

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

Objections of: INGLESIA TONEY)	
)	
)	
To the Nomination)	No.: 19-EB-ALD-042
Papers of: EDWARD WARD)	
)	
)	
Candidate for the office of Alderman 24th)	
Ward of the City of Chicago)	
)	
)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting the of 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, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of INGLESIA TONEY (“Objector”) to the nomination papers (“Nomination Papers”) of EDWARD WARD, candidate for the office of Alderman for the 24th 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 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 Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Edna Turkington 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, INGLESIA TONEY, and/or her Attorneys Kevin Morphew or Michael J. Kasper; and the Candidate, EDWARD WARD, pro se.

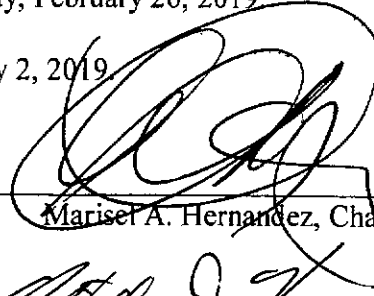
7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate failed to file a Statement of Candidacy form with the Nomination Papers, nor did the Candidate timely file a receipt for a Statement of Economic Interests form. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

8. 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.

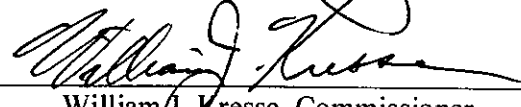
9. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of INGLESIA TONEY to the Nomination Papers of EDWARD WARD, candidate for the office of Alderman for the 24th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of EDWARD WARD, candidate for the office of Alderman for the 24th 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

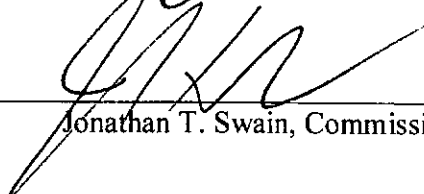
Dated: Chicago, Illinois, on Wednesday, January 2, 2019



Marisel A. Hernandez, Chair



William J. Kresse, Commissioner



Jonathan T. Swain, Commissioner

Date of Service: January 8, 2019

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.

Appearance form, and (iv) a copy of the Objection Petition filed against the Candidate's Nomination Papers. The Candidate further executed a waiver of any additional notice of the Electoral Board's initial meeting or hearings or service of the Call by either registered or certified mail or by Sheriff's service as provided by Section 10-10 of the Election Code (10 ILCS 5/10-10).

Additionally, the parties acknowledged having read and understood the Rules of Procedure. The hearing officer stressed the importance of meeting filing deadlines, emphasized Rule 6 concerning the procedure and deadlines when the records examinations are completed and Rule 16 with respect to the necessity of redacting personal identity information in documents.

The Hearing Officer received into evidence the following documents:

1. **Group Exhibit A**, consisting of the Candidate's Nomination Papers for candidate for election to the office of Alderman of the 24th Ward of the City of Chicago, County of Cook, State of Illinois, including the candidate's petition sheets..
2. **Group Exhibit B**, consisting of Objector's Petition, including any exhibits, appendices or attachments thereto.
3. **Group Exhibit C**, consisting of proof of service of the Call to each Objector and of the Call and the Objector's Petition to the Candidate.

4. **Group Exhibit D**, consisting of completed Appearance forms of all the parties, Non-Disclosure forms filed by the Objector and Candidate. Waivers by both parties of statutory service of initial meeting or hearings of service of the Call by registered or certified mail or by Sheriff's service as provided by Section 10-10 of the Election Code (10 ILCS 5/10-10).

ISSUES IDENTIFIED BY THE PARTIES

The parties identified the factual and legal issues involved in the case.

The objections to the Nomination Papers of **EDWARD WARD** for election to the office of Alderman of the 24th Ward of the City of Chicago, State of Illinois, County of Cook to be voted upon at the February 26, 2019, Municipal General Election, included the following:

1. Whether the Candidate filed a Statement of Candidacy as required by the Illinois Election Code.
2. Whether the Candidate filed a receipt with Chicago Board of Election Commissioners with his Nomination Papers evidencing that he had filed a 2018 Statement of Economic Interests with the Cook County Clerk;

EVIDENTIARY HEARING

An evidentiary hearing was held on December 18, 2018. Both parties appeared and presented evidence.

The Objector's attorney presented a copy of the Candidate's Receipt for Nomination Papers - City of Chicago for the February 26, 2019 Municipal Election for all documents filed by the Board of Election Commissioners for the City of Chicago. The receipt is dated November 26, 2018. The receipt indicated that the following items were not filed by the Candidate.

1. Statement of Candidacy
2. Receipt for 2018 Statement of Economic Interests
3. Loyalty Oath (This document is optional).

The hearing officer inspected all of the documents and filings contained in the entire original Chicago Board of Election Commissioners file of all papers and documents filed with respect to the Candidate's Nomination Papers. After a due diligence search, the hearing officer did not find any of the above three documents in the file kept by the Board of Election Commissioners for the City of Chicago.

During the Candidate's presentation, he did admit that he had not filed a Statement of Candidacy or the receipt for his 2018 Statement of Economic Interests with his nomination

papers. However, in his defense, the Candidate stated that he had completed the Statement of Candidacy (Candidate's Exhibit E). He also presented his 2018 Statement of Economic Interests to be filed with the County of Cook (Candidate's Exhibit F). Neither of these documents had been filed with his nomination papers. The Candidate requested additional time to file the documents with the Election Commissioners for the City of Chicago.

Section 10-5 of the Election Code requires that a candidate's nomination papers include a Statement of Candidacy setting out the name and address of the candidate, the office for which he or she is a candidate, and stating that the candidate is qualified for the office specified and that the candidate has filed (or will file before the end of the filing period) a Statement of Economic interests as required by the Illinois Governmental Ethics Act. The statement of candidacy shall request that the candidate's name be placed upon the official ballot and shall be in substantially the form set forth in Section 10-5 and shall be subscribed and sworn to by the candidate before some officer authorized to take acknowledgments of deeds in the State of Illinois. The last date to file nomination papers for the February 26, 2019 Municipal General Election for the City of Chicago was November 26, 2018. The failure to file a Statement of Candidacy renders the candidate's nomination papers invalid. *Segvich v. Catezone*, 12-EB-WC-13 (Chicago Electoral Board 2012.)

Fact that the Statements of Candidacy were not filed simultaneously with his nomination petitions does not mandate removal of the candidate's name from the ballot. *Barnes v. Benas*, 95-EB-ALD-214 (Chicago Electoral Board 1995). However, the Election Code does require that the Statement of Candidacy be filed during the filing period. *Washington v Means*, 11-EB-

ALD-124 (Chicago Electoral Board 211). Candidate's failure to timely file his Statement of Candidacy as required by Section 10-5 of the Election Code invalidated his nomination petitions. Conda v. Young, 87-EB-ALD-123 (Chicago Electoral Board 1987).

FINDINGS AND RECOMMENDATION

Nomination papers are invalid when the Candidate fails to file a Statement of Candidacy with the Chicago Board of Election Commissioners . Further, nomination papers are invalid when the Candidate fails to file a receipt evidencing the filing with the County Clerk a Statement of Economic Interests with the Chicago Board of Election Commissioners. Brown v Hobbs, 91-EB-ALD-159 (Chicago Electoral Board 1991). . Henning v. Lawrence (Chicago Electoral Board 2007), affirmed Lawrence v Board of Election Commissioners, et al., Cir Ct. Cook County ,2007 COEL 0008, affirmed Illinois Appellate Court, No. 1-07-0286 (unpublished order).

For the foregoing reasons, the Objections of **INGLESA TONEY** to the Nomination Papers of **EDWARD WARD** , candidate for Alderman of the Twenty-Fourth (24th) Ward of the City of Chicago, County of Cook, State of Illinois , are hereby sustained and said Nomination Papers are hereby declared invalid and the name of **EDWARD WARD** , candidate for the office of Alderman of the Twenty-Fourth (24th) Ward of the City of Chicago, County of Cook, State of Illinois, should not be printed on the official ballot for the General Primary Election to be held February 26, 2019.

/s/ Edna Turkington

Edna Turkington

Hearing Officer

Dated; December 29, 2018