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BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD

Objections of: KEVIN J. HACKER	)	
	)	
To the Nomination	)	
Papers of: JOSEPH P. ADAMCIK	)	
	)	No. 04-EB-WC-69
Candidate for the office of Ward Committeeman for	)	
the 36th Ward of the City of Chicago, Republican	)	
Party	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Theresa M. Petrone, and Richard A. Cowen, 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 KEVIN J. HACKER to the nomination papers ("Nomination Papers") of JOSEPH P. ADAMCIK, candidate for the office of Ward Committeeman for the 36th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 5, 2004, at 2:00 p.m. , in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 January 5, 2004 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, KEVIN J. HACKER, by his attorney; and the Candidate, JOSEPH P. ADAMCIK, pro se. The Candidate later became represented by an attorney.

7. The only issue presented in this case is whether the fact that the Candidate's Statement of Candidacy filed with his Nomination Papers was not signed by him renders the Statement of Candidacy invalid.

8. Section 7-10 of the Election Code (10 ILCS 5/7-10) provides that the name of no candidate for nomination or for ward committeeman shall be printed upon the primary ballot unless a petition for nomination has been filed on his behalf in substantially in the form provided by that statute. That statute further provides that, "Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing" which statement "shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State ...."

9. It is undisputed that the Statement of Candidacy filed by the Candidate with his Nomination Papers was not signed by him and that the line on the form reserved for the signature of the candidate is blank. The Candidate claims he did sign another copy of the Statement of Candidacy but by mistake filed the unsigned copy of such document.

10. In *Serwinski v. Board of Election Commissioners of the City of Chicago*, 156 Ill.App.3d 257, 509 N.E.2d 509 (1st Dist. 1987), the court held that language in Section 10-5 of the Election Code that is identical to the language in Section 7-10 is mandatory and that the candidate's failure to subscribe or swear to his statement of candidacy rendered his statement of candidacy illegal and void. The court held that the oath required by the statute "activates the perjury provisions of the Code and is, for that reason, mandatory." 156 Ill.App.3d at 260.

11. The Electoral Board finds that the purpose of the statement of candidacy being filed as part of a candidate's nominating papers is to obtain a sworn statement from the candidate establishing his qualifications to seek office and that this sworn statement must be found within the nomination papers placed on file with the appropriate official within the statutory period for filing such papers. Here, the Candidate wants the Electoral Board to substitute the unsigned Statement of Candidacy with some document that was allegedly signed and sworn to by the Candidate but which was not a part of his Nomination Papers when filed. The Electoral Board cannot consider a document not filed with the Nomination Papers as being a part of the Nomination Papers as Section 7-10 of the Code provides that, "The petitions, when filed, shall not be withdrawn or added to ...."

12. The Electoral Board finds that the Candidate's failure to sign the Statement of Candidacy filed with his Nomination Papers renders such Statement illegal and void. Accordingly, the Electoral Board sustains the Objector's petition and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of KEVIN J. HACKER to the Nomination papers of JOSEPH P. ADAMCIK, candidate for the election to the office of Ward Committeeman for the 36th Ward of the City of Chicago, Republican Party are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOSEPH P. ADAMCIK, candidate for election to the office of Ward Committeeman for the 36th 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 16, 2004.

Dated: Chicago, Illinois, this 3rd day of February, 2004.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.