

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

Objections of: MICHAEL D. DANIELS)
)
To the Nomination) **No.: 07-EB-ALD-112**
Papers of: JEFFERY O. JONES)
)
Candidate for the office of)
Alderman of the Sixteenth 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 MICHAEL D. DANIELS (“Objector”) to the nomination papers (“Nomination Papers”) of JEFFERY O. JONES, candidate for the office of Alderman of the Sixteenth 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 David Tecson for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, MICHAEL D. DANIELS, pro se.

7. The Candidate, JEFFERY O. JONES, did not answer to the call nor did he appear at the hearing. The case was called again at least three times on January 2, 2007 and at no time did the Candidate or any representative of the Candidate appear.

8. The hearing was continued to January 9, 2007 at 10:30 a.m. to give the Board another opportunity to serve the Candidate notice of the continued hearing.

9. At the hearing on January 9, the Candidate once again failed to appear.

10. The Electoral Board finds that on January 5, 2007 at approximately 1:30 p.m., the Cook County Sheriff personally served the Candidate with a copy of the Objector's Petition and with a copy of the Call and notice of the continued hearing.

11. The Electoral Board finds that the Candidate, JEFFERY O. JONES, did not appear at any of the duly called meetings and hearings conducted in this matter after having

served the Candidate with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

12. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

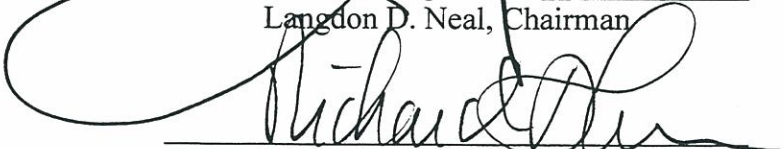
13. Therefore, the Electoral Board finds that the Candidate, JEFFERY O. JONES, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of MICHAEL D. DANIELS to the Nomination Papers of JEFFERY O. JONES, candidate for election to the office Alderman of the Sixteenth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JEFFERY O. JONES, candidate for election to the office of Alderman of the Sixteenth 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 28th 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.

**BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO**

2007 JAN 26 A 10:48

MICHAEL D. DANIELS
Petitioner-Objector,

v.
JEFFERY O. JONES
Candidate.

No.07-EB-ALD-112

Hearing Examiner: David J. Tecson

RECOMMENDATION

This cause coming to be heard on Michael D. Daniels (the "Objector") Verified Objector's Petition to bar Jeffery O. Jones, (the "Candidate") from appearing on the ballot for election to the Alderman of the 16th Ward in the General Municipal Election to be held on February 27, 2007, the hearing examiner finds as follows:

I. Allegations of the Objection

Objector has brought this action challenging both the Statement of Candidacy and the nominating petitions by the Candidate for Alderman of the 16th Ward. Objector claims the following in violation of the Illinois Election Code: 1) failure by the Candidate to paginate the nominating petitions, 2) failure to date the Statement of Candidacy and incorrect reference therein to the "official Democratic municipal general election ballot", 3) use by the Candidate of two separate and distinct types of nominating petitions and 4) failure to use language that clearly refers to the General Municipal Election.

II. Failure of the Candidate to Appear

The Objector's petition in the above-captioned case was first set on the status call at the Board of Election Commissioners of the City of Chicago on January 2, 2007 at 11:30 a.m. The candidate failed to appear at that date and time. The case file did not reflect personal service of the call on the Candidate. Therefore, the case was reset for hearing on January 9, 2007 at 10:30 a.m. The Objector appeared at that date and time, and the case was called three times. Jeffery O. Jones failed to appear on January 9, 2007. The call sheet setting the hearing for January 9, 2007 at 10:30 a.m. had been personally served on the Candidate on January 5, 2007 at approximately 1:30 p.m. by Sheriff's Deputy C. Perez (Number 4845). Therefore, at that time, the hearing examiner declared the candidate in default. Nonetheless, the hearing examiner reviewed the legal basis for the Objector's petition.

III. Candidate's Failure to Paginate Nominating Petitions.

The language of 10 ILCS 5/10-4 is clear and unambiguous. The relevant part states therein:

"Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively." Illinois Election Code, 10 ILCS 5/10-4.

This is not an issue of first impression and the case law is as clear and unambiguous as the language of the statute. In Jones v. Dodendorf, 190 Ill.App.3d 557, 546 N.E.2d 92, appeal denied 129 Ill.App.3d 557, 550 N.E.2d 556 (Second Dist. 1989) the Illinois Appellate Court for the Second District held that the failure to number any of the pages in a nominating petition justified invalidation of the petitions. The statute indicates that nominating sheets "shall then be numbered consecutively." The page numbering requirement for nominating petitions for

candidates is mandatory and therefore noncompliance invalidates the petitions and serves as justified grounds for removal of the candidate from the ballot. The Second District is not alone in its rationale as both the Circuit Court of Cook County and the Illinois Appellate Court for the First Judicial District have adopted this position. Lohse v. Cook County Officers Electoral Board et al., 93 CO 458 (October 3, 1993); Wollan v. Jacoby, 274 Ill.App.3d 388, 653 N.E.2d 1303 (1995).

IV. Recommended Findings of Fact and Decision

The Candidate failed to appear at the initial status call set for January 2, 2007 at 11:30 a.m. Because the case filed did not reflect personal service of the call on the Candidate, the case was reset for hearing on January 9, 2007 at 10:30 a.m. The call sheet setting the hearing for January 9, 2007 at 10:30 a.m. had been personally served on the Candidate on January 5, 2007 at approximately 1:30 p.m. by C. Perez (Number 4845). Because of the Candidate's failure to appear, the hearing examiner found the Candidate in default at that time.

The Objector's petition contained a valid legal basis for the disqualification of the Candidate. Specifically, the election code requires the pagination of nominating petitions. All allegations contained in the Verified Objector's Petition were accepted as true allegations due to the Candidate's default. Therefore, hearing examiner recommends that the Objector's Petition be sustained, and that Jeffery O. Jones be stricken from the ballot as a candidate for the upcoming election on February 27, 2007.


David J. Tecson
Hearing Examiner