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: WALTER D. WILSON, JR.	)	
	)	
To the Nomination	)	
Papers of: THOMAS E. KATO, SR.	)	No.: 99-EB-ALD-148
	)	
Candidate for the office of	)	
Alderman of the 29th 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 WALTER D. WILSON, JR. to the nomination papers ("Nomination Papers") of THOMAS E. KATO, SR., candidate for the office of Alderman of the 29th 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 Objector, WALTER D. WILSON, JR., by counsel; and the Candidate THOMAS E. KATO, SR., pro se.

6. The Electoral Board assigned this matter to Hearing Examiner KELLYE KEYES 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 his duly authorized representative(s) were present during the examination of the registration records at all times.

10. The Objector(s) and/or his duly authorized representatives(s) 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 159;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 360;

    c. The number of signatures deemed invalid because of objections sustained total 144;

    d. The remaining number of signatures deemed valid total 216;

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 29th Ward of the City of Chicago.

15. The Board finds, therefore, that paragraph(s) 2-8 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 do not identify the signers of the petition sheets as duly registered voters of the 29th Ward as required by law.

17. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that petition sheets shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same. The bottom of each petition sheet shall contain a statement from the circulator that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters of the political subdivision or district for which the candidate or candidates shall be nominated.

18. The Electoral Board finds that the Candidate filed nominating petitions with a pre-printed heading on each sheet that reads as follows: We, the undersigned, being duly qualified voters of the [blank space] Ward of the City of Chicago, County of Cook, State of Illinois, do hereby petition that the following named person shall be nominated as a Candidate for election to the office hereinafter specified, to be voted for at the General Election for Alderman to be held on the Twenty-third day of February, A.D., 1999. The Electoral Board finds that the Candidate's nominating petitions contain a heading box that lists the office the Candidate is seeking as "Alderman of the 29th Ward" and further finds that the circulator's affidavit that the persons signing the petition were at the time of the signing duly qualified and registered voters of the 29th Ward of the City of Chicago.

19. The Electoral Board finds that Section 10-4 of the Election Code does not require a statement on the heading of the petition sheets that identifies the signers as being duly registered voters of the political subdivision. Section 10-4 does require that the heading of the petition sheets identify the candidate, the candidate's residence address and the office the candidate is seeking. Section 10-4 requires that the circulator's affidavit acknowledge that to the best of the circulator's belief, the signers are duly registered voter's of the political subdivision. The Electoral Board finds that the Candidate's nominating petitions clearly state the Candidate is seeking election as 29th Ward Alderman and that to the best of the circulator's knowledge the signatures on the petition sheets are those of duly registered voters of the 29th Ward. The Electoral Board finds that the Candidate's nominating petitions are in compliance with Section 10-4 of the Election Code.

20. The Electoral Board further finds that there was another objection filed against the Candidate's Nomination Papers in case 99-EB-ALD-019, which overruled the objections and placed the Candidate on the ballot.

21. For the reasons stated above, the Board finds that the Nomination Papers of THOMAS E. KATO, SR. are valid.

IT IS THEREFORE ORDERED that the Objections of WALTER D. WILSON, JR. to the Nomination Papers of THOMAS E. KATO, SR., candidate for election to the office of Alderman of the 29th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of THOMAS E. KATO, SR., candidate for election to the office of Alderman of the 29th 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.