BCCON-ALD

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

Objections of: KENT SINSON	)	
	)	
To the Nomination	)	
Papers of: KAREN KENNEDY	)	No.: 03-EB-ALD-124
	)	
Candidate for the office of	)	[related to 03-EB-ALD-078]
Alderman of the Forty-fourth 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 KENT SINSON ("Objector") to the nomination papers ("Nomination Papers") of KAREN KENNEDY, candidate for the office of Alderman of the Forty-fourth 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 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 CASSANDRA B. WATSON 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, KENT SINSON, by counsel; and the Candidate, KAREN KENNEDY, pro se.

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 her duly authorized representative was present during the examination of the registration records at all times.

10. The Objector or his duly authorized representative was 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 574;

    c. The number of signatures deemed invalid because of objections sustained total 349;

    d. The remaining number of signatures deemed valid total 225.

14. A master file examination was requested and conducted. The results of the master file examination did not change the results of the records examination and the Candidate still had only 225 valid signatures on her Nomination Papers.

15. The Candidate filed a Rule 8 motion seeking to contest the results of the master file examination. At the hearing on the Candidate's Rule 8 motion, the Hearing Examiner

refused to consider affidavits that the Candidate wished to present, sustaining the Objector's objection that the affidavits were not authentic.

16. The Candidate filed a motion to address the Electoral Board pursuant to Rule 20 of the Electoral Board's rules of procedure. At that hearing the Electoral Board reversed the decision of the Hearing Examiner as to the affidavits and set this matter down for a subsequent hearing before the Electoral Board.

17. At a hearing before the Electoral Board on February 10, 2003, the Electoral Board ruled that 25 of the Candidate's affidavits were sufficient to show that the affiants had in fact signed the Candidate's Nomination Papers and their signatures were genuine, leaving the Candidate with 250 valid signatures on her Nomination Papers.

18. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination and the master file examination and after consideration of the evidence 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 Forty-fourth Ward of the City of Chicago.

19. The Electoral Board finds, therefore, that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

20. For the reasons stated above, the Electoral Board finds that the Nomination Papers of KAREN KENNEDY are valid.

21. The Electoral Board further finds that there were other objections filed against the Candidate's Nomination Papers in case number 03-EB-ALD-078 and that the Electoral Board determined in that case that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of KENT SINSON to the Nomination Papers of KAREN KENNEDY, candidate for election to the office of Alderman of the Forty-fourth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of KAREN KENNEDY, candidate for election to the office of Alderman of the Forty-fourth 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.