NBCOFF-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: BERTHA M. ARRINGTON	)	
	)	
To the Nomination	)	
Papers of: DAVID WHITEHEAD	)	No.: 99-EB-ALD-169
	)	
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 BERTHA M. ARRINGTON to nomination papers ("Nomination Papers") of DAVID WHITEHEAD, 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(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), BERTHA M. ARRINGTON; and the Candidate, DAVID WHITEHEAD.

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

7. Paragraph E of the Objector's Petition alleges that sheets 2 through 15 of the Candidate's nominating petition are duplicates of sheet number 1, that the circulator's affidavit is not original and genuine and that every sheet is invalid.

8. Paragraph F of the Objector's Petition alleges that the Candidate's Nomination Papers contain less than 240 valid signatures of qualified and duly registered voters of the 15th Ward of the City of Chicago.

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. Section 10-4 of The Election Code provides that "No signature shall be valid or be counted in considering the validity or sufficiency or such petition unless the requirements of this Section are complied with." 10 ILCS 5/10-4.

11. Section 10-4 of The Election Code requires that all petition sheets filed with the proper election officials or election authorities be original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

12. The Electoral Board finds that page 1 of the Candidate's nominating petitions is a photocopy of a petition sheet and not an original sheet containing the original signatures of voters or the circulator of said sheet.

13. The Electoral Board further finds that pages 2 through 15 of the Candidate's nominating petition sheets are photocopies of page 1 of the Candidate's nominating petition and not original sheets containing the original signatures of voters or the circulator of said sheets.

14. Therefore, the Electoral Board finds that the Candidate's nominating petition sheets are not original sheets signed by the voters and by the circulator in violation of Section 10-4 of The Election Code and sustains objections made in Paragraph E of the Objector's petition.

15. The Electoral Board also finds that the Candidate's nominating petition fail to contain the original signatures of at least 240 voters, in violation of Section 21-28 of the Illinois Municipal Code and sustains objections made in Paragraph F of the Objector's petition.

IT IS THEREFORE ORDERED, that the Objections of BERTHA M. ARRINGTON to the Nomination Papers of DAVID WHITEHEAD, candidate for election to the office Alderman of the 15th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DAVID WHITEHEAD, candidate for election to the office of Alderman of the 15th 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 Eighth 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.