

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

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Objections of: NICOLE MITCHELL )  
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To the Nomination ) No.: 15-EB-ALD-038  
Papers of: CYNTHIA LOMAX )  
 ) Rel. ALD-060 AND ALD-140  
Candidate for the office of )  
Alderman of the 16th 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, Richard A. Cowen, and Marisel A. Hernandez, 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 NICOLE MITCHELL (“Objector”) to the nomination papers (“Nomination Papers”) of CYNTHIA LOMAX, candidate for the office of Alderman of the 16th Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014, at 9:00 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 December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Eileen Letts 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 Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, NICOLE MITCHELL, pro se; the Candidate, CYNTHIA LOMAX, pro se.

7. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

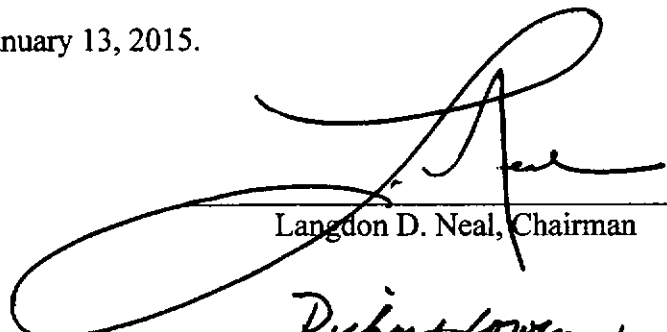
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law, except that we wish to clarify that substantial compliance with the page numbering and fastening requirements of Section 10-4 of the Election Code (10 ILCS 5/10-4) is sufficient. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

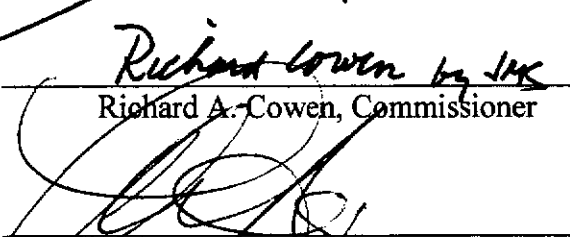
9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

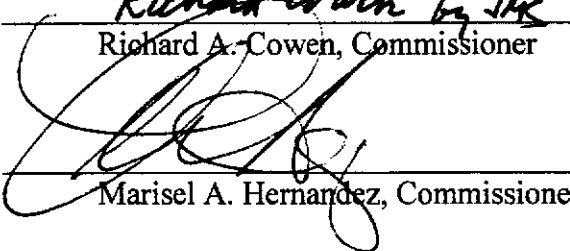
10. The Electoral Board further finds that additional objections to the Candidate's Nomination Papers were filed in related cases ALD-060 and ALD-140, but the objections in those cases were also overruled.

IT IS THEREFORE ORDERED that the Objections of NICOLE MITCHELL to the Nomination Papers of CYNTHIA LOMAX, candidate for election to the office of Alderman of the 16th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CYNTHIA LOMAX, candidate for election to the office of Alderman of the 16th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on January 13, 2015.

  
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Langdon D. Neal, Chairman

  
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Richard A. Cowen, Commissioner

  
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Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.

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

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Objections of: NICOLE MITCHELL )  
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To the Nomination )  
Papers of: CYNTHIA LOMAX ) No. 15-EB-ALD-038  
)  
Candidate for the Office of )  
Alderman, 16<sup>th</sup> Ward ) Eileen M. Letts  
City of Chicago, State of Illinois, ) Hearing Officer

**HEARING OFFICER'S FINDINGS AND RECOMMENDATION**

In the matter of NICOLE MITCHELL, ("Objector") regarding the Nomination Papers of CYNTHIA LOMAX, candidate for the nomination for the Office of Alderman, 16th Ward in the City of Chicago, State of Illinois ("Candidate"), the hearing having convened on December 9, 2014. Eileen M. Letts, Esq., the duly appointed Hearing Officer, hereby makes the following Report and Recommended Findings to the Board of Election Commissioners of the City of Chicago ("CBEC"):

1. The candidate filed Nomination Papers with CBEC for the nomination for the Office of Alderman, 16th Ward in the City of Chicago, State of Illinois, for the Municipal General Election to be held on February 24, 2015. Such Nomination Papers consisted of: a) a Statement of Candidacy; b) a Loyalty Oath; c) the Candidate's Statement of Economic Interest; and d) 56 Nominating Petition Sheets. The Candidate's Nomination Papers were marked as Board Group Exhibit A and admitted into evidence.

2. The Verified Objector's Petition was timely filed on December 3, 2014. Such petition was marked as Board Group Exhibit B and admitted into evidence.

3. A Call to the hearing on said objections was duly issued by the Chairman of the CBEC and served upon all parties. The Call and proof of service thereof were marked and admitted into evidence as Board Group Exhibit C.

4. The initial hearing on these objections was called on December 9, 2014, at which time Objector Nicole Mitchell appeared *pro se* and Candidate Cynthia Lomax appeared *pro se*. Appearances in this matter were filed by Ms. Mitchell and Ms. Lomax. Such appearances were marked and admitted into evidence as Board Group Exhibit D. All Parties were provided copies of the Rules of Procedure of the CBEC, and were instructed to become familiar with the Rules. At that initial status, the Hearing Officer reminded the parties that the case was on an expedited basis and that continuances would not be granted as a matter of course, but rather only for good cause shown.

5. The parties agreed to service via email.

6. In the Verified Objector's Petition, the Objector argues that the Candidate:

a. failed to properly bind her Nomination Papers in book form as required by 10 ILCS 5/10-4; and

b. failed to consequently number her Petitions for Election ("Petitions") as required by 10 ILCS 5/10-4.

7. The Hearing Officer set a hearing date for December 16, 2014, at 9:00 a.m.

8. At the December 16, 2014 hearing, the Candidate Cynthia Lomax and the Objector Nicole Mitchell were both present.

9. Section 10-4 provides that an election candidate's nomination papers "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..." 10 ILCS 5/10-4.

10. The Objector argued that it was improper for the Candidate to use a metal binder clip to fasten her Nomination Papers and that the Petitions were not consecutively numbered.

11. The Candidate testified that when she submitted her Nomination Papers to the Board that they were properly bound. Candidate introduced a photograph, which depicts a large black binder clip, centered and attached to the top of her Nomination Papers. The photograph was entered into the record as Candidate Exhibit 1.

12. The Candidate testified that the Board employee who collected her Nomination Papers tendered to her a receipt, which indicated that her Nomination Papers were bound and described the binding mechanism as a "metal clip." The receipt is incorporated into Candidate Exhibit 2.

13. The Candidate also introduced copies of her Petitions that show each Petition was consecutively numbered. The Candidate's copies of the Petitions were entered in the record.

14. Candidate also introduced a photograph of a Board employee collecting from her the Nomination Papers. This photograph was entered in the record.

15. The Board should declare that the Candidate's Petitions were consecutively numbered in compliance with 10 ILCS 5/10-4. The CBEC copy of the Candidate's Petitions, which are contained in Board Group Exhibit A, show such Petitions as being consecutively numbered 1 through 56.

16. The Board should declare that the Candidate's use of a single large binder clip to fasten her Nomination Papers strictly complied with 10 ILCS 5/10-4. *Bendell v. Educ. Officers Electoral Bd.*, 338 Ill. App. 3d 458, 272 Ill. Dec. 869, 788 N.E.2d 173, 2003 Ill. App. LEXIS 386

(1 Dist. 2003); *Haynes v. Anderson*, 07-EB-ALD-017. In *Bendell*, an election candidate fastened together her nomination papers along one edge with a large paper clip. *Bendell*, 338 Ill. App. 3d 458. The First District held that the election candidate's papers were in strict compliance with the mandates of 10 ILCS 5/10-4. Moreover, this objection was specifically overruled in related case number No. 15-EB-ALD-060.

**RECOMMENDED DECISION**

It is the recommendation of this Hearing Officer that the objections to the Nomination Papers of Cynthia Lomax, Candidate for the Office of Alderman in the 16th Ward of the City of Chicago, State of Illinois; must be overruled.

Dated: Chicago, Illinois, on January 7, 2015.

Respectfully Submitted By:



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Eileen M. Letts, Hearing Officer