NBCON-WC

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

Objections of: MICHAEL WYSZYNSKI	)
	)
To the Nomination	)
Papers of: BRIDGET A. BYRON	)
	) No. 04-EB-WC-79
Candidate for the office of Ward Committeeman for	)
the 46th 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 MICHAEL WYSZYNSKI ("Objector") to the nomination papers ("Nomination Papers") of BRIDGET A. BYRON, candidate for election to the office of Ward Committeeman for the 46th 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 RICHARD E. ZULKEY 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, MICHAEL WYSZYNSKI, by his attorney; and the Candidate, BRIDGET A. BYRON, by her attorney.

7. The Objector filed objections attacking 268 individual petition signatures by sheet and line, but these objections, standing alone, would not be sufficient to invalidate the Candidate's Nomination Papers, which contained 597 signatures. The minimum signature requirement for the office is 242. Even if all of the individual sheet and line objections were sustained, the Candidate's Nomination Papers would still contain 329 valid signatures.

8. The Objector's petition also alleged that the circulators' signature on some 21 petition sheets were not genuine, seeking to invalidate all of the signatures on these sheets.

9. Before proceeding to any records examination, the Hearing Examiner scheduled an evidentiary hearing for January 15, 2004 on the issue whether the circulators' signatures on the 21 petition sheets were genuine and whether the circulator appeared before a notary public. On the scheduled hearing date, the Objector was not ready to go forward. The hearing was re-scheduled for January 22, 2004.

10. On January 22, 2004, the Objector did not produce any witnesses or evidence as to the issues to be heard. Instead, the Objector contended that a records examination should be ordered to address the issue whether the circulators' signatures were genuine. The Hearing Examiner declined to order a records examination. The Hearing Examiner overruled the objection as to genuineness of the circulators' signatures or notary issues due to lack of evidence. The Hearing Examiner overruled the remainder of the sheet and line Objections on the grounds that even if all such objections were sustained, the Candidate would still have enough valid signatures.

11. The Electoral Board adopts the recommended findings and conclusions of the Hearing Examiner and overrules the Objections.

IT IS THEREFORE ORDERED that the Objections of MICHAEL WYSZYNSKI to the Nomination Papers of BRIDGET A. BYRON, candidate for election to the office of Ward Committeeman for the 46th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BRIDGET A. BYRON, candidate for election to the office of Ward Committeeman for the 46th 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 27th day of January, 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.