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

Objections of: ALICIA DURR AND KENNETH CARPENTER	)	
To the Nomination Papers of: TERESA CHANDLER	)	No.: 03-EB-ALD-096
Candidate for the office of Alderman of the Fifteenth 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 ALICIA DURR AND KENNETH CARPENTER ("Objectors") to the nomination papers ("Nomination Papers") of TERESA CHANDLER, candidate for the office of Alderman of the Fifteenth 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 Objectors 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 KELLYE A. KEYES for further hearings and proceedings.

6. The Objectors 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 Objectors, ALICIA DURR and KENNETH CARPENTER, by counsel; and the Candidate, TERESA CHANDLER, by counsel.

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 her duly authorized representative was present during the examination of the registration records.

10. The Objectors or their duly authorized representatives were 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 results of the records examination indicate 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 519;

    c. The number of signatures deemed invalid because of objections sustained total 256;

    d. The remaining number of signatures deemed valid total 263.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds 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 Fifteenth Ward

of the City of Chicago.

15. The Objectors' petition alleges that there are three petition sheets following petition sheet 35 that are not numbered. Objectors contend that this should invalidate the Candidate's nominating petitions in their entirety or, in the alternative, those three un-numbered sheets.

16. The Electoral Board finds that there are two sheets, not three sheets as alleged by the Objectors and as determined by the Hearing Examiner, at the end of the Candidate's nominating petition sheets following number sheet 35 that are not numbered in any way.

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 failure to number any of the pages of his nominating petition invalidates the nomination papers. *Wollan v. Jacoby*, 274 Ill.App.3d 388, 653 N.E.2d 1303 (First Dist. 1995). However, substantial compliance with this 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).

19. Here, the Electoral Board finds that there was substantial compliance with the page numbering requirement of Section 10-4 as to sheets 1-35 and that the failure to number the last two sheets of the Candidate's petitions does not justify invalidation of all of the Candidate's nominating petition sheets. Further, there being substantial compliance with the statute, the Electoral Board will not disregard the two petition sheets that were not numbered at all and will not invalidate the signatures on those sheets solely on the grounds that the sheets are not numbered.

19. The Electoral Board finds that sheet 8 does not contain the name and address of the circulator of that sheet in violation of Section 10-4 of the Election Code and that all of the signatures on that sheet are therefore invalid.

20. The Electoral Board finds that sheet 29 is invalid because it does not contain the signature of the notary following the circulator's affidavit and there is no proof that the circulator's affidavit was signed under oath and in the presence of a notary public or other official authorized to administer oaths. See, *Bowe v. Board of Election Commissioners,* 79 Ill.2d 469, 404 N.E.2d 180 (1980).

21. The Electoral Board finds that due to the invalidation of sheets 8 and 29, the Candidate has 21 fewer valid signatures on his Nomination Papers. As a result, the Electoral Board finds that the Candidate's Nomination Papers contain 242 valid signatures, which is more than the minimum number of valid signatures required by law to qualify for placement on the ballot for the office of Alderman in the Fifteenth Ward of the City of Chicago.

22. For the reasons stated above, the Electoral Board finds that the Nomination Papers of TERESA CHANDLER are valid.

IT IS THEREFORE ORDERED that the Objections of ALICIA DURR and KENNETH CARPENTER to the Nomination Papers of TERESA CHANDLER, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of TERESA CHANDLER, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Fifth day of February, 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.

(Rev. 1/17/01) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Dues and Carpenter

v.

Chicago Bd of Elections et al

No. 03 CO EL 26

ORDER

THIS CAUSE coming to be heard before the Court on the Petition for Judicial Review, it is hereby ORDERED: FOR THE REASONS STATED IN OPEN COURT:
1. The decision of the electoral board is reversed for the reason stated in the record. Based on the courts findings, the candidate has less than 240 valid signatures.
2. The Chicago Board of Election Commissioners is enjoined NOT to print the name of Teresa Chandler on the ballot as a candidate for Alderman of the 15th ward at the February 25, 2003 election.

Atty. No.: 91219
Name: M. DEWORT/ ROBBINS SNLT
Atty. for: PETS.
Address: 20 N CLARK - 900
City/State/Zip: CHICAGO IL 60602
Telephone: 312/332-7760

ENTER:

CIRCUIT COURT OF COOK COUNTY
ENTERED
FEB 18 2003

Judge MARCIA MARAS Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS