

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

Objections of: LANCE TUCK)	
)	
)	
To the Nomination)	No.: 07-EB-ALD-102
Papers of: KEVIN AMMONS)	
)	
Candidate for the office of)	
Alderman of the Twenty-first Ward,)	
City of Chicago)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal 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 LANCE TUCK (“Objector(s)”) to the nomination papers (“Nomination Papers”) of KEVIN AMMONS, candidate for the office of Alderman of the Twenty-first Ward in the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 a.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 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(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 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Rodney Stewart for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector(s), LANCE TUCK, by counsel, Randy Crumpton; and the Candidate, KEVIN AMMONS, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

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

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

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

11. The examination of the registration records was completed on January 9, 2007 that indicated that the Candidate had 200 valid signatures. A corrected records examination results issued on January 18, 2007 reflected that the Candidate had a total of 202 valid

signatures. The Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents as corrected on January 18, 2007. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 270;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 516;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 314;

D. The remaining number of signatures deemed valid as a result of the records examination total 202.

14. The Hearing Examiner then set a hearing on January 16, 2007 to allow the Candidate an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination.

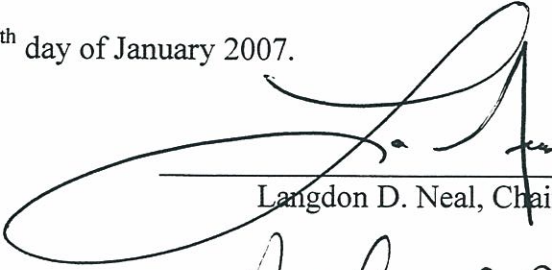
15. Based upon the evidence presented, the Hearing Examiner found that Candidate was entitled to an additional 2 signatures that had previously ruled invalid during the records examination, bringing the Candidate's total number of valid signatures to 204. The Hearing Examiner found that the Candidate had only 204 valid signatures, far less than the 270 minimum signatures required by law.

16. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less 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 Alderman of the Twenty-first Ward of the City of Chicago.


17. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Nomination Papers of KEVIN AMMONS are not valid.

IT IS THEREFORE ORDERED that the Objections of LANCE TUCK to the Nomination Papers of KEVIN AMMONS, candidate for election to the office of Alderman of the Twenty-first Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of KEVIN AMMONS, candidate for election to the office of Alderman of the Twenty-first Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 25th day of January 2007.



Langdon D. Neal, Chairman



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.

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

LANCE TUCK,
Objector,

and

No. 07-EB-ALD-102

KEVIN AMMONS,
Candidate.

Recommended Findings of Fact and Decision

The Objector's Petition challenging the number of valid signatures on the Candidate's nomination petitions and the Candidate's Response was properly filed.

The Candidate filed a Motion to Strike and Dismiss the Objector's Petition and a Response was filed. A hearing was conducted on January 5, 2007. Argument by both parties was presented and the motion was denied.

A Record Examination was ordered on January 2, 2007 and was completed by an employee of the Board of Election Commissioners on January 9, 2007. The Candidate needs at least 270 valid signatures on his nomination petitions in order to remain on the ballot for Alderman. A hearing was conducted on January 12, 2007 and the results of the Record Examination conducted on January 9, 2007 were admitted into evidence demonstrating that the Candidate had 200 valid signatures, some 70 valid signatures less than required. The Objector rested on his Objections and the Candidate rested on the results of the Record Examination.

The Candidate filed a Rule 8 Petition pursuant to the Rules of Procedure for the Board of Election Commissioners of the City of Chicago, entitled "Statement", but failed to include any information that would serve to identify "the petition sheet and line number for any signature that was examined during the Rule 6 records examination and for which a party timely and properly appealed the findings of the Board's clerks" as required under Rule 8. A hearing was called on January 16, 2007 and the Objector, through his attorney, objected to the Candidate's Rule 8 Petition on this basis. The Candidate brought to the hearing some seventy plus affidavits but never provided copies prior to the hearing to the Objector and never filed a copy with the Board of Election Commissioners. A copy

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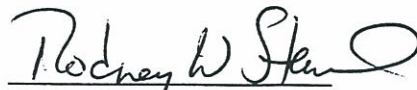
of the affidavits were made and provided to the Objector and the matter was continued in order to allow the Objector time to review each affidavit with the Objector preserving his objection to the Rule 8 Petition.

During the course of the hearing on January 18, 2007, it was determined that the Candidate was entitled to have a decision reversing four of the previously sustained decisions. This gave the Candidate 204 valid signatures.

At the hearing on the Objector's Petition that was conducted on January 18, 2007, the Objector once again raised his initial objection to the Candidate's Rule 8 Petition arguing that prior notice of the petition sheet and line number for any of the signatures that the Candidate sought to rehabilitate had not been previously provided to him. The Candidate agreed that he had not previously provided such information but argued that his inadvertence was a technicality that should be excused. The Hearing Examiner after considering the arguments and the evidence sustained the Objector's objection because of the Candidate's failure to include the required sheet and line number for any signature information with respect to in his Rule 8 Petition.

It is recommended that the name of the Candidate Kevin Ammons not appear on the February 27, 2007 ballot for Alderman in the 21st Ward.

Date: January 22, 2007


Rodney W. Stewart
Hearing Examiner