STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BCC

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICE OF: WARD COMMITTEEMAN IN THE CITY OF CHICAGO

IN RE: Objection of: Patrick Fisher)
)
To the)
Nominating Petition of: William Barnett)
) NO: 88-EB-WD-10
)
Candidate for the Office of Ward Committeeman)
in the 2nd Ward in the city of Chicago, Illinois.)

DECISION

The duly constituted Electoral Board, consisting of JAMES R. NOLAN, NIKKI M. ZOLLAR AND MICHAEL J. HAMBLET, organized by law in response to a Call issued by MICHAEL E. LAVELLE, then Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Office of Ward Committeeman in the city of Chicago, having duly convened 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;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector, by counsel, and the Candidate 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 completed;

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

    a. The statutory minimum number of signatures required for placement on the ballot is 1001;

    b. The number of signatures filed by the Candidate total 1584;

    c. The number of signatures deemed invalid because of objections sustained total 477;

    d. The remaining number of signatures deemed valid total 1107;

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 any party.

The Board further finds that the number of valid signatures on the nominating petitions exceeds the minimum number of signatures required by law to be placed upon the ballot as candidate for election to the office of Ward Committeeman in the 5th Ward in the city of Chicago.

The Board further finds that following the return of the binder check results indicating that the candidate had a sufficient number of signatures to qualify for the ballot; an objection thereto was raised to the accuracy of those results based upon the residence of Carl J. Virgin, circulator of six petition sheets. In a hearing consolidated with case number 88-EB-REP-17, in which the same issue was raised with respect to the same person, the only proof offered with respect to the circulator's actual residence was HUD rental documents which did not show the circulator's residence. However, the

manager of the building testified that the circulator resided at the apartment residence indicated on his petition sheets.

The Board finally finds that the objector is estopped from introducing evidence not stated in the objections.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the objections of Patrick Fisher to the nomination petition of William Barnett as candidate for election to the office of Ward Committeeman in the 2nd Ward, Democratic party, in the city of Chicago, are hereby overruled in conformity with the findings in Paragraph 12 hereof and the said petition is hereby declared valid and the name of William Barnett, as candidate for election to the office of Ward Committeeman in the 2nd Ward, Democratic party, shall be printed on the ballot for the Primary Election to be held on March 15, 1988.

Dated: Chicago, Illinois, this 28th day of January, 1988.

James R. Nolan.
JAMES R. NOLAN, COMMISSIONER

Nikki M. Zollar
NIKKI M. ZOLLAR, COMMISSIONER

Michael J. Hamblet
MICHAEL J. HAMBLET, COMMISSIONER