

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: MARK VANECKO)
)
To the Nomination)
Papers of: JOE BANKS, JR.) No.: 99-EB-MUN-002
)
Candidate for the office of)
Mayor in the City of Chicago)

FINDINGS AND DECISION

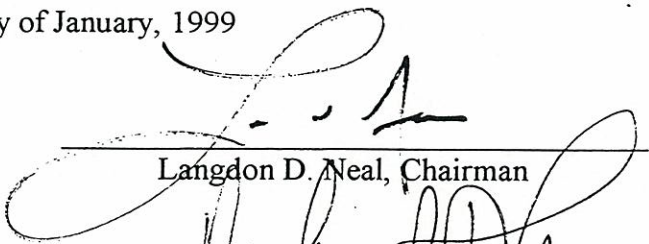
The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Theresa M. Petrone, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of MARK VANECKO to nomination papers ("Nomination Papers") of JOE BANKS, JR., candidate for the office of Mayor in the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, 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 December 28, 1998 and was continued from time to time.
5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector, MARK VANECKO, by counsel; and the Candidate, JOE BANKS, JR.

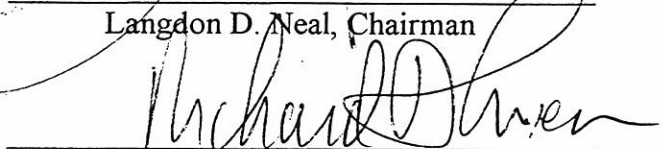
5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector(s), MARK VANECKO, by counsel; and the Candidate, JOE BANKS, JR.
6. The Electoral Board assigned this matter to Hearing Examiner ANTHONY IOSCO for further hearings and proceedings.
7. Paragraph 5 of the Objector's petition alleges that the Candidate, JOE BANKS, JR., failed to file any petition sheets containing the signatures of duly qualified registered and legal voters of the City of Chicago within the time required to file nomination papers as provided in Section 10-6 of The Election Code.
8. Section 10-3.1 and 10-3 of The Election Code (10 ILCS 5/10-3.1 and 10-3) require that the petition of a candidate for the office of Mayor of the City of Chicago be signed in the aggregate by not less than 25,000 qualified voters of the City of Chicago.
9. Section 10-4 of The Election Code (10 ILCS 5/10-4) sets forth the details and requirements for petitions for nomination under Article 10 for candidates for public office in this State and requires, inter alia, that the petition be signed by qualified voters in their own proper persons only, and that opposite the signature of each signer his or her residence address shall be printed or written.
10. Section 10-5 of The Election Code (10 ILCS 5/10-4) requires, inter alia, that the petitions for nomination contain the office or offices to which the candidate shall be nominated, as well as the place of residence of the candidate with street and number thereof, if any.
11. Section 10-6(4) of The Election Code (10 ILCS 5/10-4) requires that the nomination papers for the nomination of candidates for offices in the City of Chicago be filed with the Chicago Board of Election Commissioners not more than 78 nor less than 71 days before the February 23, 1999 election, or between December 7 and 14, 1998.
12. The Electoral Board finds, from an examination of the Nomination Papers and by his own admission, that the Candidate, JOE BANKS, JR., failed to file within the time prescribed by Section 10-6(4) of The Election Code any nominating petition sheets containing the original signatures of qualified voters of the City of Chicago. Therefore, the Electoral Board finds that the Nomination Papers of the Candidate, JOE BANKS, JR., are in violation of Sections 10-3.1, 10-3, 10-4, 10-5 and 10-6(4) of The Election Code and the Board sustains the Objector's petitions.

IT IS THEREFORE ORDERED, that the Objections of MARK VANECKO to the Nomination Papers of JOE BANKS, JR., candidate for election to the office Mayor in the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOE BANKS, JR., candidate for election to the office of Mayor in the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this Eighth day of January, 1999



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Theresa M. Petrone, 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.