BCCON-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: ADRIENNE A. SMITH	)	
	)	
To the Nomination	)	
Papers of: WILLIAM "BILL" MYTON	)	No.: 99-EB-ALD-139
	)	
Candidate for the office of	)	
Alderman of the 21st 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 ("Objection") of ADRIENNE A. SMITH to nomination papers ("Nomination Papers") of WILLIAM "BILL" MYTON, candidate for the office of Alderman of the 21st 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 was held on these Objections commencing 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), ADRIENNE A. SMITH, pro se; and the Candidate WILLIAM "BILL" MYTON, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner LEE JANGER 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 or his duly authorized representative was present during the examination of the registration records.

10. The Objector or her duly authorized representative was 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 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:

    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 399;

    c. The number of signatures deemed invalid because of objections sustained total 112;

    d. The remaining number of signatures deemed valid total 274;

14. The Board finds that the number of valid signatures appearing on the Candidate's nominating petition exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 21st Ward of the City of Chicago.

15. The Board finds, therefore, that paragraph(s) 2-6 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 Electoral Board further overrules paragraphs 7-8 of the Objector's Petition alleging that the persons who signed as circulators on certain petition sheets did not, in fact, circulate said sheets and that the circulators' signature is incomplete in that they fail to include the name "Bill" in the signature. The Objector presented 14 affidavits purporting to attest that the Candidate, as circulator of certain sheets, did not personally obtain signatures on his nominating petition. The Board finds that the affidavits were not properly executed, did not identify the affiants by name, and were not notarized. Furthermore, the Objector called no witnesses, failed to exercise good faith and reasonable diligence to secure the presence of any of the affiants at the hearing, and presented no additional physical evidence to support her allegations.

17. The Electoral Board finds that the Objector failed to present any evidence that the signature of the circulator was not genuine. The failure to include the nickname "Bill" in the Candidate/circulator's signature alone does not render it insufficient.

18. The Electoral Board finds that there are other objections against the Candidate's Nomination Papers in case number 99-EB-ALD-134, Hicks v. Myton, which are also being overruled.

19. For the reasons stated above, the Board finds that the Nomination Papers of WILLIAM "BILL" MYTON are valid.

IT IS THEREFORE ORDERED, that the Objections of ADRIENNE A. SMITH to the Nomination Papers of WILLIAM "BILL" MYTON, candidate for election to the office of Alderman of the 21st Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of WILLIAM "BILL" MYTON, candidate for election to the office of Alderman of the 21st 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 Twenty-Second 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.