

look outside the petition to determine whether in fact it does comply. *Dillon*, 266 Ill. At 276.

8. Further, in *North*, the plaintiffs conceded that their nominating papers were not in apparent conformity when filed because §10-5 required them to include Statements of Candidacy with the filing of their papers and they had not done so. This was precisely the type of question, which could be answered without even convening a local electoral board.
9. Therefore, under both the Code and *North*, this Board's review of the LPI candidates' papers is limited to a facial examination of those papers to determine whether they are in apparent conformity with the Code. They are, and no objection was filed to raise any other issue. The candidates here submit their papers are in full conformity with the Code and there is no dispute on that issue. That being the case, this Board's function is at an end.
10. This conclusion is confirmed by the recent case of *Welch vs. Educational Officers Electoral Brd.*, 322 Ill.App.3d 568 (1st Dist., 2001). There, the court held the Board had no discretion to determine whether the plaintiffs' nominating petitions were untimely. In distinguishing *North*, the *Welch* court stated:

*In determining whether a document is in "apparent conformity" with the law, the local election official is limited to the face of the document, and he may not go beyond what appears on the face. See People ex rel Giese v. Dillon, 266 Ill. 272, 275-276, 107 N.E. 583-584 (1914). He is given no discretionary power when a petition proper is on its face is filed. His only function is to determine whether, upon the face of the petition, it is in compliance with the law. Dillon, 266 Ill. at 276, 107 N.E. at 584. He*** has no judicial powers, and where the petition presented appears on its face to be in compliance with the statute, he cannot institute an investigation to determine whether underlying factors render it invalid. Dillon, 266 Ill. at 276, 107 N.E. at 584.*

322 Ill.App.3rd at 579.

11. Thus any determination of whether these LPI candidates are eligible to file for the office of Precinct Committeeman is outside the latitude of the Board's authority, since their eligibility cannot be determined from the face of their petitions.

12. The Board's attempt to conduct an evidentiary hearing on this matter and to establish an evidentiary administrative record is an *ultra vires* act with no jurisdictional basis. The Code does not authorize an electoral board to raise its own objections to nominating petitions *sua sponte*. *Delay vs. Board of Election Commissioners of City of Chicago*, 312 Ill.App.3rd 206, 726 N.E.2d 755 (1st Dist., 2000).