NBCON-ALD

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

Objections of: WANDA G. MARTIN	)	
	)	
To the Nomination	)	
Papers of: KENNETH "KENNY" SAWYER	)	No.: 03-EB-ALD-035
	)	
Candidate for the office of	)	[related to 03-EB-ALD-074]
Alderman of the Third 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 WANDA G. MARTIN ("Objector") to the nomination papers ("Nomination Papers") of KENNETH "KENNY" SAWYER, candidate for the office of Alderman of the Third 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 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 CHRISTOPHER AGRELLA for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board 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 Objector, WANDA G. MARTIN, by counsel; and the Candidate, KENNETH "KENNY" SAWYER, by counsel.

7. The Hearing Examiner found that by the Board's count, the Candidate's nominating petition sheets contained at least 231 signatures that were not objected to in any fashion. Therefore, the Candidate would need only 9 more signatures to meet the 240 minimum signature requirement. Therefore, the Hearing Examiner ordered that a limited records examination be conducted and then halted by the Board's staff upon finding that 20 of the objections alleging "signer not registered at address shown" were overruled.

8. The partial records examination took place on January 13, 2003, and was attended by representatives for both sides. The examination started on page 1 and proceeded seriatim until page 3. Before page 3 was completed, the records examination was halted because 20 objections to signer not registered at address shown had been overruled, leaving the Candidate with at least 251 valid signatures with 85 more petition sheets to be checked. No Rule 7 or Rule 8 motions were filed by either side to this partial examination.

9. At a subsequent hearing on January 15, 2003, neither side proferred any additional evidence or argument.

10. Although the Objector had made allegations of a pattern of fraud, the Objector identified only one signature in support of this allegation. Therefore, the Hearing Examiner denied the objections of fraud.

11. The Hearing Examiner recommends that the Electoral Board find that there are 251 valid signatures on the Candidate's Nomination Papers, which is in excess of the minimum of 240 signatures required by law.

12. The Electoral Board, having considered the applicable law and having considered all evidence and arguments tendered by the parties, as well as the Hearing Examiner's report and recommendations, hereby adopts the Hearing Examiner's recommendations, overrules the Objections and determines the Candidate's Nomination Papers to be valid.

13. The Electoral Board further finds that there are other objections filed against the Candidate in case number 03-EB-ALD-074, but that the objections in that case have been withdrawn.

IT IS THEREFORE ORDERED that the Objections of WANDA G. MARTIN to the Nomination Papers of KENNETH "KENNY" SAWYER, candidate for election to the office of Alderman of the Third Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of KENNETH "KENNY" SAWYER, candidate for election to the office of Alderman of the Third 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 Twenty-Eighth 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.