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**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: SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD	)	
To the Nomination Papers of: GRADY HUMPHREY	)	No.: 99-EB-ALD-075
Candidate for the office of Alderman of the 49th 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 SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD to nomination papers ("Nomination Papers") of GRADY HUMPHREY, candidate for the office of Alderman of the 49th 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 Objectors 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 Objectors, SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD, by counsel; and the Candidate, GRADY HUMPHREY, pro se.

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

7. Paragraph F of the Objector's petition alleges that the Candidate's petition sheet contains a circulator's affidavit which fails to contain an assertion that the circulator was a registered voter "at all times" he/she circulated the petitions sheets as required by law.

8. Paragraph G of the Objector's petition alleges that the Candidate's statement of economic interests is incomplete as it fails to include the name of the unit of government for which the candidate seeks election as required by law.

9. Paragraph H of the Objector's petition alleges that the Candidate failed to file a receipt for the statement of economic interests in relation to the candidacy as the receipt does not include the name of the unit of government for which the candidate seeks election as required by law.

10. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that at the bottom of each petition sheet a statement shall be added and signed by a registered voter of the political subdivision, who has been a registered voter at all times he or she circulated the petition for which the candidate or candidates shall be nominated.

11. Section 7-10 of the Election Code (10 ILCS 5/7-10) provides in part for a circualtor's affidavit **in substantially** (emphasis added) the following form:

> I,..., do certify that I am a registered voter and have been a registered voter at all times I have circulated this petition,...

12. The Electoral Board finds that the circulator's statement on the Candidate's Nominating Papers did not include the phrase that the circulator was a registered voter "at all times" he circulated the nominating petitions.

13. The Electoral Board finds that the provisions of Section 7-10 of the Election Code cannot be read to require that the circulator's statement must 'state' or 'certify' that he or she was a registered voter at the time of circulation. The failure of a petition sheet circulated pursuant to the provisions of Section 7-10 to contain such a statement does not render the sheet defective. *O'Connor v. Cook County Officers Electoral Board,* 281 Ill.App.3d 1108, 667 N.E.2d 672 (First Dist. 1996).

14. Section 10-5 of the Election Code (10 ILCS 5/10-5) provides that nomination papers are not valid if the candidate fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement

of economic interest in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of the candidate and the statement of economic interests of the candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

15. The Illinois Governmental Ethics Act requires that persons who are candidates for nomination or election to office in a unit of local government to file their statements of economic interest with the county clerk of the county in which the principal office of the unit of local government is located. (5 ILCS 420/4A-101(g), 4A-106) Therefore, candidates for nomination or election to office in the City of Chicago are required to file their statements of economic interests with the Cook County Clerk.

16. The Electoral Board finds that the Candidate did file a statement of economic interests with the Cook County Clerk and a receipt for the statement of economic interests with the Chicago Board of Election Commissioners as required by law.

17. The Electoral Board finds that the Candidate's statement of economic interests states the Candidate is seeking the office of "Alderman-Forty Ninth Ward" in the space for office or position of employment for which this statement is filed but does not include the words "City of Chicago." The Electoral Board finds that the Candidate's receipt for the statement of economic interests states the Candidate is seeking the office of "Alderman-Forty Ninth Ward" in the space for office or position of employment for which this statement is filed but does not include the words "City of Chicago."

18. The Electoral Board finds that the exclusion of the phrase "City of Chicago" from the Candidate's statement of economic interests and receipt for the statement of economic interests does not invalidate the Candidate's Nomination Papers.

19. The Electoral Board finds that the Candidate's statement of economic interests, which failed to list the "City of Chicago" in the governmental unit square, substantially complied with the provisions of Section 10-5 of the Election Code where the statement of candidacy, when read as whole, showed that the governmental unit was the City of Chicago. *Wodarski v. Fattore*, CBEC, 91-EB-ALD-032, January 16, 1991.

20. The Electoral Board finds, therefore, that the Nomination Papers of the Candidate, GRADY HUMPHREY, are valid and overrules paragraphs F, G and H of the Objectors' Petition.

IT IS THEREFORE ORDERED, that the Objections of SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD, to the Nomination Papers of GRADY HUMPHREY, candidate for election to the office of Alderman of the 49th Ward are hereby OVERRULED and said

Nomination Papers are hereby declared VALID and the name of GRADY HUMPHREY, candidate for election to the office of Alderman of the 49th 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 22nd 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.