BCCON-WC

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

Objections of: LOUISE TATUM	)
	)
To the Nomination	)
Papers of: SYLVIA JONES	)
	) No. 04-EB-WC-31
Candidate for the office of Ward Committeeman for	) [rel. 04-EB-WC-30]
the 21st 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 LOUISE TATUM ("Objector") to the nomination papers ("Nomination Papers") of SYLVIA JONES, candidate for election to the office of Ward Committeeman for the 21st 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 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, LOUISE TATUM, by her attorney; and the Candidate, SYLVIA JONES, 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 her duly authorized representative(s) was present during the examination of the registration records.

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 1,061;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,401;

    c. The number of signatures deemed invalid because of objections sustained total 396;

    d. The remaining number of signatures deemed valid total 1,005.

14. At an evidentiary hearing, the Candidate presented 98 affidavits of persons who purportedly signed her petition. After hearing all of the evidence, the Hearing Examiner concluded that 33 of the affidavits were either insufficient to overcome the findings of the Board's clerks at the records examination or addressed an

objection that had already been overruled at the records examination. However, the Hearing Examiner concluded that 65 of the Candidate's affidavits were in proper form and provided clear and convincing evidence that the objections to the signatures addressed by those affidavits should overruled. As a result of the Hearing Examiner's proposed findings, the Candidate has 1,070 valid signatures on her Nomination Papers, 9 more than the statutory minimum signatures requirement of 1,061.

15. The Electoral Board adopts the Hearing Examiner's recommended 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 an evidentiary hearing 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 21st Ward of the City of Chicago, Democratic Party.

16. 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 and the Hearing Examiner's findings at the close of the evidentiary hearing.

17. The Electoral Board further finds that another set of objections was filed against the Candidate's Nomination Papers in case number 04-EB-WC-30 and that the Electoral Board found in that case that the Candidate's Nomination Papers are valid.

18. For the reasons stated above, the Electoral Board finds that the Nomination Papers of SYLVIA JONES are valid.

IT IS THEREFORE ORDERED that the Objections of LOUISE TATUM to the Nomination Papers of SYLVIA JONES, candidate for election to the office of Ward Committeeman for the 21st Ward of the City of Chicago, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of SYLVIA JONES, candidate for election to the office of Ward Committeeman for the 21st 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

TATUM

v.

BOARD OF ELECTION COMMISSIONERS, ET AL

No. 04 CO EL 000015

ORDER

THIS MATTER COMING TO BE HEARD ON DEFENDANTS'/ RESPONDENTS' EMERGENCY MOTION TO SET BRIEFING SCHEDULE AND HEARING DATE, THE CANDIDATE PRESENT AND THE DEFENDANTS/RE PRESENT THROUGH COUNSEL;

IT IS HEREBY ORDERED;

1) THIS MATTER IS SET FOR HEARING ON MARCH 9, 2004 AT 1:30 p.m.;

2) IF THE PETITIONER ~~[illegible]~~ FAILS TO SHOW FOR HEARING, THIS MATTER SHALL BE DISMISSED FOR WANT OF PROSECUTION WITH PREJUDICE; AND,

3) COUNSEL FOR THE BOARD SHALL SERVE A COPY OF THIS ORDER ON THE PETITIONER VIA FACSIMILE.

Atty. No.: 39536

Name: JOAN T. AHERN

Atty. for: RESPONDENTS, BOARD

Address: 8 SOUTH MICHIGAN, STE 3500

City/State/Zip: CHICAGO, IL

Telephone: 312-782-8163

CIRCUIT COURT OF COOK COUNTY
ENTERED

MAR 4 2004

ENTER: JUDGE NATHANIEL R. HOWSE, JR. 779

Judge Judge's No.

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