NBCOFF-ALD

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

Objections of: DANNY CLARK	)	
	)	
To the Nomination	)	
Papers of: DONALD C. GILES	)	No.: 01-EB-ALD-08
	)	
Candidate for the office of	)	
Alderman of the 37th 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 ("Objections") of DANNY CLARK ("Objector") to nomination papers ("Nomination Papers") of DONALD C. GILES, candidate for the office of Alderman of the 37th 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 and served upon the members of the Electoral Board, the Objectors and the Candidate, by mail and by personal service, as provided by statute. The initial personal service to the candidate was mis-delivered, due to an error in the office of the Cook County Sheriff. This was corrected and service was made by the Sheriff at the address listed by the Candidate on his Statement of Candidacy. Service was also made via registered mail, return receipt, to the same address and such service was signed for by Sadie Benton.

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

5. 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. A public hearing held on these Objections commenced on December 29, 2000. The Objector was present at such hearing; the Candidate, DONALD C. GILES, did not appear nor did anyone appear on his behalf. The hearing was continued to January 5, 2001 at 9:45 A.M. to allow for a second service of the Call upon the Candidate.

6. On January 5, the Objector, by counsel, appeared at the hearing scheduled for that date and time previously set by the Hearing Examiner. The candidate was not present, nor did he appear by 10:15 a.m. on January 5, 2001, and the hearing commenced and was conducted without his participation. He did not appear at any time during the conduct of the hearing.

7. The Objector submitted the following written objections, with supporting exhibits, to the candidate's nominating papers:

A. The Candidate's statement of candidacy is false due to his fraudulent claim of residency at 1127 N. Leamington, Chicago, in the 37th Ward, as candidate and as circulator;

B. The Candidate does not live at 1127 N. Leamington, Chicago, the address listed on his Statement of Candidacy and, therefore, does not meet the residency requirement;

C. One circulator, Elizabeth R. Cameron, did not circulate all of the Petitions signed by her;

D. There is a pattern of fraud inasmuch as:
(i) one circulator did not circulate all of the Petitions signed by her;
(ii) one person who signed a Petition is deceased;
(iii) the Petitions contain signatures from people who do not reside at the locations listed.

E. There are insufficient valid signatures on the petitions, to wit: no more than 50 are valid although 188 valid signatures are required to support a person's candidacy in this Ward.

8. No presentation was made by or on behalf of the Candidate to refute the evidence presented in support of the objections.

9. The Hearing Examiner took testimony from Ms Kamisha Youngblood and accepted Affidavits (the originals of which were attached to the Objections) from Sadie Benton, Glenda Wesley, Cynthia Cook, Lois E. Long, Sara Stokes, Addie Bell, Irma Baines, Lisa B. Hill, Oscar R. Long, Eddie Master (*sic*) Annie Andrews, Michael G. Steele, Arleather Perry, Kenny Walker and May Jones, and found this testimony and this evidence to be

credible. This testimony and this evidence support the truth of the Objector's contentions.

10. Based on the un-rebutted testimony and the evidence submitted, the Hearing Examiner found that:

A. The Candidate does not reside at 1127 N. Leamington, Chicago, the address listed on his Statement of Candidacy;

B. A person may not be elected to the city council unless he has resided in the ward he seeks to represent "at least 2 years before the date of the election." 65 ILCS 20/21-14;

C. The Candidate does not meet the requirements of 65 ILCS 20/21-14 inasmuch as he does not reside at 1127 N. Leamington, Chicago, the address listed on his Statement of Candidacy. It is unknown where he resides.

D. Elizabeth R. Cameron, did not circulate all of the Petitions signed by her.

E. One person, Willie Phillips, whose signature is on a Petition on behalf of Donald C. Giles, is deceased.

F. Five persons whose names are on the Petitions do not reside at the addresses listed.

11. The Hearing Examiner recommends that the objections to the nominating petitions and the candidacy of Mr. DONALD C. GILES be SUSTAINED for the reasons stated above.

12. The Hearing Examiner recommends that the Electoral Board find that the Nomination Papers of DONALD C. GILES are INVALID for the reasons stated above.

13. The Electoral Board hereby adopts the findings and recommendations of the Hearing Examiner in this cause.

IT IS THEREFORE ORDERED, that the Objections of DANNY CLARK to the Nomination Papers of DONALD C. GILES, candidate for election to the office of Alderman of the 37th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DONALD C. GILES, candidate for election to the office of Alderman of the 37th Ward for the City of Chicago, SHALL NOT be printed on the official ballot for the Interim Aldermanic Elections to be held on February 27, 2001.

Dated: Chicago, Illinois, this Sixteenth 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.