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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: MICHAEL (SHADOW) SMITH	)	
	)	No. 06-EB-RGA-08
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 MICHAEL (SHADOW) SMITH, 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 BARBARA GOODMAN 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*; and the Candidate, MICHAEL (SHADOW) SMITH, appearing *pro se*.

7. The Candidate filed a Motion to Strike and Dismiss the Objector's Petition alleging that all but the first two sheets of the Objector's Appendix Recapitulation sheets failed to contain the name "Shadow" at the top of the page. Additionally, Candidate alleged that the Objector's Petition was invalid because the Objector's interest was not in fact that of an interested citizen but rather a political interest.

8. The Hearing Examiner denied the Candidate's Motion to Strike and Dismiss inasmuch as it failed to set forth a cognizable basis for dismissal of the Objector's Petition. There is no requirement that the Appendix-Recapitulation sheets contain the full name of the candidate. Additionally, there is no prohibition against a person having a political interest in the electoral process and the Objector's motivation in filing the Objector's petition is not relevant to the proceedings.

9. 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.

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

11. The Candidate or his duly authorized representative was present during the examination of the registration records.

12. The Objector or his duly authorized representative was present during the examination of the registration records.

13. 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.

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

15. 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 500;

b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 655;

c. The number of signatures deemed invalid because of objections sustained total 190;

d. The remaining number of signatures deemed valid total 465;

16. 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 nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois.

17. The Electoral Board finds, therefore, that paragraph(s) 3-7 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 MICHAEL (SHADOW) SMITH are not valid.

IT IS THEREFORE ORDERED that the Objections of KELROD LEAKS to the Nomination Papers of MICHAEL (SHADOW) SMITH, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 6th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MICHAEL (SHADOW) SMITH, candidate for 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.