STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBCOFF-WC

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

Objection of: Kenneth E. Jenney, Jr.)
)
To the)
Nomination Papers of: Steven G. Valtierra) **No.: 96-EB-WC-045**
)
Candidate for the Office of)
Ward Committeeman for the 33rd Ward of)
the City of Chicago, Republican 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., in 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 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 5, 1996;

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 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,..., do hereby certify that I am a registered voter and have been a registered voter at all times I have circulated this petition ...." Furthermore, Section 7-10 provides that at the bottom of each petition sheet 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 the requirement in Sections 7-10 of the Election Code that the Candidate's nominating petition sheets contain a circulator's affidavit which includes a statement that the circulator was a registered voter at all times he or she circulated the petition sheet is a mandatory requirement, and the failure to include such a statement in the circulator's affidavit at the bottom of the petition sheet invalidates the petition sheet. Malarski v. Board of Elections, 95 CO 23 (Cook County Cir. Ct., 1995); Clay v. Allen, 95 CO 21 (Cook County Cir. Ct., 1995); King v. Board of Elections, 95 CO 29 (Cook County Cir. Ct., 1995); Henry v. Cook County Officers Electoral Board, 94 CO 67 (Cook County Cir. Ct., 1994).

8. 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.

9. The Board finds, therefore, that paragraph 2 of the objection petition shall be sustained and that the Candidate's Nomination papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of Kenneth E. Jenney, Jr. to the Nomination Papers of Steven G. Valtierra, Candidate for election to the office of Ward Committeeman for the 33rd Ward of the City of Chicago, Republican Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Steven G. Valtierra, Candidate for election to the office of Ward Committeeman for the 33rd Ward of the City of Chicago, Republican Party, SHALL NOT be printed on the Republican ballot for the General Primary Election to be held on March 19, 1996.

Dated: Chicago, Illinois, this 17th day of January, 1995.

MICHAEL J. HAMBLET, Chairman

ARNETTE R. HUBBARD, Member

RICHARD A. COWEN, Member