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

Objections of: Beverly J. Allison and Marsha Gordon	)	
To the Nomination Papers of: Christine Dawson Perkins	)	No.: 11-EB-ALD-120
Candidate for the office of Alderman of the 3rd 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 Beverly J. Allison and Marsha Gordon ("Objectors") to the nomination papers ("Nomination Papers") of Christine Dawson Perkins, candidate for the office of Alderman of the 3rd Ward in 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 Objectors 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 Edna Turkington for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board 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 Objectors, Beverly J. Allison by attorney, James P. Nally; and the Candidate, Christine Dawson Perkins, pro se. Objector Marsha Gordon did not appear and was held in default.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by 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 Officer 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 Objectors and/or their 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 or made available to the parties.

12. 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 162;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,478;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 148;

D. The remaining number of signatures deemed valid as a result of the records examination total 1,330.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was more 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 3rd Ward of the City of Chicago.

14. An evidentiary hearing was conducted as to whether the signatures of voters and circulators who listed their residence address as 4500 South Michigan Avenue, Chicago should be stricken.

15. The Electoral Board finds that the Objector failed to establish that 4500 South Michigan Avenue, Chicago was not a proper residence address used by voters and circulators which would necessitate the striking of the voters' or circulators' signatures.

16. A further evidentiary hearing was held in relation to the issue of whether candidate was ineligible to run for office as a result of her indebtedness to the City of Chicago.

17. Section 3.1-10-5(b) provides that:

> ***(b) 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 to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.***

The objector based his argument on the case of *Cinkus v the Village of Stickney Municipal Officers Electoral Board*, 886 N.E.2d 1011, 228 Ill. 2d 200 (2008).

In *Cinkus*, a candidate, John Cinkus sought to run for village trustee. After Cinkus filed his nominating papers, he received notice by way of an objection that he owed a debt to the village in the amount of $100. The objection alleged that Section 3.1-10-5(b) precluded Cinkus from running for office because he was in violation of said section. The court determined that the indebtedness resulted in the candidate being ineligible to run for office.

The *Cinkus* case represents a departure from prior rulings in which it was held that an outstanding debt precluded candidates from *taking* office but did not preclude them from *running* for office. Since the *Cinkus* case, the current state of the law is that a candidate is precluded from *running* for municipal office if, at the time he files his nominating papers, he owes a debt to the municipality in which he is running.

18. The Electoral Board finds that at the time the candidate filed her nominating papers, the candidate had an outstanding debt in the amount of $50.00 arising out of ticket #0049986872 which was issued on May 26, 2006 and was not paid until December 9, 2010, after the candidate had filed her nominating papers.

19. The Electoral Board further finds that the candidate had an indebtedness owed to the City of Chicago in the amount of $3,113.42, which the candidate acknowledged. However, as to said debt, the candidate testified that she had entered into a payment plan with the City of Chicago.

20. Inasmuch as the evidence clearly established the existence of an outstanding $50.00 debt at the time the candidate filed her nominating papers, it is unnecessary to address what, if any, effect the alleged payment plan for the $3,113.42 debt had on determining whether or not said debt met the definition of indebtedness under the Illinois Municipal Code.

21. For the reasons stated above, the Electoral Board finds that the Candidate's nominating papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Beverly J. Allison and Marsha Gordon to the Nomination Papers of Christine Dawson Perkins, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Christine Dawson Perkins, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 7, 2011.

Langdon D. Neal, Chairman

Marisel Hernandez, Commissioner

For reasons stated on the record, I DISSENT from the decision of my fellow Commissioners:

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 5 days after service of the decision of the Electoral Board.