BCT-ALD

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR MUNICIPAL AND ALDERMANIC OFFICES, FEBRUARY 24, 1987 ELECTION

IN RE: Objection of)
)
TERRI LLOYD)
To the Nominating Petition of)
)
GLORIA CHEVERE) NO. 87-EB-MUN- 243
Candidate for the Office of Alderman,)
CITY CLERK ward, in the City of)
Chicago, Cook County, Illinois)

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 Office of City Clerk of the City of Chicago, having convened on December 29 1986 at 10:30 a.m. in Room 1703 Richard J. Daley Center, Chicago, Cook County, Illinois; and having heard and determined the objections to the petition in the above entitled matter find 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 29, 1986.
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. 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 candidate and/or his duly authorized representatives 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 the precinct binders was terminated at the request of ~~the objector (or) candidate~~ the Board.

12. The Board having heard oral arguments and considered all evidence hereby adopts the findings of the hearing officer as the findings of the Board and further finds that

The number of valid signatures on the nominating petition exceeds ~~(or) falls below~~ the minimum number of signatures required by law to be placed upon the ballot as candidate for nomination to the Office of ~~Alderman,~~ City Clerk ~~ward~~

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the objections of TERRI LLOYD, to the nominating petition of GLORIA CHEVERE, candidate for nomination to the Office of City Clerk of City of Chicago are hereby ~~sustained (or)~~ overruled in conformity with the findings in Paragraph 12 hereof and the said petition is hereby declared valid ~~(or) invalid~~ and the name of GLORIA CHEVERE, as candidate for nomination to the office of ~~Alderman~~ City Clerk ~~ward~~ in the City of Chicago, Cook County, Illinois, shall ~~(or) not~~ be printed on the Democratic Primary ballot for the Municipal Election to be held on February 24, 1987.

Dated: Chicago, Illinois this 26th day of January, 1987

Michael E. Lorelle
Chairman

James R. Dolan
Member

Vikki M. Zollar
Member

REPORTING HEARING OFFICER SAM RUFFOLO

Bad Faith Objections (Shotgunning)

On January 6, 1987, the issue was raised as to the good faith used in the making of objections to the various technical aspects of the Candidate's filing. (See attachment "A".) I reviewed the Appendix - Recapitulation Exhibit Attachments to objector's objections and found that there were certain irregularities in the manner of the making objections leading me to the preliminary conclusion that many of the objections made were made in blatant disregard of the correctness of the allegations that the signatures were not genuine or the signatories were not qualified to sign.

Without prejudice to the parties, I ordered the binder check to commence within certain guidelines with the results to be reported to me from time to time.

At hearing on January 16, 1987, I read into the record my record of the directions which I had issued for the Binder Check Procedures on January 6, 1987. The objector objected and filed his Motion to continue the binder check until conclusion alleging therein and in the supporting argument that the objections and each of them were made in good faith and with concern as to the accuracy of the allegation(s) made in them.

In order to determine whether good faith had been used in putting forth the specific objections, I afforded the objector the opportunity to bring forth the evidence he could to show good faith and to change the initial impression that there was a clear lack of concern on the part of the objector as to the truth and accuracy of the objections made. Included in the proofs, the objector was to produce 25 Appendix - Recapitulation sheets along with the related Petition for Candidacy sheets for my review and for my determination as to whether or not sufficient basis existed to make such allegations as were put forth in the objections and in the manner they were put forth.

On January 20, 1987, the objector produced 42 Appendix - Recapitulation sheets, 42 photocopies of the corresponding Petition for Candidacy sheets and a number of the objector's work sheets. The Appendix sheets produced by objector's choice were as follows:

20, 25, 28, 44, 45, 47, 48, 75, 76, 77, 78, 79, 80, 81, 82, 85, 86, 87, 110, 117, 253, 287, 294, 295, 302, 339, 340, 341, 342, 343, 344, 345, 346, 353, 362, 363, 364, 370, 371, 383, 384, 385

along with the corresponding Petition for Candidacy and work sheets. I com-

pared the items provided to the Board's originals of the Petition for Candidacy sheets and the Appendix - Recapitulation sheets along with the Board's own handwriting expert, Howard Doulder, to determine whether there was consistency between the sheets and to determine whether clear patterns of signature irregularities (printing, roundtabling, forgery, etc.) were so apparent as to warrant making objections in the wholesale-"line down" fashion.

I reviewed the first thirty-three of the 42 pages submitted in a 4+ hour period.

Because a great number of inconsistencies were found between the work sheets of the objector, as submitted, and the corresponding Appendix - Recapitulation sheets, which were not at later hearing explained away, and because it became evident to me that there was a great lack of correlation between the objections lodged and the validity of the signatures challenged, I concluded that, in fact, the objections made were lodged indiscriminately on the Appendix - Recapitulation sheets examined and with little or no good faith at all. I thereafter reviewed each sheets of the Appendix - Recapitulation sheets attached to the objector's Petition to determine if this disregard for the validity of the objection being made would evidence itself in a pattern. I found the sheets shown on Attachment "B" all evidenced such disregard.

I concluded that if the objections found on the sheets in Attachment "B" were overruled, the Candidate would have enough valid signatures to gain ballot placement.

I thereupon denied the objector's Motion to continue the binder check to a conclusion, ordered the binder check terminated and overruled the objections made on the sheets listed in Attachment "B".

My final computations are as follows:

a) Attachment "B" sheets overruled	4724
b) 4 petition sheets not challenged	100
c) Objections overruled at partial binder check (pp. 1-14)	214
Total	5038

Since the statutory minimum of 5014 was exceeded, I therefore recommend that the name of Gloria Chevere BE printed on the ballot as a candidate to the citywide office of City Clerk.

Sam Ruffolo

1-6-87

Rod F. Sawichi

appeared at the call of this case to ask this hearing officer's direction on how to proceed in the face of a number of irregularities in the appendix/recapitulation form sheets attached to the objector's petition. This hearing officer reviewed a number of sheets on and off the record and found the following:

① - A number of sheets had X's or √'s or /'s in the individual sheet and line objection boxes, and

② - A number of sheets (185 by J. Jennerty's representation) had arrows from top to bottom of the sheets (three lines 1-25) in a number of the objection specification columns or just a line down these columns or just a line with a dot at the bottom of it down these columns. In almost every instance, the "line downs" inspected by the Hearing officer were unbroken lines.

Sawichi asked how to proceed.

After review, I ordered, as follows:

A. Binder check to be done on a sheet and line basis on those lines of the recapitulation/appendix sheets where individual X's, √'s or /'s appear, and

B. No objection is to be viewed as having been made on the "line downs", no matter whether arrow "line downs", dot "line downs" or just simple "line downs"

C. Binder check is to terminate at the minimum number required to put candidate on so that results can be reported to hearing officer

D. Counsel for candidate are to report to the absent objector and his counsel, if he has one, my actions today.

E. All directions and orders given today are given without specific findings and without prejudice

Sy Ruffo

ATTACHMENT "A"

13 9, 10, 11, 12, 14, 20, 24, 25, 32, 34, 35, 36, 38,

27 39, 40, 41, 44, 45, 46, 47, 48, 49, 51, 82, 85, 86, 87,

41 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102,

54 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115,

67 116, 117, 119, 121, 131, 148, 149, 150, 151, 152, 153, 154, 155,

80 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168,

94 169, 170, 171, 172, 175, 176, 177, 182, 190, 191, 192, 193, 194, 196,

109 198, 207, 210, 212, 221, 222, 223, 227, 230, 231, 232, 233, 240, 252, 253,

123 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 268, 274,

138 275, 276, 277, 278, 279, 280, 281, 282, 283, 285, 286, 287, 288, 289, 290,

153 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 307, 308

166 309, 311, 313, 314, 318, 319, 321, 322, 328, 331, 336, 339, 340,

178 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352,

191 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365,

203 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377,

217 378, 379, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392,

230 393, 394, 395, 396, 397, 398, 399, 429, 433, 434, 475, 477, 478,

242 485, 487, 488, 489, 492, 493, 496, 499, 500, 523, 528, 554,

ATTACHMENT "B"