STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBCON-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: Eileen E. Jackson	)	
	)	
To the	)	
Nomination Papers of: Wallace Davis, Jr.	)	**No.: 96-EB-WC-055**
	)	
Candidate for the Office of	)	
Ward Committeeman for the 28 Ward of	)	
the City of Chicago, 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., 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 pro se, and the Candidate by counsel;

6. The Board finds that section 7-10 of the Election Code requires candidate to file a Statement of Candidacy that must contain, *inter alia*, a statement that the person filing the Statement of Candidacy is a candidate for nomination, or for election in the case of committeeman, to the office specified.

7. The Board finds that the Statement of Candidacy filed by the Candidate here did not specify either that he was seeking the "nomination" or "election" to the office sought. Rather, the filled in the space normally reserved on the Statement of Candidacy for the statement whether the candidate is seeking "nomination" or "election" was filled in by the Candidate with the name of the office sought, i.e., "28th Ward Committeeman." However, the printed nominating sheets filed by the Candidate as part of his Nomination Papers contain a heading "Petition For Election" at the top and further state that the Candidate was a candidate "for election to the office of Ward Committeeman."

8. The Board finds that the purpose of the statement of candidacy being filed as part of the candidate's nominating papers is to obtain a sworn statement from the candidate establishing his qualification to seek office. Sections 7-10, 8-8 and 10-5 of the Election Code provides that the nominating petitions shall include a statement of candidacy "as a part thereof." In Lewis v. Dunne, 63 Ill.2d 48, 344 N.E.2d 443, (1976), the court held that a statement of candidacy must be read together with the nominating petitions which are attached, and where it can be determined from reading the nomination papers as a whole what office the candidate is seeking, there is substantial compliance with the Election Code provisions. This Electoral

Board has also held that where the word "election" is used in the statement of candidacy instead of the word "nomination", such use does not invalidate the statement of candidacy as it is in substantial compliance with Section 7-10 of the Election Code. Washington v. Williams, 92-EB-REP-31, CBEC, February 10, 1992; Scianna v. Fredrickson, 94-EB-REP-7, CBEC, January 24, 1994.

9. The Board finds that the Statement of Candidacy read with the Candidate's Nominating Petitions clearly show that the candidate is seeking "election" to the office of Ward Committeeman for the 28th Ward of the City of Chicago.

10. The Board therefor overrules the objections and finds that the Candidate's Statement of Candidacy is valid and that the Candidate's name shall appear on the ballot.

IT IS THEREFORE ORDERED, that the Objections of Eileen E. Jackson to the Nomination Papers of Wallace Davis, Jr., Candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Wallace Davis, Jr., Candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Democratic Party, SHALL be printed on the ballot for the General Primary Election to be held on March 19, 1996.

Dated: Chicago, Illinois, this 19th day of January, 1995.

Michael J. Hamblet

MICHAEL J. HAMBLET, Chairman

Arnette R. Hubbard

ARNETTE R. HUBBARD, Member

Richard A. Cowen

RICHARD A. COWEN, Member