BCCON-ALD

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

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| Objections of: BARBARA WASHINGTON | ) | |
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| To the Nomination | ) | |
| Papers of: TYRONE DE'ANDRE HAWTHORNE | ) | No.: 01-EB-ALD-007 |
| | ) | |
| 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 TYRONE DE'ANDRE HAWTHORNE, 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 R. 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, TYRONE DE'ANDRE HAWTHORNE, by counsel, Richard Means.

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 his 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 1,114;

    c. The number of signatures deemed invalid because of objections sustained total 541;

    d. The remaining number of signatures deemed valid total 573.

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, Tyrone Hawthorne, Cyntiah Rainey, Nicole Balentine, Nick Miller and Vincent Bibbs 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 are 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 are 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 11 signers of the petition stating that the persons who signed as circulator for 5 petition sheets (the Candidate, Tyrone De'Andre Hawthorne) bore no resemblance to the person shown on an attached photograph. These affidavits were objected to by the Candidate, arguing that the photograph did not accurately represent him, that the affidavits were conclusional and not in compliance with Supreme Court Rule 191. The Hearing Examiner sustained the objection to the admission of the affidavits on the ground that the photograph did not accurately depict the Candidate, whom the Hearing Examiner had seen at the initial hearing.

B. The Objector also noted the records examination findings that 541 signatures on the Candidates nominating petition sheets did not match the signatures on the Board's registration records and that the Candidate circulated the vast majority of the sheets.

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. The Objector withdrew the objections in paragraphs 12, 13, 14, 16, 17 and 18 of the Objector's Petition.

23. The Electoral Board finds overrules paragraph 19 of the Objector's Petition alleging that the petition contains less than 192 valid signatures collected according to Illinois law.

24. For the reasons stated above, the Board finds that the Nomination Papers of TYRONE DE'ANDRE HAWTHORNE are valid.

IT IS THEREFORE ORDERED that the Objections of BARBARA WASHINGTON to the Nomination Papers of TYRONE DE'ANDRE HAWTHORNE, 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 TYRONE DE'ANDRE HAWTHORNE, 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.**