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

Objections of: DELLA NELSON	)	
	)	
To the Nomination	)	
Papers of: EDDIE JOHNSON III	)	No.: 03-EB-ALD-030
	)	
Candidate for the office of	)	[related to 03-EB-ALD-113]
Alderman of the Sixteenth 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 DELLA NELSON ("Objector") to the nomination papers ("Nomination Papers") of EDDIE JOHNSON III, candidate for the office of Alderman of the Sixteenth 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 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 December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner WILLIAM P. JONES 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, DELLA NELSON, by counsel; and the Candidate, EDDIE JOHNSON III, 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 Objector or her duly authorized representative was 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 dated January 10, 2003 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 427;

    c. The number of signatures deemed invalid because of objections sustained total 249;

    d. The remaining number of signatures deemed valid total 178;

14. The Candidate filed a request for a master file examination on January 15, 2003. The Hearing Examiner noted the Candidate did not comply with Rule 7 of the Electoral Board's rules of procedure requiring that a master file examination request be made not later than 5:00 PM on the next working day following completion of the records examination. Therefore, the Hearing Examiner denied the Candidate's request for a master file examination for being filed untimely.

15. 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 be placed upon the official ballot as a candidate for election to the office of Alderman of the Sixteenth Ward of the City of Chicago.

16. The Electoral Board finds, therefore, that the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination. Based on the results of the records examination, the Electoral Board is not making a ruling on any other objection contained in the Objector's Petition.

17. For the reasons stated above, the Electoral Board finds that the Nomination Papers of EDDIE JOHNSON III are not valid.

18. The Electoral Board finds that there were other objections filed against the Candidate's Nomination Papers in case number 03-EB-ALD-113, but that the objections in that case were withdrawn.

IT IS THEREFORE ORDERED that the Objections of DELLA NELSON to the Nomination Papers of EDDIE JOHNSON III, candidate for election to the office of Alderman of the Sixteenth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of EDDIE JOHNSON III, candidate for election to the office of Alderman of the Sixteenth 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 Thirty-First day of January, 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.