STATE OF ILLINOIS)
) SS. BCCON.RGA
COUNTY OF COOK)

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR THE OFFICES OF STATE SENATOR, REPRESENTATIVE IN THE GENERAL ASSEMBLY AND WARD COMMITTEEMAN OF THE CITY OF CHICAGO FOR THE MARCH 19, 1996 GENERAL PRIMARY ELECTION

Objections of: Teresa Gail Sanchez	)	
Stacy A. Strohacker	)	
	)	
To the Nomination	)	
Papers of: Sabrina A. Barker	)	**No.: 96-EB-RGA-006**
	)	
Candidate for the Office	)	
of Representative in the General Assembly,	)	
for the 23rd Representative District,	)	
Democratic Party	)	

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 State Senator, Representative in the General Assembly and Ward Committeeman of the City of Chicago, having convened on January 2, 1996, at 10:00 a.m., and having heard and determined the Objections to the Nomination Papers in the above entitled matter finds 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 Objectors 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 2, 1996.

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. The Board ordered an examination of the registration records 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.

7. During this records examination 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.

8. The Candidate and/or her duly authorized representatives having been present during the examination of registration records at all times.

9. The Objectors and/or their duly authorized representatives having been present during the examination of registration records at all times.

10. The examination of the registration records was completed and the Board hereby adopts the results of the records examination conducted by its clerks and agents.

11. The Board has considered all evidence and arguments tendered by the parties.

12. The Board finds that:

    a. The statutory minimum of signatures required for placement on the ballot is 304;

    b. The number of signatures filed by the Candidate total 497;

c. The number of signatures deemed invalid because of objections sustained total 200;

d. The remaining number of signatures deemed valid total 297;

The written report of the result of the registration records examination is contained in the Board's file in this case and is available upon request of a party.

13. The Board finds that a master file check overruled two more objections, giving the Candidate a total of 299 valid signatures.

14. The Board finds that the Candidate's petition sheet No. 21 lacked a notarized signature of the circulator. The Board finds that Section 5/7-10 of the Election Code requires that the circulator's statement "shall be sworn to before some officer authorized to administer oaths in this State." The Board further finds that Bowe v. Chicago Electoral Board, 79 Ill.2d 469, 404 N.E.2d 180 and Williams v. Butler, 35 Ill.App.3d 532, 431 N.E.2d 394, hold that the requirement that the person who circulated nominating petitions personally appear before a notary public to validate the petition is mandatory, not directory, and a violation of that section invalidates the petition sheet. The Board therefore finds that the Candidate's petition sheet No. 21 is invalid; thus 25 signatures found to be valid by the binder check are now invalid, bringing the Candidate's total number of valid signatures to 274.

15. The Board finds that the Candidate's petition sheets Nos. 7 and 20 are valid. The Board finds that the circulator of petition sheets Nos. 7 and 20, Anthony Brooks, was not registered at 6001 S. Honore on the date that petition sheets Nos. 7 and 20 were circulated and notarized, as indicated on the petition sheets. However, the Board finds that the circulator was registered at a prior address within the ward boundaries. The Board finds that Whelan v. County Officers Electoral Board of DuPage County, 256 Ill.App.3d 555, 629 N.E.2d 842 (Second Dist. 1994); Bass v. Hamblet, 266 Ill.App.3d 1110, 641 N.E.2d 14 (First Dist., 1994) hold that the circulator must be registered at an address within the

political subdivision from which the Candidate is seeking office. The Board therefore finds that Candidate's petition sheets Nos. 7 and 20 are valid, adding 50 valid signatures to Candidate's previous total of 274, bringing the Candidates total number of valid signatures to 324.

16. The Board finds that paragraphs 3a-3j of the Objectors' Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

17. The Board finds that the number of valid signatures on the Candidate's nominating petition exceeds the minimum number of signatures required by law to be placed upon the ballot as a candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 23rd Representative District.

18. For the reasons stated above the Board finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of Teresa Gail Sanchez and Stacy A. Strohacker to the Nomination Papers of Sabrina A. Barker, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 23rd Representative District, are hereby sustained in part and overruled in part and that said Nomination Papers are hereby declared VALID and the name of Sabrina A. Barker, Candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 23rd Representative District, SHALL be printed on the Democratic Party primary ballot for the General Primary Election to be held on March 19, 1996.

Dated: Chicago, Illinois, this 7th day of February, 1996.

Michael J. Hamblet

MICHAEL J. HAMBLET, Chairman

Arnette R. Hubbard

ARNETTE R. HUBBARD, Member

Richard A. Cowen

RICHARD A. COWEN, Member