NBCOFF-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 MOORE	)	
	)	
To the Nomination	)	
Papers of: ANDREA M. HOOD	)	No.: 99-EB-ALD-176
	)	
Candidate for the office of	)	
Alderman of the 15th Ward	)	

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 MOORE to nomination papers ("Nomination Papers") of ANDREA M. HOOD, 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 MOORE, pro se; and the Candidate, ANDREA M. HOOD, pro se.

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

7. Paragraph E of the Objector's petition alleges that the circulator's affidavit on each page of the Candidate's nominating petitions do not contain the assertion that the circulator was a registered voter at all times he/she circulated the petition sheet and that the circulator failed to sign each petition sheet 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 a statement signed by a registered voter of the political division, who has been a registered voter at all times he or she circulated the petition, for which the candidate is seeking nomination or election, and stating the circulator's address, certifying that the signatures on that sheet of the petition were signed in his or her presence, indicating the dates on which the sheet was circulated or certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition, certifying that the signatures on the sheet are genuine, and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing qualified and duly registered voters of the political division or district in which the candidate shall be nominated. Such statement must be subscribed and sworn to before some officer authorized to administer oaths in this State.

9. The Electoral Board finds that the Candidate filed nominating petitions consisting of 23 petition sheets containing purported valid signatures of residents of the 15th Ward of the City of Chicago. The Electoral Board finds that the circulator's affidavit at the bottom of each of the 23 petition sheets 1) fails to state the name of the circulator; 2) fails to state that the address of the circulator; 3) does not contain a signature of the circulator; and 4) are not sworn to before some officer authorized to administer oaths in this State.

10. The Electoral Board finds that the failure to include the circulator's address in the circulator's certification, the failure to include a statement that the circulator believed that the people who signed the petition were registered voters who gave their correct residence address will render the petition invalid. *Havens v. Miller,* 102 Ill.App.3d 558, 429 N.E.2d 1292 (First Dist. 1981)

11. The Electoral Board finds that the requirement in the Election Code that the person who circulated nominating petitions personally appear before a notary public to validate the petition has been held to be mandatory and not directory. Thus, a violation of that section invalidates the petition sheet. *Bowe v. Chicago Electoral Board,* 79 Ill.2d 469, 404 N.E.2d 180 (1980).

12. The Electoral Board therefore finds that the Candidate's Nomination Papers are not valid.

IT IS THEREFORE ORDERED, that the Objections of LINDA MOORE to the Nomination Papers of ANDREA M. HOOD, candidate for election to the office Alderman of the 15th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ANDREA M. HOOD, candidate for election to the office of Alderman of the 15th Ward for the City of Chicago, SHALL NOT 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.