



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 November 20, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Casandra B. Watson 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, DANIEL TROY COBB, appearing on his own behalf; and the Candidate, MARLOW H. COLVIN, appearing by counsel, Andrew Raucci standing in for Michael J. Kasper.

7. The Candidate filed a motion to strike and dismiss, contending, among other things, that the Objector did not have standing to file an objection inasmuch as he was a resident of Evanston, Illinois and not of the 33<sup>rd</sup> Representative District.

8. It is the Candidate's burden to plead and prove that the Objector lacks standing to bring an objection. *Dunham v. Naperville Township Officers Electoral Board*, 265 Ill.App.3d 719, 640 N.E.2d 314 (Second Dist. 1994).

9. The Verified Objector's Petition filed in this case clearly stated that the Objector's address is, in fact, 1131 Dewey, Evanston, Illinois, which address is outside the 33<sup>rd</sup> Representative District of the State of Illinois.

10. The Objector admitted to living at the address stated on the Objector's Petition and that he was not a registered voter residing in the 33<sup>rd</sup> Representative District.

11. The Election Code requires that an objector satisfy certain residency requirements to possess standing to bring an objection. Specifically, 10 ILCS 5/10-8 states, in relevant part, that an objector must be a: ". . . . legal voter of the political subdivision or district in which the candidate . . . . is to be voted on . . . ."

12. Section 1-3(13) of the Election Code (10 ILCS 5/1-3(13)) defines the word "district" to mean, among other geographical areas, a legislative district.

13. In this case, Objector admittedly does not live in the district in which the Candidate whose nomination papers he is objecting to is to be voted on, i.e., the 33<sup>rd</sup> Representative District of the State of Illinois.

14. The Hearing Examiner recommends that the Electoral Board grant the Candidate's motion to strike and dismiss the Objections, in that the Objector lacked the requisite standing to bring the objection because the Objector lacked the required residency in the 33<sup>rd</sup> Representative District of the State of Illinois.

15. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions of law and finds that the Objector lacked the requisite standing to bring the objection because the Objector was not a resident and legal voter of the 33<sup>rd</sup> Representative District of the State of Illinois, the district in which the Candidate is seeking election. Accordingly, the Electoral Board hereby grants the Candidate's motion

to strike and dismiss the Objections because the Objector lacked the requisite standing because of a lack of residency.

16. The Electoral Board further finds that there were other objections filed against the Candidate's Nomination Papers in cases 08-EB-RGA-33, 08-EB-RGA-34, 08-EB-RGA-35 and 08-EB-RGA-36, but that the objections in those cases have been or will be dismissed.

17. There being no valid objections to the Candidate's Nomination Papers, the Electoral Board finds that such Nomination Papers are deemed valid.

IT IS THEREFORE ORDERED that the Objections of DANIEL TROY COBB to the Nomination papers of MARLOW H. COLVIN, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd Representative District, State of Illinois, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of MARLOW H. COLVIN, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 7<sup>th</sup> day of December 2007.



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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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Marisel A. Hernandez, 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.