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

Objections of: CHARLES G. MORROW III	)
	)
To the Nomination	)
Papers of: GEORGE C. ROBY	)
	) No. 02-EB-RGA-20
Candidate for the office of	)
Representative in the General Assembly, 32nd	)
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, Richard A. Cowen 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 CHARLES G. MORROW III ("Objector") to the nomination papers ("Nomination Papers") of GEORGE C. ROBY, candidate for nomination to the office of Representative in the General Assembly for the 32nd 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 LYNNE R. OSTFELD 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, CHARLES G. MORROW III, by counsel; and the Candidate, GEORGE C. ROBY *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 or his duly authorized representative was present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) 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.

12. The Candidate filed a motion to quash/strike or dismiss the Objectors petition. In his motion, the Candidate argued that the persons signing his petitions were actually residents of the 32nd Representative District *at the time that petitions were circulated*, that the petitions were circulated within the 90 days preceding the last day for filing the petitions, that the petitions were circulated within the boundaries of the 32nd Representative District according to maps and information provided to the Candidate by the Illinois State Board of Elections and the Chicago Board of Election Commissioners, and at no time did either the State Board Elections or the Chicago Board of Election Commissioners advise the Candidate of any change in boundaries of legislative districts. The Candidate further argued that those persons who signed his petition intended to have him as their candidate on the March 19 2002 primary election ballot.

13. The Candidate apparently believed that he resided in the *new* 32nd Representative District when he filed his nomination papers to be a candidate for Representative in the General Assembly for the 32nd Representative District. The Candidate also apparently believed that the persons who signed his nominating petition also resided in the *new* 32nd Representative District. Instead, most of the people who

signed the Candidate's nominating petition resided outside the new 32nd Representative District.

14. During the hearings in this matter, the Candidate sought permission to change his nomination papers to reflect that he should be a candidate for the office of Representative for the General Assembly for the 33rd Representative District instead of for the 32nd Representative District as indicated on his Nomination Papers.

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

16. Article IV, Section 3 of the Illinois Constitution provides that "an approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State." A legislative redistricting plan governing the election of candidates for the office of Representative in the General Assembly for the 2002 elections was filed with the Illinois Secretary of State by the Illinois Legislative Redistricting Commission on September 25, 2001. Accordingly, the legislative redistricting plan filed with the Illinois Secretary of State on September 25, 2001 had the force and effect of law as of that date and established the new boundaries of legislative and representative districts for purpose of the 2002 elections.

17. Section 7-10 of the Illinois Election Code provides that petitions shall be signed by qualified primary electors residing in the political division for which the nomination is sought. Therefore, the Candidate here was required to have his petitions signed by qualified primary electors residing in the new 32nd Representative District.

18. The Board finds that although Section 7-10 of the Code provides that no petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petitions and candidates could begin circulating their petition sheets as early as September 18, 2001, candidates had until December 17, 2001 to circulate their petition sheets and obtain signatures of qualified primary electors residing in the new legislative/representative districts. There has been no argument here that this was an insufficient amount of time within which to obtain signatures of qualified primary electors in the new legislative/representative district.

19. There is no Constitutional or statutory requirement that the Illinois State Board of Elections or the Chicago Board of Election Commissioners publish or distribute maps containing boundaries for legislative districts. Rather, Article IV, Section 3 requires the Illinois Secretary of State to publish the redistricting plan. A candidate is presumed to make himself/herself knowledgeable as to the boundaries of the legislative or representative district from which he or she seeks to be nominated and elected.

20. Nomination papers once filed cannot be withdrawn or added to. (10 ILCS 5/7-10) Therefore, Candidate Roby cannot alter his nomination papers to change the number of the Representative District from which he seeks nomination and election from the 32nd Representative District to the 33rd Representative District.

21. 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 1,080;

    c. The number of signatures deemed invalid because of objections sustained total 1,060;

    d. The remaining number of signatures deemed valid total 20.

22. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is below the minimum number of valid signatures required by law to placed upon the official ballot as a candidate for nomination to the office of Representative in the General Assembly for the 32nd Representative District, Democratic Party.

23. The Electoral Board finds, therefore, that paragraphs 5-10 and 18 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

24. For the reasons stated above, the Electoral Board finds that the Nomination Papers of GEORGE C. ROBY are not valid.

IT IS THEREFORE ORDERED that the Objections of CHARLES G. MORROW III to the Nomination Papers of GEORGE C. ROBY, candidate for nomination to the office of Representative in the General Assembly for the 32nd Representative District, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of GEORGE C. ROBY, candidate for nomination to the office of Representative in the General Assembly for the 32nd Representative District, Democratic Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 19, 2002.

Dated: Chicago, Illinois, this 22nd 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.