

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

Objections of: Eileen Jackson)
)
)
To the Nomination) No.: 12-EB-WC-29
Papers of: Carmelita P. Earls)
)
Candidate for the office of Democratic Party)
Ward Committeeman for the 28th Ward, City)
of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for 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 Eileen Jackson (“Objector”) to the nomination papers (“Nomination Papers”) of Carmelita P. Earls, candidate for the office of Democratic Party Ward Committeeman for the 28th Ward in the City of Chicago (“Candidate”) to be elected at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011 at 8:30 AM, 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 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Terence Flynn for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board 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, Eileen Jackson, by attorney, James P. Nally; and the Candidate, Carmelita P. Earls, pro se.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

9. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records

examination is contained in the Electoral Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 523;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,288;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 851;

D. The remaining number of signatures deemed valid as a result of the records examination total 437.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Democratic Party Ward Committeeman for the 28th Ward of the City of Chicago.

14. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. 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's Nomination Papers contained only 471 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a

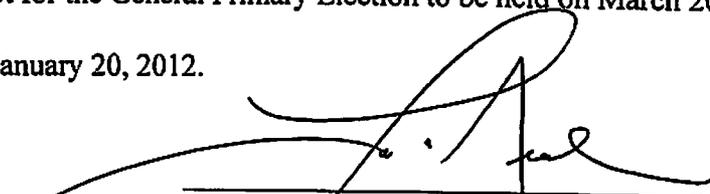
candidate for election to the office of Democratic Party Ward Committeeman of the 28th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

16. 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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

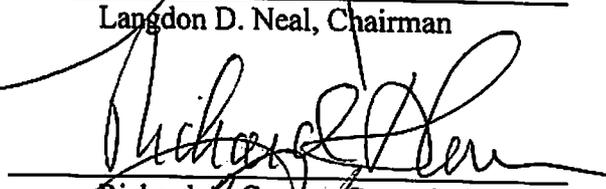
17. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Carmelita P. Earls are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of Eileen Jackson to the Nomination Papers of Carmelita P. Earls, candidate for the office of Democratic Party Ward Committeeman for the 28th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Carmelita P. Earls, candidate for the office of Democratic Party Ward Committeeman for the 28th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

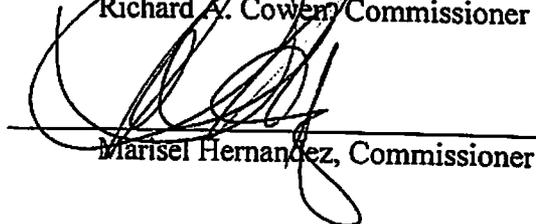
Dated: Chicago, Illinois, on January 20, 2012.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel 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 FOR THE
HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF
CANDIDATES FOR THE MARCH 20, 2012 GENERAL PRIMARY ELECTION IN THE
CITY OF CHICAGO**

Eileen Jackson,)	
Objector)	
vs.)	12-EB-WC-29
)	28th Ward
Carmelita P. Earls,)	
Candidate)	Recommendation: Candidate off ballot
)	

**Report and Recommendation of Hearing Officer
Terence E. Flynn**

2012 JAN 16 A 8:01
BOARD OF ELECTIONS
COMMISSIONER

Summary:

After the Rule 6 examination, the Candidate was 86 signatures below the minimum signature requirement for the office sought. Despite untimeliness and other alleged problems with her Rule 8 filings, over Objector's attorney's objection, a full Rule 8 evidentiary hearing was held on 1/11/12. After introduction of affidavits and a comparison of signature clips to Nomination Papers, at the conclusion of the Rule 8 evidentiary hearing, the Candidate was still 52 signatures below the minimum signature requirement and thus failed to qualify for the ballot.

Discussion:

- 1) This matter was assigned by the Board to the undersigned Hearing Officer and the first hearing was held on December 19, 2011. The candidate appeared pro se and the objector appeared by attorney James Nally. Upon review of the Objector's Petition, it appeared that a Rule 6 examination was appropriate and the matter was sent to that process. (The candidate also filed a Motion to Strike to which the objector responded in writing, but the Motion was without merit; it was denied and the Rule 6 examination went forward.)

- 2) After interim statuses while awaiting the Rule 6 results, the Rule 6 final results were received by the parties on December 31, 2011. Each party filed a Rule 8 Motion. The candidate later also

filed a Motion requesting signature clips for certain of the signatures in her Nomination papers to which objections had been sustained in the Rule 6 examination. After a status on January 5, 2012, at which time a scheduling order was entered, the Rule 8 evidentiary hearing was scheduled for January 11, 2012.

- 3) At the Hearing on January 11th, the candidate requested to go forward with proof by the submission of affidavits (30 in number) and a comparison to be made by this Hearing Examiner of the signature cards and clips with the signatures on the nomination sheets (circa 110 signatures). The objector's attorney strenuously objected due to not having received certain of the moving papers in apparent non-conformance with the scheduling order previously entered. After I allowed time for the attorney's review, without waiver to his objections, the objector's attorney suggested that the matter be "short-circuited" and the remainder of the day was spent in the Rule 8 hearing.
- 4) I note that the parties had the final Rule 6 results on December 31st, 11 days before the Rule 8 hearing and therefore had eleven days to investigate and gather evidence. I also note that the parties had 6 days from the last scheduling hearing (1/5/12) to the time of the evidentiary hearing (1/11/12) to gather their evidence for presentation. No party objected to proceeding to Hearing because of an inadequate time period to gather evidence.
- 5) At the Rule 8 evidentiary hearing, the candidate initially sought to admit 29 affidavits. (The transcript of the 1/11/12 hearing was not available as of the writing of this Report.) Three affidavits were not admitted because they were not complete when signed. Five others were withdrawn on grounds such as the signature was already in candidate's column. Twenty-one (21) signatures were rehabilitated by the affidavit process. The candidate then requested that the Hearing Officer review the calls of the Rule 6 examiner and the handwriting expert by comparing the signature cards and clips to the nomination sheets, without any further extrinsic evidence being offered into evidence. Thirteen (13) signatures were rehabilitated in this manner, over the objection of the objector's attorney.
- 6) At the conclusion of this process, the candidate had no further evidence to offer, nor did she request any further time. She rested her Rule 8 rehabilitation attempt. The total thus added to her column was 34 signatures, far short of the amount needed to overcome the 86-signature

deficit. Thus the candidate fell 52 signatures below the minimum signature requirement of 523.

Therefore, it is the recommendation of this Hearing Officer that the name Carmelita P. Earls not appear on the ballot in the election of March 20, 2012 for Ward Committeeman (Democratic party) for the 28th Ward.

Dated: January 16, 2012

s/ Terence E. Flynn
Hearing Officer