

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

Objections of: Eileen E. Jackson)	
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)	
To the Nomination)	No.: 11-EB-ALD-160
Papers of: Carmelita P. Earls)	
)	Related Case: 11-EB-ALD-188
Candidate for the office of)	
Alderman of the 28th 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 Eileen E. Jackson (“Objector”) to the nomination papers (“Nomination Papers”) of Carmelita P. Earls, candidate for the office of Alderman of the 28th Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, 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 was held on these Objections commencing on December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer William J. Cadigan 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 Call. The following persons, among others, were present at such hearing; the Objector, Eileen E. 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 were 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 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 152.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,020.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 799.

D. The remaining number of signatures deemed valid as a result of the records examination total 221.

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

14. No motions were filed by either party pursuant to Rule 8 of the Board's Rules of Procedure.

15. An evidentiary hearing was held in which the Objector withdrew all allegations except allegations pertaining to whether the nominating papers were securely fastened and whether the candidate was ineligible to run for office because of an outstanding indebtedness to the City of Chicago.

16. The Electoral Board finds that the objection regarding whether the nominating papers were securely fastened was correctly overruled by the Hearing Officer in that no evidence was presented to support the objection.

17. The Hearing Officer addressed the issue of whether the candidate was ineligible as a result of an indebtedness contemplated by Section 3.1-10-5(b) which provides that:

(b) 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 or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

The objector based his argument on the case of Cinkus v the Village of Stickney Municipal Officers Electoral Board, 886 N.E.2d 1011, 228 Ill. 2d 200 (2008).

In Cinkus, a candidate, John Cinkus (“Cinkus”) sought to run for village trustee. After Cinkus filed his nominating papers, he received notice by way of an objection that he owed a debt to the village in the amount of \$100 which remained unpaid at the time he filed in his nominating papers. The objection alleged that Section 3.1-10-5(b) precluded Cinkus from running for office because he was in violation of said section. The court determined that the indebtedness resulted in the candidate being ineligible to run for office.

18. In the instant case, the only evidence of indebtedness presented was regarding an amount owed to the Cook County Assessor.

19. The Electoral Board finds that the Hearing Officer correctly concluded that the Cinkus case provides no support for the conclusion that a debt purportedly owed to Cook County would bar a candidate from seeking office in the City of Chicago.

20. The Electoral Board further finds that the Hearing Officer correctly found that the City of Chicago Department of Revenue letter offered by the Candidate conclusively rebutted any claim that the candidate was in arrears on debts to the City of Chicago.

21. 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 221 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

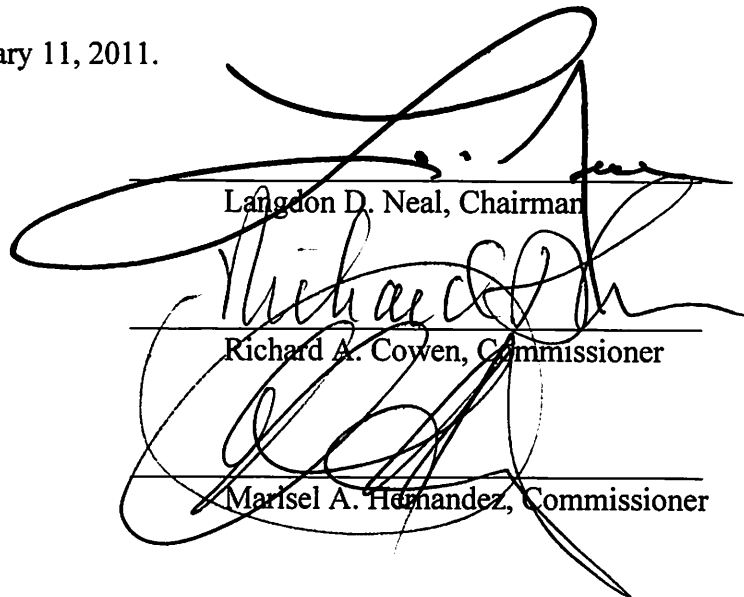
22. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

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

24. The Electoral Board also finds that the Candidate's Nomination Papers were found to be valid in Related Case 11-EB-ALD-188.

IT IS THEREFORE ORDERED that the Objections of Eileen E. Jackson to the Nomination Papers of Carmelita P. Earls, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CARMELITA P. EARLS, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 11, 2011.



Largdon 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.