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

Objections of: KELROD LEAKS	)	
	)	
To the Nomination	)	
Papers of: EDWARD BARRETT	)	
	)	No. 06-EB-RGA-06
Candidate for the office of	)	
Representative in the General Assembly,	)	
6th Representative District, State of Illinois,	)	
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 KELROD LEAKS ("Objector") to the nomination papers ("Nomination Papers") of EDWARD BARRETT, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois ("Candidate"), having convened on January 3, 2006, at 10:00 a.m., in the Conference Room, Eighth Floor, 69 West Washington Street, 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 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 3, 2006 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Mario Correa 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, KELROD LEAKS, appearing *pro se*. Neither the Candidate, EDWARD BARRETT, nor anyone on his behalf appeared at the hearing.

7. At the hearing on January 3, 2006, Jeff Fedderke, Assistant Director all the Election Support Division for the Chicago Board of Election Commissioners testified that he received a telephone call from Greg Swan, a representative from the office of State Senator Robert Molaro, stating that the Candidate was deceased. The Hearing Examiner found that even though such testimony was hearsay, it was credible in that Mr. Fedderke he is an independent third party and that given the nature of the testimony a reasonably prudent man would rely upon the same in the conduct of his affairs. Based upon the information provided by Mr. Fedderke, the hearing was continued to January 9, 2006 for the purpose of receiving any additional information and/or evidence regarding the Candidate's status.

8. On January 9, 2006 the hearing in this matter was reconvened and a copy of a certified death announcement of Edward X. Barrett provided by the Chicago Sun-Times was entered into the record as Board Group Exhibit D. Receipt of said death announcement was verified by the testimony of Mr. Fedderke. No party ever appeared or entered an appearance on behalf of the Candidate.

9. As a result of the foregoing, the Hearing Examiner found that the Candidate, Edward Barrett, was in fact the ceased. Therefore, the Hearing Examiner recommends that the Electoral Board remove the Candidate's name from the ballot.

10. Subsequent to the January 9, 2006 hearing in this matter, the Electoral Board received from Mr. Brandon Neese, Deputy Cook County Clerk, a certified death certificate, dated January 10, 2006, for Edward X. Barrett of 641 West 48th Place, Chicago, Illinois. The Social Security number and date of birth, as well as the residence address, match that of the voter registration records for Mr. Edward X. Barrett, the candidate in this matter.

11. Based upon the foregoing, the Electoral Board finds that the Candidate in this matter, Edward X. Barrett, is deceased, thus rendering objections to his Nomination Papers moot. The Electoral Board further finds that the name of the Candidate shall not be printed on the ballot for the March 21, 2006 general primary election.

IT IS THEREFORE ORDERED that the name of EDWARD BARRETT, candidate for the nomination of the Democratic Party to the office of Representative in

the General Assembly for the 6th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 21, 2006.

Dated: Chicago, Illinois, this 20th day of January, 2006.

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.