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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: CHARLES A. WILSON	)
	)
To the Nomination	)
Papers of: BRANDEE A. MCMASTERS	)
	) No. 00-EB-WC-035
Candidate for the office of Ward Committeeman for	)
the 16th 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 CHARLES A. WILSON to the nomination papers ("Nomination Papers") of BRANDEE A. MCMASTERS, candidate for the office of Ward Committeeman for the 16th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 10, 2000, at 9:30 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 following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector(s), CHARLES A. WILSON; *pro se,* and the Candidate, BRANDEE A. MCMASTERS, *pro se.*

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

7. The Electoral Board finds that:

   (A) The Statement of Candidacy filed by the Candidate was signed by her and notarized on Sunday, December 19, 1999. The Candidate filed her Statement of Candidacy, along with her nominating petition sheets, with the Cook County Clerk on Monday, December 20, 1999.

   (B) The Candidate stated on her Statement of Candidacy that she was a qualified voter in the City of Chicago and that she resided at 5533 S. Justine Street, Chicago, Illinois.

   (C) The Candidate filed four nominating petition sheets, all of which she had circulated. In the circulator's affidavit appearing at the bottom of each nominating petition sheet, the Candidate/circulator stated that she was a registered voter of the political division for which she was seeking election (the 16th Ward of the city of Chicago) and that she was so registered at all times she circulated the petition sheet. Candidate also stated in the circulator's affidavit that she resided at 5533 S. Justine in the city of Chicago.

   (D) Prior to her taking up residence at 5533 S. Justine Street, the Candidate was registered to vote at 6805 S. Campbell Avenue, Chicago, Illinois, an address that is located in the 15th Ward of the city of Chicago.

   (E) The Candidate filed with the Chicago Board of Election Commissioners at the Board's satellite office in Room 103 City Hall a change of address form transferring her voter registration from 6805 S. Campbell Avenue to 5533 S. Justine.

   (F) The change of address form filed by the Candidate was date stamped "December 21, 1999" by the Chicago Board of Election Commissioners.

   (G) Contrary to the unsworn statements made by the Candidate that she filed a change of address form with the Board of Election Commissioners on December 17, 1999, the Electoral Board finds that the preponderence of the evidence establishes that the Candidate's change of address form was <u>not</u> filed with the Board of Election Commissioners on or before December 17, 1999.

   (H) The Candidate was not registered to vote at 5533 S. Justine Street, Chicago, Illinois on December 19, 1999, the date on which she signed her Statement of Candidacy.

8. The Electoral Board further finds that:

(A) Section 7-8(b) of the Election Code (10 ILCS 5/7-8(b)) provides that "Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman." There is no statutory requirement that a candidate for ward committeeman also be a registered voter in the ward.

(B) Section 7-10 of the Election Code (10 ILCS 5/7-10) provides in part that each statement of candidacy must set out the address of the candidate and must include a statement that the candidate is a qualified primary voter of the party to which the petition relates. There is no requirement in the statute that the statement of candidacy state that the candidate is registered to vote at the address shown on the statement of candidacy or even that the candidate is registered to vote in the political division in which the candidate is seeking election or nomination.

9. Accordingly, the Electoral Board overrules paragraphs B and C (1) of the Verified Objector's Petition alleging that the Candidate's Statement of Candidacy is defective because the Candidate was not registered to vote at 5533 S. Justine, Chicago, Illinois on the date that she signed her Statement of Candidacy.

10. The Electoral Board further finds that:

(A) Section 7-10 of the Election Code requires that nominating petition sheets be circulated and certified by a person who is "a registered voter of the political division, [and] who has been a registered voter at all times he or she circulated the petition, for which the candidate is seeking a nomination, stating the street address or rural route number of the voter, as the case may be, as well as the voter's city, village or town …."

(B) Section 3-1.2 of the Election Code (10 ILCS 5/3-1.2), as amended by Public Act 91-57 (effective June 30, 1999), requires that to be eligible to circulate a nominating petition, the term "registered voter" shall mean " a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition."

(C) When the Candidate on December 19, 1999 signed each of her nominating petition sheets as the circulator of said sheets, she stated that she resided at 5533 S. Justine, Chicago, Illinois.

(D) At the time that the Candidate circulated her own nominating petition sheets she was not registered to vote at 5533 S. Justine, Chicago, Illinois, the address shown on the circulator's affidavit at the bottom of each petition sheet.

(E) All of the nominating petition sheets filed by the Candidate are defective in that the circulator of those sheets, the Candidate herself, was not eligible to circulate those sheets and the Candidate's nominating petition

sheets violate the requirements of Sections 7-10 and 3-1.1 of the Election Code.

11. Therefore, the Electoral Board sustains the objections contained in paragraphs C, D, E and F of the Verified Objector's Petition alleging that the Candidate's petition sheets are defective because the circulator of said sheets was not a legal registered voter at 5533 S. Justine, Chicago, Illinois at the time said sheets were circulated. As a result, all of the Candidate's nominating petition sheets are stricken as defective and all signatures contained on said sheets are invalid.

12. The Electoral Board finds that after striking all four of the Candidate's nominating petition sheets, the Candidate is left with zero valid signatures. The minimum number of signatures needed to qualify for the ballot as a candidate for the office of Ward Committeeman for the Republican Party in the 16th Ward of the City of Chicago is five (5).

13. The Electoral Board finds that the Candidate's Nomination Papers fail to contain the minimum number of valid signatures required to qualify for the ballot as a candidate for the office of Ward Committeeman for the Republican Party in the 16th Ward of the City of Chicago at the March 21, 2000 General Primary Election and that the Candidate's Nomination Papers are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of CHARLES A. WILSON to the Nomination papers of BRANDEE A. MCMASTERS, candidate for the election to the office of Ward Committeeman for the 16th Ward of the City of Chicago, Republican Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of BRANDEE A. MCMASTERS, candidate for election to the office of Ward Committeeman for the 16th Ward of the City of Chicago, Republican Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 21, 2000.

Dated: Chicago, Illinois, this 20th 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.