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

Objections of: PEARLIE MCNEAL HUGHES	)	
	)	
To the Nomination	)	
Papers of: G.T. DOMINIQUE JR	)	No.: 03-EB-ALD-148
	)	
Candidate for the office of	)	
Alderman of the Second 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 PEARLIE MCNEAL HUGHES ("Objector") to the nomination papers ("Nomination Papers") of G.T. DOMINIQUE JR, candidate for the office of Alderman of the Second 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 JOAN T. AGNEW 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, PEARLIE MCNEAL HUGHES, by counsel; and the Candidate, G.T. DOMINIQUE JR., pro se.

7. The Electoral Board finds that on the face of the petition sheets the circulator of the petition sheets did not certify that the petitions were signed in his presence. The requirement that the circulator appear before a notary and subscribe to the circulator's affidavit under oath in the presence of the notary is mandatory and the failure to comply with this requirement invalidates the petition sheets. *Bowe v. Chicago Electoral Board,* 79 Ill.2d 469, 404 N.E.2d 180 (1980)

8. The Electoral Board finds that on the face of the petition there are 244 purportedly valid signatures of registered voters but that names of 188 signers of the petition are without any corresponding residence address. The Electoral Board finds therefore that these signatures fail as a matter of law inasmuch as Section 10-4 of the Election Code requires that the address of each person signing the petition must be set forth next to the name of each person.

9. The Electoral Board finds that the Candidate's petition sheets are not uniform nor do they contain an appropriate heading setting forth information as to the Candidate and that such sheets fail to substantially comply with the requirements of Section 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 12 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 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.

13. Section 10-5 of the Election Code (10 ILCS 5/10-5) 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 his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests 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.

14. The Illinois Governmental Ethics Act requires that persons who are candidates for nomination or election to office in a unit of local government to file their statements of economic interests with the county clerk of the county in which the principal office of the unit of local government is located. (5 ILCS 420/4A-101(g), 4A-106) Therefore, candidates for nomination or election to office in the City of Chicago are required to file their statements of economic interests with the Cook County Clerk.

15. Because statements of economic interests of candidates for nomination or election to the office of Alderman in the City of Chicago are required to be filed with the Cook County Clerk and the nomination papers of those candidates are required to be filed with the Chicago Board of Election Commissioners, a candidate for the office of Alderman in the City of Chicago is required by Section 10-5 of The Election Code to file with the Chicago Board of Election Commissioners a receipt from the Cook County Clerk showing the date on which the candidate's statement of economic interests was filed. Such receipt was required to be filed with the Chicago Board of Election Commissioners not later than the last day on which nomination papers were permitted to be filed, or December 16, 2002.

16. The Electoral Board finds that the Candidate failed to file with the Chicago Board of Election Commissioners not later than December 16, 2002, a receipt from the Cook County Clerk showing the date on which the Candidate's statement of economic interests was filed.

17. The Electoral Board finds that the Candidate failed to file a statement of economic interests in relation to his candidacy with the Cook County Clerk on or before December 16, 2002.

18. The Electoral Board finds that the failure to file with the Chicago Board of Election Commissioners a receipt showing that the Candidate filed a statement of economic interests with the Cook County Clerk 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); *Mobley v. Beard*, CBEC, 95-EB-MUN-7 (January 23, 1995); *Geiren v. Norris*, CBEC, 95-EB-ALD-44 (January 17, 1995); *Jackson v. Washington*, CBEC, 95-EB-ALD-85 (January 23, 1995); *Williams v. Brown*, CBEC, 95-EB-ALD-131 (January 27, 1995); *Robinson v. Nalls*, CBEC, 95-EB-ALD-181, (January 28, 1995).

19. The Electoral Board finds, therefore, that the Nomination Papers of the Candidate are invalid and the Objector's Petition is sustained.

IT IS THEREFORE ORDERED that the Objections of PEARLIE MCNEAL HUGHES to the Nomination Papers of G.T. DOMINIQUE JR, candidate for election to the office of Alderman of the Second Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of G.T. DOMINIQUE JR, candidate for election to the office of Alderman of the Second 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 Tenth 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.