STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBC-ALD

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO THE NOMINATION PAPERS OF CANDIDATES FOR
THE OFFICES OF MAYOR, CITY CLERK,
CITY TREASURER AND ALDERMAN FOR THE
CITY OF CHICAGO FOR THE FEBRUARY 28, 1995
ALDERMANIC AND MUNICIPAL PRIMARY ELECTIONS.

Objection of: Jerry Paszek)
)
To the)
Nomination Papers of: Jeffrey T. Malarski) **No.: 95-EB-ALD-078**
)
Candidate for the Office)
of Alderman of the 41st Ward.)

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD, and RICHARD A. COWEN, 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 Nomination Papers of Candidates for the Offices of Mayor, City Clerk, City Treasurer and Alderman for the City of Chicago, having convened on January 3, 1995, at 1:00 p.m., in having heard and determined the Objections to the Nomination Papers 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 Nomination Papers of the Candidate herein were duly filed;

3. A Call to the hearing on said Objections was duly issued and 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 January 3, 1995;

5. The following persons, among others, were present at such

hearing: the members of the Electoral Board, the Objector by counsel, and the Candidate by counsel;

6. The Board finds that Section 10-4 of the Election Code does not prescribe the form of the nominating petition sheet for legislative candidate, but does state that "At the bottom of each sheet of such petition shall be added a statement, signed by a registered voter of the political division, who has been a registered voter at all times he or she circulated the petition . . . .";

7. 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";

8. The Board finds that Sections 10-4 and 7-10 of the Election Code must be read together in "*pari materia*" in order to effectuate the Election Code requirements for nominating petitions for aldermanic candidates;

9. The Board finds that Sections 10-4 and 7-10 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.

11. The Board finds, therefore, that paragraph 12 of the objection petition shall be sustained and that the Candidate's Nomination papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of Jerry Paszek to the Nomination Papers of Jeffrey T. Malarski, Candidate for election to the office of Alderman of the 41st Ward, are hereby sustained and said Nomination Papers are hereby declared invalid

and the name of Jeffrey T. Malarski, Candidate for election to the office of Alderman of the 41st Ward, shall NOT be printed on the ballot for the Aldermanic Election to be held on February 28, 1995.

Dated: Chicago, Illinois, this 28 day of January, 1995.

Michael J. Hamblet
MICHAEL J. HAMBLET, Chairman

Arnette R. Hubbard
ARNETTE R. HUBBARD, Commissioner

Dissenting: Richard A. Cowen
RICHARD A. COWEN, Commissioner