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

Objections of: MARTHA J. BRUMMIT	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-061**
Papers of: CAROL HIGHTOWER CHALMERS	)	
	)	
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 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 MARTHA J. BRUMMIT ("Objector") to the nomination papers ("Nomination Papers") of CAROL HIGHTOWER CHALMERS, candidate for the office of Alderman of the Fifth Ward in 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 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 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 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, MARTHA J. BRUMMIT, by counsel, Roderick Sawyer; and the Candidate, CAROL HIGHTOWER CHALMERS, pro se and by counsel, Sidney Smith, for a limited appearance.

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 and/or her duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was 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 a copy has been provided to the parties.

12. The Electoral Board 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 results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 177;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 436;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 318;

D. The remaining number of signatures deemed valid as a result of the records examination total 118.

14. Based upon the evidence presented, the Hearing Examiner found that the Candidate's Nomination Papers contained only 118 valid signatures and that the Candidate's Nomination Papers should be found invalid.

15. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is less than 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 Fifth Ward of the City of Chicago.

16. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Nomination Papers of CAROL HIGHTOWER CHALMERS are not valid.

IT IS THEREFORE ORDERED that the Objections of MARTHA J. BRUMMIT to the Nomination Papers of CAROL HIGHTOWER CHALMERS, candidate for election to the office of Alderman of the Fifth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CAROL HIGHTOWER CHALMERS, candidate for election to the office of Alderman of the Fifth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 28th day of January, 2007.

Langdon D. Neal, Chairman

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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 27, 2007 MUNICPAL GENERAL ELECTIONS

Martha J. Brummit	)	
Objector(s)	)	
vs.	)	
	)	Case No. 07-EB-ALD-061
Carol Hightower Chalmers	)	
Candidate	)	
	)	

Hearing Examiner: Ernesto D. Borges, Jr.

2007 JAN 26 P 8:31

Hearing Examiner's Report and Recommended Decision

History

This matter first came before the Hearing Examiner on January 2, 2007. The case was called at 1:30 PM. Objectors appeared through their counsel, Roderick Sawyer. The Candidate, Carol Hightower Chalmers, appeared Pro Se. The matter was continued to January 12, 2007, at 1:00 PM for a records exam and argument on notary issues. The Candidate indicated that she would be providing witnesses.

On January 12, 2007, the case was called at approximately 2:00 PM, at which time, Attorney Sidney Smith filed a Limited Appearance for the Candidate and stated that the Candidate was in the hospital. A clerk of the Board also indicated to this Hearing Officer that the Candidate had called the Board informing me that she was hospitalized. The results of the records exam indicated that the Candidate had 118 valid signatures on his nominating papers, whereas the minimum requirement is 177. In light of the Candidate's medical condition, I granted until January 13, 2007 at 5:00 PM to file Rule 7 or 8 motions. This matter is set to be continued on January 16, 2007, at 2:00 PM.

This matter was called on January 16, 2007, at 2:00 PM, at which time the Attorney for the Objector did not and would not be filing any motions. This leaves the Candidate with an insufficient number of valid signatures to be placed on the ballot.

I. Objections Presented.

A. Objections to the validity of the signatures on the nominating papers.
B. Objections to circulators affidavit.
C. Objections to Notary Public.

II. Findings of Fact.

A. The records exam results indicated that the Candidate only had 118 valid signatures with the minimum amount of 177 required for placement on the ballot.
B. That no Rule 7 or Rule 8 motions were filed by the Candidate.

III. Recommendations.

Taking into consideration the above-mentioned factual finding and matter of law, it is the recommendation of the hearing examiner that the Board adopt the findings, decisions, and recommendations herein and sustain the objections of the Objector, thereby, invalidating the Nominating Papers of Carol Hightower Chalmers for the office of Alderman of the 5th Ward of the City of Chicago, State of Illinois. Be it further recommended that the name of Candidate not be placed on the ballot for the upcoming Municipal General Election set for February 27, 2007.

Ernesto D. Borges, Jr.
Hearing Examiner

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