BCCOFF-WC

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

Objections of: IRENE SMITH	)
	)
To the Nomination	)
Papers of: STANLEY S. MOORE	)
	) No. 04-EB-WC-11
Candidate for the office of	)
Ward Committeeman for the 7th 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 IRENE SMITH ("Objector") to the nomination papers ("Nomination Papers") of STANLEY S. MOORE, candidate for election to the office of Ward Committeeman for the 7th 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 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, IRENE SMITH, by her attorney; and the Candidate, STANLEY S. MOORE, pro se.

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 not present during the examination of the registration records for the first six (6) petition sheets but was present for the examination for the remaining sheets of the petition.

10. The Objector or her 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 756;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,085;

    c. The number of signatures deemed invalid because of objections sustained total 819;

    d. The remaining number of signatures deemed valid total 266.

14. On January 22, 2004, the Candidate filed a Motion for Appeal of the Records Examination claiming that he was not notified of the correct starting time of the records examination and therefore missed the examination for the first six (6)

sheets of the petition. The Hearing Examiner granted the Candidate a right to a blanket appeal of all findings by the Board's clerks on the first six (6) petition sheets. The Hearing Examiner then set a schedule for a Rule 8 evidentiary hearing.

15. The Candidate failed to file any Rule 8 motions and was thus not entitled to a Rule 8 evidentiary hearing. The evidentiary hearing scheduled for February 4, 2004 was stricken.

16. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is fewer than 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, Democratic Party.

17. 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.

18. For the reasons stated above, the Electoral Board finds that the Nomination Papers of STANLEY S. MOORE are not valid.

IT IS THEREFORE ORDERED that the Objections of IRENE SMITH to the Nomination Papers of STANLEY S. MOORE, candidate for election to the office of Ward Committeeman for the 7th Ward of the City of Chicago, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of STANLEY S. MOORE, candidate for election to the office of Ward Committeeman for the 7th Ward of the City of Chicago, Democratic Party, SHALL NOT 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.