BCCON-ALD

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

Objections of: SAMUEL REID	)	
	)	
To the Nomination	)	
Papers of: RICHARD BROWN	)	No.: 03-EB-ALD-171
	)	
Candidate for the office of	)	[related to 03-EB-ALD-141]
Alderman of the Eighteenth 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 SAMUEL REID ("Objector") to the nomination papers ("Nomination Papers") of RICHARD BROWN, candidate for the office of Alderman of the Eighteenth 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 LYNNE R. OSTFELD 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, SAMUEL REID, pro se; and the Candidate, RICHARD BROWN, 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 his 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 425;

    c. The number of signatures deemed invalid because of objections sustained total 156;

    d. The remaining number of signatures deemed valid total 269.

14. The Objector filed a motion pursuant to Rule 8 of the Electoral Board's rules of procedure to contest the results of the records examination. The Objector alleged that the Board's clerks failed to rule on objections labeled "OD" in the column of the Objector's attachments to the Petition labeled "Other." The Objector argued that the abbreviation "OD" is commonly used to indicate "out of district." Therefore, the Objector argued that the Board clerk should have checked these addresses. The Hearing Examiner found that "OD" without more was not indicative of one meaning or another. Further, there was a

column labeled "signer not registered at address shown" so there was no reason to assume that "OD" in the "Other" column meant "out of district." The Hearing Examiner therefore upheld the results of the records examination.

15. The Electoral Board also notes that the attachments to the Objector's Petition titled "BEC-RECORD EXAMINATION WORKSHEET" contain a column labeled "Address not in district." This column is typically used to identify addresses that are not in the appropriate district. Therefore, the Objector's use of the abbreviation of "O.D." under the "Other" column is even more confusing. Moreover, the body of the Objector's Petition fails to explain what is meant by the "O.D." designation. Therefore, the Electoral Board overrules these objections on the grounds that they do not fully set forth the nature of the objections and fail to apprise the Candidate of the nature of the objections so that the Candidate may defend against such objections.

16. The Objector in the remaining paragraphs of his Rule 8 motion objected to certain rulings by the Board's clerks on the basis that addresses were not included, that the clerks skipped or ignored his objections, and that the handwriting expert could not make out signatures to sustain or overrule the rulings of the Board's clerks. The Hearing Examiner found that the allegations in the Objector's Rule 8 motion were difficult to fully understand. No evidence was presented by the Objector to support these arguments. While the Hearing Examiner would have been able to sustain some of the objections on the face of the petitions and worksheets, all of the Objector's Rule 8 objections failed to conform to the requirements of Rule 8 inasmuch as the specific names objected to were not listed. By not adhering the requirements of Rule 8, the Objector waived his objections to the validity of the signatures of certain voters. Because these objections were waived, the Hearing Examiner found that the Candidate maintained the validity of 269 signatures, 29 above the statutory minimum.

17. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination 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 Eighteenth 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.

19. For the reasons stated above, the Electoral Board finds that the Nomination Papers of RICHARD BROWN are valid.

20. The Electoral Board further finds that there are other objections to the Candidate's Nomination Papers in case number 03-EB-ALD-141 but that the objections in that case were withdrawn.

IT IS THEREFORE ORDERED that the Objections of SAMUEL REID to the Nomination Papers of RICHARD BROWN, candidate for election to the office of Alderman of the Eighteenth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of RICHARD BROWN, candidate for election to the office of Alderman of the Eighteenth 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.