

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

Objections of: LINDA STAMPS)
)
)
To the Nomination) No.: 15-EB-ALD-140
Papers of: CYNTHIA LOMAX)
) Rel. ALD-038 AND ALD-060
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 LINDA STAMPS ("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, LINDA STAMPS, 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.

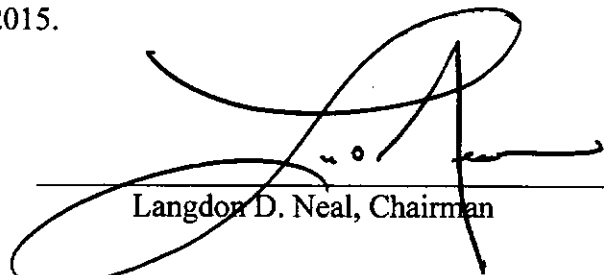
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. 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-038 and ALD-060, but the objections in those cases were overruled.

IT IS THEREFORE ORDERED that the Objections of LINDA STAMPS 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.

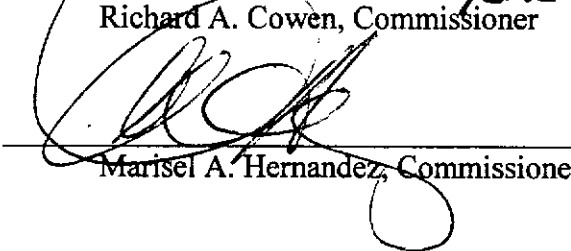
Dated: Chicago, Illinois, on January 13, 2015.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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**

Objections of: LINDA STAMPS)
)
To the Nomination)
Papers of: CYNTHIA LOMAX) No. 15-EB-ALD-0140
)
Candidate for the Office of)
Alderman, 16th Ward) Eileen M. Letts
City of Chicago, State of Illinois,) Hearing Officer

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

In the matter of LINDA STAMPS, ("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 the 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 ("Petitions"). 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 Linda Stamps appeared *pro se* and Candidate Cynthia Lomax appeared *pro se*. Appearances in this matter were filed by Ms. Stamps 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. unlawfully identified herself as a Democrat on her Statement of Candidacy for 16th Ward Alderman;
- b. incorrectly stated in her Statement of Candidacy that the date of the Municipal General election was February 25, 2015; and
- c. failed to circle or otherwise indicate on her Statement of Candidacy whether she was a candidate for either "nomination" or "election" to the office of Alderman in the 16th District.

7. The Hearing Officer set a hearing date for December 16, 2014, at 9:30 a.m.

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

9. The Candidate acknowledged that she incorrectly listed the date of election as February 25, 2015, instead of the correct date of February 24, 2015, on her Statement of Candidacy but testified that this was an oversight. The Candidate also testified that she had a number of campaign buttons designed that featured the correct date. Candidate Exhibit A. The Candidate also presented a blank Petition, which she testified listed the correct date. Candidate Exhibit C.

10. The Candidate acknowledged that she indicated her Democratic party affiliation on her Statement of Candidacy but she testified that this was an oversight and not intended to mislead voters. As evidence of this, the Candidate referenced the blank Petition, which she asserted did not contain any reference to the Democratic party.

11. The Statement of Candidacy contained in Board Group Exhibit A indicates that the Candidate is a Democrat, lists the wrong election date, and fails to identify whether the Candidate was seeking either "nomination" or "election" to the office of Alderman in the 16th District Ward. However, the accompanying Petitions, provide the correct date for the election, do not reference the Democratic party, and indicate the Candidate is seeking election to the office of Alderman in the 16th District Ward. Specifically, the Petitions state that the Candidate "shall be a candidate for election to the office hereinafter specified to be voted for at the Municipal General Election to be held on February 24, 2015."

12. The Board should not invalidate the Candidate's Statement of Candidacy because she referenced the Democratic party in such Statement. In both *Wright v. Davis*, 11-EB-ALD-100, CBEC January 7, 2011 and *Dix v. Terry*, 03-EB-ALD-071, CBEC, January 31, 2003, candidates for nonpartisan offices referenced the Democratic party in their Statements of Candidacy, not in the petition sheets which were presented to the voters of the respective Wards for signature. The

CBEC did not invalidate the candidates' nomination papers because the references to the Democratic party in the candidates' Statements of Candidacy were not misleading and did not cause any confusion among voters.

13. Similarly, the Candidate's reference to the Democratic party was solely contained in her Statement of Candidacy that was filed with the CBEC and not in her Petition sheets, which were distributed to the voters of the 16th Ward for signature by them. The Objector has neither presented evidence that misleading or incorrect information concerning the Candidate's party affiliation was presented to 16th Ward voters as they were signing the Petition sheets nor that 16th Ward voters were confused about the Candidate's stated or unstated political affiliations.

14. The Board should not invalidate the Candidate's Statement of Candidacy because she incorrectly listed the date of the Municipal General election as February 25, 2015. The failure of the Candidate to include the correct date on the Statement of Candidacy does not render her Nomination Papers invalid because the Petitions clearly and correctly state the date of the election. The Objector has presented no evidence that 16th Ward voters were confused about the date of the election or were provided with incorrect information by the Candidate.

15. The Board should not invalidate the Candidate's Statement of Candidacy because the Candidate failed to indicate whether she was a candidate for either "nomination" or "election" to the office of Alderman in the 16th District.

16. 10 ILCS 5/7-10 provides that a candidates for the office of Alderman seek "nomination" to their respective positions while candidates for committeemen, delegates and alternate delegates seek "election" to their respective positions. 10 ILCS 5/7-10. The Illinois Supreme Court has held that a candidate's failure to properly designate the office sought does not

render her nomination papers invalid so long as the office sought can be determined by reference to the face of the nominating petitions. *Lewis v. Dunne*, 63 Ill. 2d. 48 (1976).

17. No confusion was caused either to the CBEC or the voters as to the office for which the Candidate's Nomination Papers were filed. Taken as a whole, the Candidate's Statement of Candidacy leaves no doubt that the Candidate seeks "nomination" to the office of Alderman in the 16th District. *See Lewis v. Dunne*, 63 Ill. 2d 48, 53 (1976).

RECOMMENDED DECISION

It is the recommendation of this Hearing Officer that the Objector Linda Stamp's 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; be overruled.

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

Respectfully Submitted By:



Eileen M. Letts, Hearing Officer