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

Objections of: PETE CRUMPTON	)	
	)	
To the Nomination	)	
Papers of: SYLVESTER "JUNEBUG" HENDRICKS	)	No.: 03-EB-ALD-128
	)	
Candidate for the office of	)	
Alderman of the Fifth 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 PETE CRUMPTON ("Objector") to the nomination papers ("Nomination Papers") of SYLVESTER "JUNEBUG" HENDRICKS, candidate for the office of Alderman of the Fifth 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 JOHN R. ASHENDEN 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, PETE CRUMPTON, by counsel; and the Candidate, SYLVESTER "JUNEBUG" HENDRICKS, pro se. Both parties filed written appearances with the Electoral Board at this first hearing on January 3, 2003.

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.

10. The Objector or his duly authorized representative was present during the examination of the registration records.

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 Electoral Board's file in this case and is available for inspection 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 Electoral Board finds 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 499;

    c. The number of signatures deemed invalid because of objections sustained total 361;

    d. The remaining number of signatures deemed valid total 138;

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 official ballot as a candidate for election to the office of Alderman of the Fifth Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that paragraphs 4-10 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Candidate has contended that the Sheriff's office had not served him with a copy of the Objector's Petition or with a copy of the Electoral Board's Call. However, the Candidate did not list a specific residence address on his nomination papers; rather, instead of listing a residence address on his nominating petition sheets or on his Statement of Candidacy, the Candidate stated "Homeless." Therefore, there was no specific location where the Sheriff's office could have possibly found the Candidate and served him. In any event, the Candidate never raised any question or dispute regarding service of copies of these materials until the hearing on January 14, 2003. Prior to that time, the Candidate appeared at the January 3 and January 8, 2003 hearings, as well as participating in the records examination. Therefore, the Electoral Board finds that the Candidate has waived any objections to possible defect in the manner of service or to the jurisdiction of the Electoral Board.

17. The Electoral Board further finds, however, that the Candidate was served with a copy of the Objector's Petition and with a copy of the Electoral Board's call by certified mail as evidenced by a certified mail receipt signed for by the Candidate and date stamped by the U.S. Postal Service on December 26, 2002.

18. For the reasons stated above, the Electoral Board finds that the Objections are sustained as described above and that the Nomination Papers of SYLVESTER "JUNEBUG" HENDRICKS are not valid.

IT IS THEREFORE ORDERED that the Objections of PETE CRUMPTON to the Nomination Papers of SYLVESTER "JUNEBUG" HENDRICKS, candidate for election to the office of Alderman of the Fifth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SYLVESTER "JUNEBUG" HENDRICKS, candidate for election to the office of Alderman of the Fifth 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 Twenty-Fourth day of January, 2003.

Langdon D. Neal, Chairman

Thêresa 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.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

SYLVESTER "JUNEBUG" HENDRICKS

v.

No. 03 COEL 019

MUNICIPAL OFFICERS ELECTORAL BOARD FOR CITY OF CHICAGO

ORDER

This matter coming before the Court on Plaintiff's Emergency Motion Requesting Judicial Review and Reversal and on Defendant's oral motion to dismiss for lack of subject matter jurisdiction, the Court being advised in the premises.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Section 10-10.1 of the Election requires that any petition for judicial review be filed with the Clerk of the Court within 10 days of the electoral board's decision.
2. The Board of Election Commissioners of the City of Chicago acting ex officio as an electoral board rendered its decision to the Plaintiff on January 24, 2003.
3. For the reasons stated in open court and on the record, the Court finds that it does not have subject matter jurisdiction because Plaintiff did not file his petition for judicial review within 10 days of the electoral board's decision.
4. The Defendant's motion to dismiss is granted and the case is dismissed.
5. This is a final order and there is no just cause to delay enforcement or appeal

Atty. No.: 20383
Name: James Scanlon
Atty. for: Bd of Election Commissioners
Address: 8 South Michigan
City/State/Zip: Chicago IL 60603
Telephone: 312-782-8163

ENTER:

CIRCUIT COURT OF COOK COUNTY.
ENTERED
FEB 19 2003

JUDGE
MICHAEL J. MURPHY-6208