NBCOFF-ALD

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: IRENE C. SMITH	)	
	)	
To the Nomination	)	
Papers of: JAMES A. SHOTWELL	)	No.: 99-EB-ALD-025
	)	
Candidate for the office of	)	
Alderman of the 7th Ward	)	

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 ("Objections") of IRENE C. SMITH to the nomination papers ("Nomination Papers") of JAMES A. SHOTWELL, candidate for the office of Alderman of the 7th Ward for the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the Objections to the Nomination Papers in the above-entitled matter finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

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

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 registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 28, 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, IRENE C. SMITH, by counsel, and the Candidate, JAMES A. SHOTWELL.

6. The Electoral Board assigned this matter to Hearing Examiner BRYAN A. SCHNEIDER for further hearings and proceedings.

7. Paragraph 5 of the Objector's petition alleges that none of the Candidate's nominating petition sheets contain sheet numbers and are not numbered consecutively.

8. Paragraph 6 of the Objector's petition alleges that none of the Candidate's nominating petition sheets are notarized as required by the Election Code.

9. Section 10-4 of The Election Code (10 ILCS 5/10-4) requires that petition sheets, before being presented to the electoral board or filed with the proper officer shall be neatly fastened together in book form and the sheets shall then be numbered consecutively.

10. Section 10-4 of The Election Code requires that at the bottom of each petition sheet shall be added a statement by the circulator of the sheet containing the elements required by that section. Such statement must be sworn to before some officer authorized to administer oaths in this State.

11. The Board finds that none of the petition sheets filed by the Candidate as part of his Nomination Papers are numbered and they are not numbered consecutively as required by Section 10-4 of The Election Code.

12. The Electoral Board finds that the Candidate's failure to number any of the pages of his nominating petition invalidates his Nomination Papers. *Wollan v. Jacoby*, 274 Ill.App.3d 388, 653 N.E.2d 1303 (First Dist. 1995).

13. The Electoral Board further finds that none of the Candidate's nominating petition sheets were sworn to before some officer authorized to administer in this State.

14. The Electoral Board finds that the requirement in the Election Code that the person who circulated the nominating petition sheets personally appear before a notary public to validate the petition is a mandatory requirement and a violation of this requirement invalidates the petition sheets. *Williams v. Butler*, 35 Ill.App.3d 532, 341 N.E.2d 394 (Fourth Dist. 1976); *Bowe v. City of Chicago Electoral Board*, 79 Ill.2d 469, 404 N.E.2d 180 (1980).

15. Therefore, the Board sustains Paragraphs 5 and 6 of the Objector's petition and the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of IRENE C. SMITH to the Nomination Papers of JAMES A. SHOTWELL, candidate for election to the office Alderman of the 7th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JAMES A. SHOTWELL, candidate for election to the office of Alderman of the 7th for the City of Chicago, SHALL NOT be printed on the official

ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Eighth day of January 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, Commissioner

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.