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**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 FEBRUARY 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: BEVERLY J. CATHERINE and FLORENCE V. STREETER	)	
To the Nomination Papers of: CAROLYN CHALMERS (C.C. FOR THE PEOPLE)	)	No.: 99-EB-ALD-106
Candidate for the office of Alderman of the 20th 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 Theresa M. Petrone, 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 BEVERLY J. CATHERINE and FLORENCE V. STREETER to the nomination papers ("Nomination Papers") of CAROLYN CHALMERS (C.C. FOR THE PEOPLE), candidate for the offices of Alderman of the 20th Ward in the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, 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(s) 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 28, 1998 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objectors BEVERLY J. CATHERINE and FLORENCE V. STREETER, by counsel, and the Candidate, CAROLYN CHALMERS (C.C. For the People), pro se.

6. The Electoral Board assigned this matter to Hearing Examiner RICHARD GIRARD for further hearings and proceedings.

7. The Electoral Board ordered that an examination of the registration records be conducted by its 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 Electoral Board directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate was present during the examination of the registration records.

10. The Objector or their duly authorized representatives 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 Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties.

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 150;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 629;

    c. The number of signatures deemed invalid because of objections sustained on allegations other than the circulator's registration total 426;

    d. The remaining number of signatures deemed valid total 203; and

    e. The Electoral Board reserves any findings on objections regarding the registration of the circulator, which would have the effect, if sustained, of invalidating all 629 signatures.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition is above 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 Alderman of the 20th Ward of the City of Chicago if the objections based on the registration status of the circulator are not considered.

15. Paragraph 5a of the Objectors' petition alleges that the Candidate failed to file a statement of economic interests with the Cook County Clerk.

16. Paragraph 5b of the Objectors' petition alleges that the Candidate failed to file a receipt with her Nomination Papers showing the filing of a statement of economic interests with the Cook County Clerk. Section 10-5 of the Election Code (10 ILCS 5/10-5) provides that nomination papers are not valid if the candidate fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interest in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of the candidate and the statement of economic interests of the candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

17. The Illinois Governmental Ethics Act requires that persons who are candidates for nomination or election to office in a unit of local government to file their statements of economic interest with the county clerk of the county in which the principal office of the unit of local government is located. (5 ILCS 420/4A-101(g), 4A-106) Therefore, candidates for nomination or election to office in the City of Chicago are required to file their statements of economic interests with the Cook County Clerk.

18. Because statements of economic interests of candidates for nomination or election to the office of Alderman in the City of Chicago are required to be filed with the Cook County Clerk, and the nomination papers of those candidates are required to be filed with the Chicago Board of Election Commissioners, those candidates are required by Section 10-5 of The Election Code to file with the Chicago Board of Election Commissioners a receipt from the Cook County Clerk showing the date on which the candidates' statement of economic interests were filed. Such receipt was required to be filed with the Chicago Board of Election Commissioners not later than the last day on which nomination papers were permitted to be filed, or December 14, 1998.

19. The Electoral Board finds that the Candidate failed to file with the Chicago Board of Election Commissioners not later than December 14, 1998, a receipt from the Cook

County Clerk showing the date on which the Candidate's statement of economic interests was filed.

20. The Electoral Board finds that the Candidate failed to file a statement of economic interests in relation to her candidacy with the Cook County Clerk on or before December 14, 1998.

21. The Electoral Board finds that the failure to file with the Chicago Board of Election Commissioners a receipt showing that the Candidate filed a statement of economic interests with the Cook County Clerk invalidates the Candidate's Nomination Papers. *Bolger v. Electoral Board of City of McHenry,* 210 Ill.App.3d 958, 569 N.E.2d 628 (Second Dist. 1991); *Mobley v. Beard,* CBEC, 95-EB-MUN-7 (January 23, 1995); *Geiren v. Norris,* CBEC, 95-EB-ALD-44 (January 17, 1995); *Jackson v. Washington,* CBEC, 95-EB-ALD-85 (January 23, 1995); *Williams v. Brown,* CBEC, 95-EB-ALD-131 (January 27, 1995); *Robinson v. Nalls,* CBEC, 95-EB-ALD-181, (January 28, 1995).

22. Paragraph 8 of the Objectors' petition alleges that the Candidate is not a registered voter as required by law.

23. Section 3.1-10-5 of the Municipal Code (65 ILCS 5/2.1-10-5) requires that candidates for the office of Mayor, City Clerk, City Treasurer and Alderman be a registered voter who has resided in the City of Chicago at least one year next preceding the election.

24. The Electoral Board finds that the Candidate, CAROLYN CHALMERS, is not a registered voter in the City of Chicago. Therefore, paragraph 8 of the Objectors' petition is sustained.

25. Paragraph 10 of the Objectors' petition alleges that the Candidate failed to file a signed and notarized statement of candidacy as required by law.

26. Section 10-5 of the Election Code (10 ILCS 5/10-5) states in part that a statement of candidacy "shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deed in this State."

27. The Electoral Board finds that the Candidate, CAROLYN CHALMERS, failed to sign and notarize her statement of candidacy. Therefore, paragraph 12 of the Objector's petition is sustained.

28. The Electoral Board finds that the failure to sign and notarize the statement of candidacy invalidates the Candidate's Nomination Papers. The failure to swear to or sign the statement of candidacy renders it null and void. The word "shall" in statutes providing that a statement of candidacy shall be subscribed and sworn to by candidates required the candidate to subscribe and swear to the statement of candidacy. *Serwinski v. Chicago Board of Election Commissioners,* 156 Ill.App.3d 257, 509 N.E.2d 509 (First Dist. 1987); *Richardson v. Carr,* 90-EB-CON-20, CBEC, January 12, 1990.

29. Paragraph 11 of the Objectors' petition alleges that the Candidate's statement of candidacy included designations other than the Candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, in violation of the law.

30. Section 10-5.1 of the Election Code (10 ILCS 5/10-5.1) states in part that "no other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman."

31. The Electoral Board finds that the phrase "C.C. FOR THE PEOPLE" is not a nickname or a part of the Candidate's given name commonly used by the Candidate. Rather, the Board finds that the phrase "C.C. FOR THE PEOPLE" is a phrase that expresses a campaign message or a characteristic position or stand or a goal to be achieved and the legislature did not intend for such slogans to be permitted on the election ballot under the guise of a "nickname." *In Les (Cut the Taxes) Golden v. Cook County Officers Electoral Board*, 96 C 1283 (N.D. Ill).

32. The Electoral Board finds that the use of "C.C. FOR THE PEOPLE" on the Candidate's statement of candidacy invalidates the Candidate's Nomination Papers and paragraph 11 of the Objectors' petition is sustained.

33. Paragraph 12 of the Objectors' petition alleges that the there is a lack of uniformity regarding the Candidate's name between the statement of candidacy, which lists the Candidate' name as "CAROLYN CHALMERS (C.C.-FOR THE PEOPLE)," and the petition nominating sheets filed by the Candidate, which list the Candidate's name as "CAROL CHALMERS."

34. The Electoral Board finds that the lack of uniformity regarding the Candidate's name between her Statement of Candidacy and her petition nominating sheets causes confusion not only to election officials, but more importantly to the persons who signed the Candidate's nominating petitions because they may not have known that they were nominating "CAROLYN CHALMERS (C.C. – FOR THE PEOPLE)" whose name appears on the Statement of Candidacy filed by this Candidate instead of "CAROL CHALMERS" whose name appeared in the heading of the petition sheets presented to them at the time of signing the petition.

35. The Electoral Board finds, therefore, that the inconsistency and lack of uniformity in the name of the Candidate as it appears on the Statement of Candidacy and on the Candidate's petition sheets invalidates the Candidate's Nomination Papers and paragraph 12 of the Objectors' petition is sustained.

36. The Electoral Board finds, therefore, that the Nomination Papers of CAROLYN CHALMERS (C.C. FOR THE PEOPLE) are invalid and sustains paragraphs 5a, 5b, 5e-5x (with the exception of paragraph 5m alleging that the circulator of the petitions was not a registered voter), 8, 10, 11 and 12 of the Objectors' petition. The Electoral Board does not make any finding regarding paragraph 5m of the Objectors' petition.

IT IS THEREFORE ORDERED, that the Objections of BEVERLY J. CATHERINE and FLORENCE V. STREETER to the Nomination Papers of CAROLYN CHALMERS (C.C. FOR THE PEOPLE), candidate for election to the office of Alderman of the 20th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CAROLYN CHALMERS (C.C. FOR THE PEOPLE), candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be held on February 23, 1999.

Dated: Chicago, Illinois, this 15th day of January, 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, 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 10 days after the decision of the Electoral Board.