NBCON-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: PETE CRUMPTON	)	
	)	
To the Nomination	)	
Papers of: SANDRA WILLIAMS-BEY	)	No.: 99-EB-ALD-023
	)	
Candidate for the office of	)	
Alderman of the 5th Ward	)	

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 ("Objections") of PETE CRUMPTON to nomination papers ("Nomination Papers") of SANDRA WILLIAMS-BEY, candidate for the office of Alderman of the 5th 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 held on these Objections commenced 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, PETE CRUMPTON, by counsel; and the Candidate, SANDRA WILLIAMS-BEY, by counsel.

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

7. Paragraph 2 of the Objector's petition alleges that the Candidate's statement of candidacy does not state which office the candidate is seeking, as required by law.

8. Paragraph 3 of the Objector's petition alleges that the Candidate altered or added to her Nomination Papers after the Nomination Papers had been filed, in violation of the Election Code.

9. Section 10-5 of the Election Code (10 ILCS 5/10-5) requires that candidates file a statement of candidacy which must include a statement of the office "for which he is a candidate."

10. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that a petition, when presented or filed, shall not be withdrawn, altered, or added to.

11. The Electoral Board finds that the Candidate, SANDRA WILLIAMS-BEY, filed her Nomination Papers with the Chicago Board of Election Commissioners on Monday, December 7, 1998. The Candidate presented her Nomination Papers to the Board's Clerk, STEVE CIESLICKI. The Hearing Examiner heard testimony from the Candidate, SANDRA WILLIAMS-BEY, and the Board's Clerk, STEVE CIESLICKI pursuant to the events of the filing of the Candidate's Nomination Papers.

12. The Hearing Examiner finds from the sworn testimony of the Candidate, SANDRA WILLIAMS-BEY, and the Board's Clerk, STEVE CIESLICKI, that the following occurred:

A. The Candidate filed her Nomination Papers with the Chicago Board of Election Commissioners on Monday, December 7, 1998. The Board's Clerk, STEVE CIESLICKI, received the Nomination Papers from the Candidate.

B. The Board's Clerk, STEVE CIESLICKI (the "Clerk"), began to enter the Candidate's data into the computer and noticed that the Candidate's statement of candidacy did not specify for which Ward the Candidate was seeking election. The Clerk then asked the Candidate which ward she was running for office and the Candidate proceeded to lean over the counter and write "5th" in the blank space on the heading of her statement of candidacy.

C. The Clerk then called the Board's General Counsel, JAMES M. SCANLON, who was present, over to the counter and advised him of the events that had just occurred. The Board's General Counsel advised the Candidate that once filed, nomination papers cannot be withdrawn, amended or added to. The General Counsel also advised the Candidate that because her nomination papers had already been received and stamped by

the Board with the date and time of filing, her nomination papers could not be withdrawn, amended to or added to.

13. The Electoral Board finds that the Candidate, SANDRA WILLIAMS-BEY, did alter her Nomination Papers by writing "5th Ward" on her statement of candidacy after her Nomination Papers had been filed with the Chicago Board of Election Commissioners.

14. The Electoral Board finds that the alteration of nomination papers after the nomination papers have been filed with the Board of Elections is a violation of 10-4 of the Election Code. The Electoral Board further finds that the alteration of the Candidate' Nomination Papers was a *de minimis* and spontaneous act done without forethought and was not an intentional mutilation of election materials.

15. The Electoral Board finds that the Candidate's Nomination Papers were legally sufficient without the handwritten addition of "5th Ward" to the statement of candidacy. The Electoral Board finds that the Candidate's nominating petitions clearly state that the candidate is seeking election for the office of Alderman of the 5th Ward of the City of Chicago. The Electoral Board finds that the failure to properly designate the office the candidate is seeking on the statement of candidacy does not render his nomination papers invalid if it can be determined by looking at the nominating petitions for which office the candidate is filing. *Lewis v. Dunne,* 63 Ill.2d 48, 344 N.E.2d 443 (1976). The Electoral Board finds that when the omission on a statement of candidacy is considered technical or minor, the statement of candidacy and the nominating petition can be looked at together to determine if the candidate has substantially complied with the statute. *Madden v. Schuman,* 105 Ill.App.3d 900, 435 N.E.2d 173 (First Dist. 1982).

16. For the reasons stated above, the Electoral Board overrules paragraphs 2 and 3 of the Objector's Petition and finds that the Candidate's Nomination Papers are valid.

17. The Electoral Board finds that a similar finding was made in related case number 99-EB-ALD-097, Ransom & Simpson v. Williams-Bey, and the Candidate's Nomination Papers were found to be valid.

IT IS THEREFORE ORDERED, that the Objections of PETE CRUMPTON, to the Nomination Papers of SANDRA WILLIAMS-BEY, candidate for election to the office of Alderman of the 5th Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of SANDRA WILLIAMS-BEY, candidate for election to the office of Alderman of the 5th Ward of the City of Chicago, SHALL 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 Nineteenth 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.