BCCON-RGA

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

Objections of: GERALD SCOTT PLUMMER	)
	)
To the Nomination	)
Papers of: KIRSTEN M. CURLEY	)
	) No. 02-EB-RGA-17
Candidate for the office of Representative in the	)
General Assembly, 13th 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 GERALD SCOTT PLUMMER ("Objector") to the nomination papers ("Nomination Papers") of KIRSTEN M. CURLEY, candidate for nomination to the office of Representative in the General Assembly for the 13th 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 RICHARD E. ZULKEY 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 GERALD SCOTT PLUMMER, by counsel; and the Candidate, KIRSTEN M. CURLEY, *pro se*. The Candidate was represented by an attorney at subsequent proceedings.

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 to be later scheduled by Board staff.

9. On January 10, 2002, a record examination was commenced. However the Candidate or her duly authorized representative(s) was not present during this examination of the registration records. The Candidate had advised the Hearing Examiner at the January 8 hearing that she was previously scheduled to be out of town through January 11 and requested through the Hearing Examiner that such record examinations not be conducted prior to January 11. Upon being advised of this, the record examination commenced on January 10 was terminated and re-scheduled for January 13, 2002. Both parties were present at this record examination.

10. 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.

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

12. 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 300;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 701;

    c. The number of signatures deemed invalid because of objections sustained total 336;

d. The remaining number of signatures deemed valid total 365;

13. Objector subsequently filed a motion pursuant to Rule 8 of the Electoral Board's rules of procedure objecting to the rulings made by the Board's clerks during the record examination, but such Rule 8 motion was then withdrawn by Objector.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination to the office of Representative in the General Assembly for the 13th Representative District, Democratic Party.

15. The Electoral Board finds, therefore, that paragraphs 5-12 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 KIRSTEN M. CURLEY are valid.

IT IS THEREFORE ORDERED that the Objections of GERALD SCOTT PLUMMER to the Nomination papers of KIRSTEN M. CURLEY, candidate for nomination to the office of Representative in the General Assembly for the 13th Representative District, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of KIRSTEN M. CURLEY, candidate for nomination to the office of Representative in the General Assembly for the 13th 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 18th day of January, 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.