

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

Objections of: KEVIN BAILEY)
)
)
To the Nomination) No.: 15-EB-ALD-147
Papers of: JEROME A. DAVIS)
) Rel. ALD-146, ALD-149
Candidate for the office of)
Alderman of the 20th 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 KEVIN BAILEY (“Objector”) to the nomination papers (“Nomination Papers”) of JEROME A. DAVIS, candidate for the office of Alderman of the 20th 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 Mary Celeste Meehan 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, KEVIN BAILEY, pro se; the Candidate, JEROME A. DAVIS, pro se.

7. The Candidate filed a motion to strike and dismiss the Objections filed in this matter, contending that the allegations therein did not state sufficient grounds to invalidate the Candidate's Nomination Papers.

8. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Candidate's motion to strike and dismiss the Objector's Petition be granted.

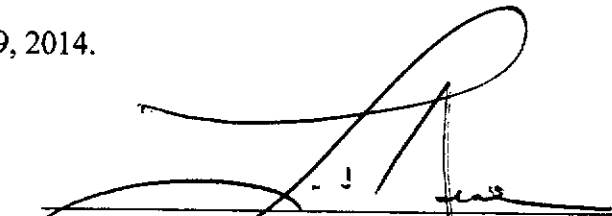
9. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. 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.

10. For the reasons stated above, the Electoral Board grants the Candidate's motion to strike and dismiss the Objector's Petition and the same is dismissed.

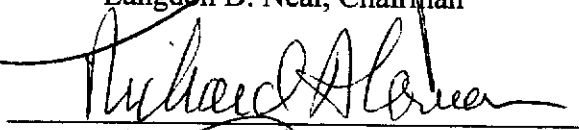
11. The Electoral Board further finds that there are two other objections to the Candidate's Nomination Papers: case number ALD-146, where the objector moved to withdraw his objections, and case number ALD-149, which remains pending and which will determine whether the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of KEVIN BAILEY to the Nomination Papers of JEROME A. DAVIS, candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby DISMISSED.

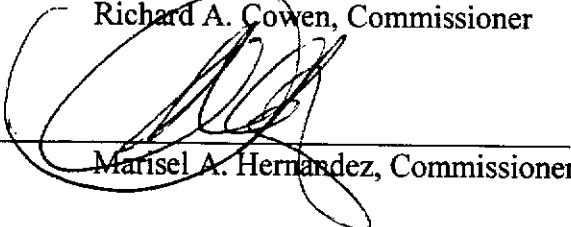
Dated: Chicago, Illinois, on December 19, 2014.



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 THE DULY CONSTITUTED ELECTORAL BOARD**

KEVIN BAILEY)	
Objector)	15-EB-ALD-147
)	
vs.)	
)	
JEROME A. DAVIS,)	Mary C. Meehan
Candidate)	Hearing Officer

RECOMMENDED DECISION ON MOTION TO DISMISS

The above named cause came to be heard before the Chicago Board of Election Commissioners ("The Board") on the verified objection petition of Kevin Bailey ("the Objector") to the nomination papers of Jerome A. Davis ("the Candidate") for the Office of Alderman for the 20th Ward, City of Chicago, State of Illinois. Mary C. Meehan, Hearing Officer finds and recommends as follows:

1. The initial hearing in this matter was conducted on December 10, 2014. Both parties were pro se. In sum, the Objector's petition stated the Candidate's petition sheets lacked the Candidate's name, address and office being sought in violation of (10 ILCS 5/10-4) which states in part:

"Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same..."

2. The Candidate filed a Motion to Dismiss on December 10, 2014 basically stating his petition sheets contained the disputed information and were in compliance with the law

citing Wright v. Shelton, 11-EB-ALD-101, CBEC January 7, 2011. The Objector filed his Response December 11, 2014.

3. A hearing on the Motion to Dismiss was held December 13, 2014 at 1:30. The Candidate argued his Nominating Petitions in fact contained name, address and office being sought. On inspection it was apparent to all parties the Candidate's name and address were clearly typed in heading boxes titled "Name" and "Address - Zip Code" at the top of each petition sheet. Also in the heading at the top of each petition sheet was a box titled, "Office". The Objector argued the sheets were invalid and not in compliance with the statute because the Candidate only wrote "Alderman" in the box titled "Office" instead of "Office of Alderman for the 20th ward". In essence, the Objector claimed just writing "Alderman" in the heading box at the top of each sheet and not including "20th Ward", was in violation of (10 ILCS 5/10-4) because that did not give information to the voter as to the office for which they were signing.
4. During the hearing, it was noted that above the boxed heading at the top of each sheet contained a clear paragraph with the words "20th Ward". However, the Objector contended this portion which stated, "We the undersigned qualified voters of the 20th Ward of Chicago in the County of Cook, in the State of Illinois, do hereby petition that the following named person shall be an independent candidate for election to the office hereinafter specified to be voted for at the Municipal General Election to be held on February 24, 2015" was a certification of the voter not of the Candidate and is not in compliance with the statute. The Objector mistakenly relies on Haynes vs. Smith, 07-EB-ALD-016, CBEC, January 16, 2007. There the board did find the sheets were invalid because no information was provided in the space reserved for office or title. Here, the Candidate wrote "Alderman" in each box on each petition sheet but did not write "Alderman of the 20th ward".
5. The Candidate relied correctly on Wright v. Shelton, 11-EB-ALD-101, CBEC January 7, 2011 to seal his position. In both Wright and here, the Candidate wrote "Alderman" in the heading box. In both Wright and here, the same language in the paragraph above the heading box on each petition is used and clearly identifies the ward number. The Board

found this to adequately identify the office sought. The Hearing Officer agreed and granted the Motion to Dismiss the Objector's Petition.

For the reasons stated above, the Hearing Officer finds and recommends in the above referenced case, the Candidate's Motion Dismiss the Objector's Petition is **granted** and the Nominating Papers of the Candidate Jerome A. Davis for the Office of Alderman for the 20th Ward, City of Chicago, State of Illinois are valid;

Entered this 14th Day of December, 2014



Mary C. Meehan
Hearing Officer