NBCON-ALD

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

Objections of: Vinona Summers	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-067
Papers of: Sekum Walker	)	
	)	Related Case: 11-EB-ALD-299
Candidate for the office of	)	
Alderman of the 6th 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, Richard A. Cowen, and Marisel A. Hernandez, 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 Vinona Summers ("Objector") to the nomination papers ("Nomination Papers") of Sekum Walker, candidate for the office of Alderman of the 6th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso 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 Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Vinona Summers, by attorney Chester Slaughter; the Candidate, Sekum Walker, by attorney Sean Robertson.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

10. The Electoral Board also overruled objections filed in Related Case 11-EB-ALD-299.

IT IS THEREFORE ORDERED that the Objections of Vinona Summers to the Nomination Papers of Sekum Walker, candidate for election to the office of Alderman of the 6th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Sekum Walker, candidate for election to the office of Alderman of the 6th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 3, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE SIXTH (6TH) WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION

VINONA SUMMERS,	)	
Petitioner – Objector,	)	
	)	
v.	)	**11-EB-ALD-067**
	)	
SEKUM WALKER,	)	
Respondent – Candidate.	)	

HEARING OFFICER'S RECOMMENDED DECISION

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 18 A 11:33

1. The Respondent – Candidate, SEKUM WALKER, filed Nomination Papers for election to the Office of Alderman of the 6th Ward of the City of Chicago, to be voted upon at the February 22, 2011Municipal General Election.

2. Petitioner – Objector, VINONA SUMMERS, filed a timely petition objecting to the Nomination Papers of the Candidate.

3. On December 6, 2010 this matter appeared on the Board's Initial Trial Call. The Hearing Officer received the following Board Group Exhibits into evidence: Board Group Exhibit A consisting of the Candidate's Nomination Papers; Board Group Exhibit B consisting of the Objector's Petition and Attachments; Board Group Exhibit C consisting of a copy of the call and proof of service; and Group Exhibit D consisting of the parties appearances. The parties acknowledged service and waived any and all issues regarding service. The Hearing Officer granted the Candidate leave to file a Motion to Strike and Dismiss and granted the Objector leave to file his Response. The matter was continued until December 9, 2010 for argument on Candidate's Motion to Strike and Dismiss and hearing on the non-signature issues raised in the Objector's Petition.

4. The Objector's Petition seeks to invalidate the Candidate's Nomination Papers for the following reasons:

a. The Statement of Candidacy stated that he is running for the office of Alderman as a Democrat;

b. The Candidate was not a qualified elector when he signed his Statement of Candidacy and when he filed his Statement of Candidacy. The Candidate's Statement of Candidacy provided a residence address of 7932 S. St. Lawrence, but in fact, he was a registered voter at 7909 S. Eberhart. The Objector further argued that because the Candidate's registration at 7909 S. Eberhart was classified as inactive on August 3, 2010, the Candidate was not a registered voter and qualified elector of the 6th Ward of the City of Chicago; and

c. The Candidate's Nominating Petition Sheets contain invalid signatures and contain less than the minimum number (261) of valid signatures required to be placed on the ballot.

5. The Candidate filed a Motion to Dismiss the Objector's Petition. The Candidate's Motion argued that the objections to his Nomination Papers concerning party affiliation in his Statement of Candidacy, the objection that he was not a registered voter at the residence address stated in his Statement of Candidacy, and that he was not a qualified elector at the time he signed and filed his Statement of Candidacy were legally insufficient to bar him from placement on the ballot.

6. On December 9, 2010, the Hearing Officer heard argument on the Motion to Strike and Dismiss and received evidence on the non-signature issues raised in the Objector's petition. The Hearing Officer makes the following recommended findings of fact:

a. The Candidate's Statement of Candidacy identified the Candidate as a Democrat;

b. The Candidate's petition sheets did not contain a designation of party affiliation;

c. The Candidate's Statement of Candidacy and petition sheets stated a residence address of 7932 S. St. Lawrence, Chicago, Illinois;

d. The Candidate was registered to vote at the address of 7909 S. Eberhart, Chicago, Illinois; and

e. On August 3, 2010 the Candidate's registration status was inactive.

f. Both, 7909 S. Eberhart and 7932 S. St. Lawrence, are in the 6th Ward of the City of Chicago.

7. The identification of the Candidate as a Democrat on his Statement of Candidacy where the Petition Sheets had no indication of party affiliation does not invalidate the Candidate's Nomination Papers. *Dix v. Terry*, 03-EB-ALD-071, CBEC, January 31, 2003.; accord, *Moses v. Austin*, 07-EB-ALD-004, CBEC, January 23, 2007; *Anderson v. Ward*, 07-EB-ALD-034, January 25, 2007.

8. The Candidate, Sekum Walker, is eligible to run for election to the Office of Alderman of the 6th Ward of the City of Chicago. A Candidate is eligible to run for the office of Alderman of the City of Chicago provided he meets the following requirements:

a. The person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election;

b. The person is not in arrears in the payment of a tax or other indebtedness due to the municipality and has not been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

c. The person has resided in the ward that the person seeks to represent at least one year next preceding the election. *65 ILCS 5/3.1-10-5.*

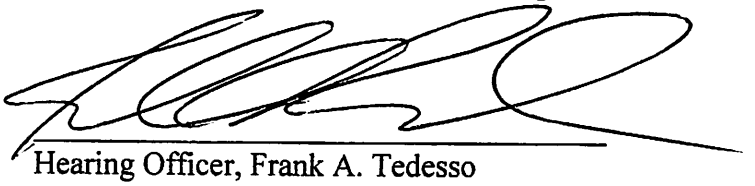
A candidate's statement that he resided at a certain address in the City of Chicago and that he was a qualified voter therein is not false and perjurious because there is no statute that requires that a candidate be a voter at his place of residence. *Brown v. Ivory, 95 EB ALD 106 and 95 EB ALD 129, CBEC (1/31/1995).* The Municipal Code requires only that candidate for alderman be a qualified elector of the municipality, it is not required that candidate for municipal office be a registered voter at place of his residence, so that Statement of Candidacy which contains sentence listing residence and later sentence stating "I am a qualified voter therein" is not equivalent of swearing that candidate is a registered voter at place of residence. *Henderson v. Miller*, 228 Ill.App.3d 260, 592 N.E.2d 570 (First Dist.1992). The fact that the Candidate had a registered address at 7909 S. Eberhart when he stated a residence address of 7932 S. St. Lawrence in his Statement of Candidacy and his Petition Sheets does not invalidate his Nomination Papers.

The Candidate also is a qualified elector of the City of Chicago. Section 3-1 of the Election Code provides that "Every person (i) who has resided in this State and in the election district 30 days next preceding any election therein . . . and who is a citizen of the United States, of the age of 18 or more years is entitled to vote at such election for all offices and on all

propositions." *10 ILCS 5/3-1.* The objector's reliance on Section 5/3.-1.2 is misplaced in that Section 5/3-1.2 speaks specifically to the requirements for eligibility of petition signers and not that of a candidate or whether a person is eligible to vote. Therefore the Hearing Officer finds that Sekum Walker was a Qualified Elector of the City of Chicago and of the 6th Ward of the City of Chicago, at the time he signed his Statement of Candidacy and the time he filed his Nomination Papers with the Chicago Board of Elections.

9. On December 15, 2010, after review of the Candidate's Petition Sheets and the signature objections contained in the Objector's Petition, it was determined that a Records Examination was not required in this case due to the fact that even if all of the signature objections were sustained the Candidate would have over 400 signatures remaining on his petition sheets. The minimum signature requirement for placement on the ballot is 261 signatures.

10. The Hearing Officer recommends that the Board of Elections Commissioners of the City of Chicago overrule the objections contained in the Objector's Petition and that the Candidate, Sekum Walker, be placed on the February 22, 2011 Municipal General Election ballot as a candidate for the Office of Alderman of the 6th Ward of the City of Chicago.



Hearing Officer, Frank A. Tedesso