NBCON-WC

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

Objections of: CLARA SIMMS-JOHNSON	)
	)
To the Nomination	)
Papers of: CHRISTOPHER COORDES	)
	) No. 04-EB-WC-05
Candidate for the office of Ward Committeeman for	)
the 5th Ward of the City of Chicago, Republican	)
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 CLARA SIMMS-JOHNSON ("Objector") to the nomination papers ("Nomination Papers") of CHRISTOPHER COORDES, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party ("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 JOHN R. ASHENDEN 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, CLARA SIMMS-JOHNSON, by her attorney; and the Candidate, CHRISTOPHER COORDES, by his attorney.

7. The Candidate filed a motion to strike and dismiss the Objector's petition arguing, among other things, that the Objector's petition objects to 67 signatures solely on the grounds that the "signer's signature printed and not written." The Candidate argues that such an objection does not state a sufficient basis upon which to invalidate petition signatures. The Candidate's motion to strike and dismiss further argues that even if all of the specific objections listed on the Objector's petition were sustained, the Candidate's nomination petitions still contain a sufficient number of valid signatures to satisfy the statutory minimum signature requirement.

8. The Electoral Board finds that Section 7-10 of the Election Code (10 ILCS 5/7-10) requires that petitions be signed by qualified primary electors "in their own proper persons only" and that at the bottom of each sheet the circulator certify that the "signatures are genuine."

9. In *Lyles v. McGee*, 02-EB-SS-04 (CBEC, 2002), this Electoral Board held that while a disparity in the form of a printed signature on the petition vs. a cursive handwritten signature on the person's registration card may be *prima facie* evidence that it is not indeed the signature of the registered voter, such evidence is not irrefutable and it may be overcome by the preponderance of the evidence presented in the record. However, in that case the objector at least objected to signatures alleging that the printed signatures on the petition were not genuine and were not made by electors in their own proper persons only.

10. The Electoral Board finds that objections alleging merely that the signatures of electors are "printed," without more, do not state sufficient grounds for invalidating such signatures. There is no statutory prohibition against printing one's name on a nomination petition. The only statutory requirement is that the signature be genuine and be that of the person affixing his signature to a petition. Accordingly, the Electoral Board grants the Candidate's motion to strike and dismiss the objections alleging only that certain signatures on the petition are "printed and not written."

11. The Electoral Board further finds that even if all of the other remaining objections were to be sustained, the Candidate's Nomination Papers would still contain at least 206 unchallenged and presumptively valid signatures, which exceeds the statutory minimum number of 148 signatures needed for this office.

12. Therefore, the Electoral Board grants the Candidate's motion to strike and dismiss the Objector's petition in its entirety and such petition is 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 CLARA SIMMS-JOHNSON to the Nomination Papers of CHRISTOPHER COORDES, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of CHRISTOPHER COORDES, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, 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.