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

Objections of: MARGARET WILSON	)	
	)	
To the Nomination	)	
Papers of: VICTOR ROWANS	)	No.: 03-EB-ALD-122
	)	
Candidate for the office of	)	
Alderman of the Twenty-seventh 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 MARGARET WILSON ("Objector") to the nomination papers ("Nomination Papers") of VICTOR ROWANS, candidate for the office of Alderman of the Twenty-seventh 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 CASSANDRA B. WATSON 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, MARGARET WILSON; and the Candidate, VICTOR ROWANS, pro se.

7. Paragraph 12 of the Objections alleges that the Nomination Papers contain petition sheets that are completely lacking in page numbers in violation of the Election Code, and that they are invalid in their entirety.

8. The Hearing Examiner found that the failure to number any of the Candidate's 25 nominating petition sheets is in violation of the mandatory page-number requirements of Section 10-4 of the Election Code is a fatal defect and renders his Nomination Papers invalid, citing *El-Aboudi v. Thompson,*, 293 Ill.App.3d 191 (2nd Dist. 1997).

9. Paragraph 13 of the Objections alleges that the Candidate's nominating petition sheets were not bound together as required by the Election Code and that the Nomination Papers are therefore invalid in their entirety.

10. The Hearing Examiner found that the Candidate's nominating petition sheets were not bound and that this was a cumulative violation of Section 10-4 of the Code.

11. The Electoral Board, having reviewed the applicable law and having considered all the evidence and argument submitted by the parties as well as the Hearing Examiner's report of recommended findings and conclusions of law, finds that:

A. 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.

B. 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 by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner and the sheets shall then be numbered consecutively."

C. The Board finds that none of the 25 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.

D. 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).

E. The Electoral Board further finds that the Candidate's failure by any manner to bind or fasten the petition sheets together in a secure and suitable manner does not substantially comply with the mandatory requirements of Section 10-4 and renders the Candidate's Nomination Papers invalid. See *Rivers v. Calumet City School District No.*

155 Educational Officers Electoral Board, Circuit Court of Cook County, 01 CE 16 (March 9, 2001); *Anderson v. Municipal Officers Electoral Board of City of Prospect Heights*, Circuit Court of Cook County, 99 CO 053 (March 12, 1999).

12. For the reasons state above, the Electoral Board sustains paragraphs 12 and 13 of the Objections and the Candidate's Nomination Papers are found invalid.

IT IS THEREFORE ORDERED that the Objections of MARGARET WILSON to the Nomination Papers of VICTOR ROWANS, candidate for election to the office of Alderman of the Twenty-seventh Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of VICTOR ROWANS, candidate for election to the office of Alderman of the Twenty-seventh 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 Fourteenth 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.