NBCON-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: LAVERN MOORE	)	
	)	
To the Nomination	)	
Papers of: DERRICK DAVID STINSON	)	No.: 99-EB-ALD-122
	)	
Candidate for the office of	)	
Alderman of the 2nd 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 LAVERN MOORE to nomination papers ("Nomination Papers") of DERRICK DAVID STINSON, candidate for the office of Alderman of the 2nd 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 Objector(s), LAVERN MOORE; and the Candidate, DERRICK DAVID STINSON.

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

7. Paragraph 10 of the Objector's petition alleges that the petition sheets bear a circulator's affidavit which is signed by a person who is not a registered voter at the address shown in the affidavit, and that every signature on such sheets is invalid. Specifically, Objector alleged that the circulators of 40 petition sheets are registered as homeless individuals at a mailing address of 3620 S. Giles Avenue, Chicago, Illinois but they do not reside there. Objector's contend, therefore, that they are ineligible to circulate nominating petition sheets and any sheets circulated by them are invalid.

8. The Hearing Examiner found that the while Section 3-2 of the Election Code (10 ILCS 5/3-2) permits homeless individuals to register at a mailing address, the Hearing Examiner found that Section 3-2(c) confers on homeless individuals only the right to register to vote and to be qualified to vote in an election. Therefore, the Hearing Examiner found that homeless individuals are ineligible to circulate candidate nominating petitions even if they are registered to vote and he recommended that all 40 petition sheets filed by these homeless individuals are invalid persons.

9. The Electoral Board overrules the Hearing Examiner's recommended findings and conclusions of law as they pertain to the right of homeless individuals to circulate candidate nominating petitions.

10. The Electoral Board finds that implicit in the right to vote is the right to circulate nominating petitions.

11. The Electoral Board finds that there is no provision in the Election Code that expressly denies properly registered homeless individuals the right to circulate nominating petitions.

12. The Electoral Board finds, therefore, that homeless individuals, if properly registered to vote at some mailing address within the political subdivision, district or ward in which the candidate is seeking nomination or election, are entitled to circulate nominating petition sheets for candidates in that political subdivision, district or ward.

13. The Electoral Board finds, and the parties do not dispute, that the homeless individuals in question were registered to vote using the mailing address of 3610 S. Giles, Chicago, Illinois, which is an address within the 2nd Ward of the City of Chicago.

14. The Electoral Board finds that the petition sheets circulated by the homeless individuals in question were properly circulated and signed by those individuals and they are, therefore, valid.

15. Therefore, the Electoral Board overrules paragraph 10 of the Objector's petition.

16. The Electoral Board finds, and the parties do not dispute, that even if all of the other remaining objections to the Candidate's Nomination Papers were assumed to be true, the Candidate would still have enough have signature of legal voters to qualify for the ballot.

17. The Electoral Board, therefore, overrules all of the Objector's objections and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of LAVERN MOORE, to the Nomination Papers of DERRICK DAVID STINSON, candidate for election to the office of Alderman of the 2nd Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of DERRICK DAVID STINSON, candidate for election to the office of Alderman of the 2nd Ward of the City of Chicago, SHALL 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 Nineteenth day of January, 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.