BCCON-ALD

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

Objections of: IVORY D. MITCHELL, DHAFIR H. MAALIK and JOHN A. KELLER	)	
To the Nomination Papers of: NORMAN H. BOLDEN	)	**No.: 07-EB-ALD-010**
Candidate for the office of Alderman of the Fourth 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 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 IVORY D. MITCHELL, DHAFIR H. MAALIK and JOHN A. KELLER ("Objector(s)") to the nomination papers ("Nomination Papers") of NORMAN H. BOLDEN, candidate for the office of Alderman of the Fourth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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(s) 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Ernesto Borges, Jr. for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board 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(s), IVORY D. MITCHELL, DHAFIR H. MAALIK and JOHN A. KELLER, by counsel, Mathias Delort; and the Candidate, NORMAN H. BOLDEN, pro se.

7. The Hearing Examiner 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 Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate or his duly authorized representative was present during the examination of the registration records at all times.

10. The Objector(s) and/or their duly authorized representatives were present during the examination of the registration records at all times.

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 was made available to the parties.

12. The Electoral Board has reviewed the applicable law and has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

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 195.

B. The remaining number of signatures deemed valid as a result of the records examination total 235.

14. 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 Fourth Ward of the City of Chicago.

15. The Objector also alleges that the Candidate is ineligible to hold office and therefore be a candidate for the office of Alderman of the Fourth Ward in the City of Chicago because he is indebted to the City of Chicago.

16. Section 3.1-10-5 of the Illinois Municipal Code (65 ILCS 5/3.1-10-5) sets forth the qualifications for elective municipal office and states, "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 the municipality …."

17. Objections claiming a disqualification for public office arising from an arrearage in accounts by the candidate with the municipality apply solely to the office and not to the election and will be overruled. *Moore v. Powers,* 99-EB-ALD-120, CBEC, January 19, 1999; *Batson v. Shaw*, 83-EB-ALD-35, CBEC, January 23, 1983; see *People v. Hamilton*, 24 Ill.App. 609 (1888).

18. Section 3.1-10-5(b) of the Municipal Code precluding someone from running for municipal office if the person is in arrears in the payment of a tax or other indebtedness due to the municipality has been held unconstitutional in that it violates the equal protection clause of the Fourteenth Amendment of the United States Constitution. *People ex. rel. Cory v. Watts,* Circuit Court of Cook County, 99 Ch 10306 (Judge Aaron Jaffe, December 1, 1999).

19. For the reasons stated above, the Electoral Board overrules the Objections and finds that the Nomination Papers of NORMAN H. BOLDEN are valid.

IT IS THEREFORE ORDERED that the Objections of IVORY D. MITCHELL, DHAFIR H. MAALIK and JOHN A. KELLER to the Nomination Papers of NORMAN H. BOLDEN, candidate for election to the office of Alderman of the Fourth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of NORMAN H. BOLDEN, candidate for election to the office of Alderman of the Fourth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd day of January 2007.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner