BCTON-ALD

**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: JOHN T. JOINER	)	
	)	
To the Nomination	)	
Papers of: WILLIAM BILL ASHBY	)	No.: 99-EB-ALD-050
	)	
Candidate for the office of	)	
Alderman of the 18th Ward	)	

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 JOHN T. JOINER to nomination papers ("Nomination Papers") of WILLIAM BILL ASHBY, candidate for the office of Alderman for the 18th Ward of 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, JOHN T. JOINER, by counsel; and the Candidate WILLIAM BILL ASHBY, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner JOHN ASHENDEN 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 at all times.

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

11. The examination of the registration records of the Board was terminated at the request of Andrew Pappas, Supervisor-Registration of the Chicago Board of Election Commissioners.

12. The Electoral Board finds that after completion of the first 41 pages of the Candidate's nominating petitions, the Candidate had 291 valid signatures. The total number of legally required valid signatures for a Candidate for the office of Alderman of the 18th Ward is 240.

13. The Objector alleges that one of the circulator's of the Candidate's nominating petitions was not present when all the signatures were gathered on the petition sheets signed by the circulator as required by law.

14. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that the bottom of each petition sheet shall contain a statement from the circulator certifying that the signatures were signed in his or her presence.

15. The Electoral Board finds that the Hearing Examiner heard testimony from circulator Anthony Newell stating that he was present when all signatures were affixed on the nominating sheets he signed as circulator. The Hearing Examiner finds that the circulator's testimony was credible and therefore the petition sheets circulated by Anthony Newell are valid.

16. The Electoral Board finds that the Nomination Papers of the Candidate are valid.

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

18. The Board finds that the Candidate has a sufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for election to the office of Alderman of the 18th Ward of the City of Chicago.

19. The Board further finds that the Candidate's Nomination Papers are valid.

20. The Board finds that there was another objection filed against the Candidate's Nomination Papers in case number 99-EB-ALD-046 and that those objections were overruled and the Candidate's Nomination Papers were found to be valid.

IT IS THEREFORE ORDERED, that the Objections of JOHN T. JOINER, to the Nomination Papers of WILLIAM BILL ASHBY, candidate for election to the office of Alderman of the 18th Ward are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of WILLIAM BILL ASHBY, candidate for election to the office of Alderman of the 18th Ward of the City of Chicago, SHALL be printed on the 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.