NBCON-ALD

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

Objections of: Dana Bryant	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-228
Papers of: Sheldon L. Sherman	)	
	)	
Candidate for the office of	)	
Alderman of the 21st 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 Dana Bryant ("Objector") to the nomination papers ("Nomination Papers") of Sheldon L. Sherman, candidate for the office of Alderman of the 21st 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 Gerald B. Mullin 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, Dana Bryant, by attorney, Randy Crumpton; the Candidate, Sheldon L. Sherman, by attorney, James P. Nally.

7. The sole issue presented in the Objector's Petition was whether the candidate was ineligible to run for office because of a debt owed to the City of Chicago. The Objector's Petition provides, in pertinent part, as follows:

> "The Candidate's Statement of Candidacy contains the following irregularities and therefore the Nomination Papers are in violation of the Election Code for the following reasons:
>
> The Candidate fails to qualify as a candidate for 21st Ward Alderman of the city of Chicago, upon information and belief, Sherman is in arrears in the payment of a tax or other indebtedness due to the City of Chicago, and thus the Statement of Candidacy is false and perjurious and the candidacy papers must be stricken in their entirety. 65 ILCS 5/3.1-10-5."

8. The Candidate filed a Motion to Strike and Dismiss wherein he alleged that the Objector's Petition fails to "state fully the nature of the objections" as required by Section 10-8 of the Election Code and "does not put the Candidate on proper notice to defend against the

allegation and violates his due process rights and equal protection under the Illinois and US constitutions."

9. Although the Hearing Officer permitted the Objector to present evidence of Candidate's indebtedness, the Electoral Board finds that the Objector's Petition should be stricken and dismissed as it fails to identify what debt is purportedly owed by the Candidate.

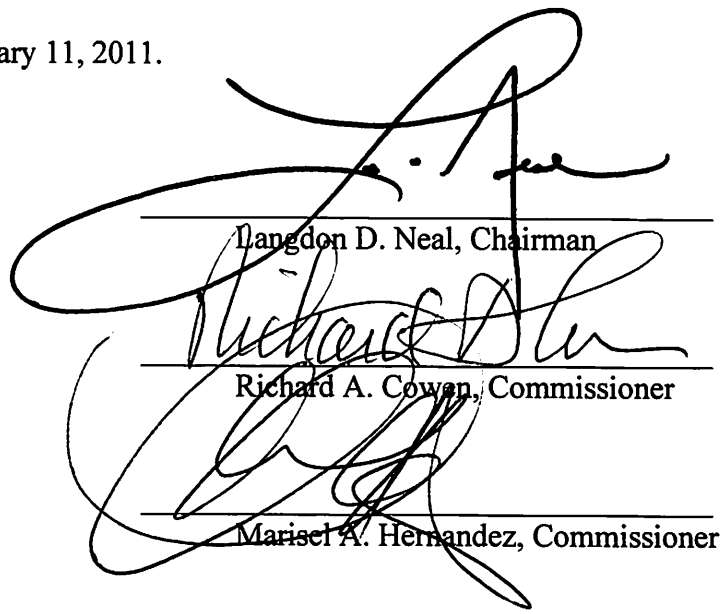
10. An objection is required to fully state the nature of the objections and what relief is being sought to comply with the Election Code. *Kopec v. Sims*, 07-EB-MUN-002, CBEC, January 19, 2007; *Crosby v. Beavers*, 95 EB-ALD-202, CBEC, January 24, 1995. An objection petition must adequately and sufficiently apprise the candidate of the specificity of each objection, thus making evaluation possible. *Elysee v. Patterson*, 04-EB-RGA-14, January 20, 2004.

11. The Electoral Board, having reviewed the record of proceedings in this matter, determines that the Objector's Petition fails to satisfy the requirements of 10 ILCS 5/10-8 in that it does not identify the debt purportedly owed by the Candidate and, therefore, the Objector's Petition should be stricken and dismissed.

12. For the reasons stated above, the Electoral Board finds that the Objector's Petition is stricken and dismissed and the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Dana Bryant to the Nomination Papers of Sheldon L. Sherman, candidate for election to the office of Alderman of the 21st Ward of the City of Chicago, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of Sheldon L. Sherman, candidate for election to the office of Alderman of the 21st 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 11, 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.