

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

Objections of: STEVEN SALTZMAN and)
TERRY A. FEINGOLD)
)
To the Nomination) No.: 19-EB-ALD-007
Papers of: NATHAN BENJAMIN MYERS)
) Rel.: 19-EB-ALD-057
)
Candidate for the office of Alderman 49th)
Ward of the City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse, and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairwoman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of STEVEN SALTZMAN and TERRY A. FEINGOLD (“Objectors”) to the nomination papers (“Nomination Papers”) of NATHAN BENJAMIN MYERS, candidate for the office of Alderman for the 49th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 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 Chair of the Electoral Board and served upon the members of the Electoral Board, the Objectors 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 Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Ellen K. Raymond for further hearings and proceedings.

6. The Objectors 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 Objectors, STEVEN SALTZMAN and TERRY A. FEINGOLD, and/or their Attorney, SCOTT B. ERDMAN.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that multiple attempts to serve the Candidate by certified mail and personal service by the Sheriff's office were unsuccessful, with an affidavit of service from Sheriff deputy, Star # 10684, on December 7, 2018, stating unavailability for service because "Per Mr. Jones, no such person at address." The service was made to the address listed on the Candidate's Nomination Papers. A candidate cannot evade the effects of a duly filed objection by being unavailable for service of the papers. *Gladstein v. Beachman*, 15-EB-ALD-029 (Chicago Electoral Bd., 2014). The Hearing Officer found, therefore, that the Candidate was in default.

8. The Hearing Officer further found that the Candidate filed an incorrect version of the Statement of Economic Interests ("SEI") form that was required to be timely filed in relation

to her candidacy pursuant to 10 ILCS 5/10-5 and the Illinois Governmental Ethics Act, 5 ILCS 420/1, *et seq.* The Candidate filed an ethics disclosure form created by the City of Chicago and to be filed with the Chicago Board of Ethics, whereas the Candidate was required to file the SEI form created by and to be filed with the Cook County Clerk's office. Filing the wrong version of the SEI form (or no SEI form at all) is a fatal flaw to a candidacy. *Cortez v. Municipal Officers Electoral Bd. for the City of Calumet City*, 2013 IL App (1st) 130442 ¶¶26-34. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid

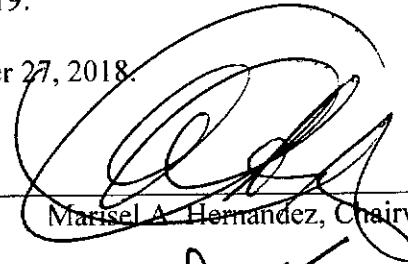
9. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

10. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.


(continued on next page)

IT IS THEREFORE ORDERED that the Objections of STEVEN SALTZMAN and TERRY A. FEINGOLD to the Nomination Papers of NATHAN BENJAMIN MYERS, candidate for the office of Alderman for the 49th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of NATHAN BENJAMIN MYERS, candidate for the office of Alderman for the 49th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

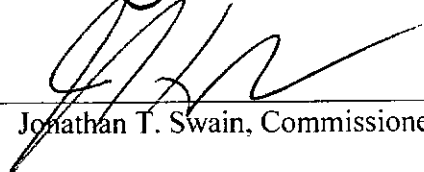
Dated: Chicago, Illinois, on Thursday, December 27, 2018.



Marisel A. Hernandez, Chairwoman



William J. Kresse, Commissioner



Jonathan T. Swain, 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.