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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 MARCH 21, 2000 GENERAL PRIMARY ELECTION FOR STATE SENATOR, REPRESENTATIVE IN THE GENERAL ASSEMBLY AND WARD COMMITTEEMAN IN THE CITY OF CHICAGO

Objections of: WILLIAM DELAY	)
	)
To the Nomination	)
Papers of: CLARA M. SIMMS-JOHNSON	)
	) No. 00-EB-WC-012
Candidate for the office of Ward Committeeman for	)
the 5th Ward of the City of Chicago, Republican	)
Party	)

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 WILLIAM DELAY ("Objector(s)") to the nomination papers ("Nomination Papers") of CLARA M. SIMMS-JOHNSON, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 10, 2000, at 9:00 a.m., in Room 800, 69 West Washington Street, 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 Objectors(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 January 10, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner GREGORY GINEX for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing: the Objector(s), WILLIAM DELAY, by counsel; and the Candidate, CLARA M. SIMMS-JOHNSON, by counsel.

7. Section 10-8 of the Election code (10 ILCS 5/10-8) states in part that the objector's petition shall give the objector's name and residence address and state fully the nature of the objections to the certificate of nomination or nomination papers.

8. The Electoral Board finds that the residence requirement of Section 10-8 is mandatory, not directory, and the failure to include the objector's residence address on the face of the objector's petition renders it void. *Pochie v. Cook County Officers Electoral Board*, 289 Ill.App.3d 585, 682 N.E.2d 258 (First Dist. 1997). The Electoral Board finds that the Objector, WILLIAM DELAY, failed to state his residence address on the face of the objector's petition and it is therefore void. Placing the address of the objector's attorney on the objector's petition does not sufficiently or substantially comply with Section 10-8.

9. The Electoral Board finds that an objector's petition that makes general allegations with regard to a candidate's nomination papers without specifically identifying which of the petition sheets or signatures contain the alleged defects or irregularities and where no appendix-recapitulation sheet was filed with the objector's petition identifying the specific petition sheets and alleged defects therein, the objector's petition fails to fully state the nature of the objections and is invalid. *Ligas v. Martinez*, 95-EB-ALD-134, CBEC, January 17, 1995; *Whitehead v. Hodges*, 91-EB-ALD-047, January 16, 1991. The Electoral Board finds that the Objector's petition failed to fully state the nature of the objections as it references signatures that were allegedly struck without specifically identifying which signatures on the Candidate's nominating petitions. Therefore, the Objector's Petition should be dismissed as legally insufficient under Section 10-8 of the Election Code.

10. The Objector alleges in paragraph 1 of his petition that the Candidate's Statement of Candidacy is void because the signed the Statement of Candidacy as "Clara Simms-Johnson" and the name listed in the heading is "Clara M. Simms-Johnson."

11. The Electoral Board finds that a candidate's Statement of Candidacy is not rendered invalid solely because his name appears in a different form than on his petition sheets. *Garza v. Blackmon*, 91-EB-ALD-010, CBEC, January 23, 1991. Therefore, paragraph 1 of the Objector's Petition is overruled.

12. The Objector alleges in paragraph 3 of his petition that the Candidate's nominating petitions contains signatures in excess of the legal required minimum and therefore the nominating petitions are invalid.

13. The Electoral Board finds that the maximum signature limitation serves the legitimate state interest of providing an orderly election procedure. Nevertheless, the sanction of removal from the ballot bears no rational relationship to the valid interest that the state asserts in imposing the maximum limitation, to wit, providing an orderly election procedure. *Richard v. Lavelle*, 680 F.2d 144 (7th Cir., 1980). Therefore, the Electoral Board overrules paragraph 3 of the Objector's Petition finds that the Candidate's nominating petitions are valid.

IT IS THEREFORE ORDERED that the Objections of WILLIAM DELAY to the Nomination Papers of CLARA M. SIMMS-JOHNSON, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, are hereby OVERRULED AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of CLARA M. SIMMS-JOHNSON, candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 21, 2000.

Dated: Chicago, Illinois, this 28th day of January, 2000.

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.