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: LESTER BARCLAY	)	
	)	
To the Nomination	)	
Papers of: BRIAN MARSHALL	)	No.: 99-EB-ALD-185
	)	
Candidate for the office of	)	
Alderman of the 4th 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 LESTER BARCLAY to nomination papers ("Nomination Papers") of BRIAN MARSHALL, candidate for the office of Alderman of the 4th 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 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, LESTER BARCLAY, by counsel; and the Candidate, BRIAN MARSHALL.

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

7. The Objector's petition alleges that the Candidate's statement of candidacy is incomplete as it fails to indicate which office the Candidate is seeking as required by law and it fails to list the Candidate's complete address because it does not identify the city and state of residence.

8. Section 10-5 of the Election Code (10 ILCS 5/10-5) requires that the candidate to state the office for which he is a candidate.

9. The Electoral Board finds that the Candidate, BRIAN MARSHALL failed to place the number of the Ward for which he is seeking office in the heading box on his statement of candidacy. The Electoral Board also finds that the Candidate placed the number of the Ward for which he is seeking office, the 4th Ward, in the body of the statement of candidacy. The Electoral Board finds that the Candidate's nominating petitions also clearly state that the Candidate is seeking election for the office of Alderman of the 4th Ward.

10. The Electoral Board finds that the failure to properly designate the office the candidate is seeking on the statement of candidacy does not render his nomination papers invalid if it can be determined by looking at the nominating petitions for which office the candidate is filing. *Lewis v. Dunne,* 63 Ill.2d 48, 344 N.E.2d 443 (1976).

11. Section 10-5 of The Election Code also requires that the Candidate list on his statement of candidacy his place of residence "with the street and number thereof, in any."

12. The Electoral Board finds that the Candidate specified that his address as "932 E. 46th" without specifying whether he lived on a street, avenue, place, or boulevard, and without specifying the city and state of his residence in the box provided for his "Address" at the heading of his Statement of Candidacy. Nor did he specify that in the body of the Statement of Candidacy whether his street and number was on a street, avenue, place, or boulevard.

13. The Board finds, however, that the Candidate did clearly and completely specify his place of residence with the street and number, as well as city and state, at the heading of each of his nominating petition sheets and that reading his nomination papers together there is no confusion as the Candidate's place of residence. *Lewis v. Dunne,* 63 Ill.2d 48, 344 N.E.2d 443 (1976)

14. The Electoral Board, therefore, overrules Objector's Petition.

15. The Board further finds that there is another objections filed against the Candidate's Nomination Papers in case 99-EB-ALD-115 which will determine whether the

Candidate's Nomination Papers are valid and whether the Candidate's name will appear on the ballot.

IT IS THEREFORE ORDERED that the Objections of LESTER BARCLAY are OVERRULED and that the Board's decision in case 99-EB-ALD-115 will determine whether the Nomination Papers of BRIAN MARSHALL are valid and whether the name of BRIAN MARSHALL, candidate for election to the office of Alderman of the 4th Ward, will 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 Fifteenth 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.