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

Objections of: NICHOLAS SLYWCZUK and WILLIAM PAULSON	)	
To the Nomination Papers of: GEORGE J. POWERS II	)	No.: 03-EB-ALD-025
Candidate for the office of Alderman of the Forty-fifth Ward, City of Chicago	)	

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 NICHOLAS SLYWCZUK and WILLIAM PAULSON ("Objectors") to the nomination papers ("Nomination Papers") of GEORGE J. POWERS II, candidate for the office of Alderman of the Forty-fifth Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003 having convened on December 30, 2002, at 10:00 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 Objectors 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 December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner LINDA CRANE for further hearings and proceedings.

6. The Objectors 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 Trial Call. The following persons, among others, were present at such hearing: the Objectors, NICHOLAS SLYWCZUK and WILLIAM PAULSON, by counsel; and the Candidate, GEORGE J. POWERS II, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 this records examination.

9. The Candidate or his duly authorized representative was 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.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The results of the records examination indicate that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 240;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 393;

    c. The number of signatures deemed invalid because of objections sustained total 114;

    d. The remaining number of signatures deemed valid total 279.

14. A master file examination was conducted at the request of the Objectors but the results of the records examination remain unchanged.

15. The parties subsequently stipulated that the total number of valid signatures following the records examination and the master file examination should be 278 rather than 279.

16. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination and the master file examination is 278, which exceeds the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Forty-fifth Ward of the City of Chicago.

17. The Objectors then presented 42 affidavits evidencing that 43 signers (one affidavit included both a husband and wife) of the Candidate's petition had previously signed a petition for another candidate for the same office. The Hearing Examiner found these affidavits, which were not objected to or rebutted by the Candidate, to be in proper form and reliable evidence that the Candidate's petition had been signed by 43 persons who had earlier signed a petition for another candidate for the same office. Accordingly, the Hearing Examiner reduced the number of valid signatures from 278 to 235, which is below the minimum of 240 required by law.

18. The Objectors also alleged that the circulator of sheet 11, which was signed by the Candidate as the circulator of said sheet, did not in fact circulate that sheet and that all the signatures on sheet 11 should be invalidated. The Hearing Examiner found, however, that the Objectors failed to carry their burden of proof that the Candidate did not, in fact, circulate sheet 11 and overruled those objections.

19. The Candidate then submitted 17 documents purporting to be affidavits in an attempt to rehabilitate signatures on his petition. However, the documents, while bearing the signatures of the purported signers of the Candidate's petition, were not notarized by a notary public. The Hearing Examiner marked and admitted these documents, but gave them no weight as they were not properly executed affidavits. The Candidate presented no other evidence. The Hearing Examiner found, therefore, that the Candidate had not restored or rehabilitated any additional signatures and further found that the Candidate's Nomination Papers contain only 235 valid signatures, below the 240 minimum required by law. Therefore, the Hearing Examiner recommends that the Candidate's Nomination Papers be found invalid.

20. The Electoral Board adopts the Hearing Examiner's recommended findings and conclusion of law and finds that the Nomination Papers of GEORGE J. POWERS II are not valid.

IT IS THEREFORE ORDERED that the Objections of NICHOLAS SLYWCZUK and WILLIAM PAULSON to the Nomination Papers of GEORGE J. POWERS II, candidate for election to the office of Alderman of the Forty-fifth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of GEORGE J. POWERS II, candidate for election to the office of Alderman of the Forty-fifth

Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Seventh day of February, 2003.

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.