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

Objections of: LARRY D. REID, HSIEN CHIN CHANG AND LOVIE R. COPELAND	)
	) No. 06-EB-SS-03
To the Nomination Papers of: CLARENCE DESMOND CLEMONS	)
Candidate for the office of State Senator for the 3rd Legislative 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 LARRY D. REID, HSIEN CHIN CHANG AND LOVIE R. COPELAND ("Objector(s)") to the nomination papers ("Nomination Papers") of CLARENCE DESMOND CLEMONS, candidate for nomination of the Democratic Party to the office of State Senator for the 3rd Legislative District, State of Illinois ("Candidate"), having convened on January 3, 2006, at 2:00 p.m., in Room 800, 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(s) 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 CASANDRA WATSON for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Electoral Board on January 3, 2006, at 2:30 p.m.

7. The Hearing Examiner conducted an initial hearing of this case on January 3, 2006, at 2:30 p.m. The Objector was present. The Candidate did not respond to the call of the case on three occasions, at intervals of at least 15 minutes apart, and was not otherwise present.

8. The Electoral Board finds that the Candidate, CLARENCE DESMOND CLEMONS, was served with a copy of the Electoral Board's Call to the January 5, 2004 meeting by a deputy Cook County Sheriff on December 29, 2005 at approximately 10:20 a.m.

9. The Electoral Board finds that the Candidate, CLARENCE DESMOND CLEMONS, did not appear at the duly called meeting of the Electoral Board nor at the initial hearing conducted in this matter after having been duly served with a copy of the Call and having been notified of the meeting and hearing in this cause as required by law.

10. On January 4, 2006 at approximately 4:54 p.m., the Candidate filed a letter, via facsimile, directed to the Electoral Board indicating in summary that he had been given "the wrong packet" for the district he had requested; that the district requested was 13, but the information packet given was for District 3; and that he was not able to attend the hearing on January 3 due to the death of a loved one, whose funeral was held on January 3. The Candidate attached a copy of the obituary to his letter to the Electoral Board.

11. On January 8, 2006, the Candidate and the Objectors were notified by fax, and the Candidate was also notified by telephone, that the Board would be meeting to consider Candidate's January 4 letter, which the Board considered as a request to not default the Candidate. The Objectors, through counsel, were present at the January 10, 2006 meeting of the Electoral Board; however, the Candidate again failed to appear or otherwise explain why he could not attend the January 10 meeting.

12. Therefore, the Electoral Board finds that the Candidate, CLARENCE DESMOND CLEMONS, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

13. The Electoral Board further finds that the Candidate's Nomination Papers are legally insufficient on their face for following reasons:

A. The Nomination Papers contain only 349 of the 1,000 signatures of qualified and duly registered voters of the 3rd Legislative District of the State of Illinois required by 10 ILCS 5/8-8 (see Objectors' Petition, Paragraph 5).

B. The address stated by the Candidate on his Statement of Candidacy is located in the 13th Legislative District and not the 3rd Legislative District and the Candidate does not, therefore, reside in the 3rd Legislative District in which he is seeking nomination as required by Article IV, Section 2(c) of the Illinois Constitution (see Objectors' Petition, Paragraph 7).

C. The Candidate failed to file with the State Board of Elections a receipt for the filing of a Statement of Economic Interests in relation to his candidacy (see Objectors' Petition, Paragraph 9).

14. For these reasons, the Electoral Board finds that the Candidate's Nomination Papers are insufficient as a matter of law and are invalid.

IT IS THEREFORE ORDERED that the Objections of LARRY D. REID, HSIEN CHIN CHANG AND LOVIE R. COPELAND to the Nomination Papers of CLARENCE DESMOND CLEMONS, candidate for nomination of the Democratic Party to the office of State Senator for the 3rd Legislative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CLARENCE DESMOND CLEMONS, candidate for nomination of the Democratic Party to the office of State Senator for the 3rd Legislative 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 10th 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.