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: LINDA LUMPKIN	)	
	)	
To the Nomination	)	
Papers of: RICHARD D. TAYLOR	)	No.: 99-EB-ALD-165
	)	
Candidate for the office of	)	
Alderman of the 15th 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 LINDA LUMPKIN to the nomination papers ("Nomination Papers") of RICHARD D. TAYLOR, candidate for the office of Alderman of the 15th 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 Objector, LINDA LUMPKIN, pro se; and the Candidate, RICHARD D. TAYLOR, pro se.

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

7. Paragraph E of the Objectors petition alleges that the petition sheets do not contain a circulator's statement that was sworn to before a notary as required by law.

8. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that the bottom of each petition sheet shall contain an statement from the circulator that shall be sworn to before some officer authorized to administer oaths in this State.

9. The Candidate's pre-printed nominating petitions contain a space or line for the signature of the person notarizing the document and, in fact, the signature of the notary does appear on the Candidate's nominating petitions. There is line on the document stating that the document is "Subscribed and sworn to before me by [blank space] this [5th is hand printed in this space] day of [Dec is hand printed in this space] A.D. 1998." Below this line is the signature of Eva H. Ayento and in black ink the "'Official Seal' of Eva H. Ayento, Notary Public, State of Illinois, My Commission Expires 05/16/1999."

10. The Electoral Board finds that the Candidate's name was not placed in the blank space provided in the jurat. 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 the affiant's name from the jurat entirely. *Cintuc Inc. v. Kozubowski,* 596 N.E.2d 101 (First Dist. 1992)

11. The Electoral Board therefore overrules paragraph E of the Objector's petition and finds that the circulator's affidavit on the Candidate's nominating petition is in compliance with Section 10-4 of the Election Code.

12. The Objector withdrew her request for a records examination to determine the validity of objections to specific signatures when it became apparent that even if all of her objections were accepted as true, the Candidate would still have a sufficient number of valid signatures on his Nomination Papers.

13. The Electoral Board finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of LINDA LUMPKIN to the Nomination Papers of RICHARD D. TAYLOR, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of RICHARD D. TAYLOR, candidate for election to the office of Alderman of the 15th 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-Eighth 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.