BCCON-WC

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

Objections of: NATHAN PEOPLES	)
	)
To the Nomination	)
Papers of: STANTON J. ROBINSON	)
	) No. 04-EB-WC-10
Candidate for the office of Ward Committeeman for	)
the 7th 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 NATHAN PEOPLES ("Objector") to the nomination papers ("Nomination Papers") of STANTON J. ROBINSON, candidate for election to the office of Ward Committeeman for the 7th 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 PETER S. FARACI 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, NATHAN PEOPLES; and the Candidate, STANTON J. ROBINSON.

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. Neither the Candidate nor his attorney received notice of the records examination and thus they were not present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) was 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 107;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 202;

    c. The number of signatures deemed invalid because of objections sustained total 98;

    d. The remaining number of signatures deemed valid total 104.

14. On January 23, 2004, the Candidate filed a request for a new records examination. The Hearing Examiner denied this request, but allowed the Candidate the right to appeal any sustained objection.

15. The Candidate filed a motion for a Rule 8 evidentiary hearing and an evidentiary hearing was conducted on February 5, 2004. At this hearing, the Hearing Examiner, relying upon affidavits and witness testimony, found that the Candidate presented clear and convincing evidence that certain signatures were valid. Thus, the Hearing Examiner reversed the findings of the records examination as to the validity of the signatures appearing on Sheet 1, Line 7, Sheet 12, Line 13 and Sheet 6, Line 4. This resulted in the Candidate having exactly 107 valid signatures, which is the statutory minimum signature requirement for the office in question.

16. The Hearing Examiner further concluded that the Objector failed to present evidence to support his allegations of a pattern of fraud.

17. The Electoral Board adopts the Hearing Examiner's recommend findings and conclusions of law and finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination and evidentiary hearing meets 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 7th Ward of the City of Chicago, Republican Party.

18. The Electoral Board finds, therefore, that the Objector's Petition is 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 STANTON J. ROBINSON are valid.

IT IS THEREFORE ORDERED that the Objections of NATHAN PEOPLES to the Nomination Papers of STANTON J. ROBINSON, candidate for election to the office of Ward Committeeman for the 7th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of STANTON J. ROBINSON, candidate for election to the office of Ward Committeeman for the 7th 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 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.