

were filed pursuant to 10 ILCS 5/10-3.1 of the Election Code. The staff of the DuPage County Election Commission reviewed the nominating papers filed by the Candidate and determined that the nominating papers were not in apparent conformity with the Election Code as the Libertarian Party was not an established political party in the subject precinct, which precinct is located in the 39th State Legislative District. Thereafter, the matter was referred to the Electoral Board for a confirmation and affirmation of the apparent conformity determination made by the DuPage County Election Commission staff.

A Call Notice for hearing was issued on December 27, 2001, by Dean Westrom, Chairman of the ELECTORAL BOARD. See Exhibit "B", attached hereto and incorporated herein by reference. The Call Notice was issued and served upon the CANDIDATE, by certified mail, in accordance with the Election Code, 10 ILCS 5/10-10, and evidenced by a return receipt as required. See Exhibit "C", attached hereto and incorporated herein by reference. The Call Notice was also served by personal service upon the attorney for the CANDIDATE, pursuant to and agreement of the parties and an executed Waiver of Service. (See Exhibit "D" attached hereto and incorporated herein by reference).

On January 2, 2002, at 10:00 a.m., a public hearing was convened before the full and legally constituted Electoral Board, at which time the counsel for the Electoral Board indicated that the reason for the proceedings was the staff determination that the Nominating Papers of the CANDIDATE were insufficient as a matter of law as the Libertarian Party was not considered an established political party, pursuant to the Election Code, 10 ILCS 5/10-2. Present at the hearing was the attorney for the CANDIDATE, ANDREW B. SPIEGEL, who filed a Special and Limited Appearance, and the Candidate. See Exhibit "E" attached hereto and incorporated herein for reference. The attorney for the CANDIDATE was directed to file a legal brief in support of his position challenging the jurisdiction of the Electoral Board and the legal issue as it relates to the determination that the Libertarian Party is not an established political party for purposes of said OFFICE. The matter was continued until January 8, 2002 for hearing and argument. On January 8, 2002, at 10:30 a.m., a public hearing was reconvened before the full and legally constituted ELECTORAL BOARD in accordance with the Election Code, 10 ILCS 5/10-9(2), and the laws of the State of Illinois for hearing and passing on the OBJECTIONS to the OFFICE. Notice of such hearing was given in conformance with provisions of the Election Code and the Illinois Open Meetings Act.