

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

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<b>Objections of: BEATRICE SUMLIN</b>	)	
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	)	
<b>To the Nomination</b>	)	<b>No.: 07-EB-ALD-172</b>
<b>Papers of: RUSSELL JAMES ELLIOTT</b>	)	<b>(rel. 07-EB-ALD-133)</b>
	)	
<b>Candidate for the office of</b>	)	
<b>Alderman of the Eighth Ward,</b>	)	
<b>City of Chicago</b>	)	

**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 BEATRICE SUMLIN (“Objector”) to the nomination papers (“Nomination Papers”) of RUSSELL JAMES ELLIOTT, candidate for the office of Alderman of the 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 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 Terence Flynn 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, BEATRICE SUMLIN, by her attorney, Anthony Bass; and the Candidate, RUSSELL JAMES ELLIOTT, *pro se*.

7. The Objections alleged that the Candidate did not file either a Statement of Candidacy or a receipt for the filing of his Statement of Economic Interest with the Cook County Clerk.

8. The Candidate admitted that he did not file with his Nomination Papers a Statement of Candidacy nor did he file a receipt evidencing the filing of a Statement of Economic Interests with the Cook County Clerk.

9. Section 10-5 of The Election Code (10 ILCS 5/10-5) requires that a candidate's nomination papers include a statement of candidacy setting out the name and address of the candidate, the office for which he or she is a candidate, and stating that the candidate is qualified for the office specified and that the candidate has filed (or will file before the end of the filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act.

The statement of candidacy shall request that the candidate's name be placed upon the official ballot and shall be in substantially the form set forth in Section 10-5 and shall be subscribed and sworn to by the candidate before some officer authorized to take acknowledgments of deeds in the State of Illinois.

10. The Electoral Board finds that the Candidate did not file a Statement of Candidacy with his Nomination Papers as required by Section 10-5 of The Election Code.

11. The Electoral Board finds that the failure to file a statement of candidacy renders the Candidate's nomination papers invalid. *Purnell v. Alcozer*, 95-EB-ALD-28, CBEC, 1995; *Hernandez v. Alcozer*, 95-EB-ALD-39, CBEC, 1995; *Mobley v. Beard*, 95-EB-MUN-07, CBEC, 1995; *Lacy v. Sias*, 92-EB-WC-35, CBEC, 1992.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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. *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);

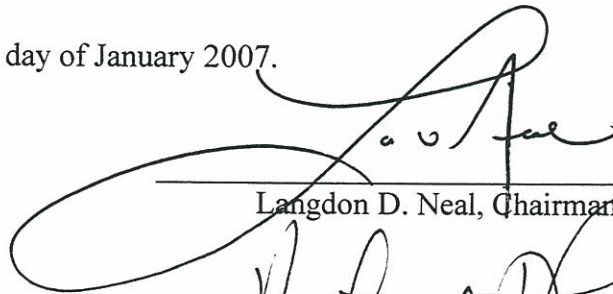
*Williams v. Brown*, CBEC, 95-EB-ALD-131 (January 27, 1995); *Robinson v. Nalls*, CBEC, 95-EB-ALD-181, (January 28, 1995).

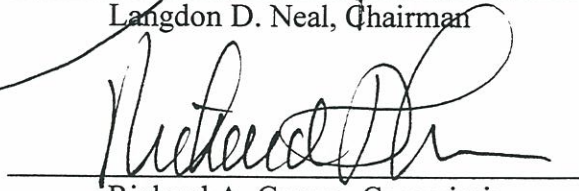
17. The Electoral Board sustains the Objections to the Candidate's Nomination Papers.

18. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of BEATRICE SUMLIN to the Nomination Papers of RUSSELL JAMES ELLIOTT, candidate for election to the office of Alderman of the Eighth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of RUSSELL JAMES ELLIOTT, candidate for election to the office of Alderman of the 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 9<sup>th</sup> day of January 2007.

  
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Langdon D. Neal, Chairman

  
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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.