NBCON-ALD

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

Objections of: URSULA COLEMAN	)	
	)	
	)	
To the Nomination	)	No.: 15-EB-ALD-161
Papers of: CHARLES R. THOMAS SR.	)	
	)	Rel. ALD-013 AND ALD-094
Candidate for the office of	)	
Alderman of the 34th 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 URSULA COLEMAN ("Objector") to the nomination papers ("Nomination Papers") of CHARLES R. THOMAS SR., candidate for the office of Alderman of the 34th 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 Yolanda Sayre 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, URSULA COLEMAN, by her attorney, Thomas A. Jaconetty; the Candidate, CHARLES R. THOMAS SR., pro se. Attorney Frank Avila subsequently filed an appearance on behalf of the Candidate on December 13, 2014.

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 Objections to the Candidate's Nomination Papers be granted and that such Objections be dismissed.

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. Objector alleges that the Candidate is ineligible for elective municipal office because he is in arrears in the payment of a tax or other indebtedness to the City of Chicago, in violation of Section 3.1-10-5 of the Illinois Municipal Code (65 ILCS 5/3.1-10-5).

10. Section 3.1-10-5 of the Municipal Code (65 ILCS 5/3.1-10-5), as amended by P.A. 98-115, effective July 29, 2013, now provides:

> *"(b) A person is not eligible to take the oath of office for a municipal office if that person is, at the time required for taking the oath of office, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.*
>
> *(b-5) A person is not eligible to hold a municipal office, if that person is, at any time during the term of office, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.*

11. Section 3.1-10-5(b) of the Municipal Code, as written prior to P.A. 98-115, provided, in part, that a person "is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality." In *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill.2d 200, 886 N.E.2d 1011 (2008), the Illinois Supreme Court held that Section 3.1-10-5(b), as then written, precluded someone from running for municipal office if such person was, at the time he or she filed nomination papers, in arrears in the payment of a tax or other indebtedness due to the municipality. In *Cinkus*, a candidate for municipal office had been fined for violating a municipal ordinance. When the fine remained unpaid, the municipality sought and obtained a judgment against the candidate. The judgment was unpaid when the candidate filed his statement of candidacy. The Illinois Supreme Court held that the candidate is ineligible for elective municipal office if he or she is in arrears in the payment of a tax or other indebtedness due to the municipality and the candidate fails to remedy such situation prior to filing a statement of candidacy. *Cinkus*

overruled *People v. Hamilton,* 24 Ill.App. 609 (1887), which held that the arrearage provision of a statutory predecessor to section 3.1-10-5(b) prescribed disqualification as to the office and not the election. The Court in *Cinkus* found that *Hamilton* was not persuasive because: (1) it was decided prior to 1935 and, consequently, has no precedential value; (2) *Hamilton* was not an election case, and could not consider the current election scheme, which is very different from that in 1887; and (3) the predecessor statute in 1887 was different from section 3.1-10-5(b). Also impliedly overruled were prior decisions of the Chicago Board of Election Commissioners as an electoral board holding that objections claiming a disqualification for public office arising from an arrearage in accounts by the candidate with the municipality applies solely to the office and not to the election and will be overruled. See, e.g., *Moore v. Powers,* 99-EB-ALD-120, CBEC, January 19, 1999; *Batson v. Shaw*, 83-EB-ALD-35, CBEC, January 23, 1983.

12. The "historical evolution" of the indebtedness restriction is "illustrative," according to one election law expert. See, Thomas A. Jaconetty, "Ballot Access," *Election Law (IICLE, 2012)*, Ch. 1 § 1.36. As the author explains, "For many years, the Chicago Electoral Board endorsed the view of the appellate court in *People v. Hamilton*, [citation], that these statutory provisions effect a bar to the holding, not the seeking, of office." After citing historical cases upholding this view, the author noted, "The sea change occurred when the Stickney Electoral board removed a candidate for his failure to satisfy a $100 municipal fine for disorderly conduct." Id. The author continued, "The Supreme Court granted review in *Cinkus v. Village of Stickney Municipal Officers Electoral Board* [citation], squarely addressed the issues and adopted the reasoning of the appellate court rejecting the *Hamilton* defense." Id.

13. After *Cinkus* was decided in 2008 and a series of electoral board decisions and court cases decided in 2011 (see Jaconetty, "Ballot Access," *supra*), the legislature amended

Section 3.1-10-5 in 2013 to provide that indebtedness to the municipality acts to disqualify someone only "at the time required for taking the oath of office" (sub-section (b)) or "at any time during the term of office" (sub-section (b-5)). While there is no written legislative history on the change, presumably, the legislature intended to change the indebtedness prescription and the interpretation of the statute back to what it was post-*Hamilton* and pre-*Cinkus*. Otherwise, why would the legislature have chosen to amend the very text of the statute establishing the indebtedness prescription.

14. When legislature has made a material amendment to statute after judicial interpretation of statute, it is presumed that legislature intended to effect a change in law. *Benno v. Central Lake County Joint Action Water Agency*, 242 Ill.App.3d 306, 609 N.E.2d 1056 (1993).

15. It has been contended that if the legislature really intended to reverse the effects of *Cinkus*, it was necessary that the legislature change the statutory form of the statement of candidacy in the Election Code to truly effectuate the change, for the Supreme Court in *Cinkus* relied upon the statement to candidacy's present-tense language whereby the candidate declares, "that I am legally qualified to hold such office." See, 10 ILCS 5/10-5.

16. There may be several qualifications for holding office. However, it is clear that the legislature no longer wanted to make indebtedness to the municipality a bar to election for the office. As the court in *Hamilton* concluded, "We are satisfied that if the paragraph ("no person shall be eligible to the office of Alderman unless he is a qualified elector and resident in the ward for which is he elected, nor shall he be eligible if in arrears for any tax or other liability ....") is applicable to the case of Village Trustees *the disqualification is as to the office and not the election – that the payment of the tax before assuming the office met the requirement of the law and therefore that as to Hamilton the plea disclosed a perfect defense*." 24 Ill.App. at 612.

This is the so-called "*Hamilton* defense" that *Cinkus* rejected and which the legislature presumably sought to re-instate.

17. But even assuming, arguendo, that the legislature could have used other means or should have also amended the statement of candidacy provisions in the Election Code to overcome *Cinkus*, as is has been urged, "a legislature traditionally has been allowed to take reform 'one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind.' *McDonald v. Board of Election Com'rs of Chicago*, 394 U.S. 802, 809, 89 S.Ct. 1404, 1409 (1969). "A legislature need not run the risk of losing an entire remedial scheme simply because it failed, through inadvertence or otherwise, to cover every evil that might conceivably have been attacked." *Id.* The fact that the legislature "has not gone still further, as perhaps it might, should not render void its remedial legislation, which need not, as we have stated before, 'strike at all evils at the same time.' 394 U.S. at 811. *Accord*, *Lizak v. Zadrozny*, 4 Ill.App.3d 1023, 1027, 283 N.E.2d 252, 254 – 255 (1972) ("It has been recognized that legislatures are often limited to achieving reforms piecemeal, proceeding by compromise a step at a time toward a desired comprehensive solution" and that "[a] statutory scheme is not constitutionally infirm merely because it fails to apply its remedies wherever they may reach.").

18. For the reasons above and for the reasons stated by the Hearing Officer, the Electoral Board finds that Section 3.1-10-5 of the Illinois Municipal Code does not bar a candidate from the ballot if, at the time of filing her or her nomination papers, he or she was indebted to the municipality. The Objections are, therefore, dismissed and the Electoral Board finds that the Candidate's Nomination Paper are not invalid merely because the Candidate was indebted to the municipality at the time of filing nomination papers.

19. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers

20. The Electoral Board further finds there are additional objections to the Candidate's Nomination Papers in related cases ALD-013 and ALD-014 that will ultimately determine whether the Candidate's Nomination Papers are valid or invalid.

IT IS THEREFORE ORDERED that the Objections of URSULA COLEMAN to the Nomination Papers of CHARLES R. THOMAS SR., candidate for election to the office of Alderman of the 34th Ward of the City of Chicago, are hereby DISMISSED.

Dated: Chicago, Illinois, on January 5, 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 THE DULY CONSTITUTED ELECTORAL BOARD

URSULA COLEMAN **Objector**	)	
-v-	)	**15-EB-ALD-161**
CHARLES THOMAS, SR. **Candidate**	)	**Hearing Officer** **Yolanda H. Sayre**

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter having come before the duly constituted Chicago Board of Election Commissioners ("the Board"), and before the undersigned Hearing Officer on December 9, 2014; the Hearing Officer hereby makes the following report and recommended findings:

1. The Candidate filed Nomination Papers for Alderman of the 34th Ward in the City of Chicago. Such Nomination Papers consisted of: a) a Statement of Candidacy; b) a Receipt for Statement of Economic Interests; c) a City of Chicago 2014 Statement of Financial Interests; and d) Nominating Petition Sheets numbered 1 through 65. Without objection, the Candidate's Nomination Papers were admitted into evidence and marked as Group Exhibit A.
2. The Verified Objector's Petition was timely filed on December 3, 2014. Such Petition was admitted into evidence and marked as Group Exhibit B.

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

4. The matter was initially called on December 9, 2014. At that time, the Objector, MS. URSULA COLEMAN appeared through her attorney, Mr. Thomas A. Jaconetty (collectively referred to as "the Objector"). The Candidate, MR. CHARLES R. THOMAS, SR., appeared *pro se*. The Candidate was granted an immediate continuance in order to obtain an attorney.

5. The matter was recalled on December 13, 2014 for the Second Initial Hearing, at which time Mr. Frank Avila filed an Appearance on behalf of the Candidate. The Appearance forms of both parties, as well as Nondisclosure Agreements executed by each, were admitted into evidence as part of Group Exhibit D.

6. At the Second Initial Hearing, the parties stipulated the sole issue was whether the Candidate was indebted to the City of Chicago at the time he filed his nomination papers and the legal ramifications of that alleged debt.

7. The Candidate introduced a group of documents, which were marked "Candidate's Group Exhibit 1," consisting of: various "Findings, Decisions, and Orders" issued by the City of Chicago Department of Administrative Hearings; various "Notice Ticket Summaries;" other assorted documents detailing parking violations; and a "Parking Ticket Payment Plan Agreement."

8. The Objector indicated her intention to file a Subpoena Request for the production of the Acting FOIA Director of the City of Chicago as the best person to interpret the above referenced documents and give an opinion as to the current state of indebtedness of the

Candidate. The Candidate indicated on the record his intention to question this witness as well.

9. The Candidate reserved the right to file a Motion to Strike and Dismiss and was given a deadline of 5:00 p.m. on December 14, 2014. The Objector was given a deadline of 5:00 p.m. on December 15, 2014 to file a Response.

10. The Candidate emailed an unsigned copy of the Motion to Strike and Dismiss to the Board on December 14, at 5:53 p.m., after the deadline, and indicated he was having technical problems and would submit a PDF signed copy at a later date. The Candidate later filed a signed Motion to Strike and Dismiss at 9:25 a.m., on December 15, 2014, according to the Board's official timestamp. The Objector opted not to respond.

11. On December 15, the Hearing Officer entered an Order requiring the parties to submit a legal memorandum or brief delineating their legal positions in light of the July 29, 2013 amendment of Section 3.1-10-5 of the Municipal Code (65 ILCS 5/3.1-10-5), including copies of any supporting case law, by December 21, 2014.

12. The Objector filed a Request for Subpoena on December 18, 2014 at 3:49 p.m. without objection, and the Hearing Officer later recommended that the Board approve it.

13. On December 20, 2014, the Candidate filed a document entitled " Motion to Strike and Dismiss the Objector's Objection" in response to the Hearing Officer's Order. The Objector then filed a document in response entitled "Response to Motion to Strike and Dismiss and Indebtedness Memorandum Requested By Hearing Examiner."

14. A Status Hearing was held on December 23, 2014 after the Board approved the issuance of the subpoena, wherein the Candidate admitted his filing was in the incorrect format of a Motion instead of the Memorandum or Brief the Hearing Officer requested.

15. At the Status Hearing, the parties suggested we postpone the Evidentiary Hearing to January 2, so as not to expend resources and subpoena the witness when the Board was about to decide a case with nearly identical issues--ALD-144--which could render this case moot. The parties asked if the Hearing Officer could bifurcate the legal issues and submit a recommendation based on their oral arguments in order for the Board to consider their positions before issuing the decision in ALD-144.

16. In essence, their request amounted to the Hearing Officer treating the submissions filed in response to the Hearing Officer's Order as an actual Motion to Dismiss and Response thereto and issuing a recommendation based on the oral arguments in support thereof.

17. The Hearing Officer granted their request and hereby issues a recommended decision based solely on the legal issue of whether any indebtedness to the City of Chicago at the time of filing renders a Candidate's Nomination Papers invalid. The portions of the Objection that are based upon whether the Candidate filed a false Statement of Candidacy and whether the Candidate was in fact in indebted to the City of Chicago are reserved and will be decided only in the event the Board decides not to adopt this Hearing Officer's recommendation.

18. A Case Management Conference was held off the record on January 2, 2015 in lieu of the scheduled Evidentiary Hearing because of a delay caused by a scheduling conflict. The parties were then informed that the Hearing Officer would be recommending that the Board Grant the Motion to Dismiss; but that because of the delay and the unusual request / agreement between the parties, her

report would be issued by 12:00 p.m. on Saturday, January 3, 2015. This would require the schedule for any Rule 20 Motions to be accelerated in order to accommodate the parties' desire to make their arguments before the Board at the next Board Meeting. The parties agreed to submit any Rule 20 Motions along with any supporting briefs by Sunday, January 4, 2015 at 12:00 p.m. in order to be placed on the next Board Meeting Agenda on Monday, January 5, 2015.

19. If necessary, a Final Hearing will be held on January 7, 2015 wherein the parties will be afforded the opportunity to present evidence as to whether the actual indebtedness exists, the surrounding circumstances of any such indebtedness, and any efforts at amelioration. The creation of such a factual record could prove useful in the event either party chooses to seek review by the Board and / or the Courts.

20. For the following reasons, the Hearing Officer recommends that the Motion to Strike and Dismiss the Objector's Petition be granted and that the objections be overruled.

Hearing Officer's Analysis

21. The Objector's Petition alleges that the Candidate filed a false Statement of Candidacy in that he was indebted to the City of Chicago in the amount of $5108.64 in water bills and parking tickets when he signed the sworn statement that he was "legally qualified to hold office."

22. The Objector relies on Cinkus v. Village of Stickney Municipal Officers Electoral Board, 228 Ill.2d 200, 886 N.E.2d 1011 (2008) for the proposition that the sworn statement of being legally qualified to hold office must be truthful when the Candidate signs the

Statement of Candidacy and on Section 3.1-10-5(b) of the Illinois Municipal Code for the proposition that a Candidate is not qualified if " . . .'in arrears in the payment of a tax or other indebtedness due'." (Objector's Petition Paragraph 3 citing 65 ILCS 5/3.1-10-5(b).)

23. The Candidate, in his Motion to Dismiss, correctly points out that in July of 2013, the Legislature amended Section 3.1-10-5 of the Illinois Municipal Code, which now provides in pertinent part:

> (b) A person is not eligible to take the oath of office for a municipal office if that person is, **at the time required for taking the oath of office**, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.
>
> (b-5) A person is not eligible to hold a municipal office, if that person is, at any time during the term of office, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

65 ILCS 5/3.1-10-5 (Emphasis added) (Source: P.A. 97-1091, eff. 8-24-12; 98-115, eff. 7-29-13.)

24. Prior to its amendment by Public Act 98-115, Section 3.1-10-5 stated more broadly that a person "is not eligible for an elective office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality." 65 ILCS 5/3.1–10–5 (West 2006). Thus, a candidate would have been prevented from seeking election if in arrears.

25. The Objector's Petition indicates a mistaken reliance on the language of Section 3.1-10-5 prior to the amendment. After the amendment, it appears than an arrearage would merely prevent a candidate from taking the oath of office as opposed to preventing a candidate from seeking election to such office.

26. The Objector further relies on Cinkus, in which the Illinois Supreme Court held that a candidate was not eligible to run for village trustee because he was in arrears of a debt owed to the village at the time he filed his nomination papers. Supra, at 1024 - 1025.

The Cinkus Court restricted ballot access for a candidate who owed $100.00 to the Village of Stickney at the time he signed the mandatory oath on his Statement of Candidacy form stating he was, at the time of signing, qualified to hold the office sought. Id.

27. The Objector acknowledges the fundamental principle of statutory construction—that a statute must be given its plain and ordinary meaning. See e.g., Paris v. Feder, 179 Ill. 2d 173, 177 (1997); Abrahamson v. Illinois Department of Professional Regulation, 153 Ill. 2d 76, 91 (1992) ("The best evidence of legislative intent is the language used in the statute itself, which must be given its plain and ordinary meaning.") Nevertheless, he argues that despite the amendment, the Legislature did not intend reverse Cinkus and puts forth several arguments in support.

28. First, the Objector argues that in determining what the Legislature was trying to accomplish with the amendment of Section 3.1-10-5, as prescribed in Cinkus and its progeny, provisions of the Election Code and of the Illinois Municipal Code should be considered *in pari materia* for purposes of statutory construction. Citing Maksym v. Board of Election Commissioners, 242 Ill.2d 303, 950 N.E.2d 1051 (2011). See *Transcript of Proceedings, 12-23-14, ("Transcript"), page 48, line 6 – 11*. That if in fact the Legislature wanted to reverse Cinkus, they should have not only amended Section 3.1-10-5 of the Illinois Municipal Code, but they should have amended the Election Code as well. *Transcript, page 48, line 18-24*.

29. Second, the Objector argues that further evidence that the legislature had no intention of reversing Cinkus is that they didn't expressly do so. *Transcript, page 54, line 5-11*. Moreover, if the legislature intended to speak of future events or contingencies, they

know how to do that and would have used language similar to the requirement of the filing of the receipt for the Statement of Economic Interests. For example, the Objector argues the legislature could have amended the Statement of Candidacy requirements to say: "I am qualified for such office or will be so qualified prior to the date of my taking the oath of office" but instead left the oath phrased in the present tense. *Transcript, page 57, lines 4-13 and page 51, lines 9-12.*

30. Finally, the Objector argues that an alternative theory of what the legislature was actually trying to do by amending Section 3.1-10-5 was to prevent the hardship that would be created by having to remove a candidate from office through *quo warranto* proceedings by allowing a candidate to cure this type of defect prior to taking the oath of office. *Transcript, page 55.*

31. While the Objector's arguments are compelling, the fact remains that because the legislature amended an unambiguous statute, that amendment "indicates a purpose to *change the law*, and the Illinois Supreme Court has held that a statutory amendment is an appropriate source of discerning legislative intent." (Emphasis added.) Indiana Harbor Belt R.R., 102 Ill.App.3d at 815, 58 Ill.Dec. 162, 430 N.E.2d 104 citing O'Connor v. A & P Enterprises, 81 Ill.2d 260, 41 Ill.Dec. 782, 408 N.E.2d 204 (1980). It would be difficult to argue, nor was there any argument put forth here, that changing the timeframe within which the requirement to satisfy municipal debts must be met was an attempt to clarify an ambiguous statute.

32. Furthermore, it is equally unlikely that the legislature was unaware of the Cinkus decision. The Objector acknowledges that "knowledge of court decisions by the legislature is presumed." *See Objector's Response to Motion to Strike and Dismiss, page*

2. In fact, the courts have held that when statutes are enacted after court decisions are published, it "must be presumed that the legislature acted with knowledge of the prevailing case law." People v. Hickman, 163 Ill.2d 250, 262, 206 Ill.Dec. 94, 644 N.E.2d 1147 (1994).

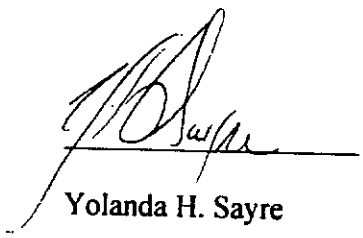
33. Therefore, it is much more likely that the Legislature was attempting to reverse the holding in Cinkus by amending Section 3.1-10-5. In fact, "[w]hen the legislature has made a material amendment to a statute after judicial interpretation of the statute, it is presumed that the legislature intended to effect a change in the law." Benno v. Central Lake County Joint Action Water Agency, 242 Ill.App.3d 306, 609 N.E.2d 1056, 1059 (1993), Citing DeGrand v. Motors Insurance Corp. (1992), 146 Ill.2d 521, 526, 167 Ill.Dec. 944, 588 N.E.2d 1074. Absent any evidence of any other legislative intent, such a presumption should prevail.

34. In addition to his argument that the Objector's Petition should be dismissed because Section 3.1-10-5 was amended; and therefore, any alleged indebtedness at the time of filing his nomination papers is irrelevant, the Candidate raises several constitutional challenges to the denial of ballot access for reasons of indebtedness. For example, the Candidate argues that denial of ballot access in this instance would violate the Equal Protection Clause and the First Amendment. He also makes various historical arguments equating such denial of ballot access to "poll taxes" and "taxation without representation." *Transcript, page 41, line 20-24; page 42, line 18-23; page 44, line 19-21.*

35. This Board, however, lacks authority to even entertain the question of whether a statute is constitutional. Goodman v. Ward, 241 Ill.2d 398, 411, 948 N.E. 2d 580, 588 (2011).

Thus, those arguments, although preserved for appeal, were not addressed by the Hearing Officer.

36. For the forgoing reasons, the Hearing Officer recommends that the Motion to Strike and Dismiss the Objector's Petition be GRANTED and that the OBJECTIONS of MS. URSULA COLEMAN be OVERRULED. However, the validity of the Candidate's Nomination Papers may ultimately be determined in the related case of —15-EB-ALD-094.



Yolanda H. Sayre

Hearing Officer