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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: JOSEPH "the libertarian" SCHREINER	)	No.: 03-EB-ALD-026
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 JOSEPH "the libertarian" SCHREINER, 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 Call. The following persons, among others, were present at such hearing: the Objectors, NICHOLAS SLYWCZUK and WILLIAM PAULSON, by counsel; and the Candidate, JOSEPH "the libertarian" SCHREINER, by counsel.

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 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 240;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 725;

    c. The number of signatures deemed invalid because of objections sustained total 414;

    d. The remaining number of signatures deemed valid total 311.

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 election to the office of Alderman of the Forty-fifth Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that the Objectors' Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objectors' Petition also alleges that the Candidate's Nomination Papers containing the name Joseph "the libertarian" Schreiner are invalid for being in violation of the statutory prohibition contained in 10 ILCS 5/10-5.1 forbidding the use of titles, suggestive nicknames and other variations of a candidate's name which are intended to convey political messages or slogans in order to advance the candidate's campaign.

17. The Hearing Examiner heard argument from both parties concerning the use of the words "the libertarian" as part of the Candidate's name and concluded that the Candidate's use of "the libertarian" in his name with or without capital letters is very likely to cause confusion and allow the insertion of an unacceptable expression of political philosophy or point of view into the voting booth and is therefore a violation of 10 ILCS 5/10-5.1.

18. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions of law and attaches and incorporates herein her report. The Electoral Board finds therefore that the Objections as to the use of the words "the libertarian" as part of the Candidate's name are sustained.

19. For the reasons stated above, the Electoral Board finds that the Nomination Papers of JOSEPH "the libertarian" SCHREINER are not valid.

IT IS THEREFORE ORDERED that the Objections of NICHOLAS SLYWCZUK AND WILLIAM PAULSON to the Nomination Papers of JOSEPH "the libertarian" SCHREINER, 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 JOSEPH "the libertarian" SCHREINER, 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 Tenth 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.