NBCON-ALD

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

Objections of: Chester Wilson	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-075
Papers of: Michael E. Mayden	)	
	)	Related Case: 11-EB-ALD-190
Candidate for the office of	)	
Alderman of the 34th 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, Richard A. Cowen, and Marisel A. Hernandez, 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 Chester Wilson ("Objector") to the nomination papers ("Nomination Papers") of Michael E. Mayden, candidate for the office of Alderman of the 34th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, 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 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 December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer June A. Brown for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Chester Wilson, by attorney Thomas A. Jaconetty; the Candidate, Michael E. Mayden, pro se.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Objector alleges that the Candidate's Nomination Papers are invalid because the heading of the Candidate's nominating petition sheets describes the office the Candidate is seeking as "Alderman of the *subdivision* of the 34th Ward." There is no statement regarding where the voters signing the petition are located.

9. The Objector further alleges that the circulators affidavit at the bottom of the petition sheet on all sheets is blank in the spaces reserved for the printed name and address of the circulator of said sheets.

10. The Candidate, Michael E. Mayden, signed every petition sheet he filed as the circulator of said sheets. His address is found at the time of every petition sheet in the boxes reserved for the candidate's address. Thus, the information necessary to locate the circulator of each petition is found elsewhere in the Candidate's nominating petition sheets, which substantially complies with the requirements of the statute. See, *Sakonyi v. Lindsey*, 261 Ill.App.3d 821, 634 N.E.2d 444 (Fifth Dist. 1994).

11. Regarding the wording in the heading of the petition sheet referring to the "subdivision" of the 34th Ward and the failure to identify the petitioners as residents of the 34th Ward, such errors do not invalidate the nomination papers if that information can be found elsewhere in the nominating petitions. See, *Nolan v. Cook County Officers Electoral Board*, 329 Ill.App.3d 52, 768 N.E.2d 216 (First Dist. 2002). Here, the circulator's affidavit at the bottom of each sheet states that the petitioner are "registered voters of the political subdivision in which the candidate is seeking elective office" and the office sought, 34th Ward Alderman, is clearly identified in the heading of each petition sheet.

12. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

13. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers.

14. The Electoral Board further finds that there are objections pending in Related Case 11-EB-ALD-190 that will determine whether the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Chester Wilson to the Nomination Papers of Michael E. Mayden, candidate for election to the office of Alderman of the 34th Ward of the City of Chicago, are hereby OVERRULED.

Dated: Chicago, Illinois, on January 7, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.