

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

Objections of: Wayne A. Heusel)
)
)
To the Nomination) No.: 14-EB-RGA-06
Papers of: Kenneth "Ken" Dunkin)
)
Candidate for the nomination of the)
Democratic Party for the office of)
Representative in the General Assembly of the)
5th Representative District, State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago 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 Wayne A. Heusel ("Objector") to the nomination papers ("Nomination Papers") of Kenneth "Ken" Dunkin, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 5th Representative District of the State of Illinois ("Candidate") at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013, at 9:00 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 and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, Wayne A. Heusel, by his attorney, Thomas G. Cosgrove; and the Candidate, Kenneth "Ken" Dunkin, by his attorney, Michael J. Kasper.

7. On December 16, 2013 the Hearing Officer granted the Candidate leave to file a Motion to Strike and Dismiss Objector's Petition, granted Objector leave to file his Response and set the Candidate's Motion to Strike and Dismiss for hearing on December 23, 2013.

8. On December 16, 2013, the Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

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

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

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

12. On December 23, 2013, the Hearing Officer heard argument on the Candidate's Motion to Strike and Dismiss. The Candidate's motion alleged the Objector's Petition should be dismissed because it was insufficient as a matter of law in that if all the line by line objections and circulator objections contained in the Objector's Petition were sustained, the Candidate would still have over the 500 signatures required for placement on the ballot. The Hearing Officer took the motion under advisement.

13. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

14. 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 500 with a maximum signature requirement of 1,500.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,577.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 234.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,343.

15. On December 30, 2013 the Hearing Officer overruled objections that sought to strike petition sheets 5, 7, 22, 34, 47, 51, 59, 62, 66, 67, 68, 74, 75, 77, 78, in their entirety alleging that the sheets were not properly notarized. The Hearing Officer examined said sheets and found the petition sheets are signed by the circulator and that the circulator's signature is notarized. As a result of overruling the objections in paragraphs 12 and 13 of the Objector's Petition, the Hearing Officer found that the Candidate has over the 500 signatures required for placement on the ballot, even if every signature objection were sustained.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained more than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

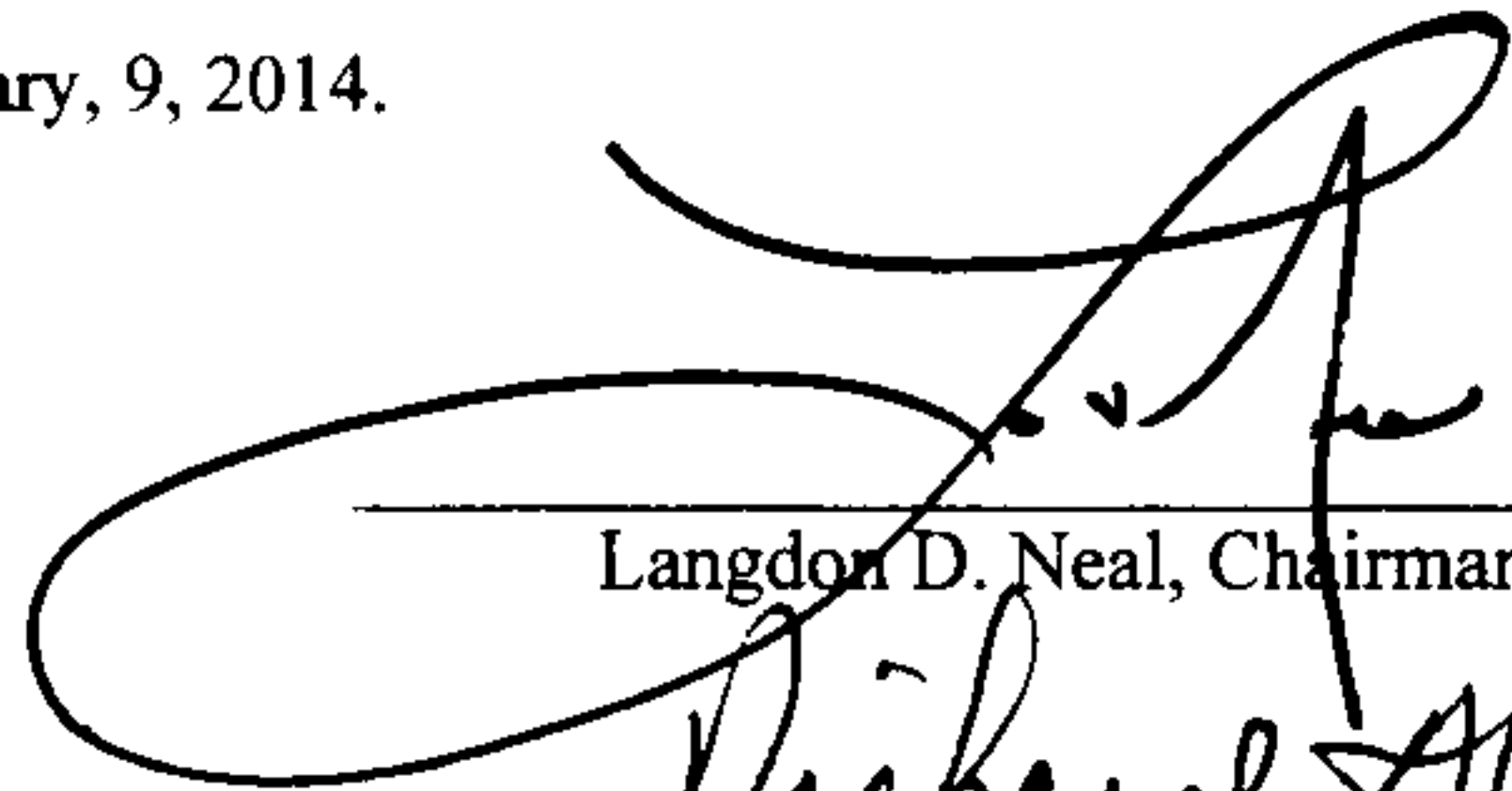
17. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of Democratic Party to the office of Representative in the General Assembly for the 5th Representative District of the State of Illinois.

18. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

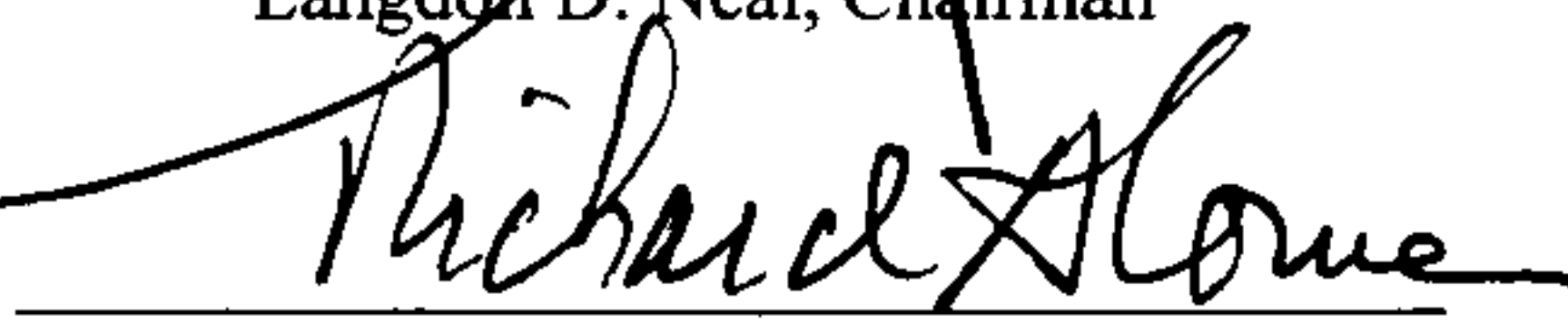
19. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Kenneth "Ken" Dunkin are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Wayne A. Heusel to the Nomination Papers of Kenneth "Ken" Dunkin, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Kenneth "Ken" Dunkin, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 5th Representative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

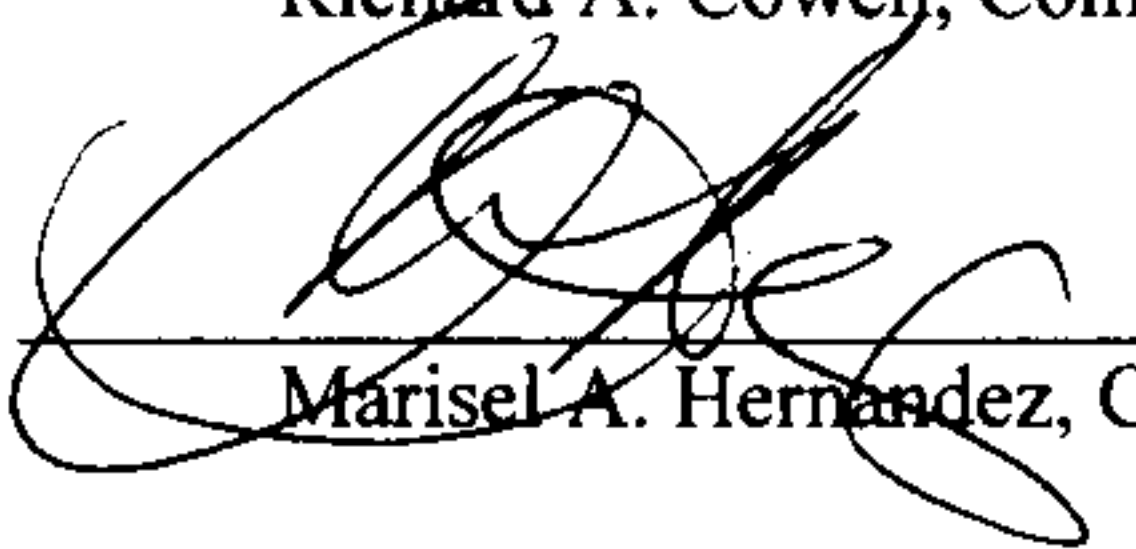
Dated: Chicago, Illinois, on January, 9, 2014.



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 5 days after service of the decision of the Electoral Board.