BCCON-WC

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

Objections of: LAWRENCE JOHNSON	)
	)
To the Nomination	)
Papers of: LARRY G. NELSON	)
	) No. 04-EB-WC-42
Candidate for the office of Ward Committeeman for	) [rel. 04-EB-WC-40 and
the 24th Ward of the City of Chicago, Republican	)04-EB-WC-41]
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 LAWRENCE JOHNSON ("Objector") to the nomination papers ("Nomination Papers") of LARRY G. NELSON, candidate for election to the office of Ward Committeeman for the 24th 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 WILLIAM P. JONES 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, LAWRENCE JOHNSON, pro se; and the Candidate, LARRY G. NELSON, 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 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 Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 52;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 165;

    c. The number of signatures deemed invalid because of objections sustained total 31;

    d. The remaining number of signatures deemed valid total 134;

14. The Electoral Board 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 24th Ward of the City of Chicago, Republican Party.

15. The Objector further argues that the Candidate, who circulated all 11 of his nominating petition sheets, did not sign said sheets in the circulator's affidavit at the bottom of each sheet but instead merely placed his initials at the bottom of each sheet. He makes a similar argument regarding the Candidate's Statement of Candidacy.

16. After hearing the testimony of the Candidate/circulator, the Hearing Examiner concluded that the signature at the bottom of each petition sheet was the signature of the Candidate and not merely his initials. Accordingly, the Hearing Examiner recommends that these Objections be overruled.

17. The Electoral Board adopts the findings of the Hearing Examiner as to the Candidate/circulator's "signature." But the Electoral Board further finds that the objections regarding the Candidate/circulator's signature on his Statement of Candidacy and nominating petition sheets are not specified in the Objector's petition. Accordingly, the Objections are overruled and the Electoral Board finds that the Candidate's Nomination Papers are valid.

18. The Electoral Board further finds that there are two other sets of objections to the Candidate's Nomination Papers in case numbers 04-EB-WC-40 and 04-EB-WC-41, but that the objection in case number 04-EB-WC-41 were withdrawn and the objection in case number 04-EB-WC-40 were overruled.

IT IS THEREFORE ORDERED that the Objections of LAWRENCE JOHNSON to the Nomination Papers of LARRY G. NELSON, candidate for election to the office of Ward Committeeman for the 24th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of LARRY G. NELSON, candidate for election to the office of Ward Committeeman for the 24th 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 3rd 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.