BCCON-WC

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: JAMES R. FUCHS	)	
	)	
To the Nomination	)	
Papers of: RICHARD R. GORDON	)	
	)	No. 00-EB-WC-031
Candidate for the office of Ward Committeeman for	)	
the 42nd 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 JAMES R. FUCHS ("Objector(s)") to the nomination papers ("Nomination Papers") of RICHARD R. GORDON, candidate for election to the office of Ward Committeeman for the 42nd 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 RICHARD CLAYTER 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), JAMES R. FUCHS, by counsel; and the Candidate, RICHARD R. GORDON, by counsel.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by 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 Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the record examination.

9. The Candidate or his duly authorized representative(s) were present during the examination of the registration records.

10. The Objector(s) or his duly authorized representative(s) were present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties.

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 105;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 292;

    c. The number of signatures deemed invalid because of objections sustained total 116;

d. The remaining number of signatures deemed valid total 176;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to placed upon the official ballot as a candidate for election to the office of Ward Committeeman for the 42nd Ward of the City of Chicago, Republican Party.

15. The Electoral Board finds, therefore, that paragraph(s) e-m of the Objectors(s)' Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objector alleges that the circulators of petition sheets 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 20 and 21 did not appear before a notary and are invalid. The Objector alleges that petition sheets 9, 23 and 24 contained a defective jurat and are invalid.

17. Section 7-10 of the Election Code (10 ILCS 5/7-10) states in part that petition sheets must contain a circulator's affidavit and that such statement shall be sworn to before some officer authorized to administer oaths in this State.

18. The Electoral Board finds that petition sheets 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 20 and 21 contain a circulator's affidavit that was properly attested to before a notary public. Th Electoral Board finds that petition sheets 9 and 24 omitted the circulators name in the jurat and petition sheet 23 had the notary's signature on the wrong line in the jurat.

19. The Electoral Board finds that inserting the name of the notary rather than the name of the circulator in the jurat does not render the petition invalid. *Cintuc Inc. v. Kozobowski*, 596 N.E.2d 101 (First Dist. 1992) 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 the omitting affiant's name from the jurat entirely. Accord, *Riani v. Education Officers Electoral Board for School Dist. No. 87*, 93 Co 456, Cir.Ct.Cook Co., October 5, 1993 (Hon. J. Curtis Heaston).

20. Therefore, the Electoral Board finds that petition sheets 9, 23 and 24 of the Candidate's nominating petitions are valid and paragraphs l and m of the Objector's petition are overruled..

21. For the reasons stated above, the Electoral Board finds that the Nomination Papers of RICHARD R. GORDON are valid.

IT IS THEREFORE ORDERED that the Objections of JAMES R. FUCHS to the Nomination Papers of RICHARD R. GORDON, candidate for election to the office of Ward Committeeman for the 42nd Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of RICHARD R. GORDON, candidate for election to the office of Ward Committeeman for the 42nd 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.