NBCON-ALD

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

Objections of: VIRGIL E. JONES	)	
	)	
To the Nomination	)	
Papers of: BOB LOVE	)	No.: 03-EB-ALD-157
	)	
Candidate for the office of	)	[related to 03-EB-ALD-101]
Alderman of the Fifteenth 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 VIRGIL E. JONES ("Objector") to the nomination papers ("Nomination Papers") of BOB LOVE, candidate for the office of Alderman of the Fifteenth 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 KELLYE A. KEYES 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 Examiner on the date and at the time designated in the

Call. The following persons, among others, were present at such hearing; the Objector, VIRGIL E. JONES, pros se; and the Candidate, BOB LOVE, by counsel.

7. The Candidate filed a motion to strike and dismiss the Objections and subsequent to the initial hearing, the Hearing Examiner conducted hearings in this matter. However, the Electoral Board assigned this matter to itself prior to the Hearing Examiner's filing of a report with her recommended findings and conclusions of law.

8. The Objector alleges that (a) the Candidate was not a registered voter in the Fifteenth Ward for 2 years prior to becoming a candidate for Alderman in the Fifteenth Ward; and (b) the Candidate improperly filled out an ethics statement to be filed with the City of Chicago Board of Ethics.

9. The Electoral Board finds that there exists no requirement that the Candidate be a registered voter in the Fifteenth Ward to be qualified to be a candidate for Alderman in that Ward. While 65 ILCS 5/3.1-10-5 requires that a candidate for municipal office be a qualified elector, it is sufficient that the candidate be registered to vote at the time he or she files a statement of candidacy. Therefore, the Electoral Board overrules the objections as to the Candidate's voter registration.

10. The Electoral Board finds that any failings with regard to the filing of ethics statements with the City of Chicago Board of Ethics as required by City ordinance does not invalidate the Candidate's Nomination Papers since the Electoral Board has no jurisdiction over enforcement of the ordinance and compliance or non-compliance with the ordinance does not affect ballot access. *Smith v. Sherman,* 95-EB-ALD-20 (CBEC 1995). Therefore, the Electoral Board overrules the objections as to alleged non-compliance with the City of Chicago's ethics ordinance.

11. The Electoral Board finds that the Candidate's Nomination Papers are valid.

12. The Electoral Board further finds that there are other objections to the Candidate's Nomination Papers in case number 03-EB-ALD-101 and that the Electoral Board has determined in that case that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of VIRGIL E. JONES to the Nomination Papers of BOB LOVE, candidate for election to the office of Alderman of the Fifteenth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BOB LOVE, candidate for election to the office of Alderman of the Fifteenth 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 Fifth day of February, 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.