BCCON-ALD

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

Objections of: ALICIA DURR and KENNETH CARPENTER	)	
To the Nomination Papers of: BOB LOVE	)	No.: 03-EB-ALD-101
Candidate for the office of Alderman of the Fifteenth 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 ALICIA DURR and KENNETH CARPENTER ("Objectors") to the nomination papers ("Nomination Papers") of BOB LOVE, candidate for the office of Alderman of the Fifteenth 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 KELLYE A. KEYES 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, ALICIA DURR and KENNETH CARPENTER, by counsel; and the Candidate, BOB LOVE, 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 1,371;

    c. The number of signatures deemed invalid because of objections sustained total 924;

    d. The remaining number of signatures deemed valid total 447.

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 ballot as a candidate for election to the office of Alderman of the Fifteenth Ward of the

City of Chicago.

15. Following the records examination in this matter and several hearings as to various other objections discussed below, the Hearing Examiner became unavailable to render a recommended decision in this cause. The Electoral Board thereupon ordered that it would hear the case directly and reviewed the transcripts and other evidence previously presented in the case. The Electoral Board further heard oral argument from the parties based on the evidence already presented in the record.

16. In addition to the objections to individual signatures, the Objector alleged that the Nomination Papers contain petition sheets for which the circulator's affidavit is false because the purported circulator did not actually obtain, solicit or witness the affixing of the voters' signatures to those sheets and every signature on those sheets is invalid. Based upon the evidence and argument presented by the parties, the Electoral Board finds that these objections should be sustained as to sheets 4, 14, 27, 43, 47, 57, 59, 60, 62, 86 and 87 of the Candidate's Nomination Papers and said sheets are disallowed and invalidated in their entirety. As a result, the number of valid signatures on the Candidate's Nomination Papers is reduced by 42.

17. The Objector further alleges that the Nomination Papers contain sheets circulated by certain named individuals whose sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid. Based upon the evidence and argument presented by the parties, the Electoral Board finds that these objections should be overruled, finding insufficient evidence to support a finding of fraud or pattern of fraud.

18. The Objector alleges that the Candidate has not resided in the 15th Ward of the City of Chicago nor has he resided in a ward of which the 15th Ward now contains a part for two years prior to the election as required by law, including but not limited to 65 ILCS 20/21-14. Based upon the evidence and argument presented by the parties, the Electoral Board finds that the Objector failed to demonstrate that Candidate has not resided in the 15th Ward for more than two years prior to the election. The Electoral Board finds, therefore, that these objections should be overruled.

19. The Objector alleges that sheets 85 and 80 should be invalidated because the circulator's affidavit at the bottom of each of those sheets does not set forth the address of the circulator, who happens to be the Candidate. The Candidate/circulator's address is found in many locations throughout his Nomination Papers, including at the top of sheets 85 and 89. Therefore, the Electoral Board finds that these objections should be overruled.

20. After deducting the 42 signatures discussed in paragraph 16 above, the Electoral Board finds that the Candidate has 405 valid signatures on his Nomination Papers, which exceeds 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 Fifteenth Ward of the City of Chicago.

21. For the reasons stated above, the Electoral Board finds that the Nomination Papers of BOB LOVE are valid.

IT IS THEREFORE ORDERED that the Objections of ALICIA DURR and KENNETH CARPENTER to the Nomination Papers of BOB LOVE, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BOB LOVE, candidate for election to the office of Alderman of the Fifteenth 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 Fifth 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.

(Rev. 1/17/01) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Alan Duss + Kenneth Asputa

v.

Cty Board of Elect Commrs

No. 03 COEL 028

ORDER

This cause coming to be heard on Objectors Petition For Judicial Review, due notice having been given and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the Court finds that a pattern of fraud must be proved by clear and convincing evidence and that the decision of the Board of Elect Commrs that no pattern of fraud is supported by the evidence is supported by the manifest weight of the evidence and the decision of the Cty Board of Election Commrs in this cause is AFFIRMED.

CIRCUIT COURT OF COOK COUNTY
ENTERED
FEB 20 2003

JUDGE NATHANIEL R. HOUSE, JR. 77

ENTER:

Judge

Judge's No.

Atty. No.: 55164
Name: Jones P. Jolly PC
Atty. for: Respondent Love
Address: 85 N. LaSalle #350
City/State/Zip: Chicago IL 60602
Telephone: 312-422-5560

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS