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

Objections of: Barbara J. Washington and Betty Jo Swanson	)	
To the Nomination Papers of: Ronald Carter	)	No.: 11-EB-ALD-128
Candidate for the office of Alderman of the 17th 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 Barbara J. WashingtonBetty Jo Swanson ("Objectors") to the nomination papers ("Nomination Papers") of Ronald Carter, candidate for the office of Alderman of the 17th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Elections 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 June A. Brown for further hearings and proceedings.

6. The Objectors 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 Objectors, Barbara J. Washington and Betty Jo Swanson, by attorney, James P. Nally; and the Candidate, Ronald Carter, pro se.

7. The Hearing Officer ordered that an examination of the Board's 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 his 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 of the Board was terminated after it was determined that even if all of the remaining objections to individual signatures on the

petition were sustained in favor of the Objectors, the Candidate would still have more than the minimum number of valid signatures on the nominating petitions to qualify for a place on the ballot for the office of Alderman of the 17th Ward of the City of Chicago.

12. The Electoral Board further finds that Objector's allegation that the Candidate's Statement of Candidacy was not valid in that it did not reflect the Ward number was correctly overruled by the Hearing Officer.

13. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained at least signatures, which is 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 17th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

14. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

15. The Electoral Board finds that the Candidate has a sufficient number of valid signatures on Nomination Papers to be placed upon the ballot as a candidate for election to the office of Alderman of the 17th Ward of the City of Chicago.

16. The Electoral Board further finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Barbara J. Washington and Betty Jo Swanson to the Nomination Papers of Ronald Carter, candidate for the office of Alderman of the 17th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are

hereby declared VALID and the name of Ronald Carter, candidate for election to the office of Alderman of the 17th Ward of the City of Chicago, SHALL be printed on the 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.

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

BARBARA J. WASHINGTON)		
and)		
BETTY JO SWANSON)		
Objector(s))	**11-EB-ALD-128**	
)		
-v-)		
)		
RONALD CARTER)	**JUNE A. BROWN**	
Candidate)	**Hearing Officer**	

BOARD OF ELECTION
POLLING PLACE DEPT
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HEARING OFFICER'S REPORT AND RECOMMENDATION

The above named cause came to be heard before the Chicago Board of Election Commissioner's ("CBOE") on verified objection(s), **BARBARA J. WASHINGTON AND BETTY JO SWANSON**, (Objector(s)"), represented by **ATTY. JAMES BIZZERRI OF LAW OFFICE OF JAMESNALLY**, to the nomination papers of **RONALD CARTER**("Candidate") **Pro Se.**

JUNE A. BROWN, Hearing Officer, finds and recommends that **RONALD CARTER**("Candidate") remain on the February 22, 2011 ballot for the following reasons:

1. The case, **11-EB-ALD-128**, raised two (2) stated issuesas Objections to the Candidacy of **RONALD CARTER**for Alderman of the 17th Ward,
   a. The Petitions did not have the minimum number of required signatures
   b. The Statement of Candidacy did not reflect the Ward number

2. The first issue involving the minimum number of required signatures resulted in in records examination, which was scheduled for December 13, 2010.

3. On December 13, 2010 at 8:57:53 a.m. the examination of the records was stopped as there were **255** signatures not objected to and the report is hereby adopted and incorporated by reference to the results of the records examination.

should not be allowed on the February 22, 2011 ballot.

9. A status hearing was held on December 22, 2010, to rule on Issue 2, Objection by **James Bizzerri**, Objector's counsel.

10. On December 22, 2010, the Hearing Officer overruled the stated Objection (Issue 2).

11. The Hearing Officer's finding, as a Matter of Law, wasbased on the stated case law of ***Morgan v. Stowers***, 87-EB-ALD-140, CBEC, January 20, 1987; ***Robinson v. Colvin***, 07,-EB-ALD-095, CBEC, January 23, 2007; ***Jones v. Dixon***, 07-EB-ALD-146, January 16, 2007. The findings in the case law is that "***the failure to insert aWARD Number on a*****STATEMENT OF CANDIDACY, IS NOT FATAL .**

RECOMMENDATION

For the foregoing reasons, it is my recommendation that the Objections of **BARBARA J. WASHINGTON AND BETTY JO SWANSON**, to the Nomination Papers of **RONALD CARTER** be Overruled and that the Nominating Papers of **RONALD CARTER**for the purposes of this matter are valid.

Respectfully Submitted,

June A. Brown

June A. Brown, Hearing Officer