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: IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN	)	
	)	No.: 99-EB-ALD-113
To the Nomination Papers of: ANNIE R. SMITH	)	
Candidate for the office of Alderman of the 4th 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 IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S.ZUCKERMAN to the nomination papers ("Nomination Papers") of ANNIE R. SMITH, candidate for the office of Alderman of the 4th 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 Objectors 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 Objectors, IVORY D. MITCHELL, LAWRENCE J. SCHEFF, and L.S. ZUCKERMAN, by counsel, and the Candidate, ANNIE R. SMITH, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner BARBARA GOODMAN for further hearings and proceedings.

7. Paragraph O of the Objector's petition alleges that the Candidate failed to consecutively number the petition sheets as required by law.

8. 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.

9. The Electoral Board finds that the Candidate filed nominating papers consists of 54 nominating petition sheets, of which only 8 sheets are numbered. The 8 numbered sheets did not correlate with their order in the set of petition sheets.

10. The Electoral Board finds that the Candidate, ANNIE R. SMITH, failed to consecutively number the petition sheets contained in her Nominating Papers as required by law.

11. The Electoral Board finds that the page-numbering requirement in Section 10-4 of the Election Code is mandatory rather than directory and the failure to comply invalidates the petition. *Wollan v. Jacoby,* 274 Ill.App.3d 388, 653 N.E.2d 1303 (1995); *Jones v. Dodendorf,* 190 Ill.App.3d 557, 546 N.E.2d 92; *Hagen v. Stone,* 277 Ill.App.3d 388, 660 N.E.2d 189.

12. The Electoral Board finds, therefore, that the Nomination papers of the Candidate, ANNIE R. SMITH, are invalid and sustains paragraph O of the Objector's Petition.

IT IS THEREFORE ORDERED, that the Objections of IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN to the Nomination Papers of ANNIE R. SMITH, candidate for election to the office Alderman of the 4th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ANNIE R. SMITH, candidate for election to the office of Alderman of the 4th Ward 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 Twelfth 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.