STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS OF THE CITIZENS PARTY FOR THE NOVEMBER 4, 1980 GENERAL ELECTION

IN RE: Objection of )
)
FRANCES C. SERPICO )
To the Nominating Petition of )
) CASE NO. 80-EB-NP-1
CITIZENS PARTY )
for the Office of Representative )
in the General Assembly in the )
19th Legislative District. )

AMENDED DECISION

The duly constituted Electoral Board, consisting of MICHAEL E. LAVELLE, MARIE H. SUTHERS AND CORNEAL A. DAVIS, organized by law in response to a remand of this cause by order of the Circuit Court, Case No. 80 Co 2209, dated September 25, 1980, having reconvened on October 2, 1980 at 2:00 p.m. in Room 308, City Hall, Chicago, Cook County, Illinois, hereby amends its previous decision in this cause in conformity with the order of the Circuit Court.

The Board finds that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. The findings of the Board previously entered in this cause on August 26, 1980, not inconsistent with the findings and conclusions hereinafter set forth, are hereby incorporated by reference;

3. In accordance with paragraph 3 of said trial court's order and based upon the record that Jesus Lebron, circulator of petition sheets 78, 79, 80, 81 and 82, was a registered voter in the 19th Legislative District;

4. In accordance with paragraph 4 of said trial court's order and based upon the record that Justina Diaz, a/k/a Justina Fuentes, circulator of petition sheets 135 and 136, was a registered voter in the 19th Legislative District;

5. In accordance with paragraph 5 of said trial court's order and based upon the record that, of the 38 signatures examined by Howard Doulder as part of the Rule 9 rehearing, 11 signatures were valid: that is, 11 objections to these signatures were overruled;

6. The findings in paragraphs 3, 4 and 5 of this amended decision, coupled with the previous findings of this Electoral Board on August 26, 1980 would provide the candidate with sufficient valid signatures for placement upon the ballot.

7. (a) However, during the course of the remand hearing, evidence was presented to the Board by the objector that the signatures on sheets 135 and 136 were invalid because the circulator of sheets 135 and 136 had not personally appeared before the notary public who acknowledged his signature on the circulator's affidavit. See Williams v. Butler, 35 Ill. App.3d 532 (1976); William Bowe v. Chicago Electoral Board, 404 NE2d 180 (1980). Consequently, the Board finds the 26 signatures on these sheets invalid.

(b) The record further indicates that, Lebron, the circulator of petition sheets 78 through 82 had not personally appeared before the notary public who acknowledged his signature. Based on the record however, it cannot be said with preponderance that the objector proved Lebron did not personally appear before an officer authorized to administer oaths for acknowledgment of his signature on the circulator affidavits. A detailed review of Lebron's testimony revealed inconsistencies, contradictions and lack of communication between the witness and the examiners. Because the Board found Lebron to be a registered voter, the Board now finds 55 of the signatures on these sheets are valid.

(c) In paragraph 6 of said trial court's order, the trial court affirmed the Board's ruling to strike signatures when evidence comes to the Board that the signatures are defective for a reason beyond the specific objection. Moreover, in the trial court's opinion, the judge stated: "When, in the course of hearing, objections and nomination papers evidence beyond specific objections comes to the Board's attention, it cannot close its eyes and ears if the evidence is relevant to the protection of the electoral process" (p. 7 of the transcript of the Report of Proceedings on the 25th day of September, 1980).

8. Therefore, in consideration of the findings in paragraph 7 above:

a. The statutory minimum number of signatures required for placement on the ballot is 1937

b. The number of signatures filed by the candidate total 3745

c. The number of signatures because of objections sustained deemed invalid total 1818

d. The remaining number of signatures deemed valid total 1927

9. The written report of the Board's findings, sustaining signature objections are contained in the Board's file in this cause, and is available upon request of a party.

10. The Board further finds that the number of valid signatures on the nominating petition falls below the minimum number of signatures required by law to be placed upon the ballot as New Political Party Candidates for election to the office of Representative in the General Assembly in the 19th Legislative District.

IT IS THEREFORE ORDER AND ADJUDGED that the Objections of FRANCES C. SERPICO to the Nominating Petition of the CITIZENS PARTY and its candidates seeking election to the Office of Representative in the General Assembly, 19th Legislative District, are hereby sustained in conformity with the findings above and said petition is hereby declared, and the names of the candidates of the CITIZENS PARTY seeking election to the Office of Representative in the General Assembly, 19th Legislative District, shall not be printed on the ballot for the General Election to be held on November 4, 1980.

Dated: Chicago, Illinois, the 7 day of October, 1980.

Michael E. Lavelle
Member (Chairman)

Conrad A. Reyes
Member

Maria H. Berkowitz
Member

STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

BCC-NPP

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS OF THE CITIZENS PARTY FOR THE NOVEMBER 4, 1980 GENERAL ELECTION

IN RE: Objection of

FRANCES C. SERPICO
To the Nominating Petition of

CASE NO. 80-EB-NP 1

CITIZENS Party
for the Office of Representative in the General Assembly,
19th Legislative District.

D E C I S I O N

The duly constituted Electoral Board, consisting of MICHAEL E. LAVELLE, MARIE H. SUTHERS and CORNEAL A. DAVIS, organized by law in response to a Call issued by MICHAEL E. LAVELLE, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions of the CITIZENS Party for the Office of Representative in the General Assembly, 19th Legislative District; having convened on August 15, 1980 at 9:30 a.m. in Room 1707, Richard J. Daley Center, Chicago, Cook County, Illinois; and having heard and determined the objections to the petitions in the above entitled matter, finds that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the new political party candidates herein were duly filed;

3. A call to the hearing on said objections were duly issued and was served upon the members of the Electoral Board, the objector and the New Political Party candidates by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing August 15, 1980;

5. The following persons, among others, were present at such hearings: The members of the Electoral Board, the objector, ~~xxxxxxxx~~ by counsel; and the New Political Party candidates, ~~xxxxxxxx~~ by counsel;

6. The Board heard and considered all evidence and arguments tendered by those appearing at the hearing;

7. The Board ordered an examination of the precinct binders to be conducted by its clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. During examination of the precinct binders, the Board directed all parties to appear and to be present, either personally and/or by their authorized representatives, duly appointed and authorized by said parties.

9. The New Political party candidates or their duly authorized representative were present during the examination of the binders at all times;

10. The objector and/or his duly authorized representatives were present during the examination of the binders at all times;

11. Examination of precinct binders was completed;

12. The Board having heard oral argument and considered all evidence hereby finds:

a. The statutory minimum number of signatures required for placement on the ballot is 1937

b. The number of signatures filed by the New Political Party candidates total 3745

c. The number of signatures because of objections sustained deemed invalid total 1884

d. The remaining number of signatures deemed valid total 1861

The written report of the Board's findings, sustaining signature objections are contained in the Board's file in this cause, and is available upon request of a party.

The Board further finds that the number of valid signatures on the nominating petition ~~exceeds~~ falls below the minimum number of signatures required by law to be placed uupon the ballot as New Political Party Candidates for election to the Office of Representative in the General Assembly, 19th Legislative District.

The Board further finds: That the motion of the respondent to overrule objections to petition sheets 41, 47, 78, 79, 80, 81, 82, 135 and 136 is denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Objections of FRANCES G. SERPICO to the Nominating Petition of the CITIZENS Party for election to the Office of Representative in the General Assembly, 19th Legislative District, are hereby sustained ~~XXXXXXXXXXXXXXX~~ in conformity with the findings in Paragraph 12 hereof and the said petition is hereby declared ~~valid~~ invalid, and the candidates of the CITIZENS Political Party seeking election to the Office of Representative in the General Assembly, 19th Legislative District, ~~shall~~ shall not be printed on the ballot for the General Election to be held on November 4, 1980.

DATED: Chicago, Illinois, the 26th day of August, 1980.

Michael E. Lando
Member (Chairman)

Marie D. Leithead
Member

Conrad A. Lamb
Member