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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: BEVERLY J. CATHERINE and FLORENCE V. STREETER	)	
To the Nomination Papers of: HELEN Y. LATIMORE	)	No.: 99-EB-ALD-098
Candidate for the office of Alderman of the 20th 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 BEVERLY J. CATHERINE and FLORENCE V. STREETER to nomination papers ("Nomination Papers") of HELEN Y. LATIMORE, candidate for the office of Alderman of the 20th Ward for 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 Objectors, BEVERLY J. CATHERINE and FLORENCE V. STREETER, by counsel; and the Candidate, HELEN Y. LATIMORE, by counsel.

6. The Electoral Board assigned this matter to Hearing Examiner GREGORY GINEX for further hearings and proceedings.

7. The Electoral Board hereby incorporates herein and adopts the findings of the attached report of Hearing Examiner GREGORY GINEX.

8. The Electoral Board therefore finds that the Candidate HELEN Y. LATIMORE'S Nomination Papers are invalid and hereby removes the Candidate's name from the ballot.

IT IS THEREFORE ORDERED, that the Objections of BEVERLY J. CATHERINE and FLORENCE V. STREETER to the Nomination Papers of HELEN Y. LATIMORE, candidate for election to the office Alderman of the 20th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of HELEN Y. LATIMORE, candidate for election to the office of Alderman of the 20th Ward for 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.

TO: CHICAGO BOARD OF ELECTIONS

FROM: GREGORY R. GINEX, HEARING OFFICER

RE: RECOMMENDED FINDINGS OF FACT AND DECISION FOR 99 EB ALD 098
BEVERLY J. CATHERINE AND FLORENCE V. STREETOR, OBJECTORS VS. HELEN LATIMORE, CANDIDATE

In this case, we are presented with nominating petitions for the candidate totaling 867 pages purportedly with 17,300 plus valid signatures. The nominating papers as presented contain petition sheets circulated from approximately 60 different circulators on behalf of the candidate. The required number of signatures necessary for this candidacy is 140. The Objectors have filed their petition to the nominating petitions of the Candidate on the basis that (1) the petition sheets evidence blatant and fraudulent forgeries of signatures; (2) some of the petition sheets were circulated prior to the date permitted in this election; (3) petition sheets were circulated by circulators who were not registered voters in the ward; (4) circulators' affidavits were false in that circulators did not in fact circulate said sheets; and (5) the nominating papers demonstrate a pattern of fraud and disregard of the Election Code. The Objectors' petition has attached an exhibit which provides the names of circulators and sheets that person purportedly circulated, a list of those circulators (by name) not registered to vote or are not registered at the address shown and a list of circulators and sheet numbers of all petition sheets circulated prior to the date permitted. The Objectors have not filed a recapitulation appendix for specific sheet and line allegations.

Upon review of the nominating papers themselves, it was apparent that some sheets were notarized on September 12, 1998, being 3 days prior to the allowable date to commence circulation. In addition, based upon the allegations made in the Objectors' petition and the obvious condition of some of the signatures and petition sheets, it was ordered that all of the circulators be reviewed for valid registration and valid signatures and that every 10th sheet of the nominating papers be reviewed (as a record review) to determine a sampling of valid or invalid signatures. Both sides agreed to this procedure on the record.

Upon completion of the sample and circulator review, a report was made to the Hearing Officer by Mr. Charles Holiday. Mr. Holiday testified in the course of these

proceedings and was questioned by attorneys for both the candidate and the objectors. In essence, the evidence presented was that because various circulators were ruled invalid (and subsequently all the sheets circulated by those people were also ruled invalid) a total of 5,251 signatures would be deleted from the candidate's total. Further, a review of every 10th sheet revealed an additional 513 signatures invalidated for various reasons. Also, 30 sheets (with 20 signatures on each sheet) were found to have been circulated on September 12, 1998, in clear violation of the time limit permitted here, resulting in an additional 600 names invalidated. The total at that juncture revealed that of 17,000 plus purported signatures, 6,364 signatures were invalidated.

Objectors next requested a full record review since in essence, a mere sampling had invalidated approximately 37% of candidate's signatures. A record review was not ordered since in this Hearing Officer's opinion, no specific allegation had been made by an attached recapitulation/appendix for a sheet and line review. However, the evidence did proceed on false affidavits, forgery, and pattern of fraud issues.

The evidence presented by the Objectors consisted of 25 different exhibits including affidavits of voters, a death certificate, a death notice, a ward map of the 20th ward, copies of various petition sheets, acetate overlays, a cirriculum vitae of their handwriting expert, a folder containing copies of 40 of the petition sheets, a 9 page index of findings of Objectors' handwriting expert, a computer printout, and a large group exhibit of certified voter registrations and signatures from the board. In addition, the Objectors called three witnesses, one of whom was a handwriting expert, and one of whom was the candidate, Helen Latimore.

The evidence presented by the candidate consisted of 24 different exhibits including affidavits of voters or circulators, a poll sheet from the 26th precinct of the 20th ward, copies of Request Forms to review documents at the Board, various registrations of circulators, a copy (annotated) of objectors' exhibits, and a listing prepared by the candidate. (It should be noted that candidate identified and used as part of the evidence the original nominating petitions as their No. 1 Exhibit and the Objectors' petition as their No. 3 Exhibit). The candidate called three witnesses also, those being both objectors, Beverly Catherine and Florence Streetor and the candidate herself.

Objectors introduced 14 unrebutted exhibits (with 29 affidavits in total attached) indicating that particular voters did not sign at a particular sheet and line. Evidence was produced that one circulator, Kermit Davis who circulated 20 sheets, was registered to vote at an abandoned building. In addition, Objectors produced unrebutted evidence that the signatures of 2 separate voters were invalid because the voters were deceased and their signatures were forgeries. Obviously, both of these circulators were called into question on those sheets as well as other sheets they had purportedly circulated. The total number of petition sheets thus called into question because of the tainted circulator's oath totals some 364 of the petition sheets.

The testimony revealed that the handwriting expert, Ms. Bonnie Schwid (who was found to be thoroughly qualified as an expert in handwriting analysis by this Hearing Officer) examined copies of the petition sheets and made various findings. Among her findings were that on 40 of the petition sheets (this is Objectors' Exhibit No. 21), one identifiable writer has signed fraudulent names in excess of 250 times. Also, as she reviewed each additional sheet, she indicated that in her opinion many of the individual signatures were written by one writer more than one time on each sheet (see Objectors' Exhibit No. 22). These were separate and apart from Exhibit No. 21. For example, she testified that circulator Tania Borum had one identifiable person sign more than one or two times on almost all her sheets. Circulator Alfrieda Burnett had one writer sign all 20 signatures on sheet 64 and one writer signed lines 1-12 on sheet 668; Circulator Ronda Coleman had one writer sign all 20 signatures on each of 4 separate sheets-600, 601, 602 and 604; Circulator Charles Hilliard had the same writer sign all 20 signatures on 5 of the sheets he circulated; Circulator Patricia Lynn Martin had the same person sign 9 lines of sheet 418; Circulator Fidel Williams had one identifiable writer sign four different names on sheet 614. A review of the total number of sheets affected by invalid circulator's oaths based on this evidence would indicate 441 sheets of the petition are invalid. (234 of these are the same sheets invalidated above in the 364 total due to the affidavits introduced by the Objectors.)

The evidence further revealed a series of definite discernible patterns in the gathering of signatures in this case. Objectors produced evidence that on 34 of the petition sheets, a signature would be obtained at alternating locations in the ward varying by line number.

For instance, line one would be a signature at a particular address then line two would be a signature and address a distance from that first address (by blocks or as much as a mile). Then the third line would be signed by someone back at the first address, again across that same distance. The fourth line would reveal a signature and address back again at the address or location of line 2 and so on throughout these 34 sheets. This was referred to in the evidence as "Yo-Yo" circulation where people went back and forth across blocks to obtain signatures on alternating lines of one sheet. The Objectors produced a series of 7 acetate overlays (Objectors' Exhibit No. 18) projected on the 20th ward map (Objectors' Exhibit No. 16 - later withdrawn and a smaller version substituted as Objectors' Exhibit No. 24) which revealed criss-crossed lines alternating at various locations in obtaining signatures in the ward. Candidate did illicit testimony that this practice was in itself not illegal and that in fact using such a method to gather signatures is possible. This Hearing Officer not only finds that this method of gathering signatures is impractical and extremely difficult, but also is highly suspect and implausible. A practical and realistic method of gathering signatures is to gather them by "canvassing" at one location first before moving to another or by remaining at one location such as at a church or event and have people sign there; of course the later method would reveal a completely random and diverse list of addresses - not as what was done here.

Evidence was additionally produced by the Objectors that on 9 pages (involving 4 of the circulators already stricken because of violations of their oaths) a pattern of names or purported signatures would appear in an alphabetical order. For instance on sheet 72, the last names began with "D" and progressed alphabetically to "W"; on sheet 655, lines 1-12 were in alphabetical order from "P" through "S". Lines 13-20 of sheet 655 were all "M" but were in perfect sequential alphabetical order, etc. In fact in all these sheets, examination revealed that not only were there alphabetical orders of names, but that for particular letters, i.e. "L" or "O" or "P" or "S", the last names beginning with that letter were also in perfect alphabetical order. Once again, this is a completely implausible occurrence and I find that these signatures could not have been gathered in this fashion.

The "Yo-Yo" alternating signatures and the alphabetical order of signatures more likely suggests that the signatures were gathered by fraudulent means and those sheets were not properly circulated as required by the Election Code. It is

further interesting to note that many of these sheets were notarized on September 15, 1998, the first day circulation was permitted.

Next, Objectors presented Objectors' Group Exhibit No. 25, A-X. This exhibit consisted of 44 certified voter registrations with attached signatures, one or more attached to a particular petition sheet (24 sheets in all). These sheets, it is important to note, are circulated by persons not previously tainted by any of the discussed evidence supra. The registrations clearly reveal upon examination that the signatures of the registrations are different from the purported signatures on a given sheet and line. Again, this clearly indicates forged signatures and a serious violation of the oath of these additional circulators.

The candidate introduced various affidavits of purported voters to indicate that they had indeed signed their name at a particular sheet and line of the petitions. (Candidate's Exhibits No. 4-6, 8-12, and 14-22, or a total of 17 affidavits). This evidence was offered to counter earlier findings that those individuals had not in fact signed in their own proper person. Of the 17 affidavits and signatures shown to Ms. Schwid by the candidate on re-cross examination, she testified that despite the affidavits, the signature on the petition was not similar in 8 instances; further, as to 4 of the signatures, she needed more samples to determine either way; as to 1, the petition was "printed" and the affidavit signed in cursive; as to 2, there were serious differences between the affidavits and signatures; and as to only 2, they were in fact similar.

The candidate, called by her attorney, testified on direct examination that she had performed a computer analysis of the petition sheets and compared them to all the Objectors' evidence. She stated that after she had completely disregarded all of the sheets and signatures affected by the Objectors' evidence, that she had a total of 17 valid sheets with 20 signatures on each sheet-for a total of 340 valid signatures, more than enough for this candidacy. The candidate agrues that even assuming the Objectors' evidence is persuasive, that she still should be allowed on the ballot. Of course this argument would mean in a practical sense that 98% of the petition sheets were invalid and only 2% were proper.

When called by Objectors as an adverse witness candidate indicating (among other things) that she worked her campaign from her home; that she did not call in and train any particular circulators; that she did put together

a group of 60 circulators; that she did not distribute any petitions to circulate prior to 9/15/98; that some people enthusiastically volunteered to circulate and did so on 9/15/98; that she never made a decision to gather 17,000 signatures.

As her last exhibit, the candidate introduced 15 items, Candidate's Group Exhibit No. 25 (A-O), being Certified Voter Registrations indicating the addresses at which various circulators were registered. Again, in considering these registrations, I examined them in light of the evidence of fraud and false swearing in the record that attacked those circulators and their oaths.

In reviewing the totality of the evidence in this case, it is clear and convincing from the preponderance of evidence that the Objectors have met their burden in proving a pattern of fraud and disregard of the Election Code. There were many apparent problems with the petition sheets in addition to the items raised in the Objectors' Petition. Proof of additional matters was produced at the hearing in addition to the allegations of the petition. It has long been established that . . . when in the course of hearing objections . . . evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process, David S. Canter v. Cook County Officers Electoral Board, 170 Ill.App.3d 364, 523 N.E.2d 1299 (1988). In this case, the testimony and evidence concerning "Yo-Yo" gathering of signatures, the alphabetical signatures, the blatant violations of circulator's oaths, the obvious forgeries of signatures, etc. all indicate a substantial and serious disregard of the election code and electoral process. 10 ILCS 5/7-10 requires that circulators execute an affidavit in which they certify . . . that signatures are genuine . . . This portion of the code has been strictly enforced by case decision. Bowe v. Chicago Electoral Board, 79 Ill. 2d 469, 38 Ill. Dec. 756 (1980). This case demonstrates a clear pattern of false swearing, pattern of fraud, and total disregard for the mandatory requirements of the election code. Besides the evidence detailed herein, an examination of the petition sheets themselves reveals whole sheets signed by one writer.

Candidate argues that the objectors in this case should fail since they were allowed to amend their objections after filing and this denied candidate due process. This is clearly not the case. I find that the Objectors did file timely and alleged patterns of fraud and circulator violations - all of which were clearly stated and all of

which were detailed in a fashion to appraise the candidate of their nature. Further, this Hearing provided the candidate with every opportunity to produce, introduce or dispute evidence before the Hearing Officer and in no way denied or precluded candidate's evidence save for inadmissible or objectionable evidence. Candidate cited People ex rel Klingelmuller v. Haas, 111 Ill.App.3d 88, 443 N.E.2d 782; Stein v. Cook County Electoral Board, 264, Ill.App.3d 447, 201 Ill. Dec. 628 and Geer v. Kadera, 173 Ill.2d 398, 671 N.E.2d 692 (1996) as cases that stand for the proposition that once objections are filed they cannot be amended and a refusal to timely object means that petitions are taken as valid. A close examination of these cases however shows that they are clearly distinguishable from this case. In our case, the Objectors did not amend their petitions or fail to timely file. What they did by introducing their affidavits, testimony, exhibits, certified registrations, etc. was to produce proof and evidence- exactly what these proceedings require them to do. In Klingelmueller, supra, the objector did not file a proper objection and moved to amend his petition as they progressed forward. Again, no amendment to the objectors' petition was made or sought in this case. In Geer, supra, the objector filed an objection after the election of the candidate; again, not our situation. Finally in Stein, supra, the issue was whether the board abused its discretion in refusing to permit the objector to amend his petition after the statutory deadline had passed; once again objectors here proceeded with their proof - not amendments to their original objection.

Lastly, candidate argues, despite what evidence has been produced in this case, that candidate's totals clearly reveal at least 340 valid signatures on 17 sheets and therefore she has more than enough valid signatures to remain on the ballot. This is not a typical case of reviewing a record (review) and eliminating signatures to arrive at a total and thus determine if the candidate has sufficient signatures to appear on the ballot. On the contrary, This is a case where testimony and evidence clearly revealed a pattern of fraud with many false affidavits and pervasive and blatant fraud. Where that is the evidence and nominating petitions are submitted in this fashion, the sheets so circulated should be stricken in their entirety. Fortas v. Dixon, 122 Ill.App.3d 697, 78 Ill. Dec. 496 (1984). Election laws exist to preserve the integrity of our government. Huskey v. Municipal Officers Electoral Board, 108 Ill. Dec. 859, 509 N.E.2d 555 (1987). False affidavits, forged signatures and fraudulent activity can only frustrate and demean that integrity. In reviewing

the evidence here and the volume of election fraud that permiates these nominating petitions, it is apparent that the Election Code and the existing case law does not allow us to take a blind eye and review individual violations solely; this case must be viewed in its totality and the petitions and the violations viewed in the aggregate. The candidate, for whatever reason, chose to file approximately 125 times the number of signatures needed for her candidacy. She cannot argue that even though the overwhelming majority may be tainted (for serious Election Code violations), a small percentage is still valid. Indeed, this makes a mockery of our entire electoral process.

Accordingly, because candidate's nominating petitions are so tainted and riddled with fraud and false swearing and because the evidence clearly indicated a wholesale pattern of fraud, for which candidate must bear responsibility, it is the decision of this Hearing Officer that objectors' petition is granted, candidate's nominating papers fail and she not be allowed to appear on the ballot.

GREGORY R. GINEX
HEARING OFFICER