. Dated: 11-10-00;

Candidate's Exhibit #4: Ameritech Voice Mail Account Setup Letter Addressed to Steven Boone at 5539 S. Prairie, Unit H;

Candidate's Exhibit #5: Illinois ID Card of Steven Boone;

Candidate's Exhibit #6: Firearm Owner's Identification Card for Steven Boone address shown 5539 S. Drairio;

Candidate's Exhibit #7: Vehicle Identification Card for 1997 Chevrolet Caviler, Owner: Steven Boone Address: 5539 S. Prairie, Unit H;

Candidate's Exhibit #8: Prairie Park Apartment Parking Tags;

Candidate's Exhibit #9: TCF Bank Statements for Steven Boone, Address shown: 5539 S. Prairie, Unit H, Dates: January 01 through January 02;

Candidate's Exhibit #10: Deferred Compensation Program Statement for Steven Boone, Address shown: 5539 S. Prairie, Unit H. Dated June 30, 2001;

Candidate's Exhibit #11: MBNA ID card Issuance letter to Steven Boone: Address shown: 5539 S. Prairie, Unit H. Dated: 03-09-01;

Candidate's Exhibit #12: 2000 Federal Tax Return for Steven Boone, Address shown: 5539 S. Prairie, Unit H, and Dated 4-10-01;

Candidate's Exhibit #13: Receipt from American Furniture Liquidators to Steven Boone. Address Shown: 5539 S. Prairie, Unit H, Dated: 10-31-00;

Candidate's Exhibit #14: Invoice from Firestone to Steven Boone, Address shown: 5539 S. Prairie, Unit H, Dated: 11-18-00;

Candidate's Exhibit #15: Receipt from Pearle Express to Steven Boone, Address shown: 5539 S. Prairie, Unit H, Dated: 7-3-01;

Candidate's Exhibit #16: Letter from Social Security Administration to Steven Boone, Address shown: 5539 S. Prairie, Unit H, Dated: 07-03-00;

Candidate's Exhibit #17: consisting of four magazines with mailing labels addressed to Steven Boone at 5539 S. Prairie, Unit H.

Regarding Candidate's Exhibit #6, the Candidate testified that he received the FOID Card at 5539 S. Prairie, Unit H and that the address on the card he assumes is a typographical error. On re-direct the petitioner sought admission of Objector's Exhibit #2 which is a Board certificate of registration dated 12-20-01 and bearing an address for the candidate at 360 E 70th. The Board record also stated that the registration was challenged at that address on 11-01-2001. The Candidate testified that this was his prior address and that he has since changed his registration address with the Board. Petitioner then sought to admit Objector's Exhibit #3 which is a receipt indicating a change of address in regard to the Candidate's voter registration from 360 E 70th to 5539 S. Prairie, Unit H, Chicago, Illinois. The petitioner also sought admission of legislative district maps as exhibits #4 and 5.

At the close of the Objector's case, the Candidate moved for a directed finding and the Hearing Examine heard argument. The Objector raised the issue that the no part of the old District 5 is included in the newly redistricted 6th District. The Objector also argued that he presented sufficient evidence to prove that Candidate resided at 360 E. 70th and that the no part of the old 26th Representative District is included in the newly redistricted 6th Representative District. The Hearing Examiner took the motion under advisement and the Candidate called two witnesses, Alderman Linda Troutman and a Mr.

Tracy Washington. Both of witnesses testified that Steven Boone resides at 5539 S. Prairie, Unit H. The Candidate also moved for admission of 4 affidavits. The Hearing examiner then received a determination from Board Officials that the newly redistricted 6th District does have overlap with the old 5th District and the old 26th District.

The Hearing Examiner then ruled on the motion for directed finding and found that the Objector did not make out a prima facie case that the Candidate did not reside at the address on his Nomination Papers. The Hearing Examiner also allowed the Candidate to rest his case and made an additional finding that in the event that the Board were to overrule his decision to grant the Candidate's motion for a directed finding that upon full hearing and considering all the evidence presented at the hearing including the testimony of the Candidate's two witnesses, affidavits and Candidate's exhibits 1 through 17 the Hearing Examiner makes the following recommended decision:

1. That the Board finds that the Candidate resides at 5539 S. Prairie, Unit H, Chicago, Illinois.

2. That the Board overrule the remaining objections in the objector' petition.

3. That it is recommended that Steven Boone's name be placed on the ballot for nomination to the Office of Representative in the General Assembly, 6th Representative District, Illinois, Democratic Party, to be voted upon at the General Primary Election to be held on March 19, 2002.

Frank A. Tedesso, Hearing Examiner