BCCON-RGA

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

Objections of: PATRICIA JONES	)
	)
To the Nomination	)
Papers of: AARON PATTERSON	)
	) No. 04-EB-RGA-02
Candidate for the office of Representative in the	)
General Assembly, 6th Representative District, State	)
of Illinois, Democratic 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 PATRICIA JONES ("Objector") to the nomination papers ("Nomination Papers") of AARON PATTERSON, candidate for nomination of the , Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois ("Candidate"), having convened on January 5, 2004, at 2:00 p.m., in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 January 5, 2004 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner ROBERT S. ANDREW for further hearings and proceedings. This case was immediately re-

assigned to Hearing Examiner John R. Ashenden in an exchange of cases related to Mr. Ashenden's recusal in two matters.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. At the initial trial call conducted before Hearing Examiner Ashenden on January 6, 2004, the following persons, among others, were present at such hearing: the Objector, PATRICIA JONES, through her attorney Michael J. Kasper; and the Candidate, AARON PATTERSON, and his attorney Chris J. Bergin.

7. The Candidate filed a motion to strike the Objector's petition, alleging that the Objector does not live at the address stated in her petition and therefore had no standing to object to the Candidate's Nomination Papers.

8. On January 13, 2004, the Hearing Examiner conducted an evidentiary hearing at which the Objector presented herself and another witness, along with five exhibits, establishing her residency in the 6th Representative District. At the conclusion of this hearing, the Hearing Examiner recommended that the Candidate's motion to strike be denied.

9. The Hearing Examiner ordered that an examination of the registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

10. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

11. The Candidate or his duly authorized representative was present during the examination of the registration records.

12. The Objector or her duly authorized representative was present during the examination of the registration records.

13. 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 results 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.

14. The Electoral Board has considered all evidence and arguments tendered by the parties.

15. 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 300;

b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 825;

c. The number of signatures deemed invalid because of objections sustained total 489;

d. The remaining number of signatures deemed valid total 336;

16. Following completion of the records examination, the Objector sought a review of 52 findings made by the Board's clerks during the records examination. However, the Hearing Examiner ruled that the Objector failed to timely appeal all but 3 of the clerks' findings made during the records examination as required by the Board's Rules of Procedure. Even if all 3 of these findings were ruled upon in Objector's favor, the Candidate's Nomination Papers would still contain more than the statutory minimum of 300 valid signatures.

17. The Electoral Board adopts the recommended findings and conclusions of law of the Hearing Examiner and 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 official ballot as a candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois.

18. The Electoral Board finds, therefore, that paragraphs 4-8 of the Objector's Petition are 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 AARON PATTERSON are valid.

IT IS THEREFORE ORDERED that the Objections of PATRICIA JONES to the Nomination papers of AARON PATTERSON, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of AARON PATTERSON, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 23rd day of January, 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.