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

Objections of: JASON C. ERVIN	)
	)
To the Nomination	)
Papers of: GINA FRANKLIN-LIVERPOOL	)
	) No. 04-EB-WC-49
Candidate for the office of Ward Committeeman for	) (rel. 04-EB-WC-48)
the 28th Ward of the City of Chicago, Republican	)
Party	)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 to the nomination papers ("Nomination Papers") of GINA FRANKLIN-LIVERPOOL, candidate for the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 5, 2004, at 2:00 p.m. , in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 January 5, 2004 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner LYNNE R. OSTFELD for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, JASON C. ERVIN, by his attorney; and the Candidate, GINA FRANKLIN-LIVERPOOL, pro se.

7. Section 7-10 of The Election Code (10 ILCS 5/7-10) 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.

8. 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 7-10 of The Election Code.

9. The Electoral Board finds that the Candidate's failure to number any of the pages of her nominating petition invalidates her 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.

10. The Electoral Board finds that the Candidate's failure to number any of her nominating petition sheets renders moot any remaining objections.

11. The Electoral Board finds that another set of objections filed in case number 04-EB-WC-48 were withdrawn by one of the two objectors and stricken as to the second objector for failing to appear at any hearing. However, the decision in this case is dispositive as to the Candidate's Nomination Papers.

IT IS THEREFORE ORDERED, that the Objections of JASON C. ERVIN to the Nomination papers of GINA FRANKLIN-LIVERPOOL, candidate for the election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of GINA FRANKLIN-LIVERPOOL, candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 27th day of January, 2004.

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.