**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: DENNIS SHARKEY	)	
	)	
To the Nomination	)	
Papers of: SHARON R. SOLAR	)	No.: 99-EB-ALD-072
	)	
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 ("Objections") of DENNIS SHARKEY to the nomination papers ("Nomination Papers") of SHARON R. SOLAR, candidate for the offices of Alderman of the 33rd Ward in 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, DENNIS SHARKEY, by counsel; 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.

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

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 Electoral Board's file in this case and is available for inspection upon request of a party.

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

13. The Electoral 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 84;

    d. The remaining number of signatures deemed valid total 128;

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

Chicago.

15. The Electoral Board finds, therefore, that paragraphs 2-4 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 14 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 testified that five signatures on her nominating petitions appear on another candidate's nominating petitions, and that these five voters affixed their signature to the other candidate's nominating petitions before signing Candidate SOLAR's nominating petitions.

19. The Electoral Board finds these five signatures to be invalid. The Electoral Board finds that a voter may sign only one aldermanic petition for the same office in the same election and the signature executed first in time is the valid one and any subsequent signatures will be stricken. *Swain v. Frezados,* 87-EB-ALD-71, CBEC, 1987; *Frias v. Campos,* 91-EB-ALD-71, CBEC, 1991; *Arrington v. Jenkins,* 91-EB-ALD-83, 1991.

20. The Objector alleges that the Candidate's nominating petitions contain signatures that were not obtained in the presence of the circulator as required by law.

21. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that each petition sheet shall contain a statement from the circulator that all signatures on the sheet were signed in the circulator's presence.

22. The Electoral Board finds that the Candidate testified that the signature of Victor Johnson appeared on a petition sheet circulated by the Candidate, but the Candidate admitted that Victor Johnson did not sign the nominating petition in the Candidate's presence.

23. The Electoral Board finds the signature of Victor Johnson to be invalid. The Electoral Board finds that the statutory requirement that circulators of petitions sign a statement to the effect that they circulated petitions and that signatures were signed in their presence and were genuine is substantial and valid requirement that relates to the integrity of the political process, and thus failure to comply with such requirement constitutes a valid objection. *Williams v. Butler,* 35 Ill.App.3d 532, 341 N.E.2d 394 (Fourth Dist. 1976)

24. The Electoral Board finds that these six invalid signatures reduces the number of valid signatures on the Candidate's nominating petitions to 122. The Electoral Board finds that the number of valid signatures on the Candidate's nominating petitions is below the

minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago.

25. For the reasons stated above, the Electoral Board finds that the Nomination Papers of SHARON R. SOLAR are not valid.

IT IS THEREFORE ORDERED, that the Objections of DENNIS SHARKEY to the Nomination Papers of SHARON R. SOLAR, candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SHARON R. SOLAR, candidate for election to the office of Alderman of the 33rd Ward of the City of Chicago, SHALL NOT 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.