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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 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: RICHARD BARNETT and DAVID RHODES	)	
To the Nomination Papers of: WALTER DAVIS	)	No.: 99-EB-ALD-190
Candidate for the office of Alderman of the 24th 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 RICHARD BARNETT and DAVID RHODES to the nomination papers ("Nomination Papers") of WALTER DAVIS, candidate for the office of Alderman of the 24th 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(s), RICHARD BARNETT and DAVID RHODES, by counsel; and the Candidate, WALTER DAVIS.

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

7. Paragraph M of the Objector's petition alleges that the Candidate's Nomination Papers do not contain a Statement of Candidacy.

8. Section 10-5 of The Election Code (10 ILCS 5/10-5) requires that a candidate's nomination papers include a statement of candidacy setting out the address of the candidate, the office for which he or she is a candidate, and stating that the candidate is qualified for the office specified and that the candidate has filed (or will close before the end of the filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act. The statement of candidacy shall request that the candidate's name be placed upon the official ballot and shall be in substantially the form set forth in Section 10-5 and shall be subscribed and sworn to by the candidate before some officer authorized to take acknowledgments of deeds in the State of Illinois.

9. The Electoral Board finds that the Candidate did not file a Statement of Candidacy with his Nomination Papers as required by Section 10-5 of The Election Code. Although the receipt issued by the Chicago Board of Election Commissioners to the Candidate indicated that the Candidate filed a Statement of Candidacy with his Nomination Papers at the time of filing, the Board notified the Candidate by mail on December 10, 1998 that the Board's filing receipt incorrectly indicated that he had filed a Statement of Candidacy when in fact no such document appeared in the file containing the Candidate's Nomination Papers. Instead, the document filed by the Candidate entitled "Statement" was in fact a statement of loyalty. Therefore, the Electoral Board sustains Paragraph M of the Objections.

10. The Electoral Board finds that the failure to file a statement of candidacy renders the Candidate's nomination papers invalid. *Purnell v. Alcozer*, 95-EB-ALD-28, CBEC, 1995; *Hernandez v. Alcozer*, 95-EB-ALD-39, CBEC, 1995; *Mobley v. Beard*, 95-EB-MUN-07, CBEC, 1995; *Lacy v. Sias*, 92-EB-WC-35, CBEC, 1992.

IT IS THEREFORE ORDERED, that the Objections of RICHARD BARNETT and DAVID RHODES to the Nomination Papers of WALTER DAVIS, candidate for election to the office Alderman of the 24th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of WALTER DAVIS, candidate for election to the office of Alderman of the 24th 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.