NBCON-ALD

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

Objections of: Cauncey L. Stroud	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-301
Papers of: Wallace E. "Mickey" Johnson	)	
	)	Related Case: 11-EB-ALD-359
Candidate for the office of	)	
Alderman of the 24th 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 Cauncey L. Stroud ("Objector") to the nomination papers ("Nomination Papers") of Wallace E. "Mickey" Johnson, candidate for the office of Alderman of the 24th 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 Edwin Reyes 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, Cauncey L. Stroud, pro se; the Candidate, Wallace E. "Mickey" Johnson, by attorney, James P. Nally.

7. After withdrawing his first objection, the sole remaining objection of Objector's Petition alleges, "The candidate is ineligible to be a candidate for the office of Alderman of the Twenty-Fourth Ward of the city of Chicago because he was in arrears in the payment of a tax or other indebtedness due to the City of Chicago in violation of the Illinois Municipal Code," citing *Cinkus v. Stickney Municipal Officers Electoral Board*, 228 Ill.2d 200, 886 N.E.2d 1011 (2008).

8. 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 stricken for failing to fully state the nature of the objection as required by Section 10-8.

9. Section 10-8 of the Election Code requires that the objector's petition shall (a) give the objector's name and residence address; (b) state fully the nature of the objections to the

certificate of nomination or nomination papers; (c) state the interest of the objector; and (d) state what relief is requested of the electoral board. If the objector's petition substantially complies with the requirements of Section 10-8 of the Election Code, it is a valid objector's petition. *Crosby v. Beavers*, 95-EB-ALD-202, CBEC, January 24, 1995.

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 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.

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

13. The Electoral Board further finds that objections in Related Case 11-EB-ALD-359 will determine whether the Candidate's Nomination Papers were valid.

IT IS THEREFORE ORDERED that the Objections of Cauncey L. Stroud to the Nomination Papers of Wallace E. "Mickey" Johnson, candidate for election to the office of Alderman of the 24th Ward of the City of Chicago, are hereby OVERRULED.

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.