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BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CERTAIN CANDIDATES FOR THE NOVEMBER 3, 1998 GENERAL ELECTION IN THE CITY OF CHICAGO

Objections of: Ronald Davis	)	
	)	
To the Nomination	)	
Papers of: Myra Handy	)	
	)	No.: 98-EB-RES-003
Candidate for the Nomination of the	)	
Harold Washington Party for the Office	)	
of State Senator for the 13th Legislative	)	
District, State of Illinois	)	

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 Theresa M. Petrone, 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 of Ronald Davis to Nomination Papers of Myra Handy, Candidate for the nomination of the Harold Washington Party for the office of State Senator for the 13th Representative District of the State of Illinois, having convened on June 1, 1998, in City Hall, 121 North LaSalle Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above entitled matter, finds 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 and timely filed.

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(s) and the Candidate, by certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on June 1, 1998 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector, by counsel; and the Candidate did not appear. Although a Mr. Baker was present at the initial call of this case and represented to the Board that he was an attorney for the Candidate, Mr. Baker never filed a written appearance on behalf of the Candidate and did not appear at the initial or subsequent hearings before the Hearing Examiner.

6. The Board assigned this matter to Hearing Examiner Cheryl Blackwell Bryson for further hearings and proceedings.

7. The Board finds that the Candidate is in default, as she did not appear before the Electoral Board at the initial hearing on this matter on June 1, 1998. The Candidate was served with a copy of the Call via certified mail on May 28, 1998. A copy of the Call was served on the Candidate personally by a Deputy Sheriff on May 29, 1998 at 9:30 a.m. The hearing officer rescheduled further proceedings to June 3, 1998. The Candidate did not appear at the June 3, 1998 hearing date and was therefore found in default.

8. The Board finds that the Objector's Petition, if taken as true, states sufficient grounds to invalidate the Candidate's nomination papers as follows, as further supported by an examination of the Nomination Papers in the record:

A) The Candidate failed to file a statement of economic interest with the Secretary of State or a receipt showing that the statement of economic interest was filed as required by Sections 7-10 and 10-5 (10 ILCS 5/7-10 and 5/10-5) of the Election Code and as required by the Illinois Governmental Ethics Act. 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 City of McHenry*, 210 Ill.App.3d 958, 569 N.E.2d 628 (Second District 1991); *Morgan v. Lewis*, CBEC No. 83-EB-ALD-65; *Fortas v. Harwll*, CBEC No. 90-EB-REP-6, January 24, 1990).

B) The Candidate listed herself as "Dr." on her nomination papers in violation of Section 8-8.1 of the Election Code. (10 ILCS 5/8-8.1) Section 8-8.1 of the Election Code states "No other designation such as a title or degree...may be used in connection with the candidate's surname."

9. The Board finds that the Candidate has defaulted as to the following objections:

A) The Candidate failed to file a "Certificate of Legislative or Representative Committee Organization" as required by Sections 8-17 and 7-61 of the Election Code (10 ILCS 5/8-17, 5/7-61). The Candidate filed instead a "Certificate of Officers Authorized to Fill Vacancies in Nomination for a New Political Party."

B) The Candidate failed to file a "Resolution to Fill A Vacancy for Nomination" as required by Sections 8-17 and 7-61 of the Election Code (10 ILCS 5/8-17, 5/7-61). The Candidate filed instead a "Resolution to Fill a Vacancy for Nomination Occurring After a Primary Election."

IT IS THEREFORE ORDERED that the Objections of Ronald Davis, to the Nomination Papers of Myra Handy, Candidate of the Harold Washington Party for the office of State Senator for the 13th Legislative District of the State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared be INVALID and the name of Myra Handy, Candidate of the Harold Washington Party for the office of State Senator for the 13th Legislative District of the State of Illinois, SHALL NOT be printed on the ballot for the General Election to be held November 3, 1998.

Dated: Chicago, Illinois, this 11th day of June, 1998.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner/Member

Theresa M. Petrone, Commissioner/Member

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 10 days after the decision of the Electoral Board.