STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBC

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: Edwin Cobb	)	
	)	
To the	)	
Nomination Papers of: Quention Curtis	)	No.: 95-EB-ALD-065
	)	
Candidate for the Office	)	
of Alderman of the 27th 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 pro se, and the Candidate pro se;

6. The Board finds that the Candidate filed with his nomination papers a Statement of Economic Interests which was filled out by the Candidate. Attached to this statement was a receipt which was left blank. The blank receipt was date-stamped on the reverse side by the Board of Election Commissioners at the same time the Candidate's Nomination Papers were filed with the Board. There is no evidence from the documents submitted with the Candidate's Nomination Papers that the Candidate's filed a Statement of Economic Interests in relation to his candidacy with the Cook County Clerk or that he filed a receipt for said statement with the Board of Election Commissioners before the deadline for filing nomination papers.

7. The Candidate claims that he also filed with his Nomination Papers a receipt which was date-stamped by the Cook County Clerk's Office evidencing that a Statement of Economic Interests was filed with the Cook County Clerk's Office on December 19, 1994. However, said receipt was not attached to the Candidate's original Nomination Papers when inspected by the Hearing Examiner on January 6, 1995. Such a receipt was found by a Board employee on the floor of the Board's office on January 6. This receipt, although date-stamped by the Cook County Clerk's Office on December 19, 1994, did not contain a date stamp by the Board of Election Commissioners as is the Board's practice for papers filed with it.

8. The Hearing Examiner considered testimony from various persons, including several Board employees, and concluded that the Candidate failed to timely file with the Board a receipt showing that he had filed a Statement of Economic Interest in relation to his candidacy with the Cook County Clerk before the end of the filing period for nomination papers. He further concluded that the receipt which was found on the floor of the Board's office on January 6 was not lost or detached in any way by the Board. He also concluded that the Candidate did not actually and truly file such receipt originally as part of his Nomination Papers.

9. The Board adopts the findings and conclusions of the Hearing Examiner and finds that the Candidate failed to file with the Board prior to the end of the period for filing nomination papers a receipt showing that he filed a Statement of Economic Interests in relation to his candidacy with the Cook County Clerk.

10. Filing a Statement of Economic Interests with the Board of Election Commissioners does not comply with Section 10-5 of the Election Code which requires that the candidate file his

Statement of Economic Interests with the appropriate official, which in this case is the Cook County Clerk. Havens v. Miller, 102 Ill.App.3d 558, 429 N.E.2d 1292 (First District, 1981); Beverly v. Electoral Board, 87-CO-20 and 87-CO-23, Circuit Court of Cook County. In addition, a Statement of Economic Interests that is filed late will result in the candidate's name being stricken from the ballot. Miceli v. Lavelle, 114 Ill.App.3d 311, 448 N.E.2d 989 (First District, 1983) The failure to file a receipt showing that the candidate filed a Statement of Economic Interests in relation to his candidacy with the appropriate official also is in violation of Section 10-5 of the Election Code and invalidates the Nomination Papers. Bolger v. Electoral Board of McHenry County, 210 Ill.App.3d 958, 569 N.E.2d 628 (Second District, 1991)

11. The Board finds that the Candidate's Nomination Papers are, therefore, invalid.

IT IS THEREFORE ORDERED, that the Objections of Edwin Cobb to the Nomination Papers of Quention Curtis, Candidate for election to the office of Alderman of the 27th Ward, are hereby sustained and said Nomination Papers are hereby declared invalid and the name of Quention Curtis, Candidate for election to the office of Alderman of the 27th Ward, shall not be printed on the ballot for the Aldermanic Election to be held on February 28, 1995.

Dated: Chicago, Illinois, this 1ST day of February, 1995.

Michael J. Hamblet

MICHAEL J. HAMBLET, Chairman

Richard A. Cowen

RICHARD A. COWEN, Commissioner

DISSENTING: with reasons stated on the record.

Arnette R. Hubbard

ARNETTE R. HUBBARD, Commissioner

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

QUENTIN CURTIS

v.

MUNICIPAL OFFICERS ELECTORAL BOARD, et al.

NO. 95 CO 33

ORDER

This matter coming on to be heard by this Court on Petitioner's Petition for Judicial Review, the parties being present in Court by counsel, the Court having reviewed the record and the briefs submitted by the parties and having heard oral argument and being advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED

1) For the reasons in open Court and on the record, the decision of the electoral board is affirmed and the Petition for Judicial Review is denied.

2) This is a final judgment and there is no just cause for delay in the enforcement or appeal of this order

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JUDGE BERNETTA D. BUSH

FEB 21 1995 19

ENTER: CIRCUIT COURT - 1587

Judge Judge's No.

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