BCCON-ALD

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

Objections of: LESTER S. CIOCH and ANTHONY J. BERAN	)	
To the Nomination Papers of: HOWARD L. CRAWFORD, JR.	)	No.: 03-EB-ALD-033
Candidate for the office of Alderman of the First 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 LESTER S. CIOCH and ANTHONY J. BERAN ("Objectors") to the nomination papers ("Nomination Papers") of HOWARD L. CRAWFORD, JR., candidate for the office of Alderman of the First Ward of 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 was held on these Objections commencing on December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner JOAN T. AGNEW 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, LESTER S. CIOCH and ANTHONY J. BERAN, by counsel; and the Candidate, HOWARD L. CRAWFORD, JR., 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 at all times.

10. The Objectors or their duly authorized representatives were present during the examination of the registration records at all times.

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 Board's file in this case and is available 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 349;

    c. The number of signatures deemed invalid because of objections sustained total 133;

    d. The remaining number of signatures deemed valid total 216.

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 be placed upon the ballot as a candidate for election to the office of Alderman of the First Ward of the City

of Chicago.

15. The Candidate filed timely objections to the results of the records examination based on 68 objections sustained by Board's clerks during the record examination as to whether or not the individuals who signed the Candidate's petition sheets signed "in their own person." The Candidate also filed 9 objections to findings made by the Board's clerks sustaining objections that the individuals listed on the Candidate's petition sheets were not registered at their respective addresses.

16. In regard to the objections as to whether the petition signatures were made "in their own person," the Candidate presented 49 affidavits of individuals who purportedly signed Candidate's petitions. The Hearing Examiner allowed and considered some of these affidavits but disallowed others. As a result of this evidence, the Hearing Examiner added another 34 signatures as valid signatures, bringing the Candidate's total valid signatures to 250.

17. In support of their allegations that certain individuals signed the nominating petition sheets of another candidate for the same office prior to signing the Candidate's nominating petition sheets, the Objectors presented six affidavits as well as the testimony of three individuals, including the Candidate. The Hearing Examiner concluded that the Objectors failed to prove, by a preponderance of the evidence, that the signers in Objectors' exhibits signed the other candidate's petition sheets prior to signing the Candidate's petition sheets. Therefore, the Hearing Examiner overruled the objections.

18. After the evidentiary hearing on this matter, Hearing Examiner concluded that the Candidate had 250 valid signatures in his Nomination Papers and recommends that the Electoral Board overrule the Objections and find that the Candidate's Nomination Papers are valid.

19. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions of law and the Electoral Board finds that the Objections are overruled.

20. For the reasons stated above, the Electoral Board finds that the Nomination Papers of HOWARD L. CRAWFORD, JR. are valid.

IT IS THEREFORE ORDERED that the Objections of LESTER S. CIOCH and ANTHONY J. BERAN to the Nomination Papers of HOWARD L. CRAWFORD, JR., candidate for election to the office of Alderman of the First Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of HOWARD L. CRAWFORD, JR., candidate for election to the office of Alderman of the First Ward of the City of Chicago, SHALL 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.