NBCOFF-ALD

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

Objections of: JASON C. ERVIN	)	
	)	
To the Nomination	)	
Papers of: REGINA GILLENWATER	)	No.: 03-EB-ALD-051
	)	
Candidate for the office of	)	[related to 03-EB-ALD-086]
Alderman of the Twenty-eighth Ward, City of	)	
Chicago	)	

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 JASON C. ERVIN ("Objector") to the nomination papers ("Nomination Papers") of REGINA GILLENWATER, candidate for the office of Alderman of the Twenty-eighth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, at 10:00 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 December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner RICHARD E. ZULKEY for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Trial Call. The following

persons, among others, were present at such hearing; the Objector, JASON C. ERVIN, by counsel; and the Candidate, REGINA GILLENWATER, by counsel.

7. Paragraph 17 of the Objector's Petition alleges that the Candidate's Nomination Papers contain petition sheets that are not consecutively numbered and bear no numbers at all and that each such sheet and all others in sequence are invalid.

8. An examination of the Candidate's 63 petition sheets indicates that none of the sheets are numbered.

9. Section 10-4 of The Election Code provides that "No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with." 10 ILCS 5/10-4.

10. 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.

11. The Board finds that none of the 63 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 her 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 other objections have been filed against the Candidate in case number 03-EB-ALD-086, but that the decision in this case finding the Candidate's Nomination Papers invalid moots the objections in that case.

IT IS THEREFORE ORDERED that the Objections of JASON C. ERVIN to the Nomination Papers of REGINA GILLENWATER, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of REGINA GILLENWATER, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Twenty-Fourth day of January, 2003.

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.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

REGINA GILLENWATER

v.

No. 03 COEL 017

CHICAGO BOARD OF ELECTION COMMISSIONERS, et al.

ORDER

This matter coming before the Court on the Chicago Board of Election Commissioners' motion to dismiss, the parties being present in open Court by counsel and the Court being advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Plaintiff's complaint for judicial review pursuant to Section 10-10. of the Election Code did name or serve the three individual Commissioners/members of the electoral board within 10 days of the electoral board's decision.
2. The complaint was not served on the defendants by certified or registered mail as required by 10 ILCS 5/10-10.1.
3. The Plaintiff did not file proof of service with the Clerk of the Court as required by 10 ILCS 5/10-10.1.
4. The Court does not have subject matter jurisdiction over this cause because of Plaintiff's failure to comply 10 ILCS 5/10-10.1.
5. For these reasons and for the reasons stated in open court and on the record, the Chicago Board of Election Commissioner's motion to dismiss is granted and this case is dismissed with prejudice.
6. This is a final order and judgment and there is no just cause to delay enforcement or appeal.

Atty. No.: 70383

Name: James Scanlon

Atty. for: Chgo Bd. of Election Commissioners

Address: 8 S. Michigan, Suite 3500

City/State/Zip: Chicago IL 60603

Telephone: 312-782-8163

CIRCUIT COURT OF COOK COUNTY
ENTERED

FEB 14 2003

JUDGE
ALFRED J. PAUL - 0230

ENTER:

Judge

Judge's No.