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: KENNETH JACKSON and QUINN DIXON	)	
To the Nomination Papers of: WALLACE "GATOR" BRADLEY	)	No.: 99-EB-ALD-081
Candidate for the office of Alderman of the 3rd 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 KENNETH JACKSON and QUINN DIXON to nomination papers ("Nomination Papers") of WALLACE "GATOR" BRADLEY, candidate for the office of Alderman of the 3rd 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, KENNETH JACKSON and QUINN DIXON, by counsel; and the Candidate, WALLACE "GATOR" BRADLEY, by counsel.

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

7. Paragraph 1 of the Objector's petition alleges that the Candidate's Statement of Candidacy states that the Candidate is running for the Office of Alderman of the Twenty-First Ward and for the Office of Alderman of the Third Ward of the City of Chicago.

8. Section 10-5 of the Election Code (10 ILCS 5/10-5) states in part that a Candidate must file a statement of candidacy and the statement of candidacy must include "the office for which he is a candidate."

9. The Electoral Board finds that the Candidate, WALLACE "GATOR" BRADLEY, filed a Statement of Candidacy that stated in the heading of the document, in the box containing the description of office, that the Candidate was seeking the office of "Alderman of the 21st Ward of the City of Chicago." The Electoral Board finds that in the body of the Candidate's Statement of Candidacy, the Candidate states he is a candidate for the office of "Alderman of the 3rd Ward in the City of Chicago." The Electoral Board further finds that in the heading on each of the Candidate's nominating petition sheets the Candidate states he is seeking election to the office of "Alderman of the 3rd Ward of the City of Chicago." Finally, the Electoral Board finds that the that the Candidate's receipt for the filing of his statement of economic interests identifies the office or position of employment for which the statement was filed as "Alderman 3rd Ward."

10. The Electoral Board finds that the candidate's listing of two different Ward numbers on his Statement of Candidacy does not invalidate his Nominating Papers. The Electoral Board finds that the Candidate's Statement of Candidacy, when read together with the Candidate's nominating petition sheets and his receipt for the filing of a statement of economic interests, clearly indicates that the Candidate is seeking election to the office of Alderman of the 3rd Ward of the City of Chicago and that there is no confusion as to the office sought.

11. The Electoral Board finds that the failure to properly designate the office the candidate is seeking in the heading on the statement of candidacy does not render his nomination papers invalid if it can be determined or ascertained 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). When the omission 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).

12. The Electoral Board finds, therefore, that the Nomination Papers of the Candidate, WALTER "GATOR" BRADLEY, are valid and overrules paragraph 1 of the Objector's Petition.

13. The Electoral Board further finds that two other objections to the Nomination Papers of the Candidate, WALTER "GATOR" BRADLEY, have previously been dismissed (Unkown v. Bradley, 99-EB-ALD-152) or withdrawn (Hicks v. Bradley, 99-EB-ALD-138) and that the decision in this case shall determine whether the Nomination Papers of the Candidate are valid.

IT IS THEREFORE ORDERED that the Objections of KENNETH JACKSON and QUINN DIXON to the Nomination Papers of WALLACE "GATOR" BRADLEY, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of WALLACE "GATOR" BRADLEY, candidate for election to the office of Alderman of the 3rd 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 Twelfth 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.