STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

BCC

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.

IN RE: Objection of: William K. Crosby
To the
Nominating Petition of: John H. Swearengen

Candidate for the Office of Alderman of the 18th Ward.

NO: 91-EB-ALD-154

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 pro se;

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 precinct binders was completed;

12. The Board finds that:

    a. The statutory minimum of signatures required for placement on the ballot is 602;

    b. The number of signatures filed by the candidate total 1063;

    c. The number of signatures deemed invalid because of objections sustained total 328;

    d. The remaining number of signatures deemed valid total 735;

    The written report of the Board's finding overruling signature objections are contained in the Board's file in this cause and is available upon request of a party.

The Board further finds that the number of valid signatures on the nominating petition exceeds the minimum number of signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 18th Ward.

The Board further finds that under Lewis v. Dunne, 63 Ill.2d 48, 344 N.E.2d 443 (1976) and Panarese v. Hosty, 104 Ill.App.3d 627, 432 N.E.2d 1333 (1982), it must read the nomination papers as a whole, and, if there is "no conflict or inconsistency" in the information supplied, take missing

information from another part of the nomination papers to remedy a deficiency. The Candidate's address is set forth on each of his petition sheets. The information is not at variance with the Statement of Candidacy. Thus, the nomination papers are in substantial compliance with the Election Code.

IT IS THEREFORE ORDERED that the objections of William K. Crosby to the nominating petition of John H. Swearengen, candidate for election to the office of Alderman of the 18th Ward, are hereby overruled and said petition is hereby declared valid and the name of John H. Swearengen, candidate for election to the office of Alderman of the 18th Ward, shall be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 30th day of January, 1991.

Michael J. Hamblet
MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard
ARNETTE R. HUBBARD, COMMISSIONER

Raymond L. Jagielski
RAYMOND L. JAGIELSKI, COMMISSIONER