STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

BCT

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: MAYOR, CLERK AND TREASURER OF THE CITY OF CHICAGO; AND ALDERMAN IN THE CITY OF CHICAGO, FOR THE FEBRUARY 26, 1991 MUNICIPAL PRIMARY AND ALDERMANIC ELECTIONS.

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IN RE: Objection of: Chatman C. Wailes, Jr.)
)
To the )
Nominating Petition of: James R. Dorsey )
)
) NO: 91-EB-ALD-6
Candidate for the Office )
of Alderman of the 7th Ward. )

## DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD and RAYMOND L. JAGIELSKI, organized by law in response to a Call issued by MICHAEL J. HAMBLET, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Mayor, Clerk and Treasurer of the City of Chicago and Alderman in the City of Chicago, having convened on December 28th, 1990 at 10:00 a.m. in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find 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 on December 28th, 1990;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector, by counsel, and the Candidate by counsel;

6. The Board having heard and considered all evidence and arguments tendered by those appearing at the hearing;

7. The Board having ordered an examination of the precinct binders to 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. During examination of the precinct binders, the Board directed all parties to appear and be present, either personally and/or by their authorized representatives, duly appointed and authorized by said parties;

9. The Candidate and/or his duly authorized representatives having been present during the examination of the binders at all times;

10. The Objector and/or his duly authorized representatives having been present during the examination of the binders at all times;

11. Examination of the records of the Board was terminated at the request of the Board;

12. The Board finds that the candidate has at least 373 valid signatures on his nomination papers to be placed upon the Aldermanic ballot in the 7th Ward. The minimum number of signatures required is 345. Therefore, the Candidate has sufficient signatures to entitle him to ballot placement.

13. The Board further finds that the Candidate's Statement of Candidacy is sufficient in law. The absence of "Jr." on the Statement of Candidacy, eventhough "Jr." appears on the petition sheets, would not justify removal of the Candidate from the ballot since the Statement of Candidacy and the petition sheets should be considered conjunctively. See Lewis v. Dunne, 344 N.E.2d 443 (1976).

14. The Board further finds that the Candidate's Statement of Economic Interests reads, in pertinent part: "James Dors" with "James Dorsey" signed above "signature of person making statement" and "Oldeman 7 ward Chgo" written above "office or position of employment for which this statement is filed."

The Board further finds that the receipt for the filing of the Statement of Economic Interests, time stamped by the office of the County Clerk December 11, 1990, identifies the filer as "James Dorsey" and sets forth the office sought: "Alderman 7 ward Chgo".

Provisions imposing disqualification of candidates should be strictly construed in favor of eligibility. See Livingston v. Ogilvie, 43 Ill.2d 9, 250 N.E.2d 138. Further, the Illinois Governmental Ethics Act (Ill.Rev.Stat., Chap. 127, §604A-104 et. seq.) requires that such statements "substantially" contain certain information.

15. The Board further finds that the position sought has been adequately described on the Statement of Economic Interests taken in conjunction with the said Ethics Receipt. See Bryant v. Cook County Electoral Board, 195 Ill.App.3d 556 (1st Dist., 1990), where the Appellate Court held that "Fifteenth Representative District of the State of Illinois" substantially discloses the office of Representative of the 15th District of the General Assembly.

16. The Board further finds that said Statement of Economic Interests at issue in this case, which reads in pertinent part: "James Dors" with "James Dorsey" signed above "signature of person making statement" and "Oldeman 7 ward Chgo" written above "office or position of employment for which this statement is filed," has been timely and properly filed "in relation to the candidacy" of James R. Dorsey.

In Bryant, supra, the Appellate Court specifically rejected the contention that Troutman v. Keys, 509 N.E.2d 453 (1987), barred an Electoral Board from examining the filing of a Statement. The Bryant Court, citing §10-10 of the Election Code, specifically stated:

> ... the Electoral Board's authority to rule [on the issue in the case] is statutorily granted. .... Because ... the Election Code provides that the nominating papers are invalid if the candidate does not file a statement of economic interests in relation to the candidacy, the Election Code in granting the Electoral Board jurisdiction to determine the validity of the nominating papers, necessarily has granted the Electoral Board jurisdiction to review the disclosure relative to whether the statement has been filed 'in relation to [the] candidacy.' [emphasis in original] Id. at 557.

**IT IS THEREFORE ORDERED** that the objections of Chatman C. Wailes, Jr. to the nominating petition of James A. Dorsey, candidate for election to the office of Alderman of the 7th Ward, are hereby overruled and said petition is hereby declared valid and the name of James A. Dorsey, candidate for election to the office of Alderman of the 7th Ward, shall be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 23rd day of January, 1991.

Michael J. Hamblet
MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard
ARNETTE R. HUBBARD, COMMISSIONER

Dissenting
Raymond L. Jagielski
Commissioner

RAYMOND L. JAGIELSKI, COMMISSIONER