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: BESSIE DANIELS	)	
	)	
To the Nomination	)	
Papers of: CLAUZELL TYLER	)	No.: 99-EB-ALD-167
	)	
Candidate for the office of	)	
Alderman of the 15th 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 BESSIE DANIELS to nomination papers ("Nomination Papers") of CLAUZELL TYLER, candidate for the office of Alderman of the 15th 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 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, BESSIE DANIELS, pro se; and the Candidate, CLAUZELL TYLER, pro se.

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

7. The Objector's petition alleges in paragraph E-H that various individual signatures on the Candidate's nominating petition sheets should be stricken for reasons stated in those paragraphs.

8. The Objector's petition and appendices specifically challenged 396 of the signatures on the Candidate's nominating petition.

9. Section 21-28 of the Illinois Municipal Code requires that the petitions for nomination of candidates for alderman be signed by such number of legal voters of the ward as will aggregate not less than 2% of the total number of votes cast for alderman in the ward at the last preceding general election (February 1995), except that in Wards 12, 13, 14, 15, 16, 17, 18, 21 and 23, which were redistricted pursuant to a consent decree entered on August 14, 1998, by the U.S. District Court for the Northern District of Illinois, Eastern Division, in *Barnett, et al., v. City of Chicago, et al.*, Nos. 92 C 1683 and 92 C 2104, the minimum shall be not less than 2% of the total number of votes cast for Mayor at the April 1995 municipal election, divided by the number of wards (5), or 240. 65 ILCS 20/21-28. Therefore, in the case of a candidate for the office of Alderman of the 15th Ward of the City of Chicago, the candidate's nominating petitions shall contain not less than 240 signatures of legal voters of the 15th Ward.

10. The Electoral Board finds that the Candidate filed Nomination Papers consisting of 35 petition sheets and containing approximately 865 purportedly valid signatures of legal voters of the 15th Ward.

11. A hearing was held on the objector's petition at which the Objector offered no evidence in support of her petition. At the close of the hearing, the Candidate made a motion for a directed finding.

12. The Hearing Examiner granted the Candidate's motion for a directed finding, finding that the Candidate's Nomination Papers contain the signatures of more than the required number of legal voters.

13. The Electoral Board finds that, even assuming that all of the Objector's allegations concerning specific signatures and petition sheets were accepted as true, the Candidate's Nomination Papers would still contain more than the 240 valid signatures of legal voters of the 15th Ward needed to satisfy the signature requirements of Section 21-28 of the Illinois Municipal Code.

14. For the reasons stated above, the Board affirms and adopts the Hearing Examiner's allowance of the Candidate's motion for a directed finding and the Objector's petition is hereby stricken and dismissed. The Electoral Board finds, therefore, that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of BESSIE DANIELS, to the Nomination Papers of CLAUZELL TYLER, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CLAUZELL TYLER, candidate for election to the office of Alderman of the 15th 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-Ninth 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.