STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBC-ALD

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO THE NOMINATION PAPERS OF CANDIDATES FOR
THE OFFICES OF MAYOR, CITY CLERK,
CITY TREASURER AND ALDERMAN FOR THE
CITY OF CHICAGO FOR THE FEBRUARY 28, 1995
ALDERMANIC AND MUNICIPAL PRIMARY ELECTIONS.

Objection of: Irene C. Smith)
)
To the)
Nomination Papers of: Keith B. Kysel) **No.: 95-EB-ALD-011**
)
Candidate for the Office)
of Alderman of the 7th Ward.)

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD, and RICHARD A. COWEN, 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 Nomination Papers of Candidates for the Offices of Mayor, City Clerk, City Treasurer and Alderman for the City of Chicago, having convened on January 3 1995, at 1:00 p.m., in having heard and determined the Objections to the Nomination Papers 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 Nomination Papers of the Candidate herein were duly filed;

3. A Call to the hearing on said Objections was duly issued and 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 January 3, 1995;

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

6. The Board finds that Section 10-5 of the Election Code provides that nomination papers filed pursuant to that section are not valid if the candidate named therein fails to file a Statement of Economic Interest as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a Statement of Economic Interest in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the Statement of Economic Interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the Statement of Economic Interest is filed showing the date on which such statement was filed. Such receipt shall be filed not later than the last day on which nomination papers may be filed.

7. The Board finds that in the case of candidates for the office of Alderman for the City of Chicago, Statements of Economic Interest are required to be filed with the County Clerk of Cook County. 5 ILCS 420/4A-106.

8. The Board finds that the Candidate filed with his Nomination Papers a Statement of Economic Interest with the receipt attached thereto. The Board finds that the Candidate did not file a Statement of Economic Interest with the Cook County Clerk as required by law. Therefore, the Statement of Economic Interest filed by this Candidate was filed in the wrong office.

9. A Candidate is ineligible for office if he files his Statement of Economic Interest with the wrong governmental unit or office. Havens v. Miller, 102 Ill.App. 3d 558, 429 Northeast 2nd 1292 (First District 1981); Beverly v. Electoral Board, 87 CO 20 and 87CO23, Cir. Ct. Cook County.

10. The failure to file with the election authority with whom nomination papers are to be filed a receipt evidencing that the Candidate filed a Statement of Economic Interests with the appropriate official invalidates the nomination papers. Bolger v. Electoral Board of the City of McHenry, 210 Ill.App.3d 958, 569 N.E.2d 628 (Second Dist.1991)

11. Therefore, the Board sustains the objections and finds that the Candidate's nomination papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of Irene C. Smith to the Nomination Papers of Keith B. Kysel, Candidate for election to the office of Alderman of the 7th Ward, are hereby sustained and said Nomination Papers are hereby declared invalid and the name of Keith B. Kysel, Candidate for election to the office of Alderman of the 7th Ward, shall not be printed on the ballot for the Aldermanic Election to be held on February 28, 1995.

Dated: Chicago, Illinois, this 23RD day of January, 1995.

Michael J Hamblet

MICHAEL J. HAMBLET, Chairman

Arnette R. Hubbard

ARNETTE R. HUBBARD, Commissioner

Richard A Cowen

RICHARD A. COWEN, Commissioner