STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

NBC

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF STATE SENATOR AND REPRESENTATIVE IN THE GENERAL ASSEMBLY OF THE STATE OF ILLINOIS FOR THE MARCH 15, 1994 PRIMARY ELECTIONS.

IN RE: Objection of: Wayne Hnatko)
)
To the)
Nominating Petition of: Elmer Haneberg)
)
) NO: 94-EB-REP-27
Candidate for the Office of Representative in)
the General Assembly of the 20th)
Representative District, Democratic Party.)

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD and CHRIS ROBLING, 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 Office of State Senator and Representative in the General Assembly for the State of Illinois, having convened on December 27th, 1993 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 27, 1993;

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 finds that Section 7-10 of the Election Code prescribes the form of a nominating petition sheet and requires that it be substantially in the form prescribed therein. The form of the circulator's affidavit prescribed in Section 7-10 includes a statement by the circulator that "I am a registered voter and have been a registered voter at all times I have circulated this petition";

7. The Board finds that Section 8-8 of the Election Code does not prescribe the form of the nominating petition sheet for legislative candidate, but does state that "[I]n the affidavit at the bottom of each sheet, the petition circulator, who shall have been a registered voter at all times he or she circulated the petition, shall state his street address or rural route number, as the case may be, as well as his city, village or town";

8. The Board finds that Sections 7-10 and 8-8 of the Election Code must be read together in pari materia in order to effectuate the Election Code requirements for nominating petitions for legislative candidates;

9. The Board finds that Section 7-10 and 8-8 of the Election Code, when read together, require that the Candidate's nominating petition sheets contain a circulator's affidavit which includes a statement that he or she was a registered voter at all times he or she circulated the petition sheet;

10. The Board finds that the circulator's affidavit printed at the bottom of the petition sheets filed by the Candidate did not contain a statement that the circulator was a registered voter at all times that he or she circulated the petition sheet and that the failure to do so invalidates those petition sheets in their entirety.

IT IS THEREFORE ORDERED that the objections of Wayne Hnatko to the nominating petition of Elmer Haneberg, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 20th Representative District, are hereby sustained and said petition is hereby declared invalid and the name of Elmer Haneberg, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 20th Representative District, shall not be printed on the ballot for the Primary Election to be held on March 15th, 1994.

Dated: Chicago, Illinois, this 19th day of January, 1994.

Michael J. Hamblet

MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard

ARNETTE R. HUBBARD, COMMISSIONER

Christopher Joseph Henry Robling

CHRIS ROBLING, COMMISSIONER