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BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CERTAIN CANDIDATES AND TO PETITIONS FOR THE SUBMISSION OF QUESTIONS OF PUBLIC POLICY FOR THE MARCH 17, 1998 PRIMARY ELECTION IN THE CITY OF CHICAGO

Objections of: Charles G. Morrow, III	)	
	)	
To the Nomination	)	
Papers of: Eugene Matthews	)	No.: 98-EB-RGA-13
	)	
Candidate for the Nomination of the Democratic Party for the Office of Representative in The General Assembly for the 26th Representative District, State of Illinois	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Theresa M. Petrone, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections of Charles G. Morrow, III to Nomination Papers of Eugene Matthews, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 26th Representative District of the State of Illinois, having convened on December 29, 1997, in City Hall, 121 North LaSalle Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers 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 Nomination Papers of the Candidate herein were duly and timely filed.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 29, 1997 and was continued from time to time.

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

6. The Board assigned this matter to Hearing Examiner Lewis Powell, III for further hearings and proceedings.

7. The Electoral Board ordered that an examination of the registration records 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. The Electoral Board directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representatives were present during the examination of the registration records at all times.

10. The Objector and/or his duly authorized representatives were present during the examination of the registration records at all times.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and is available upon request of a party.

12. The Board has considered all evidence and arguments tendered by the parties.

13. The Board finds that the results of the record examination disclosed the following, which are hereby made findings of the Board:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 300;

    b. The number of signatures appearing on the nominating petition filed by the Candidate total 978;

    c. The number of signatures deemed invalid because of objections sustained total 202;

    d. The remaining number of signatures deemed valid total 758.

14. The Board finds, therefore, that paragraphs 5-12 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

15. The Board finds that the circulator Mozel Love circulated thirty (30) petition sheets, numbered as 17, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77, containing 469 signatures.

16. The Board finds that circulator Mozel Love testified and admitted under oath that while drunk he made up the fictitious names and addresses appearing on lines 5-20 on sheet 17 of the Candidate's nominating petitions and he then personally wrote in these names and addresses on the sheet and lines in question. He then testified that he wrote in his own name as the circulator of petition sheet 17 in the circulator's affidavit appearing at the bottom of that sheet. Mr. Love's testimony was preceded by the testimony of James L. Hayes, the Board's forensic handwriting expert, who testified that in his opinion the signatures appearing on lines 5-20 of petition sheet 17 and on the line for the circulator's signature shared a common author.

17. The Board finds that Mozel Love further testified under oath that he did not falsify any of the other signatures on the other petition sheets circulated by him.

18. The Hearing Examiner found that Mozel Love committed fraud and false swearing and demonstrated complete and willful disregard of the requirements of the Election Code when he falsely swore and affirmed that the signatures on petition sheet 17 were genuine and that the persons so signing were at the time of signing the petition registered voters residing in the 26th Representative District and their respective residences were correctly set forth on the petition sheet. The Board further finds that where testimony clearly discloses a pattern of fraud, false swearing, and a total disregard for the mandatory requirements of the Election Code, it is proper to invalidate the entire sheet circulated by the person committing such offenses. *Fortas v. Dixon,* 122 Ill.App.3d 697, 462 N.E.2d 615 (First Dist. 1984) Furthermore, when the sheets of a nominating petition submitted by a purported circulator evidence a pattern of fraud, false swearing and total disregard for the mandatory requirements of the Election Code, all of the sheets purportedly circulated by that individual should be stricken in their entirety. *Canter v. Cook County Officers Electoral Board,* 170 Ill.App.3d 364, 523 N.E.2d 1299 (First Dist. 1988); *Huskey v. Municipal Officers Electoral Board for the Village of Oak Lawn,* 156 Ill.App.3d 201, 509 N.E.2d 555 (First Dist. 1987)

19. The Board finds that the Hearing Examiner recommended a finding that all petition sheets circulated by Mozel Love be invalidated on grounds of a pattern of fraud. The Candidate has not sought to address the Board on this issue and has not contested the recommended finding of the Hearing Examiner to the Board. For purposes of this case only, the Board accepts the Hearing Examiner's recommendations and findings as to the existence of a pattern of fraud.

20. The Board finds, therefore, that the 469 signatures gathered by Mozel Love on petition sheets 17, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77 are invalid and the Board sustains paragraph 11 of the Objector's Petition.

21. The Board further finds that the Candidate has 269 valid signatures on his nominating petitions. The Board finds that the number of valid signatures appearing on the Candidate's nominating petition is below the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 26th Representative District of the State of Illinois.

22. For the reasons stated above, the Board finds that the Nomination Papers of Eugene Matthews are not valid.

IT IS THEREFORE ORDERED that the Objections of Charles G. Morrow, III to the Nomination Papers of Eugene Matthews, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 26th Representative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Eugene Matthews, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 26th Representative District of the State of Illinois, SHALL NOT be printed on the ballot for the General Primary Election to be held March 17, 1998.

Dated: Chicago, Illinois, this 23rd day of January 1998.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner/Member

Theresa M. Petrone, Commissioner/Member

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 10 days after the decision of the Electoral Board.