STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: REPRESENTATIVES IN THE GENERAL ASSEMBLY, STATE SENATOR, STATE CENTRAL COMMITTEEMAN AND REPRESENTATIVE IN CONGRESS

IN RE: Objection of)
)
CINDI E. SANDERS)
To the Nominating Petition of)
)
BENJAMIN (EL-AMIN) BARNES) No. 85-EB- RGA-15
Democratic Candidate for the Office of)
Representative in the General Assembly,)
19th Representative District)

D E C I S I O N

The duly constituted Electoral Board, consisting of MICHAEL E. LAVELLE, JAMES R. NOLAN 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 for the Offices of Representatives in the General Assembly, State Senator, State Central Committeeman and Representative in Congress, having convened on December 24, 1985 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 petition 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 candidate herein were duly filed;

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

4. A public hearing was held on these objections commencing December 24, 1985;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the objector, [illegible] by counsel; and the candidate, [illegible] by counsel;

6. ~~A. Objections having been withdrawn by the objector (or)~~

~~B. The candidate agreeing that his name not be printed on the ballot to avoid a hearing on the objections (or)~~

C. THE BOARD FINDS that the candidate was properly registered at the address set forth on his petition; and further finds that the name "El-Amin" on candidate's petition does not violate Ch. 46, Ill. Rev. Stat., sec. 8-8-1. The Board incorporates the report of the Hearing Officer (attached hereto) as the decision of the Board.

IT IS THEREFORE ORDERED that the name of BENJAMIN (EL-AMIN) BARNES, candidate for the Office of Representative in the General Assembly, of the Democratic Party, for the 19th Representative District, Cook County, Illinois, shall ~~(XX)~~ ~~shall not~~ be printed on the ballot at the Primary Election held on March 18, 1986.

Dated at Chicago, Illinois, this 14th day of January, 1986.

Chairman

Member

Member

WHL-m-75

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES OF THE DEMOCRATIC PARTY FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE NINETEENTH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

OBJECTION TO THE NOMINATION PAPERS OF BENJAMIN (EL-AMIN) BARNES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FROM THE NINETEENTH REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS TO BE VOTED FOR AT THE PRIMARY ELECTION TO BE HELD MARCH 18, 1986.	)	No. 85-EB-RG-15

REPORT AND RECOMMENDATIONS
OF THE HEARING OFFICER

TO: THE CHICAGO BOARD OF
ELECTION COMMISSIONERS

This is the report and recommendations of the undersigned hearing officer with respect to proceeding 85-EB-RG-15, the objections by Cindi E. Sanders to the nominating papers of Benjamin (El-Amin) Barnes for the Democratic nomination for Representative in the General Assembly for the Nineteenth Representative District.

After conducting a hearing in this proceeding on December 31, 1985 at which the Candidate appeared pro se and the Objector was represented by counsel and a record duly made of said proceeding, and after a proper review of the transcript of said proceeding, for the reasons set forth below, it is the recommendation of the Hearing Officer that the objections be overruled and that the name Benjamin (El-Amin) Barnes be ordered

to appear on the March 18, 1986 primary ballot as a candidate for the Democratic nomination for Representative from the 19th Representative District.

No binder check was requested or ordered; solely at issue are the following legal/factual issues raised by the Objector:

1. Is Candidate Barnes registered to vote at 206 S. Francisco Avenue as stated in his petitions?

2. Does use of the name "El-Amin" by Candidate Barnes on his petition and statement of candidacy in addition to the name he is registered under invalidate his candidacy?

3. Does Ill. Rev. Stat. Ch. 46 §8-8-1*/ expressly prohibit Candidate Barnes from using the name "El-Amin" for petition and ballot purposes because, as alleged by Objector Sanders:

A. "By including "EL-AMIN in his name, the candidate is informing the electorate that he is a Black Muslim of the Islamic faith, which is a

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*/ This section provides:

> "In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in additional to the candidate's surname. No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman."

designation prohibited by the above-quoted statute."

B. "EL-AMIN" is a word of the Arabic language when translated into the English language means either "Son of God" or "Friend of God", which is a designation prohibited by the above-quoted statute."

Each of the issues is to be resolved in favor of the Candidate.

1. Address

The Candidate is properly registered to vote at 206 S. Francisco. Board records show that Candidate has changed his voting address. This is in fact shown from Objector's Exhibit 2.

2. Name

The Candidate has been registered since February 16, 1982 as Benjamin Barnes (Objector's Exhibit 2). He now seeks to appear on the ballot as Benjamin (El-Amin) Barnes. Candidate Barnes appearing on his own behalf stated that El-Amin is his nickname and a name he is known by. (R.-39). Nothing appearing in the record refutes this. Use of such a name, if not otherwise prohibited (See below) is permitted by Ill. Rev. Stat. Ch. 46 §8-8.1 allowing use of "the candidate's given name or names, initial or initials, a nickname by which a candidate is commonly known, or a combination thereof" in addition to the candidate's surname. This hearing officer recommends that, unless precluded from doing so by the second sentence of §8-8.1, the Board order

that Benjamin Barnes may appear on the ballot as Benjamin (El-Amin) Barnes.

3. Ill. Rev. Stat. Ch. 46 §8-8.1

To support her argument that the above quoted statutory section prohibits use of the name El Amin by Candidate Barnes, the Objector presented the testimony of one Dr. Levi Yisrael. The following direct testimony of Dr. Yisrael sets forth the entirety of Objector's case in support of her argument as to §8-8.1:

BY MR. MORPHEW:

Q. Sir, could you state your name and spell your name for the record?

A. My name is Levi Yisrael, L-e-v-i, Y-i-s-r-a-e-l.

Q. Sir, what is your address?

A. 1643 West Roosevelt Road.

Q. How old are you?

A. I am 48.

Q. Could you tell Mr. Luking the extent of your educational background?

A. I hold a Doctor's Degree from American Western University. I am a graduate of the Hebrew Theological Seminary in Niles.

Q. Now, Mr. Yisrael, how long have you studied ancient Hebrew?

A. For 42 years.

Q. 42 years? And from these studies would you be knowledgeable in the Arabic language and translation of the Arabic words?

A. Some, yes.

Q. And why would that be the case, because of your studies in ancient Hebrew?

A. Well, in some form of Arabic you have to understand, if you are going with that is called ancient Hebrew, the root of the word itself has the same meaning and the same terminology whether it's in Hebrew, what is called Arabic Hebrew, which is called ancient Hebrew, or certain symbols of the Arabic language, the translation is the same. When you get to modern Hebrew it's like night and day.

Q. So, based upon your study of ancient Hebrew and where that is equivalent to the Arabic language, would you be able to state for the Hearing Officer the English translation of the words El-Amin?

A. Yes.

Q. Could you please tell the Hearing Officer what those words mean?

A. El-Amin?

Q. El-Amin and Ben El-Amin?

A. Ben means -- is the root of the word Bane, which translated from the ancient tongue means Ben. El, again is the root of the word, the Arabic word which means the power of, power of God. Amin is people.

Q. So, would you put all that together for us?

A. Ben is the son of God and my people.

Q. Just for clarification, the words El-Amin, what do those translated into English mean?

A. El-Amin translated into English from the root of the word again, you are talking about El is God, Amin is my people.

Q. Now, are you knowledgeable of the Islamic faith in any great capacity?

A. I am not authority on Islamic.

MR. MORPHEW: Okay. Thank you. that is all I have at this time with Mr. Yisrael.

(R-24 -- R-26)

Counsel for Objector argues that Jones v. Municipal Officers Electoral Board, 112 Ill. App. 3d 926, 446 N.E. 2d 256 (1st Dist. 1983) compels the invalidity of Barnes' candidacy as proposed using the name El-Amin in light of Dr. Yisrael's testimony. I cannot agree.

It is clear what §8-8.1 is intend to do. It is clear what the court ruled in Jones: candidate Jones was prohibited from circulating petitions and running for alderman with the designation "Reverend" before his name.

Here no meaningful evidence has been presented to the effect that "El Amin" is an "other designation such as a title or degree . . . implying possession of a title, degree or professional status . . . "

Whatever El Amin means it is not a "title" or "degree" or indication of "professional status" as those terms are com-

monly understood.*/ Dr. Yisrael's testimony set forth immediately above does not persuade me that El-Amin is a designation such as the General Assembly sought to prohibit in §8-8.1. " . . . it was obviously the intention of the legislature to ban the use of titles at any stage of the election process, . . ." Jones v. Municipal Officers Electoral Board, 446 N.E.2d at 260. Nothing in Dr. Yisrael's testimony or otherwise in the record established to my satisfaction that use of the word El-Amin by Candidate Barnes would have the type of an impact upon those who might sign his petition or vote for him which the court found objectionable in Jones.**/

Accordingly, based upon the foregoing report, it is the recommendation of the hearing officer that the objections be overruled and that the Board order that the name Benjamin (El-Amin) Barnes appear as a candidate for nomination in the Democratic Party primary for member of the House of Representative

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*/ See, for example, Black's Law Dictionary (Rev. 4th ed.) ["Thus, in the law of persons, a title is an appellation of dignity or distinction, a name denoting the social rank of the person bearing it; as "duke" or "count."" p. 1655]

**/ The hearing officer was asked to take judicial notice of the racial composition of the district. (R-36.) Whatever, the composition, no showing has been made that use of the desired name has or would have some special effect on residents of the legislative district.

for the Nineteenth Representative District on the March 18, 1986 ballot.

DATED: January 10, 1986

Respectfully submitted,

William H. Luking,
Hearing Officer