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: GEORGE COLE	)	
	)	
To the Nomination	)	
Papers of: THOMAS W. MURPHY	)	No.: 99-EB-ALD-043
	)	
Candidate for the office of	)	
Alderman of the 18th 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 GEORGE COLE to the nomination papers ("Nomination Papers") of THOMAS W. MURPHY, candidate for the office of Alderman of the 18th 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 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, GEORGE COLE, by counsel; and the Candidate, THOMAS W. MURPHY, by counsel.

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

7. Paragraph 1 of the Objector's petition alleges that the Candidate is not a registered voter of the 19th Ward and therefore does not meet the residency requirement for election to the office of Alderman of the 18th Ward for the City of Chicago.

8. Paragraph 2 of the Objector's petition alleges that the Candidate falsely states in his statement of candidacy and Nomination Papers that he is a qualified voter of the 18th Ward.

9. Section 3.1-10-5 of the Municipal Code (65 ILCS 5/3.1-10-5) states that candidates for the office of Alderman for the City of Chicago must be a registered voter who has resided in the City of Chicago at least one year next preceding the election. Section 3.1-10-5 does not require that a candidate be a resident in or a registered voter of the ward in which he or she is seeking election.

10. The Electoral Board finds that the Candidate's statement of candidacy states that the candidate "resides at 8627 South Tripp Avenue in the City of Chicago, State of Illinois; that I am a qualified voter therein." The Electoral Board finds that the Candidate does not state that he is a registered voter of the 18th Ward of the City of Chicago.

11. The Electoral Board finds that the Candidate's statement that he resided at a certain address in the City of Chicago and that he was a qualified voter therein, is not a false and perjurious because there is not statute that requires that a candidate be a resident or a registered voter in the 18th Ward.

IT IS THEREFORE ORDERED, that the Objections of GEORGE COLE, to the Nomination Papers of THOMAS W. MURPHY, candidate for election to the office of Alderman of the 18th Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of THOMAS W. MURPHY, candidate for election to the office of Alderman of the 18th 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.