BCCON-ALD

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS A DULY CONSTITUTED ELECTORAL BOARD

Objections of: BARBARA WASHINGTON	)	
	)	
To the Nomination	)	
Papers of: BEVERLY TAYLOR WILLIAMS	)	No.: 01-EB-ALD-006
	)	
Candidate for the office of	)	
Alderman of the 17th 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 BARBARA WASHINGTON ("Objector") to the nomination papers ("Nomination Papers") of BEVERLY TAYLOR WILLIAMS, candidate for the office of Alderman of the 17th Ward for the City of Chicago ("Candidate") to be elected at the Interim Aldermanic Elections to be held on February 27, 2001, having convened on December 29, 2000, at 10:00 a.m., in Room 800, 69 West Washington Street, 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 was held on these Objections commencing on December 29, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner LYNNE OSTFELD for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the

Call. The following persons, among others, were present at such hearing; the Objector, BARBARA WASHINGTON, by counsel, Burton Odelson; and the Candidate, BEVERLY TAYLOR WILLIAMS. The Candidate was later represented by counsel, Donald M. Hodgkinson.

7. The Hearing Examiner 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 Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate or her duly authorized representatives were present during the examination of the registration records at all times.

10. The Objector or her duly authorized representatives were present during the examination of the registration records at all times.

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 192;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1089;

    c. The number of signatures deemed invalid because of objections sustained total 550;

    d. The remaining number of signatures deemed valid total 539;

14. The Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination 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 17th Ward of the City of Chicago.

15. The Board finds, therefore, that paragraphs 5-9 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. Paragraphs 10 and 11 of the Objector's Petition alleges that the Candidate's nominating petition sheets demonstrate a "pattern of fraud" and a disregard of the Election Code to such a degree that every sheet circulated by the Candidate, Beverly Taylor Williams, Christopher C. Williams, Alma Shannon and Michael Thomas because:

A. The circulators submitted voters' signatures which were not signed by the voters in their own proper persons appearing before the circulator (Paragraph 10);

B. The circulators did not see each and every person sign in their own person in violation of the affidavit and oath signed by the circulators (Paragraph 11).

17. Paragraph 12 of the Objector's Petition alleges that the notaries public did not witness each and every person sign their names to the petition sheets in compliance with Illinois law.

18. Paragraph 14 of the Objectors' Petition alleges that the petition sheets bear a circulator's affidavit which is signed by the circulator in his/her own proper person, and that such signatures are not genuine and are forgeries and that every signature on such sheets is therefore invalid.

19. Paragraph 15 of the Objector's Petition alleges that the petitions contain petition sheets for which the circulator's affidavit is false because the purported circulator did not actually obtain, solicit or witness the affixing of voters' signatures to those sheets, and that every signature on those sheets is therefore invalid.

20. In support of the objections in paragraphs 10, 11, 12, 14 and 15 the Objector offered the following evidence:

A. The affidavits of 24 signers of the petition stating that the persons who signed as circulator for 14 petition sheets bore no resemblance to the person shown on an attached photograph;

B. The adverse testimony of Candidate/circulator Beverly Taylor Williams, who testified that she circulated the petition sheets which bore her signature as circulator; that the petition sheet were signed by her; that her signature was notarized under oath and that she saw each of the people whose names are on the petition sign the petition in their own proper person; that she personally carried the petitions by herself and she did not give the petitions to anyone else; that she circulated the petitions at individual homes and in grocery stores; that if she did not have poll sheets with her, she asked people if they were registered voters in the 17th Ward; that she informed people signing her petition that it was illegal for them to sign other petitions; that she told everyone to sign their own

names; the petitions stayed in her sight at all time; each and every person signed in her presence; she did not see identification from people who signed the petitions; that she could not always tell if the people signing the petition signed their real names; and that she never told anyone that she was endorsed by Terry Peterson. The Candidate/circulator acknowledged that objections to approximately half of the signatures (or 550 signatures) on petition sheets circulated by her were sustained as invalid.

C. The adverse testimony of circulator Alma Shannon, who testified that she circulated the petition sheets bearing her name and that she signed the affidavit at the bottom of each sheet; she circulated each and every petition bearing her name; she saw each and every person sign the petition in their own proper person; the petition sheets were always in her presence; she verified as best she could that each person signing the petition was a registered voter and that she did not accept any person to sign the petition without such person showing her an identification card, although they did not always show her a voter's card; she asked signers to sign as they did to register to vote although she believed most people signed incorrectly and that seniors had a problem with their handwriting; she made no representations that the Candidate was endorsed by Alderman Terry Peterson. It was stipulated that objections to 83 of the signatures on sheets circulated by Ms. Shannon were overruled and that 43 objections were sustained.

21. The Electoral Board adopts the findings and recommendations of the Hearing Examiner that the evidence presented by the Objector is too little and too unreliable to establish a pattern of fraud and false swearing in the Candidate's nominating petition sheets. Therefore, the Electoral Board finds that the objections in paragraphs 10, 11, 12, 14 and 15 are overruled.

22. Paragraph 13 of the Objector's Petition alleges that the petition sheets bear a circulator's affidavit which is signed by the circulator who is not a registered voter at the address shown in the affidavit and that every signature on such sheets is therefore invalid, "as set forth in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, "Circulator Is Not Registered At Address Shown."

23. Objector's Appendix-Recapitulation does not contain any objections to any petition sheets on the ground that the circulator is not a registered voter at the address shown in the affidavit at the bottom of petition sheets. Objector failed to present any evidence in support of such allegations. Therefore, the Electoral Board overrules the objections in Paragraph 13.

24. Paragraph 16 of the Objector's Petition allege that the petitions contain an invalid circulator's affidavit on each and every sheet since the affidavit does not include a certification that the circulator is a registered voter of the political division and has been a registered voter at all times that he or she circulated the petition in violation of the Illinois Election Code.

25. The Electoral Board finds that in *O'Connor v. Cook County Officers Electoral Board*, 281 Ill.App.3d 1108, 667 N.E.2d 672 (1st Dist. 1996), the Illinois Appellate Court has held that it is not required that petition sheets contain a certification by the circulator that he or she is a registered voter of the political division or that he or she has been a registered voter at all times he or she circulated the petition. Besides, the requirement that circulators be registered voters has been held unconstitutional by the United States Court of Appeals for the Seventh Circuit in *Krislov .v Rednour*, 226 F.3d 851, *petition for writ of certiorari pending*. Objector's contention that *Krislov* does not apply to the election at issue here because that case involved a candidacy for United States Senator has no merit. Therefore, the Electoral Board overrules the objections in paragraph 16 of the Objector's petition.

26. The Electoral Board finds overrules paragraph 17 of the Objector's Petition alleging that the petition contains less than 192 valid signatures collected according to Illinois law.

27. For the reasons stated above, the Board finds that the Nomination Papers of BEVERLY TAYLOR WILLIAMS are valid.

IT IS THEREFORE ORDERED that the Objections of BARBARA WASHINGTON to the Nomination Papers of BEVERLY TAYLOR WILLIAMS, candidate for election to the office of Alderman of the 17th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BEVERLY TAYLOR WILLIAMS, candidate for election to the office of Alderman of the 17th Ward of the City of Chicago, SHALL be printed on the official ballot for the Interim Aldermanic Elections to be held on February 27, 2001.

Dated: Chicago, Illinois, this Twenty-third day of January, 2001.

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.