BCTON-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: GERALD NICHOLS	)	
	)	
To the Nomination	)	
Papers of: JOHN DAVIS	)	No.: 99-EB-ALD-162
	)	
Candidate for the office of	)	
Alderman of the 8th 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 GERALD NICHOLS to the nomination papers ("Nomination Papers") of JOHN DAVIS, candidate for the office of Alderman for the 8th Ward of 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 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 Objector, GERALD NICHOLS, by counsel; and the Candidate JOHN DAVIS, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner JACQUELINE WALKER 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 was present during the examination of the registration records at all times.

10. The Objector or his duly authorized representatives were present during the examination of the registration records at all times.

11. Count III of the Objector's petition alleges that the Candidate's nominating petition sheets were not numbered consecutively in violation of Section 10-4 of The Election Code.

12. Section 10-4 of The Election Code (10 ILCS 5/10-4) requires that petition sheets, before being presented to the electoral board or filed with the proper officer shall be neatly fastened together in book form and the sheets shall then be numbered consecutively.

13. The Electoral Board finds that the Candidate failed to number the last sheet of a 64-page nominating petition.

14. The Electoral Board further finds that the failure to number the last sheet of a 64-page nominating petitions is a technicality that does not render invalid the remaining pages of the petition. *Williams v. Butler*, 35 Ill.App.3d 532, 341 N.E.2d 1043 (Third Dist. 1978). The Candidate substantially complied with the page-numbering requirements of Section 10-4 and this is sufficient. See e.g., *King v. The Justice Party*, 284 Ill.App.3d 886, 672 N.E.2d 900 (First Dist. 1996)

15. The Electoral Board, therefore, overrules Count III of the Objector's petition.

16. The Objector's petition alleges in paragraphs 5 through 22 that various individual signatures on the Candidate's nomination petition sheets should be stricken for reasons stated in those paragraphs.

17. Section 21-28 of the Illinois Municipal Code requires that the petitions for nomination of candidates for alderman be signed by such number of legal voters of the ward as will

aggregate not less than 2% of the total number of votes cast for alderman in the ward at the last preceding general election (February 1995), except that in Wards 12, 13, 14, 15, 16, 17, 18, 21 and 23, which were redistricted pursuant to a consent decree entered on August 14, 1998, by the U.S. District Court for the Northern District of Illinois, Eastern Division, in *Barnett, et al., v. City of Chicago, et al.*, Nos. 92 C 1683 and 92 C 2104, the minimum shall be not less than 2% of the total number of votes cast for Mayor at the April 1995 municipal election, divided by the number of wards (5), or 240. 65 ILCS 20/21-28. Therefore, in the case of a candidate for the office of Alderman of the 8th Ward of the City of Chicago, the candidate's nominating petitions shall contain not less than 303 signatures of legal voters of the 8th Ward.

18. The Board finds that the Candidate filed Nomination Papers consisting of 64 petition sheets and containing approximately 1,358 purportedly valid signatures of legal voters of the 8th Ward.

19. The examination of the registration records of the Board was terminated by Andrew Pappas, Supervisor-Registration of the Board of Election Commissioners. After completion of 37 pages of the records examination, the Candidate had 549 valid signatures. There were 66 remaining signatures that were not objected to by the objectors, which would give the Candidate a total of 615 valid signatures. The minimum number of required valid signatures for a Candidate of the 8th Ward is 303.

20. The Electoral Board finds that, even assuming that all of the remaining Objector's allegations concerning specific signatures and petition sheets were accepted as true, the Candidate's Nomination Papers would still contain more than the 303 valid signatures of legal voters of the 8th Ward needed to satisfy the signature requirements of Section 21-28 of the Illinois Municipal Code.

21. The Board finds that the Candidate has a sufficient number of valid signatures on his Nomination Papers to be placed upon the ballot as a candidate for election to the office of Alderman of the 8th Ward of the City of Chicago.

22. The Board further finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of GERALD NICHOLS, to the Nomination Papers of JOHN DAVIS, candidate for election to the office of Alderman of the 8th Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of JOHN DAVIS, candidate for election to the office of Alderman of the 8th Ward of the City of Chicago, SHALL be printed on the 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.

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.