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

Objections of: KATHLEEN LOMANTO and THOMAS L. DOSCH,	)	
To the Nomination Papers of: THOMAS JAMES GUNDERSON	)	**No.: 07-EB-ALD-056 (rel. ALD-166)**
Candidate for the office of Alderman of the Thirty-third Ward, City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal 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 KATHLEEN LOMANTO and THOMAS L. DOSCH ("Objector(s)") to the nomination papers ("Nomination Papers") of THOMAS JAMES GUNDERSON, candidate for the office of Alderman of the Thirty-third Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 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 Objector(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 2, 2007 and was continued from time to time.

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

6. The Objector(s) and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector(s), KATHLEEN LOMANTO and THOMAS L. DOSCH, by counsel, Thomas A. Jaconetty; and the Candidate, THOMAS JAMES GUNDERSON, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objector(s) and/or their duly authorized representative 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 a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 135;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 175;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 57;

D. The remaining number of signatures deemed valid as a result of the records examination total 118.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Thirty-third Ward of the City of Chicago.

15. Based upon the results of the record examination and evidence presented, the Hearing Examiner found that the Candidate's Nomination Papers contained only 118 valid signatures when the minimum signature requirement is 135 and that the Candidate's Nomination Papers should be found invalid.

16. The Objector also alleged that the Candidate's nominating petition sheets circulated to and signed by voters did not indicate that the Candidate was running for the office of 33rd Ward Alderman.

17. The Hearing Examiner found that, in fact, the Candidate's nominating petition sheets did not indicate the ward number of the office he was seeking. The Candidate contends that because he supposedly circulated a document with his petition sheets that identified him as a candidate for the office of 33rd Ward Alderman, the objection should be overruled.

18. Section 10-4 of the Election Code (10 ILCS 5/10-4) provides that all petitions for nomination under Article 10 for candidates for public office shall, among other things, consists of sheets which shall contain above the space for signatures an appropriate heading giving information as to, among other things, the office to which the candidate is seeking.

19. Nominating petitions submitted by candidate for alderman are not valid if the candidate fails to identify on the petition sheets signed by voters the office he sought, even though his statement of candidacy correctly lists the office. *Salgado v. Marquez,* 356 Ill.App.3d 1072, 828 N.E.2d 805 (Ill.App. 2 Dist. 2005) (holding that due to the failure to list the office on the petition, voters are completely unaware of which office candidate sought and the nominating petitions did not reveal whether the candidate demonstrated a minimal appeal to voters as a candidate for alderman as opposed to one of the other municipal offices that were up for election).

20. Nominating petitions signed by voters are intended to expand informed participation of party members in primary elections, and should be free from any basis for confusion as to office for which they are filed. Potential signatory has right to know specific vacancy sought by candidate so as to make informed decision to sign petition or support another

candidate for the same vacancy. *Zapolsky v. Cook County Officers Electoral Board*, 296 Ill.App.3d 731, 695 N.E.2d 1329 (First Dist. 1998) (holding that nominating petitions of candidate for Water Reclamation District of Greater Chicago that failed to specify that candidate was seeking two-year term to fill a vacancy instead of full six-year terms which were also on the ballot were invalid).

21. Sheets of the candidate's nominating petitions that do not contain the ward number identifying the office the candidate was seeking, as required by law, are invalid. The failure to state the office sought on the candidate's nominating petition sheets is a violation of the mandatory requirement and the nominating sheet is therefore invalid. *Lowe and Hurston v. Orozco,* 99-EB-ALD-070, CBEC, January 28, 1999; see also, *Garcia v. Villasenor,* 88-EB-WD-88, CBEC, January 12, 1988 (candidate for ward committeeman who failed to state the office sought on his nominating petition sheets was in violation of the mandatory requirement of Section 7-10 of the Election Code and his nominating petition sheets were therefore found invalid).

22. The Hearing Examiner has recommended that the Objection to the failure of the Candidate to identify on his nominating petition sheets signed by voters the ward in which he is seeking election should be sustained.

23. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

24. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all

argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

25. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

26. The Electoral Board finds that there was another objection filed against the Candidate's Nomination Papers in case 07-EB-ALD-166. The objections in that case were overruled. However, the decision in this case renders the Candidate's Nomination Papers invalid.

IT IS THEREFORE ORDERED that the Objections of KATHLEEN LOMANTO and THOMAS L. DOSCH to the Nomination Papers of THOMAS JAMES GUNDERSON, candidate for election to the office of Alderman of the Thirty-third Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of THOMAS JAMES GUNDERSON, candidate for election to the office of Alderman of the Thirty-third Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd day of January, 2007.

Langdon D. Neal, Chairman

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.