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

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| Objections of: DONALD J. HOHENADEL | ) | |
| | ) | |
| To the Nomination | ) | |
| Papers of: RAFAEL CHAGIN | ) | No.: 03-EB-ALD-111 |
| | ) | |
| Candidate for the office of | ) | |
| Alderman of the Fortieth 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 DONALD J. HOHENADEL ("Objector") to the nomination papers ("Nomination Papers") of RAFAEL CHAGIN, candidate for the office of Alderman of the Fortieth 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 JOSEPH A. MORRIS 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

Trial Call. The following persons, among others, were present at such hearing: the Objector, DONALD J. HOHENADEL, by counsel; and the Candidate, RAFAEL CHAGIN, pro se.

7. The Hearing Examiner conducted proceedings as provided by the Electoral Board' rules of procedure and has submitted his report to the Electoral Board with his recommended findings and conclusions of law.

8. The Electoral Board, having reviewed the applicable law and having considered all evidence and argument submitted by the parties, as well as the Hearing Examiner's report of recommended findings and conclusions of law, hereby adopts the Hearing Examiner's recommended findings and conclusions of law and the Hearing Examiner's report containing the same is hereby appended hereto (excluding the attached exhibits) and incorporated herein as the findings and conclusions of the Electoral Board.

9. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is 221, which is below the 240 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 Fortieth Ward of the City of Chicago.

10. The Electoral Board finds, therefore, that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the report of the Hearing Examiner.

11. For the reasons stated above, the Electoral Board finds that the Nomination Papers of RAFAEL CHAGIN are not valid.

IT IS THEREFORE ORDERED that the Objections of DONALD J. HOHENADEL to the Nomination Papers of RAFAEL CHAGIN, candidate for election to the office of Alderman of the Fortieth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of RAFAEL CHAGIN, candidate for election to the office of Alderman of the Fortieth 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 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.**