

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

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Objections of: VIRGIL E. JONES	)	
	)	
	)	
	)	
To the Nomination	)	No. 08-EB-WC-15
Papers of: ROSA PRITCHETT	)	
	)	
	)	
Candidate for the office of Ward	)	
Committeeman for the 15th Ward of the	)	
City of Chicago, Republican 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 VIRGIL E. JONES ("Objector") to the nomination papers ("Nomination Papers") of ROSA PRITCHETT, candidate for election to the office of Ward Committeeman for the 15th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8<sup>th</sup> 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 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, VIRGIL E. JONES, appearing pro se; and the Candidate, ROSA PRITCHETT, appearing pro se.

7. 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 overruled and that the Nomination Papers be found valid.

8. 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. A copy of the Hearing Examiner's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

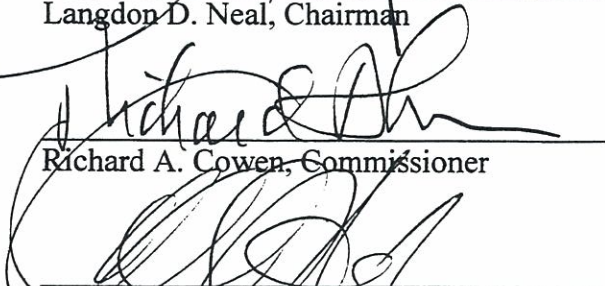
9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of VIRGIL E. JONES to the Nomination Papers of ROSA PRITCHETT, candidate for election to the office of Ward Committeeman for the 15th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ROSA PRITCHETT, candidate for election to the office of Ward Committeeman for the 15th Ward of the City of Chicago, Republican Party, 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.



\_\_\_\_\_  
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.

SERVICE ATTACHED

BEFORE THE CHICAGO BOARD OF ELECTION COMMISSIONERS  
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES  
FOR THE FEBRUARY 5, 2008 GENERAL PRIMARY ELECTION

VIRGIL E. JONES	)	
	)	
Objector	)	
	)	
-v-	)	08 EB WC 15
	)	
ROSE PRITCHETT	)	
	)	
Candidate	)	

2007 REC-4 A H: 08

**HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION**

This matter was first heard on January 20, 2007. Objector appeared pro se. Candidate appeared pro se. The parties were given an opportunity to submit preliminary motions. Candidate filed a Motion to Strike. No motions or responses were filed by the Objector.

The matter was set for further hearing on November 30, 2007. At the hearing, candidate's Motion to Strike was first addressed. Although the content of Candidate's Motion was more in the form of an Answer to the Objector's Petition, it did contain an allegation that the Objector's Petition was invalid because the Objector requested that the candidate not be placed on the ballot for the primary election to be held on February 5, 2005 (emphasis added). The Motion to Strike was denied as the error in the date of the election constitutes a scrivener's error and was not fatal to the Objector's Petition. See, e.g. Novak v Miller, 00-EB-WC-04, CREC, January 28, 2000, where a typographical error identifying the office and district in the prayer for relief did not invalidate the objection petition. See also Ryan v Landek, 159 Ill. App. 3d (1987)

The allegations contained in the Objector's Petition were then considered.

Paragraph 6 of the Objector's Petition alleged that the nominating papers were invalid as **"The Statement of Candidacy does not read the same as the nominating petition in the box for the office the box states 15<sup>th</sup> ward committeeman and not Republican Committeeman City of Chicago 15<sup>th</sup> ward as the box should state."** A review of the Statement of Candidacy indicates that in the box designated "Party" the word "Republican" is specified. Accordingly, paragraph 6 of the Objector's Petition was overruled.

Paragraph 7 of the Objector's Petition alleged that **"The Statement of Candidacy must contain the district for said office and the statement of candidacy does not state the district but states the below listings for the district : (A) 1<sup>st</sup> Cong, (B) 2<sup>nd</sup> Cook, (C) 4<sup>th</sup> City."** At the hearing, Candidate explained that the foregoing designations corresponded with the Congressional district, County Board District and precinct in which she resides. It is without question that the addition of the foregoing information was an unnecessary inclusion in the Statement of Candidacy.

As is clear from case law, in order to determine whether the addition of the extra information is a basis to invalidate the nominating papers, it must be determined whether there is a basis for confusion as to the office for which the candidate is seeking election. Where there is no basis for confusion, the candidate is entitled to have his or her name placed on the ballot. Lewis v Dunne, 63 Ill. 2d 48 (1976). The confusion can arise from incorrect or insufficient information as well as by the failure to distinguish between available vacancies. See e.g. Salgado v Marquez, 356 Ill. App. 3d 1072 (2005) and Heabler v Municipal Officers Electoral Board, 296 Ill. App. 3d 731 (1998) where there were more than one vacancy for the offices sought and the vacancies were not identified.

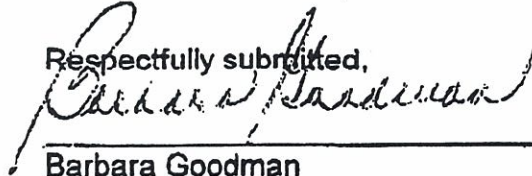
Here, the only Republican Ward Committeeman position in the 15<sup>th</sup> ward of the City of Chicago to be voted upon at the next election is for a full term. Accordingly, there is no confusion as to which Republican ward committeeman position is being sought. A review of the remainder of the heading on the Statement of Candidacy as well as the language in the body of the Statement of Candidacy establishes that all information to properly identify the office is contained therein. Moreover, none of the extra language is contained in the petition sheets and, therefore, there is no basis for voter confusion. Thus, the excess information on the Statement of Candidacy was regarded as surplusage and paragraph 7 was overruled.

Paragraphs 8 and 10 alleged, respectively, that the Statement of Candidacy and the Nominating Petitions do not state whether the candidate is seeking election or nomination. These de minimus deviations are insufficient to invalidate the nominating papers. See, e.g. Arce v Santos 96 EB-WC-34 CBEC, January 29, 1996. Accordingly, paragraphs 8 and 10 were overruled.

Paragraph 9 alleged "the nominating petitions does not state the proper office and should read the same as the Statement of Candidacy as stated in the Election Code 10 ILCS 5/10-4. A review of both the Statement of Candidacy and the nominating papers establishes that all the requisite details necessary to properly identify the office are contained in both documents and there is no material difference between the two. Accordingly, paragraph 9 was overruled.

In conformity with the foregoing, it is my recommendation that the Objector's Petition be overruled, that candidate Rosa Pritchett's nominating papers be deemed valid and that the candidate's name appear on the ballot at the February 5, 2008 General Primary Election.

Respectfully submitted,



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Barbara Goodman  
Hearing Examiner  
12/03/07

HP LaserJet 3050

# Fax Call Report

HP LASERJET FAX

Dec-4-2007 12:04PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
543	12/ 4/2007	11:59:59AM	Send	17738639635	4:53	5	OK

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

VIRGIL E. JONES )  
Objector(s) )  
vs. )  
ROSA PRITCHETT )  
Candidate )

Case No. 08-EB-WC-15

APPEARANCE

The undersigned hereby makes his/her appearance (either pro se or by attorney (circle one)) for VIRGIL E. JONES and designates the following address and telephone number(s) for Service or Notice of Filing pursuant to Rules 2 and 15 of the Electoral Board's Rules of Procedure:

Name: VIRGIL E. JONES  
(print your name here)

Address: 2453 W. MARQUETTE RD.  
(print your street address, suite, room, unit or apartment number here)

CHICAGO ILL Zip 60629  
(print your city, village or town and State here) (print your Zip Code here)

Telephone Number(s) (773) 863-9635  
(office) (home)

I agree to accept service by facsimile at the following fax number: (773) 863-9635

Date: Nov. 26 2007

Check here if you are a licensed attorney:

IMPORTANT NOTE: An objector or a candidate may appear in person on his or her own behalf ("pro se") and participate in the Electoral Board proceedings, or they may be represented by an attorney licensed to practice law in the State of Illinois. Non-attorneys may not appear on behalf of or represent another party in Electoral Board proceedings, but non-attorneys may participate in records examinations or additional records examinations under Rules 6 and 7 of the Electoral Board's Rules of Procedure. See Rule 2 of the Electoral Board's Rules of Procedure for more detailed explanation.

IMPORTANT NOTE: The numbers listed shall be available for calls during the Board's working hours, including Saturdays, Sundays and Holidays.

Spoke to ROSA Pritchett  
12/02/07 - 12:02 PM