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: Eligah Arrington	)	
	)	
To the	)	
Nominating Petition of: Milton H. Jenkins	)	
	)	
	)	**NO: 91-EB-ALD-83**
Candidate for the Office	)	
of Alderman of the 34th Ward.	)	

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. The Board finds that the Candidate/Circulator's affidavits are false and perjurious, thereby reducing the number of valid signatures below the statutory minimum of 493. In particular, on the question of whether the Candidate circulated petition sheets prior to the date of his registration, November 30, 1990, the Board finds that, based on the evidence, the Candidate did have possession of said petition sheets prior to November 30, 1990.

The Objector presented affidavits from signatories on sheets 18, 25, 27, 28, 29 and 39 to the effect that they affixed their signatures to these sheets prior to November 30, 1990. The Candidate presented affidavits from <u>some</u> of the Objector's affiants refuting their earlier sworn statements. However, the Board finds that there is ample support in the record on the pre-circulation objection indicating that the Candidate/Circulator's affidavits on sheets 18, 25, 27, 28, 29 and 39 are false, making all signatures on these sheets of the petition invalid.

Because of this evidence of a pattern of false swearing, which makes suspect all petition sheets circulated by the Candidate, the Board also invalidates the signatures on sheets 17, 19, 20-24, 26, 30-35 and 40-44. See <u>Fortas</u> v. <u>Dixon</u>, 462 N.E.2d 615 (1984).

In view of the above rulings, the Board deems moot any remaining objections not otherwise addressed.

12. Examination of the precinct binders was completed;

13. The Board finds that:

a. The statutory minimum of signatures required for placement on the ballot is 493;

b. The number of signatures filed by the candidate total 1074;

c. The number of signatures deemed invalid because of objections sustained total 827;

d. The remaining number of signatures deemed valid total 247;

The written report of the Board's finding 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 falls below 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 34th Ward.

IT IS THEREFORE ORDERED that the objections of Eligah Arrington to the nominating petition of Milton H. Jenkins, candidate for election to the office of Alderman of the 34th Ward, are hereby sustained and said petition is hereby declared invalid and the name of Milton H. Jenkins, candidate for election to the office of Alderman of the 34th Ward, shall not be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 5th day of February, 1991.

MICHAEL J. HAMBLET, CHAIRMAN

ARNETTE R. HUBBARD, COMMISSIONER

RAYMOND L. JAGIELSKI, COMMISSIONER