STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

BEFORE THE ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: REPRESENTATIVES IN THE GENERAL ASSEMBLY, STATE SENATOR, STATE CENTRAL COMMITTEEMAN AND REPRESENTATIVE IN CONGRESS

IN RE: Objection of )
)
ELGA L. JEFFERIES )
To the Nominating Petition of )
)
NAOMI JONES ) No. 85-EB-RGA 14
Democratic Candidate for the Office of )
Representative in the General Assembly )
23rd Representative District. )

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 Representatives in the General Assembly, State Senator, State Central Committeeman and Representative in Congress, having convened on December 24, 1985 at 9:30 a.m. in Room 1707, Richard J. Daley Center, Chicago, Cook County, Illinois; and having heard and determined the objections to the petition in the above entitled matter, finds that:

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 December 24, 1985;

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

6. The issue before the Board is whether the candidate's statement of candidacy is in compliance with section 7-10 of Chapter 46, (Election Code).

The record discloses that the candidate listed 562 East 37th Street on her statement of candidacy which was sworn to before a notary public on December 7, 1985 and filed on December 16, 1985. The record further disclosed that the candidate changed her registration to the East 37th address on December 13, 1985. While the Hearing Officer is correct in finding that said statement was correct at the time of filing, the Board finds that it was necessary for the candidate to have been a registered voter not only at the time of filing but also when said statement was sworn to. See Delk v. McGowan, 112 App. 3d 735; 445 N.E. 2d. 1235. This finding is in accordance with Schuman v. Kumarick, 102 Ill. App. 3rd. 454 which holds that a "qualified voter" must be a "registered voter." Further, Ch. 46, Ill. Rev. Stat., sec. 3-1.2 defines a "qualified voter" as a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition.

IT IS THEREFORE ORDERED that the name of NAOMI JONES candidate for the Office of Representative in the General Assembly, of the Democratic Party, for the 23rd Representative District, Cook County, Illinois, shall not be printed on the ballot at the Primary Election held on March 18, 1986.

Dated this 14th day of January, 1986.

Chairman

Member

Member