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

Objections of: SUSANNE J. HENNING and ALBERT L. LEWIS	)	
	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-052**
Papers of: CHRIS LAWRENCE	)	
	)	
Candidate for the office of	)	
Alderman of the Forty-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 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 SUSANNE J. HENNING and ALBERT L. LEWIS ("Objectors") to the nomination papers ("Nomination Papers") of CHRIS LAWRENCE, candidate for the office of Alderman of the Forty-eighth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Mario Correa 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, SUSANNE J. HENNING and ALBERT L. LEWIS, by counsel, James P. Nally PC; and the Candidate, CHRIS LAWRENCE, by counsel, Andrew M. Raucci.

7. The Objections allege in paragraphs 24 and 25 that the Candidate failed to file with his Nomination Papers a receipt evidencing the filing of a Statement of Economic Interests with the Cook County Clerk. It is undisputed here that the Candidate failed to timely file such a receipt. As a result of the Candidate's failure in this regard, the Objector contends that the Candidate's Nomination Papers are invalid.

8. The Candidate filed a motion to strike in dismiss the Objector's Petition, arguing that paragraphs 9 through 21 of said petition regarding petition circulators were raised in bad faith. The Candidate argues that the entire Objector's Petition should be stricken.

9. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers on the grounds that the Candidate failed to timely filed a receipt

evidencing the proper filing of his Statement of Economic Interests as required by law be sustained and that the Nomination Papers be found invalid. The Hearing Examiner further recommends that the Candidate's motion to strike and dismiss the entire Objector's Petition on grounds of alleged "bad faith" be denied inasmuch as paragraphs 24 and 25 of the Objector's Petition regarding the failure to file a Statement of Economic Interests receipt at least present valid grounds to invalidate the Candidate's Nomination Papers and were brought in good faith.

10. Article XIII, Section 2 of the Illinois Constitution provides that the General Assembly by law may impose a requirement upon candidates for, or holders of, offices in units of local government and school districts to file a verified statement of their economic interests. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office.

11. 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.

12. 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.

13. 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 18, 2006.

14. The Electoral Board finds that the Candidate here failed to file with the Chicago Board of Election Commissioners not later than December 18, 2006, a receipt from the Cook County Clerk showing the date on which the Candidate's statement of economic interests was filed.

15. The Electoral Board finds that it is well-established law in Illinois 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. *Kellogg v. Cook County Illinois Officers Electoral Board*, 347 Ill.App.3d

666, 807 N.E.2d 1161 (First Dist. 2004); *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).

16. Regarding the Candidate's motion to strike and dismiss the Objector's Petition in its entirety due to alleged "bad faith" allegations brought in portions of the Objector's Petition, the Electoral Board agrees with the Hearing Examiner that such motion should not operate to dismiss the Objector's Petition in its entirety where there are least some valid objections stated in the Petition.

17. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law. A copy of the Hearing Examiner's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

18. For the reasons stated above, the Electoral Board sustains paragraphs 24 and 25 of the Objector's Petition and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of SUSANNE J. HENNING and ALBERT L. LEWIS to the Nomination Papers of CHRIS LAWRENCE, candidate for election to the office of Alderman of the Forty-eighth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CHRIS LAWRENCE, candidate for election to the office of Alderman of the Forty-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 27, 2007.

Dated: Chicago, Illinois, this 16th day of January 2007.

Langdon D. Neal, Chairman

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.

BEFORE THE BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO

In Matter of	)	
	)	
CHRIS LAWRENCE,	)	
Candidate,	)	
	)	
and	)	No. 07-EB-ALD-052
	)	
SUSANNE J. HENNING,	)	
ALBERT L. LEWIS	)	
Objector.	)	

HEARING EXAMINER'S REPORT
AND RECOMMENDED DECISION

I, hearing examiner, Mario Correa ("Examiner") hereby state and recommend that the Board of Election enters a decision removing the candidate CHRIS LAWRENCE (the "Candidate") from the ballot for the following reasons and based on the following evidence:

1. This case involves the Candidate's failure to file a Receipt for Statement of Economic Interests. The two issues raised in the case are as follows:

> Issue 1: Whether the Candidate's failure to file a Receipt for Statement of Economic Interests is sufficient bases to not list the Candidate on the ballot.
>
> Issue 2: Whether the objector's signature objections were of such bad faith as to mandate overruling the entire Objection Petition even though there is a finding that at least in part the objector conducted a good faith and reasonable investigation.

2. On the hearing held on January 10, 2007, the parties stipulated that the Candidate had in fact timely filed his statement of economic interests with the Cook County Clerk. The parties further stipulated that receipt for the statement of economic interests

that should have been filed with the Board, but was not, was admitted into evidence as Candidate's Exhibit 1 and shall hereinafter be referred to as the "Receipt".

3. The facts here mirror the facts in the case of Bolgar v. Electoral Board of City of McHenry, 210 Ill.App.3d 958 (2nd Dist., 1991). In Bolgar, as in this case, a candidate for the office of alderman filed his statement of economic interests with the county clerk, but failed to file the receipt from the county clerk along with his nominating papers. The Bolgar court held that section 10-5 of the Election Code [10 ILCS 5/10-5] required the candidate to file the receipt with the local election official and failure to do so invalidated the nominating papers. *Id.* at 960.

4. Recently the First District appellate court in Kellogg v. Cook County Illinois Officers Electoral Board, 347 Ill.App.3d 666 (1st Dist., 2004), also found that a candidate's "nominating papers were invalid due to his failure to submit a receipt indicating that his statement of economic interests was filed with [the appropriate office]." Id. at 671. *Also see* Powell v. East St. Louis Electoral Board, 337 Ill.App.3d 334 (5th Dist., 2003) *for same conclusion*. Thus, the case law is clear on this point, a candidate's failure to file a receipt of the statement of economic interests with the local election official results in the invalidation of the nominating papers.

5. Here, it is undisputed that that Candidate failed to timely file the Receipt. Therefore, given the clear precedent regarding this matter, the Candidate should be omitted from the ballot.

6. The Candidate argues that even if the foregoing is true, the point should be moot since the Objector's Petition should be stricken in its entirety due to the fact that objections 2, 3, and 8 thru 21 were brought in bad faith.

7. In support of his argument the Candidate explains that Rule 13 of the Electoral Board's Rules of Procedure authorizes the Board to utilize the Illinois Supreme Court Rules. The Candidate goes on to cite to Rule 137 of the Illinois Supreme Court Rules regarding sanctions for bad faith pleadings. Supreme Court Rule 137 provides that "an appropriate sanction" may be imposed if a pleading is brought in bad faith. The Candidate requests that the Board sanction the Objector by withdrawing his entire Objector's Petition. Without addressing issue of whether the Board is granted the broad authority to sanction that is granted under Supreme Court Rule 137, the Board does have authority to overrule objections pursuant to section 10-10 of the Election Code [10 ILCS 5/10-10]. Therefore, while the Hearing Examiner finds the Candidate's arguments unpersuasive, those arguments will be addressed below.

8. The Candidate argues that paragraphs 9 thru 21 regarding the circulator were raised in bad faith. Paragraphs 9 thru 21 incorporate by reference certain objections to the circulator affidavits that are listed at the bottom of the preprinted forms called Appendix-Recapitulations attached to the Objector's Petition. Virtually every circulator objection that is listed in the Appendix-Recapitulation is referred to in a corresponding paragraph in the Objector's Petition. Above the list of circulator objections in each Appendix-Recapitulation the following is stated:

> An "x" to the left of the objection below indicates that each and every signature on the designated sheet is objected to for the reasons stated by the objection, in accordance with the Objector's Petition, of which this Appendix-Recapitulation is made a part.

A review of the 51 Appendix-Recapitulation's attached to the Objector's Petition reveals no "x" marks were made next to any of the Circulator objections. Therefore, no objections as to the circulators were raised. While the Objector should have deleted the superfluous

paragraphs from the Objector's Petition, the failure to do so is at worst sloppy drafting of a petition, but does not come close to the level of failing to act in good faith.

9. The Candidate also explains that over 200 signatures were simultaneously denied on the basis of a signature was a forgery and that various signatories were not registered to vote at the address provided. He asks how such a large number of signatures can be checked in good faith when the only records available to make such a determination are held by the Board. In essence, the Candidate is alleging in his affirmative defense that Objector made "shot gun" objections and that the remedy should be setting aside the entire Objector's Petition. "Shot gun" objections refer to objections made without engaging in reasonable inquiry or investigation of facts.

10. In Deregwoski v. Lamm, 96-EB-RGA-01, the Board found that paragraphs 5, 6 and 7 of the objector's petition were "shot gun" objections and moved to overrule those paragraphs and those paragraphs alone. More importantly, in that case the Board went onto address an issue of a candidate's economic interests that had been raised in the paragraph 14 of the objector's petition. Thus, the finding of a "shot gun" objection only served to overrule the specific objections that had been "shot gunned" and did not serve to invalidate the entire objector's petition.

11. Thus, assuming arguendo, that the Candidate is correct and that the Objector engaged in filing a "shot gun" petition, such a finding would only serve to overrule those objections. It does not automatically result in overruling paragraphs 24 and 25 of the Objector's petition.

12. At the hearing on January 10, 2007, the Objector's attorney provided testimony that the Candidate's file was reviewed and the omission of the Receipt was

discovered. Therefore, the Hearing Examiner finds that paragraphs 24 and 25 were brought in good faith.

13. The policy of the Board is that it should not be required to expend its valuable time and resources, nor the time and resources of a candidate, to engage in a fishing expedition for an objector who has not spent the requisite time and resources to make a reasonable inquiry. Deregwoski v. Lamm, 96-EB-RGA-01. The stated policy of the Board is served by striking the "shot gun" objectives. There is no compelling rational or precedent cited to go one step further and striking the entire Objector's Petition. This is especially true when a portion of the Objector's Petition was brought in good faith.

14. The Hearing Examiner further contends that a records examination is unwarranted because even if the Board were to find that "shot gun" objections were used by the Objector, overruling those objections would be moot since paragraphs 24 and 25 of the Objector's Petition are dispositive as to the Candidate's removal.

As a result of the foregoing, the Examiner recommends that the Board remove CHRIS LAWRENCE from the ballot.

Respectfully Submitted,

Mario Correa, Esq.
Hearing Examiner

ORDER

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Chris Lawrence

v.

Bank of Ellington et al

No. 2007 CH 1 08

ORDER

This cause coming to be heard on the Petition for Leave of Petitioner, and the Court having reviewed the record and hearing arguments of counsel, written and oral, and the Court being fully advised in the premises

IT IS HEREBY ORDERED for the reasons stated in open court, the Petition is denied and the Sheriff of the Electoral Board is affirmed.

Atty. No.: 55169

Name: Law Offices PC

Atty. for: Petitioner

Address: 65 Wacker #3550

City/State/Zip: Chicago

Telephone: 312-422-7560

ENTER:

ENTERED
JUDGE ROBERT D. LEFKOW - 1584
JAN 31 2007
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Judge

Judge's No.

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

No. 07-0286

CHRIS LAWRENCE,	)	
	)	
Petitioner-Appellant,	)	Appeal from Circuit Court
	)	of Cook County, Illinois
v.	)	
	)	Case No. 2007 COLE 000008
BOARD OF ELECTION COMMISSIONERS OF CITY OF CHICAGO and its members, the Honorable LANGDON D. NEAL, the Honorable RICHARD A COWEN, SUSANNE J. HENNING, Objector, and ALBERT L. LEWIS, Objector,	)	Judge Robert W. Bertucci., Presiding
	)	
Respondents-Appellees.	)	

ORDER

This matter coming before the Court on Petitioner-Appellant's Motion For An Expedited Hearing, it is hereby Ordered:

X Petitioner-Appellant's Motion For Expedited Hearing is Granted and the following brief schedule is entered:

Petitioner-Appellant Brief is due on February 17, 2007;

Respondent-Appellees Briefs are due on February 16

Petitioner-Appellant ~~shall~~ shall not file a Reply three days thereafter.

~~Petitioner-Appellant's Motion For Expedited Hearing~~

Dated:

Justice Justice Justice

ORDER ENTERED

FEB 08 2007

APPELLATE COURT, FIRST DISTRICT

NOTICE
The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

FOURTH DIVISION
February 20, 2007

No. 1-07-0286

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CHRIS LAWRENCE, Petitioner-Appellant, v. BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO and its members, the Honorable LANGDON D. NEAL, the Honorable THERESA M. PETRONE, and the Honorable RICHARD A. COWEN, SUSANNE J. HENNING, Objector, and ALBERT L. LEWIS, Objector, Respondents-Appellees.	)	Appeal from the Circuit Court of Cook County. No. 07 COEL 8 Honorable Robert W. Bertucci, Judge Presiding.

ORDER

Plaintiff, Chris Lawrence, appeals from an order of the circuit court affirming the decision of the Board of Election Commissioners of the City of Chicago (Electoral Board) that plaintiff could not be listed as a candidate for the office of Alderman of the Forty-Eighth Ward

of the City of Chicago, in the February 27, 2007, Municipal General Election. Plaintiff argues that the Electoral Board improperly invalidated his nomination papers based on his failure to file with the Chicago Board of Election Commissioners a receipt from the Cook County Clerk showing that plaintiff filed a statement of economic interests with the Cook County Clerk. Plaintiff maintains that the filing of such receipt is not mandatory under section 10-5 of the Election Code (10 ILCS 5/10-5) (West 2002)), and that he should not be disqualified as a candidate where he filed a timely statement of economic interest with the Cook County Clerk.

On December 11, 2006, plaintiff filed nomination papers with the Chicago Board of Election Commissioners, seeking placement on the Municipal General Election ballot as a candidate for the office of Alderman of the Forty-Eighth Ward of the City of Chicago. On December 18, 2006, plaintiff filed a statement of economic interests with the Cook County Clerk. Plaintiff did not file with the Chicago Board of Election Commissioners the receipt that he received from the Cook County Clerk when he filed his statement of economic interests on December 18, 2006. Plaintiff maintains that he attempted to file the receipt with the Chicago Board of Election Commissioners after that date, but the Chicago Board of Election Commissioners refused to accept it.

On December 21, 2006, an objection to plaintiff's nomination papers was filed with the Electoral Board. The objectors noted, *inter alia*, the lack of the receipt from the Cook County Clerk and requested that plaintiff's nomination papers be declared insufficient and his name be withdrawn from the election ballot. On January 2, 2007, a public hearing on the objection to plaintiff's nomination papers was commenced. The Electoral Board assigned this matter to a hearing examiner, who conducted a hearing on January 10, 2007. On January 12, 2007, the

hearing examiner tendered to the Electoral Board his report and recommended decision. The hearing examiner recommended that the objections to plaintiff's nomination papers on the grounds that plaintiff failed to timely file a receipt evidencing the proper filing of his statements of interest be sustained and that plaintiff's nomination papers be found invalid.

On January 16, 2007, the Electoral Board rendered its written findings and decision on the objection to plaintiff's nomination papers, in which the Electoral Board adopted the hearing examiner's recommended findings and conclusions of law. The Electoral Board, citing this court's decisions in Kellogg v. Cook County Illinois Officers Electoral Bd., 347 Ill. App. 3d 666 (2004), appeal denied 211 Ill. 2d 580 (2004), and Bolger v. Electoral Board of the City of McHenry, 210 Ill. App. 3d 958 (1991), determined that section 10-5 of the Election Code was controlling and the filing of the receipt for the statement of economic interests is mandatory. The Electoral Board declared plaintiff's nomination papers invalid and directed that plaintiff's name shall not be placed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Plaintiff sought judicial review of the Electoral Board's decision. Following a hearing, on January 31, 2007, the circuit court of Cook County entered an order affirming the decision of the Election Board. Plaintiff timely appeals from the circuit court's order.

Article XIII, Section 2 of the Illinois Constitution provides that the General Assembly by law may impose a requirement upon candidates for, or holders of, offices in units of local government and school districts to file a verified statement of their economic interests. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office. Ill. Const. 1970, art. XIII, § 2.

Section 10-5 of the Election Code (10 ILCS 5/10-5) (West 2002)) provides that nomination papers "are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act [(5 ILCS 420/1 et seq.) (West 2002))] 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." Section 10-5 further provides that "[i]f the nomination papers of any candidate and the statement of economic interest of that 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." 10 ILCS 5/10-5 (West 2002).

The Illinois Governmental Ethics Act requires that persons who are candidates for nomination or election to office in a unit of local government 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) (West 2002). Accordingly, 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. 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, pursuant to 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, December 18, 2006.

Plaintiff admits that he failed to file with the Chicago Board of Election Commissioner not later than December 18, 2006, a receipt from the Cook County Clerk showing the date on which plaintiff filed his statement of economic interests. Plaintiff argues that the Electoral Board erred in finding that the failure to file the receipt invalidated his nomination papers.

This court has previously addressed this issue in Bolger, 210 Ill. App. 3d at 960. In Bolger, the plaintiff was seeking the office of alderman in the City of McHenry. The plaintiff filed his statement of economic interests with the county clerk, but failed to timely file his receipt for that statement of economic interests with the local election official. The Election Board invalidated the plaintiff's nomination papers and directed the city clerk to refrain from certifying the placement of the plaintiff's name on the election ballot. The plaintiff sought judicial review of the Board's decision and the circuit court affirmed. On appeal, we analyzed the legislative intent of section 10-5 of the Code to determine whether the statute imposed a mandatory duty on the plaintiff to file the receipt for his statement of economic interests. In Bolger, this court stated: "[f]or purposes of this case, and stripped to its essentials, the last two sentences of section 10-5 can be read as, 'the candidate must file *** a receipt *** not later than the last day on which nomination papers may be filed.'" Bolger, 210 Ill. App. 3d at 960. This

court found that "[i]t is absolutely clear from the language used by the legislature that plaintiff was *required* to file the receipt he received from the county with the local election official sometime during the period in which his nomination papers could be filed." Bolger, 210 Ill. App. 3d at 960 (emphasis in original). This court concluded that the failure to do so left the plaintiff's nomination papers incomplete and the plaintiff's faihure to comply with this requirement rendered his nomination papers invalid. Bolger, 210 Ill. App. 3d at 960.

This court's determination in Bolger was subsequently followed in Powell v. East St. Louis Electoral Board, 337 Ill. App. 3d 334 (2003) and in Kellogg, 347 Ill. App. 3d at 670. In Powell and Kellogg, this court held that the language of section 10-5 is not permissive in nature, and that a candidate's faihure to comply with the receipt requirement renders his or her nomination papers invalid. Powell, 337 Ill. App. 3d at 337-38; Kellogg, 347 Ill. App. 3d at 670. Following these cases, we find that plaintiff's failure to comply with the Election Code by filing the receipt for his statement of economic interests rendered his nomination papers invalid.

Plaintiff, nonetheless, cites Welch v. Johnson, 147 Ill. 2d 40 (1992), in support of his contention that removal from the ballot is an inappropriate sanction for his failure to file the receipt for his statement of economic interests with the Chicago Board of Election Commissioners. However, we find Welch distinguishable from the present case. In Welch, our supreme court determined that removal from an election ballot was not a proper sanction for the filing of an inadvertently untrue, inaccurate or incomplete statement of economic interest in connection with candidacies for elective office. Unlike this case, the candidate in Welch filed the statement of economic interests and the receipt for that statement. The court in Welch did not address the situation where a candidate fails to file the receipt for his or her statement of

economic interests, as in this case, with the appropriate office. In Welch, our supreme court specifically noted: "[o]ur decision is limited to the circumstances of this case and is not to be taken as an expression of opinion on the sanctions clearly provided by the legislature for the filing of willfully false or incomplete statements of economic interests or for the complete failure to file such statements." 147 Ill. 2d at 57. We therefore find plaintiff's reliance on Welch unavailing.

For the above reasons, we affirm the judgment of the circuit court of Cook County. The mandate shall issue forthwith.

Affirmed.

QUINN, P.J., with NEVILLE, J., and MURPHY, J., concurring.

United States District Court

Northern District of Illinois

Eastern Division

Lawrence, et al.

v.

Board of Election, et al.

JUDGMENT IN A CIVIL CASE

Case Number: 07 C 566

☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.

■ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the court denies defendants' motion to dismiss and also denies plaintiffs' motion for summary judgment. Defendants' motion to strike is denied as moot. Given that no factual issues remain to be resolved in this case, the court grants summary judgment in favor of defendants.

Michael W. Dobbins, Clerk of Court

Date: 2/27/2007

/s/ Mathew P. John, Deputy Clerk

United States District Court

Northern District of Illinois

Eastern Division

Lawrence, et al.

v.

Board of Election, et al.

JUDGMENT IN A CIVIL CASE

Case Number: 07 C 566

☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.

■ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the court denies defendants' motion to dismiss and also denies plaintiffs' motion for summary judgment. Defendants' motion to strike is denied as moot. Given that no factual issues remain to be resolved in this case, the court grants summary judgment in favor of defendants.

Michael W. Dobbins, Clerk of Court

Date: 2/27/2007

/s/ Mathew P. John, Deputy Clerk