

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

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Objections of: KEVIN BAILEY )  
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To the Nomination ) No.: 15-EB-ALD-148  
Papers of: ERNEST RADCLIFFE, JR. )  
 )  
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 ERNEST RADCLIFFE, JR., 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, ERNEST RADCLIFFE, JR., by his attorney, Steven Stern.

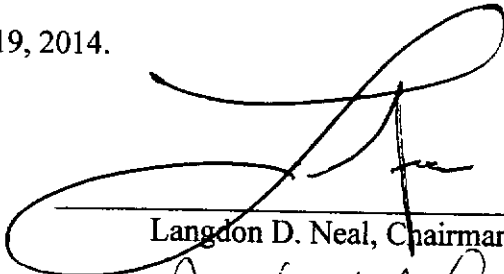
7. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Candidate's motion to strike and dismiss the Objector's Petition be granted, that the Objections be dismissed and that the Nomination Papers be declared valid.

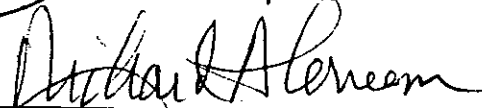
8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law.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

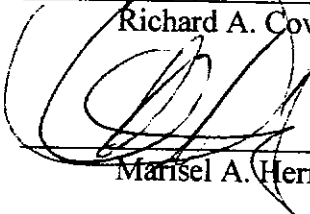
9. For the reasons stated above, the Electoral Board grants the Candidate's motion to strike and dismiss the Objector's Petition, dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of KEVIN BAILEY to the Nomination Papers of ERNEST RADCLIFFE, JR., candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of ERNEST RADCLIFFE, JR., candidate for election to the office of Alderman of the 20th 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 December 19, 2014.

  
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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 THE DULY CONSTITUTED ELECTORAL BOARD**

<b>KEVIN BAILEY</b>	)	
<b>Objector</b>	)	<b>15-EB-ALD-148</b>
	)	
vs.	)	
	)	
<b>ERNEST RADCLIFF JR.</b>	)	<b>Mary C. Meehan</b>
<b>Candidate</b>	)	<b>Hearing Officer</b>

**RECOMMENDED DECISION (CORRECTED)**

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 Ernest Radcliff Jr. (“the Candidate”) for the Office of Alderman for the 20<sup>th</sup> Ward, City of Chicago in the 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. Objector Kevin Bailey was pro se, Candidate Radcliff was present with his attorney Mr. Stephen Stern. Board Exhibits were entered into evidence by the Hearing Officer which included: Board Group Exhibit A consisting of the Nominating Papers, Board Group Exhibit B consisting of the Objector’s Petition and any attachments, Board Group Exhibit C consisting of the Call and Service of the Call and Board Group D consisting of the parties Appearances. A briefing schedule was set and the matter was set for hearing on Candidate’s Motion to Dismiss.
2. 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). In addition, throughout the Objector’s Petition, the Objector refers to “attached Exhibit 1” when referencing the petition sheets to which he’s objecting. However, no exhibit is attached to the Objector’s Petition. The Objector admitted in the initial hearing he

attempted to file the exhibit via disk but the Board of Elections would not accept it in that format.

3. The Candidate filed a Motion to Dismiss on December 10, 2014. The Motion to Dismiss argues that without the exhibit, the Objector's Petition fails to identify which of the candidate's sheets it's directed at and therefore fails to fully state the nature of the objections and is invalid on its face. The Candidate relies on *Ligas v. Martinez*, 95-EB-ALD-134, CBEC, January 17, 1995 and *Whitehead v. Hodges*, 91-EB-ALD-047, January 16, 1991. Regardless, the Candidate contends all of the information which is alleged to be missing from each sheet (name, address, and office) is in fact in the heading on each petition sheet.
4. The Objector filed a Response on December 11, 2014. Attached to his response was his receipt showing he paid the Board for copies of the Candidate's petition sheets. Also attached were two of those copies which were cut off at the top and contained no heading.
5. During the hearing the Objector's copies of the petition sheets were examined against the Candidate's original petition sheets. The top heading of each the Objector's copies was cut off and missing the information of name, address, and office sought. Whereas original petition sheets contained a heading with three boxes titled "Name", "Office" and "Address". Upon examination of the original petition sheets, each heading on every page contained the proper information of name, address and office sought of the Candidate Ernest Radcliffe Jr. The Objector's copies were clearly missing information at the top of each petition sheet.
6. The issue of the Objector's failure to attach the exhibit to his petition became moot once the Candidate's original petition sheets were found to contain the proper information. Even so, the Hearing Officer finds without the exhibit attached to the Objector's Petition or by not referencing the specific pages being challenged, the petition fails to fully state

the nature of objections by failing to apprise the Candidate which of his petition sheets are in question.

7. The Electoral Board has held that an Objector's Petition that makes general allegations with regard to candidate's nomination papers without specifically identifying which of the petition sheets or signatures contain the alleged defects of irregularities and where no appendix-recapitulation was filed with objector's petition identifying the specific petition sheets and alleged defects therein, the objector's petition fails to fully state the nature of the objections and is invalid. *Delay v. Simms-Johnson*, 00-EB-WC-12, CBEC, January 28, 2000; *Coleman v. Ross*, 00-EB-WC-023, CBEC, January 20, 2000; *Ligas v. Martinez*, 95-EB-ALD-134, CBEC, January 17, 1995; *Whitehead v. Hodges*, 91-EB-ALD-047, January 16, 1991.

For the reasons stated above, the Hearing Officer finds and recommends in the above referenced case, the Candidate's Motion to Dismiss is **GRANTED**, and the Nominating Papers of Ernest Radcliffe Jr. for the Office of Alderman for the 20<sup>th</sup> Ward, City of Chicago, State of Illinois are valid;

*Entered this 15<sup>th</sup> Day of December, 2014*



Mary C. Meehan  
Hearing Officer