

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

Objections of: HARRIETTE A. MIMMS)
)
)
To the Nomination) No.: 15-EB-ALD-050
Papers of: CLARENCE D. CLEMONS)
)
Candidate for the office of)
Alderman of the 3rd 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 HARRIETTE A. MIMMS (“Objector”) to the nomination papers (“Nomination Papers”) of CLARENCE D. CLEMONS, candidate for the office of Alderman of the 3rd 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 Christopher Agrella 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, HARRIETTE A. MIMMS, by her attorney, James P. Nally P.C.; and the Candidate, CLARENCE D. CLEMONS, pro se.

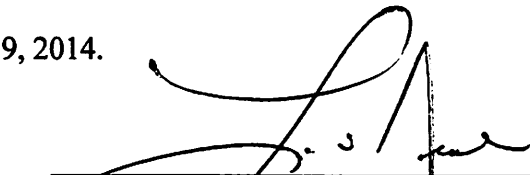
7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found the Candidate's nominating petition sheets contained on the face of said sheets fewer signatures than the 473 signatures of legal voters required by law. The Hearing Officer recommends, therefore, that the Objections be sustained and that the Candidate's Nomination Papers be declared 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. 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.

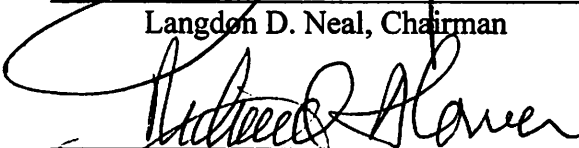
9. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of HARRIETTE A. MIMMS to the Nomination Papers of CLARENCE D. CLEMONS, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CLARENCE D. CLEMONS, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

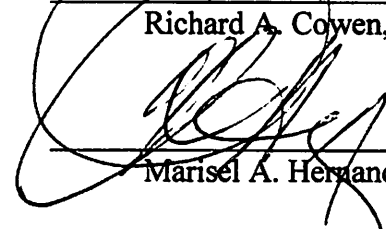
Dated: Chicago, Illinois, on December 19, 2014.



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.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PETITIONS OF
CANDIDATES FOR THE FEBRUARY 24, 2015, MUNICIPAL GENERAL ELECTION
IN THE CITY OF CHICAGO**

HARRIETTE A. MIMMS,)	
)	
Petitioner – Objector,)	
)	
v.)	No. 15 EB ALD 050
)	
)	
CLARENCE D. CLEMONS,)	
)	
Respondent – Candidate.)	
)	

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing officer on December 9, 2014. The matter was set on the call for 10:30 a.m., and at 10:30 a.m. the matter was first called for hearing. Objector was represented by counsel, James P. Nally, Esq. The candidate appeared *pro se*. Each filed their respective appearances and filed executed non-disclosure and confidentiality agreements.

The candidate timely filed nomination papers to be placed on the ballot for election as Alderman of the 3rd Ward of the City of Chicago, to be voted upon at the February 24, 2015, Municipal General Election.

The file contained the original petition papers of the candidate and the objections of the objector, which were marked Exhibit A and Exhibit B, respectively.

The objection raised two issues: 1) that the nomination papers, even if every single petition signature were to be deemed valid, contained an insufficient number of petition signatures to reach the minimum required signatory level, which is 473; 2) several pages, to-

wit, 17, 22, and 23 were duplicate numbered, such that these pages should not be counted.

The parties were informed of the briefing schedule for any preliminary motions and upon inquiry the hearing examiner was informed by both sides that neither intended any such motions.

The hearing officer reviewed the nomination papers in light of the two issues raised by the objection, and determined the objection's claims, as to both issues raised, was correct.

Thereupon the hearing officer stated on the record that, even if the candidate were to be given credit for every single petition signature on his nomination papers, even leaving aside the duplication, the candidate would, at most, possess 397 signers in support of his nomination, 76 signatures short of the required minimum.

At this juncture the hearing officer inquired of the candidate as to what the candidate's position was as to this potentially fatal deficiency in his nomination papers, at which point the candidate acknowledged both the accuracy of the deficit and that the deficiency existed simply as a result of an inability to gather sufficient signatures.

Objector then made an oral motion seeking a summary ruling by the hearing officer recommending the Board declare the nomination papers deficient and invalid, and that the candidate's name not appear on the ballot.

The hearing officer stated that it would be his recommendation to this Board to grant objector's motion, sustain the objection, declare the candidate's nomination papers deficient and invalid, and further declare that the name of the candidate not appear on the ballot for election as Alderman of the 3rd Ward of the City of Chicago to be voted upon at the February 24, 2015, Municipal General Election

This hearing officer recommends that the Board accept the above findings and

decisions, that the objection of the objector, Harriette A. Mimms, be sustained, that the nomination papers of the candidate, Clarence D. Clemons, for the office of Alderman of the 3rd Ward of the City of Chicago be declared invalid and insufficient, and that the candidate's name not appear on the ballot for the February 24, 2015, Municipal General Election in the City of Chicago.

Christopher J. Agrella
Hearing Officer
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Barrington, Illinois 60010
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Respectfully Submitted,


Christopher J. Agrella – Hearing Officer