

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR ELECTION TO OFFICE OF ALDERMAN, 49TH
WARD, IN THE CITY OF CHICAGO TO BE VOTED UPON AT THE FEBRUARY 26,
2019 MUNICIPAL GENERAL ELECTION**

STEVEN SALTZMAN, and
TERRY A. FEINGOLD

Petitioners-Objectors,

v.

NATHAN BENJAMIN MYERS,

Respondent-Candidate.

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Case No.: **19-EB-ALD-007**

**BOARD OF ELECTIONS
COMMISSIONERS
2018 DEC - 3 P 1:35**

OBJECTORS' PETITION

Steven Saltzman and Terry A. Feingold, referred to herein as the "Objectors", bring this Objectors' Petition as citizens desirous of seeing that the Election Code of Illinois as well as other election laws governing the filing of nomination papers for the office of Alderman of the 49th Ward, City of Chicago, County of Cook, State of Illinois, ("Office") are properly complied with, and that only qualified candidates who meet all statutory and legal requirements appear on the applicable ballot as candidates for said office for the February 26, 2019 Municipal General Election. In support of this Objectors' Petition, Objectors state as follows:

THE PARTIES

1. Steven Saltzman, Objector, resides at 6823 N. Lakewood Avenue, Chicago, Illinois 60626, and is a duly qualified and registered legal voter at that address.
2. Terry A. Feingold, Objector, resides at 1337 W. Lunt Avenue, Chicago, Illinois, 60626, and is a duly qualified and registered legal voter at that address.
3. Nathan Benjamin Myers ("Candidate") has filed nomination papers ("Nomination Papers") as a candidate for Alderman of the 49th Ward, City of Chicago, County of Cook, State of Illinois, to be voted at the election to be held on February 26, 2019 ("Election").

NATURE OF OBJECTION

4. Pursuant to 10 ILCS 5/10-8, Objectors makes the objections set forth herein to the

nomination papers of Candidate as a candidate for the Office to be voted upon at the Election.

5. This duly constituted electoral board has jurisdiction over this Objectors' Petition pursuant to the authority granted it under the Election Code of Illinois, including without limitation, 10 ILCS 5/10-9 and 10 ILCS 5/10-10.

Failure to File Receipt of Filing for Statement of Economic Interests

6. Nominating petitions for election to the office of Alderman of the 49th Ward, City of Chicago, require the signatures of not less than 473 duly qualified, registered, and legal voters of the 49th Ward, collected and filed in a proper and legal form and manner, together with various supporting documents as required by law.

7. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided. One such legal requirement mandates the filing by the Candidate of the receipt from the "Statement of Economic Interest" filed pursuant to the Illinois Governmental Ethics Act, which receipt and statement must be made "in relation to his candidacy." See *Jones v. Municipal Officers Electoral Board*, 112 Ill.App.3d 926, 446 N.E.2d 256, 68 Ill.Dec. 522 (1st Dist. 1983). This nominating petition fails to contain a Receipt of Statement of Economic Interest that is a mandatory requirement, the absence of which renders the petition fatally defective. *Bolger v. Electoral Board of City of McHenry*, 210 Ill.App.3d 958, 569 N.E.2d 628, 155 Ill.Dec. 447 (2d Dist. 1991); *Powell v. East St. Louis Electoral Board*, 337 Ill.App.3d 334, 785 N.E.2d 1014, 271 Ill.Dec. 820 (5th Dist. 2003). The nomination papers are, therefore, not in compliance with the statutes in such cases made and provided.

8. The Illinois Election Code, 10 ILCS 5/10-5 states:

Nomination papers filed under this Section are not valid if the candidate named therein 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 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.

WHEREFORE, Objector requests a hearing on the objections set forth herein, and a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of NATHAN

BENJAMIN MYERS shall not appear and not be printed on the ballot for election to the office of Alderman of the 49th Ward, City of Chicago, County of Cook, State of Illinois, to be voted for at the Municipal General Election to be held February 26, 2019.

Respectfully Submitted,



Steven Saltzman, Petitioner-Objector



Terry A. Feingold, Petitioner-Objector