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-236
Papers of: Jerome Maddox	)	
	)	Related Cases: 11-EB-ALD-161,
	)	11-EB-ALD-351
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 Jerome Maddox, 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, Jerome Maddox, 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 overruled and that the Nomination Papers be declared valid.

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. The Electoral Board further finds that there is insufficient evidence that the Candidate's second set of nomination papers filed on November 22, 2010 were not properly bound. Therefore, Objections alleging that such papers were not properly bound are overruled.

10. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers.

11. The Electoral Board further finds that there are objections pending in Related Case 11-EB-ALD-161 that will determine whether the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Dana Bryant to the Nomination Papers of Jerome Maddox, candidate for election to the office of Alderman of the 21st Ward of the City of Chicago, are hereby OVERRULED.

Dated: Chicago, Illinois, on January 7, 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 DULYCONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 21st WARD IN THE CITY OF CHICAGO TO BE VOTED UPON AT THE ELECTION TO BE HELD ON FEBRUARY 22, 2011

2010 DEC 27 A 11:41

DANA BRYANT		
PETITIONER-OBJECTOR	)	
	)	
	)	
	)	
V.	)	**11—EB-ALD-236**
	)	
	)	
	)	
JEROME MADDOX	)	
CANDIDATE	)	

Hearing officer: Gerald B. Mullin

HEARING OFFICER'S RECOMMENDATION

On December 22, 2010, the matter was called and Jerome Maddox appeared pro se, and the Objector through Randy Crumpton, Esq.

The file indicates that the Candidate first filed Nomination Papers on November 15, 2010. Those Nominating Papers were withdrawn on November 22, 2010, and the Candidate filed a new set of Nominating Papers on November 22, 2010, after the previously filed Papers were withdrawn. Subsequent to a request for a Records Examination, it was determined that all Appendix Recapitulation Sheets attached to the Objector's referred to the withdrawn Nominating Petitions filed on November 15, 2010. Accordingly, the Hearing Officer advised the parties that no further Records Examination should be required, and the order for records Examination was cancelled.

At hearing on December 22, 2010 counsel for the Objector conceded that the Objector's Petition could not be amended, and offered no further argument.

Recommendation: That the Objector's Petition be overruled and that the name of Jerome Maddox appear on the ballot as candidate for Alderman in the 21st Ward in the City of Chicago to be held on February 22, 2011.

December 23, 2010

Gerald B. Mullin