STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BCC

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: MAYOR, CLERK AND TREASURER OF THE CITY OF CHICAGO; AND ALDERMAN IN THE CITY OF CHICAGO, FOR THE FEBRUARY 26, 1991 MUNICIPAL PRIMARY AND ALDERMANIC ELECTIONS.

IN RE: Objection of: Michael P. Garza
To the
Nominating Petition of: Alex Adams

Candidate for the Office
of Alderman of the 10th Ward.

NO: 91-EB-ALD-11

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD and RAYMOND L. JAGIELSKI, organized by law in response to a Call issued by MICHAEL J. HAMBLET, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Mayor, Clerk and Treasurer of the City of Chicago and Alderman in the City of Chicago, having convened on December 28th, 1990 at 10:00 a.m. in the City Council Chambers, City Hall, Chicago, 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 on December 28th, 1990;

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 having heard and considered all evidence and arguments tendered by those appearing at the hearing;

7. The Board having 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 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 having been present during the examination of the binders at all times;

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

11. Examination of the precinct binders was completed;

12. The Board finds that:

    a. The statutory minimum of signatures required for placement on the ballot is 525;

    b. The number of signatures filed by the candidate total 1,136;

    c. The number of signatures deemed invalid because of objections sustained total 592;

    d. The remaining number of signatures deemed valid total 544;

    The written report of the Board's finding overruling 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 the minimum number of signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 10th Ward.

13. The Board further finds that sheet number 18 (containing 25 signatures), although not objected to, is stricken based on the Board's records that the circulator, Delores Delion, is not a registered voter at the address listed on the sheets purportedly circulated by her.

The Board further finds that line 25 of sheet 34 is stricken on the grounds of not signed in own proper person. The Board, however, does not strike the remaining signatures not objected to on sheet 34, nor other signatures not objected to on sheets 26, 39 and 51 (being all of the sheets circulated by Rudolph Marmoleto) as the Objector has failed to establish a clear showing of a pattern of fraud to invalidate signatures not objected to.

The Board further finds that paragraph 8 of the Electoral Board rules does not preclude a Candidate from introducing evidence at variance with the Board's binder check results. Specifically, pursuant to paragraph 3(i) of the Electoral Board rules, the Board finds that the 21 affidavits submitted by the Candidate establish that thee following signatures were signed by the challenged signatories in their own proper persons:

S1-L4;	S6-L4;	S6-L23;
S14-L3;	S25-L1	S25-L10;
S25-L17;	S29-L25	S31-L2;
S31-L7;	S31-L8;	S36-L1;
S36-L2;	S36-L9;	S40-L3;
S47-L12;	S52-L4;	S52-L5;
S52-L6;	S52-L7;	S52-L8;

IT IS THEREFORE ORDERED that the objections of Michael P. Garza to the nominating petition of Alex Adams, candidate for election to the office of Alderman of the 10th Ward, are hereby overruled and said petition is hereby declared valid and the name of Alex Adams, candidate for election to the office of Alderman of the 10th Ward, shall be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 1st day of February, 1991.

Michael J. Hamblet
MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard
ARNETTE R. HUBBARD, COMMISSIONER

Raymond L. Jagielski
RAYMOND L. JAGIELSKI, COMMISSIONER