STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

NBC-MUN

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: Bernette Barnes)
)
To the)
Nomination Papers of: Allen Smith) **No.: 95-EB-MUN-015**
)
Candidate for the Office)
of City Clerk, City of Chicago,)
Democratic Party)

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 by counsel;

7. Section 7-10 of the Elections Code provides that nominating petition sheets "before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them togehter at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively". The Board finds that the Candidate's Nomination Papers, fastened together in two volumes and filed together at the same time, do not comply with Section 7-10. However, the unchallenged signatures in a single volume meet or exceed the minimum number of signatures required.

8. The Board finds that the Candidate's nominating petition sheets do not contain information as to the political party represented by the Candidate. Therefore, said sheets are not in compliance with Section 7-10 and render the Candidate's Nomination Papers invalid.

IT IS THEREFORE ORDERED, that the Objections of Bernette Barnes to the Nomination Papers of Allen Smith, Candidate for the nomination of the Democratic Party for the office of City Clerk, City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Allen Smith, Candidate for the nomination of the Democratic Party for the office of City

Clerk, City of Chicago, SHALL NOT be printed on the ballot for the Municipal Primary Election for the Democratic Party to be held on February 28, 1995.

Dated: Chicago, Illinois, this 19th 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

ORDER CCG-2

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ALLEN SMITH

v.

BARNES, et al.

NO. 95 CO 22

ORDER

This matter coming before the Court for hearing and argument on the Complaint in Administrative Review, the parties being present and represented by Counsel, the Court having reviewed the record and briefs submitted and having heard argument and being advised in the premises,

IT IS HEREBY ORDERED

1. That part of the electoral board's Decision finding that the candidate's nomination papers fastened together in two volumes and filed together at the same time did not comply with Section 7-10 is directory only and did not have the effect of removing the candidate from the ballot

2. That part of the electoral board's Decision finding that the candidate's nominating petition sheets did not comply with Section 7-10 of the Election Code due to the failure to contain a statement of the candidate's political party affiliation is affirmed and the decision of the Board is sustained. Those provisions of Section 7-10 requiring a statement of the candidate's political party affiliation are mandatory and the candidate did not substantially comply with said requirements. This is a final judgment and there is no just cause for delay.

70383 Atty No. 3

Name James Scanlon

Attorney for Board of Election Commissioners

Address 200 W. Adams Suite 3222

City CHICAGO ILL 60606

Telephone 312-372-2500

JUDGE BERNETTA D. BUSH

FEB 15 1995 M. ....., 19.....

ENTER: CIRCUIT COURT - 1587

..... Judge Judge's No.

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS