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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: JOHNNY REED (COACH NICK)	)	No.: 03-EB-ALD-053
MCQUEEN	)	
	)	[related to 03-EB-ALD-090]
Candidate for the office of	)	
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 JOHNNY REED (COACH NICK) MCQUEEN, candidate for the office of Alderman of the Twenty-eighth Ward in 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's Call served upon them 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, JOHNNY REED (COACH NICK) MCQUEEN, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate or his duly authorized representative was present during the examination of the registration records.

10. The Objector or his duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 240;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 510;

    c. The number of signatures deemed invalid because of objections sustained total 454;

    d. The remaining number of signatures deemed valid total 56;

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is below the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Twenty-eighth

Ward of the City of Chicago.

15. The Electoral Board finds, therefore, that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The Objections also allege that none of the Candidate's 35 nominating petition sheets were numbered. Indeed, an examination of the Candidate's petition sheets confirms that none of the sheets are numbered.

17. 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.

18. The Board finds that none of the 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.

19. The Electoral Board finds that the Candidate's failure to number any of the pages of his nominating petition invalidates his Nomination Papers. *Wollan v. Jacoby*, 274 Ill.App.3d 388, 653 N.E.2d 1303 (First Dist. 1995). While substantial compliance with a mandatory requirement may sometimes be enough (see *King v. The Justice Party*, 284 Ill.App.3d 886, 672 N.E.2d. 900, (First Dist 1996), here there was no compliance at all.

20. For the reasons stated above, the Electoral Board finds that the Nomination Papers of JOHNNY REED (COACH NICK) MCQUEEN are not valid.

21. The Electoral Board further finds that there were other objections filed against the Candidate's Nomination Papers in case number 03-EB-ALD-090 but the objections in that case were stricken and dismissed.

IT IS THEREFORE ORDERED that the Objections of JASON C. ERVIN to the Nomination Papers of JOHNNY REED (COACH NICK) MCQUEEN, 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 JOHNNY REED (COACH NICK) MCQUEEN, 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 Thirty-First 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.