NBCON-ALD

**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**

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| Objections of: LAVERN MOORE | ) | |
| | ) | |
| To the Nomination | ) | |
| Papers of: MELVIN POWERS | ) | No.: 99-EB-ALD-120 |
| | ) | |
| Candidate for the office of | ) | |
| Alderman of the 2nd Ward | ) | |

## 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 LAVERN MOORE to nomination papers ("Nomination Papers") of MELVIN POWERS, candidate for the office of Alderman of the 2nd Ward for 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 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 Objector, LAVERN MOORE, by counsel; and the Candidate, MELVIN POWERS, pro se.

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

7. The Objector alleges that the Candidate is in arrears on water bills owed to the City of Chicago and is therefore ineligible for election to the office of Alderman of the 2nd Ward for the City of Chicago.

8. The Electoral Board finds that the Candidate has no outstanding water bills with the City of Chicago. The Electoral Board further finds that objections claiming a disqualification for public office arising from an arrearage in accounts by the candidate with the municipality applies solely to the office and not to the election and will be overruled. *Batson v. Shaw,* 83-EB-ALD-035, CBEC, January 23, 1998; see *People v. Hamilton,* 24 Ill.App. 609 (1888).

9. The Electoral Board finds, therefore, that the Nomination Papers of Candidate MELVYN POWERS are valid.

IT IS THEREFORE ORDERED, that the Objections of LAVERN MOORE, to the Nomination Papers of MELVIN POWERS, candidate for election to the office of Alderman of the 2nd Ward of the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MELVIN POWERS, candidate for election to the office of Alderman of the 2nd Ward of the City of Chicago, SHALL 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 Nineteenth 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.**