NBCON-ALD

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

Objections of: Carmelita P. Earls	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-111
Papers of: Michael A. (Mike) Stinson	)	
	)	Related Case: 11-EB-ALD-153
Candidate for the office of	)	
Alderman of the 28th 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 Carmelita P. Earls ("Objector") to the nomination papers ("Nomination Papers") of Michael A. (Mike) Stinson, candidate for the office of Alderman of the 28th 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 Mario Correa 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, Carmelita P. Earls, pro se; the Candidate, Michael A. (Mike) Stinson, by attorneys Adam W. Lasker and Anish Parikh.

7. Based upon a report received from Charles Holiday, Manager of Voter Registration for the Board of Election Commissioners, the Hearing Officer found that the Candidate filed petition sheets with 1,166 signatures. Of these, there was no objection to 302 signatures. The minimum signature requirement for the office in question is 152. Therefore, the Candidate had more valid signatures than required for the placement on the ballot for the office of Alderman in the 28th Ward.

8. 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.

9. 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

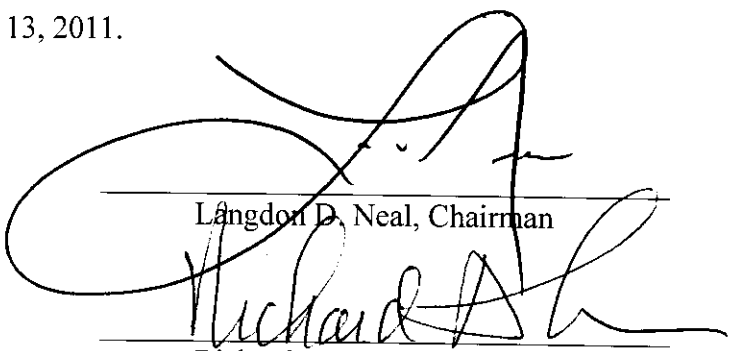
argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

10. 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.

11. The Electoral Board made a similar finding in related case 11-EB-ALD-153.

IT IS THEREFORE ORDERED that the Objections of Carmelita P. Earls to the Nomination Papers of Michael A. (Mike) Stinson, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Michael A. (Mike) Stinson, candidate for election to the office of Alderman of the 28th 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 13, 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 BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO

In Matter of	)	
	)	
MICHAEL A. STINSON, Candidate,	)	
	)	No. 11-EB-ALD-111
and	)	
	)	
CARMELITA P. EARLS, Objector.	)	

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 18 P 2:03

HEARING OFFICER'S REPORT
AND RECOMMENDED DECISION

I, hearing officer, MARIO CORREA ("Hearing Officer") hereby state and recommend that the Board of Election DENY the objection of CARMELITA P. EARNS (the "Objector") to the nominating papers of MICHAEL A. STINSON (the "Candidate") for the following reasons and based on the following evidence:

1. On December 6, 2010, the hearing was first called and both parties appeared. The following Board Group Exhibits were entered into evidence without objection: (A) Nominating Papers, (B) Objector's Petition, (C) Proof of Service, and (D) Appearances. The Candidate requested leave to file a Motion to Strike and a briefing schedule was entered into with a hearing date scheduled for December 11, 2010.

2. On December 11, 2010, the Candidate appeared in person and through his attorney. The Candidate indicated that he did not file a Motion to Strike. The Candidate then moved to as the Objector what was the maximum signature requirement raised in paragraph 11 oft the Objector's Petition. The Candidate explained that he wanted to prove the Objector did not know the maximum signature requirement and therefore the petition was fraudulently filed. The Hearing Officer found that a claim attacking the Objector's Petition based on fraud

amounted to a Rule 5 Motion to Strike on the grounds of fraud, and the Candidate had waived the argument by not filing a Motion to Strike.

3. On December 15, 2010, the parties appeared on a status for the record examination. A memorandum from Chares Holiday dated December 13, 2010, was read into the record and it provided that of the 1166 signatures there was no objection to 302. The minimum signature requirement to be placed on the ballot was 152. Thus, the Candidate had a sufficient number of signatures.

As a result of the foregoing, the Hearing Officers recommends that the Board DENY the objection of CARMELITA P. EARNS to the nominating papers of MICHAEL A. STINSON.

Respectfully Submitted,

Mario Correa, Esq.
Hearing Officer