NBCON-RGA

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

Objections of: EROLD E. ELYSEE	)
	)
To the Nomination	)
Papers of: MILTON "MILT" PATTERSON	)
	) No. 04-EB-RGA-14
Candidate for the office of Representative of the	)
32nd 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 EROLD E. ELYSEE to the nomination papers ("Nomination Papers") of MILTON "MILT" PATTERSON, candidate for the nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd 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 Terence E. Flynn for further hearings and proceedings.

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. The following persons, among others, were present at such hearing: the Objector, EROLD E. ELYSEE, pro se; and the Candidate, MILTON "MILT" PATTERSON, by counsel.

7. The Electoral Board finds that the Objector's petition makes the following objections:

> "The nomination papers contain petition sheets of a number of persons who are not registered voters.
>
> The nomination papers contain the name of persons who do not live in the 32nd District and also persons who print.
>
> Nomination papers contain signatures that [sic] not genuine."

The Objector's petition does not identify, by petition sheet or line number, any specific signatures for which objections are made, nor does the Objector's petition contain any appendix, recapitulation, summary or other specification of objections that are typically filed along with an objector's petition.

8. The Candidate filed a motion to strike and dismiss the Objector's petition for failing to fully state the nature of the objections.

9. The Electoral Board finds that the Objections fail to specifically identify any particular defect in the Candidate's Nomination Papers. Though generally stating that there are signatures of persons who are not registered voters or who do not live in the 32nd District, or whose signatures are not genuine, the Objector's petition fails to specifically identify the particular signatures to which he objects.

10. The Electoral finds that:

A. Section 10-8 requires that an objection petition "shall fully state the nature of the objections" to a candidate's nomination papers.

B. An objection petition must adequately and sufficiently apprise the candidate of the specificity of each objection, thus making evaluation possible. *Alschuler v. Feigenholtz,* 94-EB-REP-009, CBEC, January 19, 1994.

C. Where an objector's petition makes general allegations with regard to a candidate's nomination papers without specifically identifying which of the petition sheets or signatures contain the alleged defects or irregularities and where no appendix-recapitulation is filed with the objector's petition

identifying the specific petition sheets and alleged defects therein, the objector's petition fails to fully state the nature of the objections and is invalid. *Ligas v. Martinez,* 95-EB-ALD-134, CBEC, January 17, 1995; *Whitehead v. Hodges,* 91-EB-ALD-047, January 16, 1991.

D. Accordingly, the Objector's petition filed in this case fails to fully state the nature of the objections and is therefore invalid.

11. The Electoral Board therefore grants the Candidate's motion to strike and dismiss the Objector's petition and the objections are hereby stricken and dismissed. In the absence of any valid objections thereto, the Electoral Board finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of EROLD E. ELYSEE to the Nomination papers of MILTON "MILT" PATTERSON, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd Representative District, State of Illinois are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of MILTON "MILT" PATTERSON, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd 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 20th 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.