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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 NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: CHRISTOPHER C. WILLIAMS	)	
	)	
To the Nomination	)	
Papers of: VINCENT E. WALKER	)	No.: 99-EB-ALD-031
	)	
Candidate for the office of	)	
Alderman of the 17th Ward,	)	
City of Chicago		

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 ("Objections") of CHRISTOPHER C. WILLIAMS to the nomination papers ("Nomination Papers") of VINCENT E. WALKER, candidate for the offices of Alderman of the 17th Ward in the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the Objections to the Nomination Papers in the above-entitled matter finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

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(s) and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 28, 1998 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, CHRISTOPHER C. WILLIAMS, by counsel; and the Candidate, VINCENT E. WALKER, by counsel.

6. The Electoral Board assigned this matter to Hearing Examiner ROBIN SHOFFNER 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 representative(s) were present during the examination of the registration records.

10. The Objector and/or his duly authorized representative(s) were present during the examination of the registration records.

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 Electoral Board's file in this case and is available for inspection upon request of a party.

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

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 240;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 683;

    c. The number of signatures deemed invalid because of objections sustained total 437;

    d. The remaining number of signatures deemed valid total 246;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition is above the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 17th Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that paragraph(s) 5-11 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objector alleges that the circulator of sheets 2, 5, 25 and 35, David Berry, resides outside of the Ward and is not a registered voter within the ward as required by law.

17. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that each petition sheet shall contain a statement, signed by a registered voter of the political subdivision, who has been a registered voter at all times he or she circulated the petition and stating the address of the circulator.

18. The Electoral Board finds that circulator David Berry is not a registered voter of the 17th Ward and resides outside of the 17th Ward. The Electoral Board finds that a circulator is required to be a registered voter at all times within the district or political subdivision where they circulated the petitions, and not just a registered voter. *Paszek v. municipal Officers Electoral Board,* 96 CO 42 (Cir.Ct.Cook Cty.) February 22, 1996, Judge Bernetta Bush.

19. The Objector alleged that sheet 15 of the Candidate's nominating petitions was not circulated by someone other than the purported circulator in violation of the law.

20. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that the petition sheets shall contain a statement from the circulator that the signatures on the petition sheet were signed in his presence.

21. The Electoral Board finds that the Objector presented evidence, including six affidavits from voters who signed sheet 55 of the nominating petitions stating that a photo of the purported circulator was not the person who circulated the nominating petition. The Electoral Board finds that the 55 signatures contained on sheet 55 are invalid. The Electoral Board finds that improprieties in connection with the petition circulation process warranted invalidation of entire signature sheets rather than just individual signatures; a circulator permitted individuals to sign their own names and names of family members who were not present, and someone other than affiant presented the petition to signers. *Huskey v. Municipal Officers Electoral Board for Village of Oak Lawn,* 156 Ill.App.3d 201, 509 N.E.2d 555 (First Dist. 1987).

22. The Electoral Board finds that sheets 2, 5, 25, 35 and 55 of the Candidate's nominating petitions are invalid. These sheets contain a total of 75 signatures, of which only 13 were deemed valid after the records examination. Deducting these 13 signatures from the 246 signatures found valid after the records examination, the Electoral Board finds that the Candidate now has only 226 valid signatures on his nominating petitions. The minimum required number of valid signatures for the office of Alderman of the 17th Ward is 240.

The number of valid signatures on the Candidate's nominating petitions is below the minimum required number of valid signatures.

23. For the reasons stated above, the Electoral Board finds that the Nomination Papers of VINCENT E. WALKER are not valid.

IT IS THEREFORE ORDERED, that the Objections of CHRISTOPHER C. WILLIAMS to the Nomination Papers of VINCENT E. WALKER, candidate for election to the office of Alderman of the 17th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of VINCENT E. WALKER, candidate for election to the office of Alderman of the 17th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Second day of February, 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, Commissioner

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.