BCCON-ALD

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: GLENN SWIFT	)	
	)	
To the Nomination	)	
Papers of: SHARON R. SOLAR	)	No.: 99-EB-ALD-013
	)	
Candidate for the office of	)	
Alderman of the 33rd Ward,	)	
City of Chicago		

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Theresa M. Petrone, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objection") of GLENN SWIFT to the nomination papers ("Nomination Papers") of SHARON R. SOLAR, candidate for the office of Alderman of the 33rd Ward for the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the Objections to the Nomination Papers in the above-entitled matter finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector(s) and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 28, 1998 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector, GLENN SWIFT, pro se; and the Candidate SHARON R. SOLAR, by counsel.

6. The Electoral Board assigned this matter to Hearing Examiner LEE JANGER for further hearings and proceedings.

7. The Electoral Board ordered that an examination of the registration records 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.

8. The Electoral Board directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

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

10. The Objector and/or his duly authorized representatives were present during the examination of the registration records at all times.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. 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.

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

13. The Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 123;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 212;

    c. The number of signatures deemed invalid because of objections sustained total 72;

    d. The remaining number of signatures deemed valid total 138;

14. The Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago.

15. The Board finds, therefore, that paragraphs A-H of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objector alleges that the Candidate's nominating petitions contain 30 signatures of registered voters who signed other petitions prior to signing the Candidate's nominating petitions and therefore these signatures should be invalidated as required by law.

17. Section 10-3 of the Election Code (10 ILCS 10/3) states in part that a voter may subscribe to one independent nomination petition for each office to be filled, and no more.

18. The Electoral Board finds that the Candidate's nominating petitions contain 30 signatures that are also found on the nominating petitions of two other candidates. The Electoral Board finds that the circulator of the Candidate's nominating petitions and another witness testified that the petition sheets containing these signatures were circulated before the date of notarization on the petition sheets of the two other candidates. This testimony was unrebutted. The Electoral Board finds that the Objector has failed to prove that the 30 signatures appearing on the Candidate's nominating petitions that also appeared on the petition sheets of two other candidates for the same office were not signed prior to the time of signing the two other petitions. Therefore, the Electoral Board overrules these objections.

19. For the reasons stated above, the Board finds that the Nomination Papers of SHARON R. SOLAR are valid.

20. The Electoral Board finds that there is another objection filed against the Candidate's Nomination Papers in case 99-EB-ALD-072 which will determine whether the Candidate's Nomination Papers are valid and whether the Candidate will appear on the ballot.

IT IS THEREFORE ORDERED that the Objections filed by GLENN SWIFT to the Nomination Papers of SHARON R. SOLAR are OVERRULED and that the Board's decision in case 99-EB-ALD-072 will determine whether the name of SHARON SOLAR, candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago, will be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Twenty-Eighth day of January, 1999

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 10 days after the decision of the Electoral Board.