NBCON-ALD

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

Objections of: RONALD ERNST and GREGORY SEDLACEK	)	
To the Nomination Papers of: PATRICK J. LEVAR	)	No.: 03-EB-ALD-158
Candidate for the office of Alderman of the Forty-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 RONALD ERNST and GREGORY SEDLACEK ("Objectors") to the nomination papers ("Nomination Papers") of PATRICK J. LEVAR, candidate for the office of Alderman of the Forty-fifth 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 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 LINDA CRANE 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, RONALD ERNST and GREGORY SEDLACEK, pro se; and the Candidate, PATRICK J. LEVAR, by counsel.

7. The sole issue presented by the Objectors' Petition is whether the Candidate's Nomination Papers were securely fastened and bound when they were filed with the Board. The Hearing Examiner heard several witnesses, including the Candidate, the two Objectors and three employees of the Board. The Board's Assistant Executive Director testified as to the procedures employed by the Board when receiving and processing candidate nomination papers. He also testified that the Board unfastens the nomination papers when there is a request for a copy of the nomination papers and that such a request had been filed for the Candidate's Nomination Papers by the Objectors. Another employee of the Board testified that he remembered that the papers were bound when given to him to copy because he had a hard time trying to untie the knot in the shoelace so that he could copy the petitions. After hearing the witnesses and considering the evidence, the Hearing Examiner concluded that the Candidate's Nomination Papers were properly fastened and bound when filed with the Board on December 9, 2002 by a shoelace from a high-top athletic shoe. The Hearing Examiner therefore recommended that the Objections be overruled and that the Candidate's Nomination Papers be found valid.

8. The Objectors also argued that the Candidate's attorney throughout these proceedings should not have been allowed to testify in support of the Candidate and that his testimony contaminated the proceedings. The Electoral Board is not persuaded by this argument.

9. The Electoral Board, having reviewed the applicable law and having considered the evidence and argument submitted by the parties and the Hearing Examiner's recommended findings and conclusions of law, hereby adopts the Hearing Examiner's findings and conclusions of law and finds that the Objections are overruled and that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of RONALD ERNST and GREGORY SEDLACEK to the Nomination Papers of PATRICK J. LEVAR, candidate for election to the office of Alderman of the Forty-fifth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of PATRICK J. LEVAR, candidate for election to the office of Alderman of the Forty-fifth 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 Seventh 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.