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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: JONATHAN JOHNSON	)	
	)	
To the Nomination	)	
Papers of: BABETTE PEYTON	)	
	)	No. 00-EB-WC-038
Candidate for the office of Ward Committeeman for	)	
the 4th 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 JONATHAN JOHNSON ("Objector(s)") to the nomination papers ("Nomination Papers") of BABETTE PEYTON, candidate for election to the office of Ward Committeeman for the 4th 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 JACQUELINE WALKER 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), JONATHAN JOHNSON, pro se; and the Candidate, BABETTE PEYTON, by counsel.

7. The Objector's sole objection is that the nominating petitions are invalid as the circulator's affidavit at the bottom of the petition sheets does not contain the petition circulator's name in the jurat. The Candidate filed a motion to strike the Objector's Petition

8. Section 10-4 of the Election Code (10 ILCS 5/10-4) states in part that each petition sheet shall contain a statement from the circulator that the signatures on that sheet if the petition were signed in his presence and such statement shall be sworn to before some officer authorized to administer oaths in this State.

9. The Electoral Board finds that various sheets of the Candidate's nominating petitions contain circulator affidavits where the circulator's name was left blank in the jurat. The Electoral Board finds that leaving the jurat blank does not render the petition invalid. 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 omitting the affiant's name from the jurat entirely. *Cintuc Inc. v. Kozubowski,* 596 N.E.2d 101 (First Dist. 1992); 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).

10. The Electoral Board therefore grants the Candidate's motion to strike the Objector's Petition and said Objector's Petition is dismissed. The Electoral Board finds, therefore, that the Candidate's nominating petitions are valid.

IT IS THEREFORE ORDERED that the Objections of JONATHAN JOHNSON to the Nomination Papers of BABETTE PEYTON, candidate for election to the office of Ward Committeeman for the 4th 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 BABETTE PEYTON, candidate for election to the office of Ward Committeeman for the 4th 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.