STATE OF ILLINOIS )
) ss.
COUNTY OF COOK )

NBC

**ELECTORAL BOARD**
**FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: MAYOR, CLERK AND TREASURER OF THE CITY OF CHICAGO; AND ALDERMAN IN THE CITY OF CHICAGO, FOR THE FEBRUARY 26, 1991 MUNICIPAL PRIMARY AND ALDERMANIC ELECTIONS.**

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**IN RE: Objection of: Eliza Brown**

**To the Nominating Petition of: Samuel Abu A. Mohammed**

**Candidate for the Office of Alderman of the 8th Ward.**

**NO: 91-EB-ALD-158**

## DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD and RAYMOND L. JAGIELSKI, organized by law in response to a Call issued by MICHAEL J. HAMBLET, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Mayor, Clerk and Treasurer of the City of Chicago and Alderman in the City of Chicago, having convened on December 28th, 1990 at 10:00 a.m. in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the Objector and the Candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing on December 28th, 1990;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector pro se, and the Candidate pro se;

6. The Board finds that the Candidate did not timely file a Statement of Economic Interests receipt within the time designated by Section 10-5 of the Election Code. The pertinent provision of Section 10-5 states:

> "Such receipt shall be so filed not later than the last day on which nomination papers may be filed" (emphasis added).

The Board further finds that pursuant to precedent established in Fortas v. Harwell, 90-EB-REP-6, the objections should be sustained. Without a timely filing of such receipt, the Chicago Board of Election Commissioners lacks the required documentation whereby potential objectors may determine whether a Candidate has, in fact, duly filed such a statement. The mandatory language of Section 10-5 and past precedent of this Electoral Board requires invalidating the Candidate's nomination papers. To present untimely filings of such receipt would, in effect, nullify this statutory requirement.

**IT IS THEREFORE ORDERED** that the objections of Eliza Brown to the nominating petition of Samuel Abu A. Mohammed, candidate for election to the office of Alderman of the 8th Ward, are hereby sustained and said petition is hereby declared invalid and the name of Samuel Abu A. Mohammed, candidate for election to the office of Alderman of the 8th Ward, shall not be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 8th day of January, 1991.

Michael J. Hamblet
MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard
ARNETTE R. HUBBARD, COMMISSIONER

Raymond L. Jagielski
RAYMOND L. JAGIELSKI, COMMISSIONER