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

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| Objections of: GERALD SCOTT PLUMMER | ) |
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| To the Nomination | ) |
| Papers of: DEREK JOHN HANSON | ) |
| | ) No. 04-EB-NPP-01 |
| Candidate for the office of Representative in the | ) |
| General Assembly, 13th Representative District, State | ) |
| of Illinois, LIBERTARIAN Party | ) |

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 GERALD SCOTT PLUMMER ("Objector") to the nomination papers ("Nomination Papers") of DEREK JOHN HANSON, candidate for nomination of the LIBERTARIAN Party to the office of Representative in the General Assembly for the 13th Representative District, State of Illinois ("Candidate"), having convened on July 6, 2004, at 2:00 p.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 July 6, 2004 at 2:00 P.M.

5. The Objector and the Candidate were directed by the Call to appear before the Electoral Board for a hearing on said date and time. The following persons, among others, were present at such hearing: Commissioners Theresa M. Petrone

and Richard A. Cowen (the Chairman, Langdon D. Neal, not being present) and the Objector, GERALD SCOTT PLUMMER, by his attorney. The Candidate, DEREK JOHN HANSON, did not appear nor did anyone else appear on his behalf. The Acting Chairman, Richard A. Cowen, recessed the meeting for another 15 minutes to give time for the Candidate to appear and the case was called again at approximately 2:30, but the Candidate still not answer when the case was called the second time.

6. The record reflected that a Cook County Sheriff's Deputy attempted to personally serve the Candidate with a copy of the Call at his residence at 4511 N. Malden Street, Chicago, Illinois, on June 30, 2005 at 7:40 P.M., on July 1, 2004 at 6:55 P.M, and again on July 2, 2004 at 7:55 A.M. None of these attempts at personal service were successful as no one responded at the door. In addition, the Board sent a copy of the Call via certified mail, return receipt requested, on June 30, 2004, but no return receipt was received by the Board prior to the July 6, 2004 hearing.

7. The Acting Chairman continued the hearing until July 13, 2004 at 10:00 A.M. and directed that the Board make a second attempt at service of the Call and service of the notice of continued hearing by Sheriff's service and by certified mail. A Cook County Sheriff's Deputy attempted to serve the Call and the July 6 notice of continued hearing order on July 7, 2004 at 9:30 AM and again at 9:40 PM, as well as on July 8, 2004 at 10:00. The return of service provided by the Sheriff to the Board indicated that the Candidate was not served and that no contact could be made with the Candidate on any of these occasions. The Board also sent another copy of the Call and a copy of the July 6 order by certified mail, return receipt requested, on July 6, 2004, but again no receipt was returned to the Board prior to the July 13 hearing. Nor did the Board receive a return receipt from the June 30 mailing prior to the July 13 hearing.

8. At the continued hearing conducted on July 13, 2004, the hearing was called to order at 10:00 A.M. Commissioners Petrone and Cowen were present, but the Chairman was absent due to a scheduling conflict. Commissioners Cowen served as the Acting Chairman. Also present was one of the attorneys for the Objector. Neither the Candidate nor any representative of the Candidate was present at the continued hearing.

9. A candidate is presumed to know that Illinois allows that objections may be filed against the candidate's nomination papers and that such objections may be filed within the time frame provided by Article 10 of the Election Code. The candidate is also presumed to know that the appropriate electoral board must meet after an objection is filed and that the electoral board's chairman must serve a copy of the electoral board's call to meeting on the candidate. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that the candidate cannot be found by the statutory methods of

service. If this were permitted, candidates would simply go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot.

10. The Objections allege that the Candidate's Nomination Papers contain only one petition sheet signed by one individual. Assuming that each and every signature contained on the Candidate's Nomination Papers is valid, the Objections allege that the Nomination Papers contain only 1 valid signature, a number far less than the 1,229 signatures required by law.

11. The Electoral Board, having reviewed the Objections and the Candidate's Nomination Papers and having considered all the evidence, finds that:

    A. The Candidate is defaulted for failing to appear at the Electoral Board hearings scheduled in this matter.

    B. The Candidate has an insufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for nomination of the LIBERTARIAN Party to the office of Representative in the General Assembly for the 13th Representative District, State of Illinois. Specifically, the Electoral Board finds that according to Section 10-2 of the Illinois Election Code (10 ILCS 5/10-2), nomination papers of candidates of new political parties such as the Libertarian Party must be signed by qualified voters equaling in number not less than 5% of the number of voters who voted in the 13th Representative District at the next preceding regular election in such district, or, in this case, by not less than 1,229 qualified voters. The Electoral Board finds that the Candidate's Nomination Papers contain, on their face, only 1 purportedly valid signature, far less than the 1,229 minimum number of signatures required by law.

    C. The Candidate's Nomination Papers on their face fail to contain a sufficient number of signatures to meet the legal requirements for placement on the ballot for the office and election in question and the Objection states sufficient grounds to invalidate the Candidate's Nomination papers.

12. The Electoral Board sustains the Objections against the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are not valid.

IT IS THEREFORE ORDERED that the Objections of GERALD SCOTT PLUMMER to the Nomination Papers of DEREK JOHN HANSON, candidate for nomination of the LIBERTARIAN Party to the office of Representative in the General Assembly for the 13th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DEREK JOHN HANSON, candidate for nomination of the LIBERTARIAN Party to the office of Representative in the General Assembly for the 13th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Election to be held on November 2, 2004.

Dated: Chicago, Illinois, this 13th day of July, 2004.

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.**