STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICE OF WARD COMMITTEEMAN

IN RE: Objection of)
)
EDWARD OLOWIANY)
to the nominating petition of)
)
) Case No. 83-EB-WC-30
H. CARL JONES,)
Democratic Candidate for the)
Office of Ward Committeeman of)
the 31st Ward, City of Chicago.)

D E C I S I O N

The duly constituted Electoral Board, consisting of MICHAEL E. LAVELLE, JAMES R. NOLAN and CORNEAL A. DAVIS, organized by law in response to a Call issued by MICHAEL E. LAVELLE, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of State Senator, State Representative and Ward Committeeman, having convened on January 3, 1984 at 9:30 a.m. in Room 2307, Richard J. Daley Center, Chicago, Illinois; and after having reviewed and considered the entire record and arguments presented in this proceeding including transcripts, memoranda, reports, briefs and exhibits issues the following Findings and decision:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the objector and the candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing January 3, 1984;

5. The following persons, among others, were present at such hearings: the hearing examiner; the members of the Electoral Board; the objector by counsel; and the candidate by counsel;

6. An examination of the precinct binders conducted by its clerks and agents under the Board's direction and supervision was terminated by the Board pending review of the hearing examiner's proposed Findings and recommendations;

7. On December 12, 1983, at 9:00 a.m., the Candidate filed eighty-five sheets containing petition signatures with the Clerk of Cook County (Objector's Exhibit A is attached hereto and incorporated into this Opinion);

8. At 10:34 a.m. on December 12, 1983, the Candidate filed a Statement of Candidacy and loyalty oath with the Clerk of Cook County (Objector's Exhibit B is attached hereto and incorporated into this opinion);

9. The Objector maintains that said dual filings violate section 7-10 of the Election Code, which provides in pertinent part that "The petition, when filed, shall not be withdrawn, or added to ...." Conversely, the Candidate maintains that the "file" of the petition sheets deposited at 9:00 a.m. with the Clerk, who set the sheets to one side on the counter until the Candidate returned with the other documents, did not amount to a filing for the purposes of 7-10;

10. "Petition" as used in section 7-10 includes a Statement of candidacy, loyalty oath and sheets containing signatures of qualified voters (sec. 1-3 (11) of the Election Code);

11. The sole issue to be decided by the Board is whether from an objective standpoint the actions of the Candidate and the clerk at 9:00 a.m. constituted a filing in terms of Section 7-10. Exhibit A is a receipt issued to H. Carl Jones at the 9:00 a.m. filing and recites in pertinent part: the "Nominating petition of H. Carl Jones" was "received from H. Carl Jones" This document further indicates that the Statement of Candidacy and loyalty oath were missing at the nine o'clock filing. Moreover, the clerk and the Candidate treated the petition as filed as of 9:00 a.m. since the Candidate's name was placed in ballot position lottery along with all other candidates deemed filed as of 9:00 a.m. on the first day of filing.

12. While the Candidate testifed his intention was not to file the "first time" his actions speak otherwise. To maintain his 9:00 a.m. filing status, the Candidate, after waiting in line for two hours, left eighty-five sheets in possession of the clerk, who acknowledged receipt and custody of the 9:00 a.m. filing as evidenced by Exhibit A.

13. Having chosen to maintain his 9:00 a.m. filing status to remain in the lottery for first filing, the Candidate was barred from adding additional documents at 10:34 a.m. to validate otherwise invalid petition sheets.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Objections of EDWARD OLOWIANY, to the Democratic Nominating Petition of H. CARL JONES, Candidate for election to the Office of Ward Committeeman of the 31st Ward are here by sustained in conformity with the findings above and said petition is hereby declared not valid, and the name of H. CARL JONES, as Democratic Candidate for election to the Office of Ward Committeeman, 31st Ward, City of Chicago shall not be printed on the ballot for the Primary Election to be held on March 20, 1984.

DATED: Chicago, Illinois this 16th day of January, 1984.

Michael E. Lavelle
(CHAIRMAN)

James R. Dalen.
(MEMBER)

Thomas A. Tunney
(MEMBER)

OFFICE OF THE COUNTY CLERK
COOK COUNTY, ILLINOIS
CHICAGO, 60602

STANLEY T. KUSPER, JR.
COUNTY CLERK

JOHN H. WALS
DEPUTY COUNTY CL

PETITIONS

RECEIVED FROM: H. CARL JONES

NOMINATING PETITION OF: H. CARL JONES

WHOSE ADDRESS IS: 1035 No CENTRAL PARK AVE Chgo IL

FOR THE OFFICE OF: WARD COMMITTEEMAN

PARTY AFFILIATION: DEMOCRATIC

TO BE VOTED FOR AT THE PRIMARY ELECTION ON TUESDAY, MARCH 20, 1984

PURPORTED NUMBER OF SHEETS FOR PETITION: 85

STATEMENT OF CANDIDACY: YES _____ NO ✓

STATEMENT OF LOYALTY: YES _____ NO ✓

STATEMENT OF ECONOMIC INTEREST: YES _____ NO _____

TIME STAMP: FILED DEC 20 1983 STANLEY T. KUSPER, JR. COUNTY CLERK

OFFICE OF THE COOK COUNTY CLERK

STANLEY T. KUSPER, JR.
COUNTY CLERK

BY: N. Cosco

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OBJECTOR'S EXHIBIT "A"

OFFICE OF THE COUNTY CLERK
COOK COUNTY, ILLINOIS
CHICAGO, 60602

STANLEY T. KUSPER, JR.
COUNTY CLERK

JOHN H. WA
DEPUTY COUNTY

PETITIONS

RECEIVED FROM: H. CARL JONES

NOMINATING PETITION OF: H. CARL JONES

WHOSE ADDRESS IS: 1035 No. CENTRAL PARK AVE CHGO, I

FOR THE OFFICE OF: WARD COMMITTEEMAN 31 5

PARTY AFFILIATION: DEMOCRATIC

TO BE VOTED FOR AT THE PRIMARY ELECTION ON TUESDAY, MARCH 20, 1984

Received late

PURPORTED NUMBER OF SHEETS FOR PETITION: 85

STATEMENT OF CANDIDACY: YES V NO _____

STATEMENT OF LOYALTY: YES V NO _____

STATEMENT OF ECONOMIC INTEREST: YES _____ NO _____

OFFICE OF THE COOK COUNTY CLERK

STANLEY T. KUSPER, JR.
COUNTY CLERK

TIME STAMP: OFFICE OF COUNTY CLERK
1983 DEC 12 AM 10: 34
RECEIVED
ELECTION DEPARTMENT

BY: W. Evans

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OBJECTOR'S EXHIBIT "B"