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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: GREGORY GEORGE BALOS	)	No.: 99-EB-ALD-079
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 the nomination papers ("Nomination Papers") of GREGORY GEORGE BALOS, 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 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 Objectors, SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD, by counsel; and the Candidate, GREGORY GEORGE BALOS, by counsel.

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

7. Paragraphs F, G and H of the Objector's petition alleges that the petition sheets are invalid because the address of the Candidate printed thereon, "1159 WEST FARWELL AVENUE," is not an address at which the Candidate is registered vote; that the Candidate, who circulated all of his nominating petition sheets, listed his address in the circulator's affidavit as "1159 WEST FARWELL AVENUE," which is address from which the Candidate is not registered to vote; that the Candidate is registered to vote at "1157 WEST FARWELL AVENUE," which address appears only once in the Candidate's nomination papers where the Candidate signed his own petition as a voter on sheet 1, line 16; and that the inconsistency in the addresses appearing on the petition sheets and other documents render them void in their entirety.

8. The Electoral Board finds that:

   A. The Candidate, GREGORY GEORGE BALOS, resides at 1157-1159 W. Farwell, Chicago, Illinois and is registered to vote at 1157 W. Farwell, Chicago, Illinois.

   B. The building in which the Candidate resides and from which he is registered to vote is one building, with one common entrance. The address over the outside door is "1157-1159 W. FARWELL." There are six living units in the subject building, with three larger units on the East side of the building and three smaller units on the West side of the building. The mailboxes are in the common entrance to the units, only a few feet across the hallway from each other. There is no unit description on the boxes nor on the apartments themselves. Both postal addresses are in the same precinct of the 49th Ward in the city of Chicago.

   C. The legal description for this property refers to it as having a postal address of "1157-1159 W. FARWELL." The refuse pick-up bills cover the property at "1157-1159 W. FARWELL" and are not split between the two number addresses. The City of Chicago sent only one water bill per period for the building and this was sent to "1157-1159 W. FARWELL." The insurance policy on the building covers "1157-1159 W. FARWELL." The Candidate still receives mail addressed to him at "1157 W. FARWELL."

   D. The Candidate began to live in the 1157 W. Farwell side of the building with his parents when he was 4 years old. When the Candidate's parents moved to Deerfield in 1992, the Candidate moved to a smaller unit on the 1159 W. Farwell side of the building. The Candidate had registered to vote in approximately 1988 when he was living in the 1157 W. Farwell side of the building and he did not re-register afer he moved. The Candidate's failure to change his voter registration was through inadvertence and not with any intent to deceive.

9. The Electoral Board finds that the addresses of "1157 WEST FARWELL," "1159 WEST FARWELL" and "1157-1159 WEST FARWELL" identify the same building at the same location and that the use of any of the above designations is a correct and legally sufficient designation of the Candidate's address for the purpose of stating his residency and for the purpose of stating his place of voter registration. See, e.g., *Scimo v. Maina,* CBEC, 96-EB-WC-043, January 29, 1996.

10. The Electoral Board further finds that, even assuming that the Candidate's residence was at one location and his voter registration at another location, there is no statutory requirement that a candidate be a registered voter at his place of residence. *Henderson v. Miller,* 228 Ill.App.3d 260, 592 N.E.2d 570 (First Dist. 1992); *Brown, et al. v. Ivory,* 95-EB-ALD-106 and 95-EB-ALD-129 (consolidated), CBEC, January 31, 1995.

11. The Electoral Board finds that, even assuming that the Candidate's residence was at one location and his voter registration at another location, both locations are located within the 49th Ward of the City of Chicago and his failure to transfer this registration to the new location does not affect his eligibility to circulate nominating petition sheets as long as he was registered at some address within the 49th Ward of the City of Chicago. *Lukas v. Lakin*, 175 Ill.2d 166, 676 N.E.2d 637 (1997); *Bass v. Hamblet*, 266 Ill.App.3d 1110, 641 N.E.2d 14 (First Dist. 1994); *Whelan v. County Officers Electoral Board of DuPage County*, 256 Ill.App.3d 555, 629 N.E.2d 842 (Second Dist. 1994); *Rhodes v. Miller*, CBEC, 96-EB-WC-039; *Brown, et al. v. Ivory,* 95-EB-ALD-106 and 95-EB-ALD-129 (consolidated), CBEC, January 31, 1995.

12. The Board finds, therefore, that the Candidate's Nomination Papers are valid and the Objectors' Petition is overruled.

IT IS THEREFORE ORDERED, that the Objections of SEBASTIAN W. JAMES and ROBERT J. KLOVSTAD, to the Nomination Papers of GREGORY GEORGE BALOS, 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 GREGORY GEORGE BALOS, 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 Nineteenth day of January, 1999.

Richard A. Cowen, Commissioner

Theresa M. Petrone, Commissioner

Concurring, but dissenting with paragraph 10 and 11:

Langdon D. Neal, Chairman

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.