NBCON-ALD

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

Objections of: PETE CRUMPTON	)	
	)	
To the Nomination	)	
Papers of: CAROLYN HIGHTOWER CHALMERS	)	No.: 03-EB-ALD-130
	)	
Candidate for the office of	)	
Alderman of the Fifth 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, Theresa M. Petrone, and Richard A. Cowen, 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 PETE CRUMPTON ("Objector") to the nomination papers ("Nomination Papers") of CAROLYN HIGHTOWER CHALMERS, candidate for the office of Alderman of the Fifth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, at 10:00 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 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner JOHN R. ASHENDEN for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Board's General Counsel, James M. Scanlon, for a case management conference to be

conducted on January 2, 2003 in the absence of the assigned Hearing Examiner. The following persons, among others, were present at such case management conference; the Objector, PETE CRUMPTON, by counsel; and the Candidate, CAROLYN HIGHTOWER CHALMERS, pro se.

7. The sole issue raised by the Objections was whether the Candidate was a qualified voter and resident within the 5th Ward for two years prior to the February 25, 2003 election as required by 65 ILCS 20/21-14(a).

8. The Objections admitted that between March 25, 1992 and December 6, 2002 the Candidate resided and was registered to vote in the 20th Ward and that between December 6, 2002 and December 16, 2002, when the Candidate signed her statement of candidacy, she was a resident of the 5th Ward. The Objector argued, however that because the Candidate did not reside in that portion of the 20th Ward that was later redistricted into the 5th Ward, the Candidate did not satisfy the residency requirement in order to run for Alderman in the 5th Ward.

9. Mr. Robert Sawicki, Assistant Executive Director for the Chicago Board of Election Commissioners, appeared at the hearing on January 13, 2003 with various official maps of the 20th Ward and the 5th Ward reflecting the boundaries of each Ward before and after the redistricting ordinances adopted by the Chicago City Council on December 19, 2001. Mr. Sawicki stated for the record that the maps show that portions of the 20th Ward became part of the new 5th Ward as a result of the redistricting ordinances.

10. Under 65 ILCS 20/21-14(a), no member may be elected to the City Council unless he or she has resided in the ward he or she seeks to represent at least two years before the date of the election. However, the statute further provides that in the election following redistricting, a candidate for Alderman may be elected from any ward containing any part of the ward in which he or she resided for the two years before the election that follows the redistricting.

11. Because the Candidate admittedly resided for at least two years in the former 20th Ward, part of which is now contained in the new 5th Ward, the Candidate does satisfy the residency requirements imposed by 65 ILCS 20/21-14(a). She was also a qualified elector in the City of Chicago for at least one year as required by 65 ILCS 5/3.1-10-5. Therefore, the Hearing Examiner recommended that the Objections be overruled.

12. The Electoral Board, having considered the applicable law and having considered all evidence and argument submitted by the parties, as well as the Hearing Examiner's report of recommended findings and conclusions of law, hereby adopts the Hearing Examiner's recommended findings and conclusions of law. Accordingly, the Electoral Board finds that the Objections are overruled and that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of PETE CRUMPTON to the Nomination Papers of CAROLYN HIGHTOWER CHALMERS, candidate for election to the

office of Alderman of the Fifth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CAROLYN HIGHTOWER CHALMERS, candidate for election to the office of Alderman of the Fifth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Twenty-Eighth day of January, 2003

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.