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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 MARCH 21, 2000 GENERAL PRIMARY ELECTION FOR STATE SENATOR, REPRESENTATIVE IN THE GENERAL ASSEMBLY AND WARD COMMITTEEMAN IN THE CITY OF CHICAGO

Objections of: CHARLES G. MORROW, III	)
	)
To the Nomination	)
Papers of: EFFIE WILSON	)
	) No. 00-EB-RGA-015
Candidate for the office of Representative in the	)
General Assembly, 26th, Representative District,	)
Democratic Party	)

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 CHARLES G. MORROW, III ("Objector") to the nomination papers ("Nomination Papers") of EFFIE WILSON, candidate for nomination to the office of Representative in the General Assembly for the 26th Representative District, Democratic Party ("Candidate"), having convened on January 10, 2000, at 9:00 a.m., in Room 800, 69 West Washington Street, 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 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 January 10, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner FRANK TEDESSO for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing: the Objector, CHARLES G. MORROW, III by counsel; and the Candidate, EFFIE WILSON, by counsel.

7. The Objector alleges that the Candidate's Statement of Candidacy is invalid because it is not an original of the document, but rather a copy.

8. It is uncontroverted that the Candidate filed as part of her nomination papers a photocopy of a document purporting to be her Statement of Candidacy. The photocopy of the Statement of Candidacy bears a signature purporting to be that of the Candidate and was purportedly notarized. No original of the document has been produced.

9. Section 7-10 of The Election Code (10 ILCS 5/7-10) requires that a candidate file as a part of his or her petition a statement of candidacy. Section 7-10 further requires that the statement of candidacy "shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgement of deeds in the State ...." The word "shall" as used in this statute is regarded as mandatory, rather than being merely directory. *Serwinski v. Board of Election Commissioners of the City of Chicago,* 156 Ill.App.3d 257, 509 N.E.2d 509 (1st Dist. 1987) The failure to file a statement of candidacy that has been subscribed and sworn to renders the statement of candidacy illegal and void. *Serwinski*, 156 Ill.3d at 260.

10. The Electoral Board finds that although Section 7-10 provides elsewhere that all petition sheets filed with an election authority must be "original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of said sheets," no similar languages regarding statements of candidacy is expressly stated in Section 7-10.

11. The Electoral Board finds that the legislative intent underlying the requirement in Section 7-10 for filing original sheets rather than photocopies was to prevent someone from altering an original document or documents by cutting and pasting, and then filing a copy of the document in lieu of the original.

12. The Electoral Board finds that the Candidate filed a photocopy of her Statement of Candidacy, but no original of said document was filed.

13. The Electoral Board further finds allowing the Candidate to file a copy of her Statement of Candidacy in lieu of the original would open up the nominating process to a variety of possible abuses that would be impossible to detect on the face of the photocopy.

14. The Electoral Board finds that the Candidate's Statement of Candidacy does not contain the original signature of the Candidate nor the original proof that the document was signed under oath before a notary public.

15. Therefore, the Electoral Board finds that the Candidate's Statement of Candidacy does not substantially comply with the mandatory provisions of Section 7-10 and that the Candidate's Nomination Papers are therefore invalid. The Objector's objections are sustained.

IT IS THEREFORE ORDERED that the Objections of CHARLES G. MORROW, III to the Nomination papers of EFFIE WILSON, candidate for nomination to the office of Representative in the General Assembly for the 26th Representative District, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of EFFIE WILSON, candidate for nomination to the office of Representative in the General Assembly for the 26th Representative District, Democratic Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 21, 2000.

Dated: Chicago, Illinois, this 4th day of February, 2000.

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.