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

Objections of: CARMEN K. TRICHE	)
	)
To the Nomination	)
Papers of: DANIEL K. BUCKLEY	)
	) No. 02-EB-RGA-22
Candidate for the office of	)
Representative in the General Assembly, 33rd	)
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 CARMEN K. TRICHE ("Objector") to the nomination papers ("Nomination Papers") of DANIEL K. BUCKLEY, candidate for nomination to the office of Representative in the General Assembly for the 33rd 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 BARBARA GOODMAN 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, CARMEN K. TRICHE, by counsel; and the Candidate, DANIEL K. BUCKLEY, *attorney 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 her 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 Electoral Board has considered all evidence and arguments tendered by the parties.

13. 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 474;

    c. The number of signatures deemed invalid because of objections sustained total 245;

    d. The remaining number of signatures deemed valid total 229.

14. 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 33rd Representative District, Democratic Party.

15. The Candidate did not appear at the previously scheduled hearing in this matter on January 18, 2002, but instead faxed to the Board on January 18 a letter dated January 19, 2002 indicating that he wished to withdraw his candidacy and that he would attend no further election proceedings. Because the Candidate's letter was not notarized and filed with the State Board of Elections, the hearing proceeded.

16. The Electoral Board finds 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.

17. For the reasons stated above, the Electoral Board finds that the Nomination Papers of DANIEL K. BUCKLEY are not valid.

IT IS THEREFORE ORDERED that the Objections of CARMEN K. TRICHE to the Nomination Papers of DANIEL K. BUCKLEY, candidate for nomination to the office of Representative in the General Assembly for the 33rd Representative District, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DANIEL K. BUCKLEY, candidate for nomination to the office of Representative in the General Assembly for the 33rd 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.