NBCON-ALD

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

Objections of: DANIEL A. THOMPSON	)	
	)	
To the Nomination	)	
Papers of: BARBARA J. JONES (B.J.)	)	No.: 03-EB-ALD-159
	)	
Candidate for the office of	)	
Alderman of the Twenty-first 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 DANIEL A. THOMPSON ("Objector") to the nomination papers ("Nomination Papers") of BARBARA J. JONES (B.J.), candidate for the office of Alderman of the Twenty-first 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, 2003, 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, 2003 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner FRANK A. TEDESSO 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 Call. The following

persons, among others, were present Statement such hearing; the Objector, DANIEL A. THOMPSON, by counsel; and the Candidate, BARBARA J. JONES (B.J.), pro se.

7. The Objector's Petition alleges that the Candidate's Statement of Candidacy is invalid because the Candidate has created a middle name, initial, initials and/or nickname for herself that is not part of her legal name, maiden or married name nor a name by which the Candidate is commonly known.

8. The Objector called the Candidate as his only witness. The Candidate testified that her name is Barbara Joy Jones but that she is known to family and friends as "B.J." The Candidate further testified that "B.J" is a nickname that she is common known by and that it appears on her Nomination Papers as a nickname. The Objector presented Exhibits A through F consisting of copies of the Candidate's driver's license, voter registration, birth certificate, marriage certificate, her Statement of Ethics, and the Board's receipt for the filing of the Candidate's Nomination Papers. The Candidate testified that she considers most of the documents legal documents and that she did not sign these documents with her nickname "B.J." because she does not sign legal documents with her nickname.

9. The Candidate called four witnesses. The first witness is one of the Candidate's co-workers who testified that everyone refers to the Candidate as "B.J." because it is easier to call her by her initials than by her full name. The witness further testified that she and her co-workers were never told by the Candidate to call her "B.J." and that they just gave her the nickname. The second witness is the Candidate's aunt who testified that she never calls the Candidate by a nickname because she does not like nicknames and therefore does not use them. She always refers to the Candidate as Barbara or Barbara Joy. The third witness testified that she has known the Candidate 25 years and that she met the Candidate at her parents' house when she was a child. She further testified that she was introduced to the Candidate as "Ms. B.J." and that her parents' peers and her peers always referred to the Candidate as "B.J." The fourth witness testified that she is the Candidate's best friend and that she has known the Candidate for 30 years. She testified that she usually refers to the Candidate as "B.J" unless she wants to make her angry, then she calls her Barbara Joy. She further testified that the Candidate is commonly referred to as "B.J." and that "B.J." is the Candidate's nickname.

10. The Hearing Examiner found that the weight of the evidence supported a finding that the Candidate is commonly known by the nickname "B.J." which are her initials. The Hearing Examiner concluded that the Candidate's inclusion of her nickname as part of her name on her Statement of Candidacy is not a violation of 10 ILCS 5/10-5.1. Therefore, the Hearing Examiner recommends that the Objector's Petition be overruled and that the Candidate's Nomination Papers be determined valid.

11. The Electoral Board, having reviewed the applicable law and having considered all evidence and arguments of the parties, as well as the Hearing Examiner's report and recommendations, hereby adopts the Hearing Examiner's recommended findings and

conclusions of law, overrules the Objections and determines that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of DANIEL A. THOMPSON to the Nomination Papers of BARBARA J. JONES (B.J.), candidate for election to the office of Alderman of the Twenty-first Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BARBARA J. JONES (B.J.), candidate for election to the office of Alderman of the Twenty-first 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 Twenty-Eighth day of January, 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.