BCCON-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: BEVERLY J. CATHERINE and FLORENCE V. STREETER	)	
To the Nomination Papers of: CECILIA A. BUTLER	)	No.: 99-EB-ALD-108
Candidate for the office of Alderman of the 20th 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 ("Objection") of BEVERLY J. CATHERINE and FLORENCE V. STREETER to the nomination papers ("Nomination Papers") of CECILIA A. BUTLER, candidate for the office of Alderman of the 20th 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 was held on these Objections commencing 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 BEVERLY J. CATHERINE and FLORENCE V. STREETER, by counsel; and the Candidate CECILIA A. BUTLER, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner RICHARD GIRARD 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 representative(s) were present during the examination of the registration records at all times.

10. The Objector(s) and/or their duly authorized representatives were present during the examination of the registration records at all times.

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

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

13. The Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 150;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 598;

    c. The number of signatures deemed invalid because of objections sustained total 321;

    d. The remaining number of signatures deemed valid total 277;

14. The Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 20th Ward of the City of Chicago.

15. The Board finds, therefore, that paragraph(s) 5a-5x 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 an improperly notarized circulator's affidavit.

17. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that nominating petitions shall contain an affidavit by the person circulating the petition and that the statement shall be sworn to before some officer authorized to administer oaths in this state.

18. The Electoral Board finds that the Candidate's nominating petitions contain a jurat that has the word "her" inserted instead of the circulator's name. The Electoral Board finds that the jurat is not an affidavit but is evidence of the fact that the affidavit was properly sworn to by the affiant. Thus, where the affiant is otherwise identified, courts tend to overlook clerical errors such as naming the wrong person in the jurat or omitting affiant's name from the jurat entirely. *Cintuc Inc. v. Kozubowski*, 596 N.E.2d 101 (First Dist. 1992); Accord, *Riani v. Education Officers Electoral Board for School Dist No. 87*, 93 CO 456, Cir.Ct.Cook Co., October 5, 1993. The Objector presented no evidence that the circulator did not appear before a notary and the record shows the circulator and notary both signed in the proper place in the circulator's affidavit. Therfore, the Electoral Board overruled this objection.

19. For the reasons stated above, the Board finds that the Nomination Papers of CECILIA A. BUTLER are valid.

IT IS THEREFORE ORDERED that the Objections of BEVERLY J. CATHERINE and FLORENCE V. STREETER to the Nomination Papers of CECILIA A. BUTLER, candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CECILIA A. BUTLER, candidate for election to the office of Alderman of the 20th 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 Twenty-Ninth 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.