STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBCON-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: Doris Brown, Suggs Miller, Patricia Ann Love; Kimberly E. Holston

To the Nomination Papers of: Howard Ivory

Candidate for the Office of Alderman of the 2nd Ward.

No.: 95-EB-ALD-106 and 95-EB-ALD-129

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 filed by Doris Brown, Suggs Miller and Patricia Ann Love (95-EB-ALD-106) and by Kimberly E. Holston (95-EB-ALD-129) to the Nomination Papers in the above entitled matters 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 Objectors by counsel, and the Candidate by counsel;

6. In case 95-EB-ALD-106, the Board finds that:

   A) The Candidate circulated all of his own nominating petition sheets and signed a circulator affidavit which listed his residence as 2701 South Dearborn #307. The candidate/circulator signed the petition sheet Circulator Affidavit on December 17, 1994.

   B) A change of address form was filed by the Candidate with the Board of Election Commissioners seeking to change the address on his registration from 2731 South Dearborn to 2701 South Dearborn. The candidate claims that he filed this change of address form with the Board of Election Commissioners on December 19, 1994, the same day as he filed his Nomination Papers. However, the change of address form was date-stamped by the Board of Election Commissioners to show a filing date of December 20, 1994.

   C) Regardless of whether the candidate filed a change of address form on December 19 or December 20, it appears that he had not changed his address on his registration records as of December 17, the date that he signed the petition sheets as the circulator of such sheets.

   D) Both addresses, 2701 South Dearborn and 2731 South Dearborn, are both within the boundries of the 2nd Ward of the City of Chicago.

   E) The failure of the candidate to change his address on the Board's registration records on or before the date or dates on which the candidate circulated his petition sheets does not invalidate such petition sheets so long as the circulator was registered to vote at some address within the ward on the date or dates he circulated the petition sheets. Bass v. Hamblet, ____ Ill.App.3d _____, 641 N.E.2d 14 (First District 1994).

7. For the reasons stated above, the Board overrules the objections in case 95-EB-ALD-106 based on this issue.

8. The Board also finds that the other remaining objections presented in case 95-EB-ALD-106 do not state any basis in fact or in law to invalidate the Candidate's Nomination Papers.

9. The Board also finds in case 95-EB-ALD-129 that:

A) On December 19, 1994 the candidate filed his nomination papers which contained a statement of candidacy which stated as follows: "I, Howard Ivory, being first duly sworn, say that I reside at 2701 South Dearborn, Apt. 307 in the City of Chicago, in the County of Cook, State of Illinois; and that I am a qualified voter therein".

B) The candidate filed a change of address form with the Board of Election Commissioners changing his voter registration from 2731 South Dearborn to 2701 South Dearborn.

C) The candidate testified that he filed a change of address form with the Board of Election Commissioners on December 19, the same day as he filed his Nomination Papers. However, the Board of Election Commissioners date stamped the form indicating that it was filed on December 20, 1994.

D) The candidate's statement that he resided at 2701 South Dearborn, Apt. 307 in the City of Chicago and that he was a qualified voter therein, is not false and perjurious. No statute requires that a candidate be a voter at his place of residence. Henderson v. Miller, 228 Ill.App.3d 260, 592 N.W.2d 570 (First District 1992).

E) The candidate did not fraudulently misrepresent that he was registered to vote at 2701 South Dearborn Street at the time that he signed his statement of candidacy on December 17, 1994.

10. For the reasons stated above, the Board overrules the objections in case 95-EB-ALD-129.

11. The Board finds, therefore, that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of DORIS BROWN, SUGGS MILLER and PATRICIA ANN LOVE in case 95-EB-ALD-106 and of KIMBERLY E. HOLSTON in case 95-EB-ALD-129 to the Nomination Papers of HOWARD IVORY, Candidate for election to the office of Alderman of the 2ND Ward, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of HOWARD IVORY, Candidate

for election to the office of Alderman of the 2ND Ward, SHALL BE printed on the ballot for the Aldermanic Election to be held on February 28, 1995.

Dated: Chicago, Illinois, this 31st day of January, 1995.

MICHAEL J. HAMBLET, Chairman

ARNETTE R. HUBBARD, Commissioner

RICHARD A. COWEN, Commissioner