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

Objections of: VINONA SUMMERS AND ROSE MCDANIEL	)
To the Nomination Papers of: CHARLES G. MORROW, III	) No. 04-EB-WC-09
Candidate for the office of Ward Committeeman for the 6th Ward of the City of Chicago, 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 VINONA SUMMERS AND ROSE MCDANIEL ("Objectors") to the nomination papers ("Nomination Papers") of CHARLES G. MORROW, III, candidate for election to the office of Ward Committeeman for the 6th Ward of the City of Chicago, Democratic 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 Objectors 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 CHARLES R. BERNARDINI for further hearings and proceedings.

6. The Objectors 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 Objectors, VINONA SUMMERS AND ROSE MCDANIEL, by their attorney; and the Candidate, CHARLES G. MORROW, III, by his attorney.

7. 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.

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

9. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

10. The Objectors or their duly authorized representative(s) were present during the examination of the registration records.

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 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.

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

13. The results of the records examination reflect that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 951;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 2,707;

    c. The number of signatures deemed invalid because of objections sustained total 887;

    d. The remaining number of signatures deemed valid total 1,820.

14. The Objector also alleged a pattern of fraud as to the circulation and signing of the petition. But counsel for the parties stipulated that even if all of the Objectors'

specific objections regarding fraudulent circulators and fraudulent signatures were upheld, a total of only 298 additional signatures would be stricken and the Candidate would still have a sufficient number of valid signatures to be entitled to appear on the ballot.

15. Objectors presented evidence, including testimony, in support of their claims that (a) some signatures were invalid because the purported signers were dead; (b) some signatures were invalid because the purported addresses do not exist: (c) some signatures were invalid because the notarial jurat indicated that the circulator appeared before the notary on dates before those on which the notary swore to have witnessed the signature of the circulator; (d) some signatures were invalid because the purported signers do not live at the addresses entered on the petition; (e) some signatures were invalid because the purported signers did not sign the petition; (f) some signatures were invalid because they are for addresses outside the district sought to be represented by the Candidate; (g) some signatures were invalid because the circulator's affidavit failed to state a date or range of dates on which he/she circulated the petition. Counsel for the Candidate called the Candidate and the notary of sheets circulated by the Candidate and they testified regarding the dates of circulation of certain petition sheets.

16. At the conclusion of the Objectors case in chief, the Candidate orally moved for a directed finding and the parties presented briefs in support of their positions and argued such positions at a hearing. The Hearing Examiner took the motion and arguments under advisement.

17. The Hearing Examiner concluded that the Objectors presented credible testimony and evidence regarding some of the allegation of pattern of fraud, most particularly the signatures of dead people, the discrepancies of dates when certain circulators swore that they obtained signatures and the dates upon which the notary swore the circulators appeared before her, and the signatures of people residing at non-existent addresses. Notwithstanding this evidence, the Hearing Examiner concluded that the Nomination Papers clearly had enough valid signatures to qualify the Candidate for the ballot.

18. The Hearing Examiner concluded that the allegations and proofs of pattern of fraud were insufficient under law to justify a finding of a pattern of fraud and to bar the Candidate from the ballot, citing *Wiseman v. Elward*, 5 Ill.App.3d 249 (1972), *Bass v. Hamblet*, 266 Ill.App.3d 1110 (1994), *McNair v. Morrow*, 04-EB-RGA-13, *Catherine v. Goodloe*, 99-EB-ALD-105, *Catherine v. Latimore*, 99-EB-ALD-098, and *Welsh v. Johnson*, 147 Ill.2d 40 (1992).

19. The Objections further allege that the Candidate's Statement of Candidacy failed to state whether the candidate seeks election or nomination to the office of Democratic Ward Committeeman and erroneously states that the election is to be held on "03-16-*2003*" instead of March 16, *2004*. The Hearing Examiner granted the Candidate's motion to strike these objections, concluding that it was clear

from reading the Candidate's Nomination Papers together the office that the Candidate was seeking and the correct date of the election.

20. The Electoral Board adopts the Hearing Examiner's recommended findings and conclusions of law and overrules the objections to the Candidate's Statement of Candidacy and the objections alleging a pattern of fraud.

21. The Electoral Board further 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 election to the office of Ward Committeeman for the 6th Ward of the City of Chicago, Democratic Party.

22. For the reasons stated above, the Electoral Board finds that the Nomination Papers of CHARLES G. MORROW, III are valid.

IT IS THEREFORE ORDERED that the Objections of VINONA SUMMERS AND ROSE MCDANIEL to the Nomination Papers of CHARLES G. MORROW, III, candidate for election to the office of Ward Committeeman for the 6th Ward of the City of Chicago, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CHARLES G. MORROW, III, candidate for election to the office of Ward Committeeman for the 6th Ward of the City of Chicago, Democratic Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 12th day of February, 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.

ORDER

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Summers, et al

v.

Chicago Board of Election Commissioners, et al

No. 04 CO EL 0014

ORDER

This cause coming to be heard on Petitioners' Petition for Judicial Review, and all parties being present before the Court, it is HEREBY ORDERED that

1. The Petition for Judicial Review is denied and the Decision of the Chicago Officers Electoral Board is affirmed for the reasons set forth in Open Court.

2. This is a final, appealable Order

Atty. No.: 33837

Name: Michael Kasper

Atty. for: Respondent Charles Mrozek III

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CIRCUIT COURT OF COOK COUNTY
ENTERED

ENTER: MAR 05 2004

JUDGE
EDWARD P. O'BRIEN-1653

Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CCG N002-200M-4/23/02 (23350095)

ORIGINAL – COURT FILE