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BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD

Objections of: TERRELL A. COLLINS, SAMUEL N. BARGINEAR, AND MARIE PERRY	)	
To the Nomination Papers of: THERESA FOY	)	No. 02-EB-SS-03 related to
Candidate for the office of State Senator for the 3rd Legislative District, Democratic Party	)	02-EB-SS-02

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Theresa M. Petrone and Richard A. Cowen, 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 TERRELL A. COLLINS, SAMUEL N. BARGINEAR, AND MARIE PERRY to the nomination papers ("Nomination Papers") of THERESA FOY, candidate for the office of State Senator for the 3rd Legislative District, Democratic Party ("Candidate"), having convened on January 8, 2002, at 9:00 a.m., in the Room 800, 69 West Washington, 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(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 January 8, 2002 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), TERRELL A. COLLINS, SAMUEL N.

BARGINEAR, AND MARIE PERRY, by counsel; and the Candidate, THERESA FOY, pro se.

6. The Electoral Board assigned this matter to Hearing Examiner ROBERT S. ANDREW for further hearings and proceedings.

7. The Electoral Board finds that Section 7-12(8) of the Election Code (10 ILCS 5/7-12(8)) provides that nomination papers are not valid if the candidate fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to her candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless she has filed a statement of economic interest in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of the candidate and the statement of economic interests of the candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

8. Because statements of economic interests of candidates for nomination or election to the office of State Senator are required to be filed with the Illinois Secretary of State, and the nomination papers of those candidates are required to be filed with the State Board of Elections, those candidates are required by Section 7-12(8) of The Election Code to file with the State Board of Elections a receipt from the Illinois Secretary of State showing the date on which the candidate's statement of economic interests were filed. Such receipt was required to be filed with the State Board of Elections not later than the last day on which nomination papers were permitted to be filed, or December 17, 2001.

9. The Candidate admitted that she failed to file, and the Electoral Board finds that the Candidate failed to file, with the State Board of Elections not later than December 17, 2001, a receipt from the Illinois Secretary of State evidencing that the Candidate's statement of economic interests was filed as required by law.

10. The Electoral Board finds that the failure to file with the State Board of Elections a receipt showing that the Candidate filed a statement of economic interests with the Illinois Secretary of State invalidates the Candidate's Nomination Papers. *Bolger v. Electoral Board of City of McHenry,* 210 Ill.App.3d 958, 569 N.E.2d 628 (Second Dist. 1991); *Cottrell v. Chandler,* 99-EB-ALD-159, CBEC, January 12, 1999; *Catherine and Streeter v. Mitchell,* 99-EB-ALD-110, CBEC, January 8, 1999; *Catherine Streeter v. Chalmers,* 99-EB-ALD-106, CBEC, January 15, 1999; *Ransom and Simpson v. Cook,* 99-EB-ALD-099, CBEC, January 15, 1999; *Chereso and Pallohusky v. Videckis,* 99-EB-ALD-008, CBEC, January 22, 1999, affirmed, Videckis v. Board of Elections, 99 CO 17 (Cir. Ct. Cook County, 1999); *Hohendael v. Chagin,* 99-EB-ALD-005, CBEC, January 12, 1999; *Henning v.*

Pargas, 99-EB-ALD-009, CBEC, January 8, 1999; *Crumpton v. Cook,* 99-EB-ALD-022, CBEC, January 15, 1999; *Morgan v. Lewis*, CBEC No. 83-EB-ALD-65; *Fortas v. Harwell*, CBEC, 90-EB-REP-6, January 24, 1990; *Mobley v. Beard,* 95-EB-MUN-7, CBEC, January 23, 1995; *Geiren v. Norris,* 95-EB-ALD-44, CBEC, January 17, 1995; *Jackson v. Washington,* 95-EB-ALD-85, CBEC, January 23, 1995; *Williams v. Brown,* 95-EB-ALD-131, CBEC, January 27, 1995; *Robinson v. Nalls,* 95-EB-ALD-181, CBEC, January 28, 1995; *Morgan v. Lewis*, CBEC No. 83-EB-ALD-65; *Pascente v. Carrothers,* 94-EB-RES-002, CBEC, June 6, 1994; *Richardson v. West,* 91-EB-ALD-016, CBEC, January 8, 1991; *Hardy v. Walters,* 91-EB-ALD-092, CBEC, January 8, 1991; *Brown v. Mohammed,* 91-EB-ALD-158, CBEC, January 8, 1991; *Marshall v. Beverly,* 87-EB-ALD-4, CBEC, January 7, 1987; *Duff v. Harden,* 87-EB-ALD-50, CBEC, January 9, 1987; *Olson v. Glover,* 87-EB-ALD-53, CBEC, January, 1987; *Ousley v. Watkins,* 85-EB-RGA-18, CBEC, January 14, 1986; *Williams v. Lawson,* 86-EB-ALD-26, CBEC, February 3, 1986; *Robinson v. Thomas,* 86-EB-ALD-27, CBEC, February 3, 1986; *Seay v. Henderson,* 83-EB-ALD-044, CBEC, January 17, 1983; *Johnson v. Jones,* 83-EB-ALD-57, CBEC, January 24, 1983; *Holman v. Gillard,* 83-EB-ALD-69, CBEC, January 24, 1983; *Caridine v. Overstreet,* 82-EB-ALD-001, CBEC, April 2, 1982.

11. The Electoral Board finds, therefore, that the Nomination Papers of the Candidate, THERESA FOY, are invalid and sustains paragraph 23 of the Objector's Petition. In light of this dispositive finding, the Electoral Board withholds any ruling on remaining objections.

IT IS THEREFORE ORDERED, that the Objections of TERRELL A. COLLINS, SAMUEL N. BARGINEAR, AND MARIE PERRY to the Nomination papers of THERESA FOY, candidate for nomination to the office of State Senator for the 3rd Legislative District, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of THERESA FOY, candidate for nomination to the office of State Senator for the 3rd Legislative District, Democratic Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 19, 2002.

Dated: Chicago, Illinois, this 18th day of January, 2002.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.