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

Objections of: Eileen E. Jackson	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-158
Papers of: Carol G. Johnson	)	
	)	Related Cases: 11-EB-ALD-003,
	)	11-EB-ALD-110
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 Eileen E. Jackson ("Objector") to the nomination papers ("Nomination Papers") of Carol G. Johnson, 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 William J. Cadigan 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, Eileen E. Jackson, by attorney, James P. Nally; and the Candidate, Carol G. Johnson, pro se.

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 sustained and that the Nomination Papers be found invalid.

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 sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Eileen E. Jackson to the Nomination Papers of Carol G. Johnson, candidate for election to the office of Alderman of the 28th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Carol G. Johnson, candidate for election to the office of Alderman of the 28th 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, 2010.

Dated: Chicago, Illinois, on December 29, 2010.

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

Objections of: Eileen E. Jackson	)	
	)	
To the Nomination of Papers of:	)	
Carol G. Jackson	)	
	)	No. 11-EB-ALD-158
Candidate for Alderman	)	
Of the 28th[th] Ward	)	

BOARD OF ELECTION
POLLING PLACE DEPT.
2010 DEC 22 A 8:07

HEARING OFFICER'S REPORT AND RECOMMENDATION

This matter coming before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners, and before the undersigned Hearing Officer, the Hearing Officer hereby makes the following Report and Recommendation that the Objection be GRANTED based on the factual and legal findings set forth below:

1. The Candidate filed Nomination Papers as a Candidate for Alderman of the 28th Ward. Such Nomination Papers consisted of: a) Statement of Candidacy; and b) a Nomination Petition Sheets.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on November 30, 2010.

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.

4. On December 6, 2010, this matter was heard on the Initial Status Call. The Objector was represented by counsel, James Bizzieri. The Candidate appeared on her own behalf, pro se.

5. At the Initial Status, counsel for the Objector summarized the legal and factual issues presented in the Objection. In short, the Objection presented 28 allegations.

6. Counsel for the Candidate indicated she would file a Motion to Dismiss. A briefing schedule on the Motion to Dismiss was entered. The case was set for argument on the motion to Dismiss on December 13, 2010. Furthermore, the Hearing Officer directed that a Record Examination be performed in the matter and continued the case for status pending completion of the Records Examination.

7. At the next hearing date on December 13, 2010, the Candidate was represented by counsel, Chester Slaughter. Mr. Slaughter argued on behalf of the Motion to Dismiss.

8. As noted above, the Objection contains numerous allegations that the Candidate's Nominating Papers are insufficient and invalid. The Hearing Officer finds that this matter can be disposed of by consideration of only those allegations set forth in Paragraph 27 of the Objection. The sum and substance allegation in Paragraph 27 of the Objection is that the introductory paragraph in the Candidate's Nominating Petitions identifies the Candidate and signers as qualified members of the Democratic Party. However, the February 22, 2011 Municipal Primary Election is not a partisan election.

9. In Paragraph 10 of the Candidate's Motion to Dismiss, the Candidate stipulates that she identified herself as a candidate for nomination of the Democratic Party in her Statement of Candidacy. Mistakenly, the Candidate's Motion to Dismiss also states that her Nominating Petitions did contain a reference to a partisan affiliation and therefore "no misleading or incorrect information concerning party affiliation (was) presented to the voters when signing the candidate's petition sheets" and "(t)here is no evidence that the voters were confused about the candidate's stated or unstated political affiliations".

10. However, the Hearing Officer independently reviewed each of the 44 Nominating Petitions filed by the Candidate. The Hearing Officer found that in each Nominating Petition

filed, the introductory paragraph identified each of the signers as a member and qualified elector of the Democratic Party. Each circulator's affidavit contains a similar reference to partisan affiliation.

11. In the past, the Electoral Board has ruled on similar cases relating to candidates in non-partisan primary races. In doing so, the Electoral Board has held that using a partisan political designation on Nominating Petitions in a non-partisan election violates the Illinois Election Code, 65 ILCS 5/10-3. See Munoz v. Molina, 07-EB-ALD-057; Williams v. Buckner, 07-EB-ALD-023; and Toney v. Maxwell 91-EB-ALD-122.

12. Based on the review of each of the Nominating Petitions, the relevant statutes and Electoral Board precedent, the Hearing Officer finds that the Candidate's Nomination Petition Sheets are defective. Therefore, the Candidate's Nominating Petitions contain fewer than the 152 required minimum amount of signatures to have her name printed on the ballot as a candidate for election to the office of Alderman of the 28th Ward in the City of Chicago, County of Cook, State of Illinois for the Municipal General Election to be conducted on February 22, 2011 and that the Objection be GRANTED.

Date: December 21, 2011

By: */s/ William J. Cadigan*
William J. Cadigan
Hearing Officer