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

Objections of: MARVIN BURNETT	)	
	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-073**
Papers of: JAMES M. JONES	)	
	)	
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 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 MARVIN BURNETT ("Objector") to the nomination papers ("Nomination Papers") of JAMES M. JONES, 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 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 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 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Thaddeus Wilson 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, MARVIN BURNETT, by counsel, Michael J. Kasper; and the Candidate, JAMES M. JONES, *pro se*.

7. Objector alleges that the Candidate failed to file a Statement of Economic Interests with the Cook County Clerk as required by law and failed to file a Statement of Economic Interest receipt with the Candidate's Nomination Papers when those were filed Chicago Board of Election Commissioners.

8. The Hearing Examiner found that, in fact, the Candidate had not filed a Statement of Economic Interests with the Cook County Clerk as required by law and not filed a Statement of Economic Interest receipt with the Candidate's Nomination Papers when those were filed Chicago Board of Election Commissioners.

9. 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.

10. 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.

11. 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.

12. 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.

13. The Electoral Board finds that the Candidate 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.

14. 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 18, 2006.

15. 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. *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. The Electoral Board finds, therefore, that the Nomination Papers of the Candidate are invalid and sustains paragraphs 4 through 10 of the Objector's Petition.

17. The Objector further alleged that none of the Candidate's nominating petition sheets were numbered.

18. 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.

19. 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 10-4 of The Election Code.

20. 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.

21. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of MARVIN BURNETT to the Nomination Papers of JAMES M. JONES, 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 JAMES M. JONES, 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 27, 2007.

Dated: Chicago, Illinois, this 23rd 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.