

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

Objections of: RYAN SIMAS)	
)	
)	
)	
To the Nomination)	No. 08-EB-RGA-36
Papers of: MARLOW H. COLVIN)	
)	(rel. cases RGA-32, RGA-33, RGA-34,
)	RGA-35)
)	
Candidate for the office of Representative)	
of the 33rd District, State of Illinois)	
Democratic Party)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, 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 RYAN SIMAS ("Objector") to the nomination papers ("Nomination Papers") of MARLOW H. COLVIN, candidate for the nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd District, State of Illinois ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 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, RYAN SIMAS, appearing on his own behalf; and the Candidate, MARLOW H. COLVIN, by counsel, Andrew Raucci standing in for Michael J. Kasper.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition, arguing that it failed to comply with the requirements of Section 10-8 of the Election Code.

8. On the second date of the continued hearing, the Objector filed a motion to disqualify the Hearing Examiner assigned in this case, alleging that the Hearing Examiner was biased against the Objector and his co-objectors in cases 08-EB-RGA-32, 08-EB-RGA-33, 08-EB-RGA-35 and 08-EB-RGA-35.

9. Rule 19 of the Electoral Board's Rules of Procedure provide that after the initial hearing, a party may request a substitution of hearing examiner but such request shall be granted only upon good cause.

10. The Electoral Board heard the Objector's motion to disqualify the Hearing Examiner and found that the Objector failed to show good cause for disqualification of the Hearing Examiner. Therefore, the Electoral Board denied the Objector's motion to disqualify the Hearing Examiner and the Hearing Examiner continued with deliberation of the case.

11. Section 10-8 of the Election Code requires that the objector's petition shall (a) give the objector's name and residence address; (b) state fully the nature of the objections to the certificate of nomination or nomination papers; (c) state the interest of the objector; and (d) state what relief is requested of the electoral board. If the objector's petition substantially complies with the requirements of Section 10-8 of the Election Code, it is a valid objector's petition. *Crosby v. Beavers*, 95-EB-ALD-202, CBEC, January 24, 1995.

12. An objection is required to fully state the nature of the objections and what relief is being sought to comply with the Election Code. *Kopec v. Sims*, 07-EB-MUN-002, CBEC, January 19, 2007; *Crosby v. Beavers*, 95 EB-ALD-202, CBEC, January 24, 1995. An objection petition must adequately and sufficiently apprise the candidate of the specificity of each objection, thus making evaluation possible. *Elysee v. Patterson*, 04-EB-RGA-14, January 20, 2004.

13. The body of the Objector's Petition in this case refers to usual allegations concerning individual signatures (not registered, not genuine, etc) "as is set forth

specifically in appendix A attached” thereto. However, the “Appendix A” attached to the Objector’s Petition consists of one page. In the column under “Page No.” on the Appendix A there are four rows filled in. The first row refers to “1-20”; the second row refers to “21-50”; the third row refers to “51-100”; and the fourth row refers to “101-140.” On each of the four rows, the columns for “Signer Not Registered,” “Not Signed in Own Proper Person” and “Name or Address Missing or Incomplete” are filled in with the marking “1-20”, purportedly objecting on each and every ground to each and every signatures on lines 1-20 of each and every sheet of the Candidate’s nominating petition. The Candidate filed 2,445 signatures on 140 petition sheets.

14. As the Candidate rightfully notes, on many of these sheets there were not even 20 signatures on the petition sheet. Thus, not only does the Objector’s Petition object to each and every signature on the Candidate’s petition sheets, but it also objects to signatures that do not even exist.

15. During the hearing on the Candidate’s motion to strike the Objector’s petition, the Objector presented no evidence to show what investigations were made in preparing Objector’s Petition. The Hearing Examiner found that the Objector’s Petition was not prepared as the result of a reasonable inquiry or investigation of the facts and was not made in good faith. The Hearing Examiner, therefore, granted the Candidate’s motion to strike and dismiss the Objector’s Petition.

16. The Hearing Examiner has tendered to the Electoral Board her report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate’s Nomination Papers be stricken and dismiss and that the Nomination Papers be found valid.

17. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

18. Objections such as those filed here, sometimes referred to as "shot gun" objections, do not "fully state the nature of the objections" as required by Section 10-8 of the Election Code and should be overruled. See, e.g., *Derengowski v. Lamm*, 96-EB-RGA-1, CBEC, January 17, 1995, affirmed *Derengowski v. Electoral Board of City of Chicago*, 96 CO 16 (Cir. Ct. Cook Co., Judge Henry, February 9, 1996). The Electoral Board should not be required to expend its valuable time and resources, nor the time and resources of a candidate, in engaging in a "fishing expedition" for an objector who has not spent the requisite time and resources to make a reasonable inquiry of the facts. Entertaining such objections may invite future parties to interpose similar objections for improper purposes, such as to harass candidates, cause unnecessary delay in the preparation of the ballots or in the conduct of candidate campaigns, or needlessly increase the cost of conducting elections.

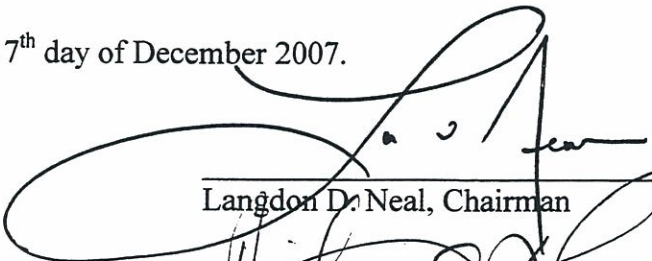
19. For the reasons stated above, the Electoral Board strikes and dismisses the Objections to the Candidate's Nomination Papers.

20. The Electoral Board further finds that there were other objections filed against the Candidate's Nomination Papers in cases 08-EB-RGA-32, 08-EB-RGA-33, 08-EB-RGA-34 and 08-EB-RGA-35, but that the objections in those cases have been or will be dismissed.

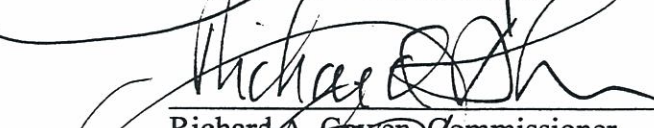
21. There being no valid objections to the Candidate's Nomination Papers, the Electoral Board finds that such Nomination Papers are deemed valid.

IT IS THEREFORE ORDERED, that the Objections of RYAN SIMAS 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.

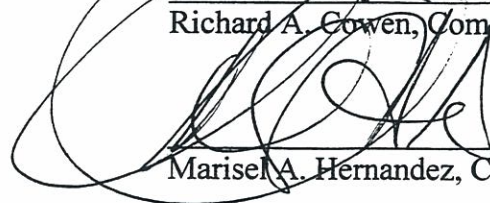
Dated: Chicago, Illinois, this 7th day of December 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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.