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

Objections of: ROBERT D. SHEARER	)
	)
To the Nomination	)
Papers of: DAN PETERSON	)
	) No. 04-EB-WC-84
Candidate for the office of	)
Ward Committeeman for the 49th 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 ROBERT D. SHEARER ("Objector") to the nomination papers ("Nomination Papers") of DAN PETERSON, candidate for election to the office of Ward Committeeman for the 49th 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, ROBERT D. SHEARER, by his attorney; and the Candidate, DAN PETERSON, by his attorney.

7. The Candidate filed a motion to strike and dismiss the Objector's petition, arguing that upon a thorough review of the Board of Election Commissioners' voter registration records, a substantial percentage of the objections involving signatures alleged by the Objector to have not been signed in their own proper person or lacking proper addresses as set forth in the Objections are false and consists of invalid and erroneous objections. The Hearing Examiner denied the Candidate's motion to strike and dismiss the Objector's petition.

8. 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.

9. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

10. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

11. The Objector or his duly authorized representative(s) was present during the examination of the registration records.

12. 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.

13. The Electoral Board has considered all evidence and arguments tendered by the parties.

14. 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 148;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 254;

c. The number of signatures deemed invalid because of objections sustained total 160;

d. The remaining number of signatures deemed valid total 94;

15. 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 49th Ward of the City of Chicago, Republican Party.

16. The Candidate filed a written motion seeking an opportunity to rehabilitate signatures. At the evidentiary hearing held on January 26, 2004, the Candidate produced no witnesses or evidence of any kind. Rather, the attorney for the Candidate orally moved to subpoena the Objector and the Objector's attorney in an attempt to show lack of good faith in the Objector's conduct. This motion was denied. The Candidate argued that the "system was unfair" and claimed that, given more time, he could rehabilitate all of the 160 stricken signatures; however, he did not identify any of the signatures he would rehabilitate nor did he make any offer of proof to the Hearing Examiner, nor did he display any attempt to comply with the rules of procedure.

17. The Electoral Board finds, therefore, that paragraph(s) (e) through (k) of the Objector's Petition are 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 DAN PETERSON are not valid.

IT IS THEREFORE ORDERED that the Objections of ROBERT D. SHEARER to the Nomination Papers of DAN PETERSON, candidate for election to the office of Ward Committeeman for the 49th Ward of the City of Chicago, Republican Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DAN PETERSON, candidate for election to the office of Ward Committeeman for the 49th Ward of the City of Chicago, Republican 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 30th 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.