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

Objections of: L Herminstyne and James Chalmers	)	
To the Nomination Papers of: Leslie A. Hairston	)	No.: 11-EB-ALD-340
	)	Related Cases: 11-EB-ALD-089, 11-EB-ALD-353
Candidate for the office of Alderman of the 5th 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 L Herminstyne and James Chalmers ("Objectors") to the nomination papers ("Nomination Papers") of Leslie A. Hairston, candidate for the office of Alderman of the 5th 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 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 Kelly McCloskey Cherf 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, L Herminstyne and James Chalmers, pro se; the Candidate, Leslie A. Hairston, by attorney Keri-Lyn J. Krafthefer.

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 due to the fact that Objector Herminstyne withdrew her objections and Objector Chalmers failed to appear at the December 13 hearing and should be defaulted. Therefore, the Hearing Officer recommends 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. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

10. The Electoral Board further finds that the Candidate's Nomination Papers were also declared valid in Related Cases 11-EB-ALD-089 and 11-EB-ALD-353.

IT IS THEREFORE ORDERED that the Objections of L Herminstyne and James Chalmers to the Nomination Papers of Leslie A. Hairston, candidate for election to the office of Alderman of the 5th Ward of the City of Chicago, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of Leslie A. Hairston, candidate for election to the office of Alderman of the 5th 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 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: L. HERMINSTYNE and JAMES CHALMERS	)	
To the Nomination Papers of: LESLIE A. HAIRSTON	)	No. 11-EB-ALD-340
Candidate for the office of Alderman for the 5th Ward of the City of Chicago.	)	

BOARD OF ELECTION
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HEARING EXAMINER'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 Examiner, the Hearing Examiner hereby makes the following Report and Recommendation:

PRELIMINARY FACTS

1. The Candidate filed Nomination Papers as a Candidate for the office of Alderman for the 5th Ward for the City of Chicago. Such Nomination Papers consist of: a) Statement of Candidacy; b) Nomination Petition Sheets; c) loyalty oath; and d) receipt for Statement of Economic Interests.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on November 30, 2010. In the Petition, the Objector argues that the Nomination Papers are invalid for the following reasons: a) the names of persons who are not registered at address shown; b) signatures which are not genuine; c) signers reside outside the district; d) missing or incomplete addresses; e) persons who signed the petition more than once; and f) signatures are printed rather than signed. Attached to the Objector's Petition is an Appendix-Recapitulation.

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 certified mail or by Sheriff's service, as provided by statute.

4. The initial hearing on these Objections was called on December 6, 2010. Keri-Lyn Krafthefer appeared on behalf of the Candidate. L. Herminstyne and James Chalmers appeared *pro se*.

5. At the initial hearing, the Candidate requested the opportunity to file a motion to strike and dismiss Objector's Petition. A briefing schedule was set pursuant to the Rules of Procedure for the Board of Election Commissioners of the City of Chicago. A motion to strike and dismiss Objector's Petition was filed. A response was not timely filed. Instead, after the

filing date, the Objector Herminstyne sent an email stating that she moves to strike and dismiss charges. The Candidate timely filed a reply brief. On December 13, 2010, the parties appeared for oral argument on the motion to strike. Keri-Lyn Krafthefer appeared on behalf of the Candidate. L. Herminstyne appeared *pro se*. James Chalmers did not appear.

6. The hearing examiner advised both parties that the results of the records examination would be discussed prior to argument on the motion to strike.

RECORDS EXAMINATION

7. On December 12, 2010, Charles Holiday of the Board issued the following memorandum: "After working 46 pages of the petition the candidate has 1670 valid signatures where the minimum required is 181, continuing the record examination will only put the candidate further over that minimum. At this time the Record Examination has been suspended Sunday, December 12, 2010 at 10:10 a.m."

8. The petition summary report reflects that the Candidate has 3250 signatures and there are 1570 line by line signature objections. Therefore, even if all of the objections are sustained, the Candidate would still have 1,680 signatures which is 1,499 over the required minimum. There were no objections other than the line-by-line signature objections.

OBJECTOR HERMINSTYNE'S WITHDRAWAL

9. After discussing the results of the records examination, Objector Herminstyne represented that she will withdraw her objections.

OBJECTOR CHALMERS'S DEFAULT

10. As the Objector Chalmers did not appear at the December 13, 2010 hearing, the hearing examiner recommends that he be defaulted.

CONCLUSION

11. As one Objector has defaulted and the other Objector has withdrawn the objections, the hearing examiner recommends the name of Leslie A. Hairston be printed on the ballot for the office of Alderman for the 5th Ward of the City of Chicago for the Municipal General Election to be held on February 22, 2011.

RELATED CASES

12. There are two related cases, *i.e.*, *Hendricks v. Hairston* (11-EB-ALD-353) and *Wahaldo v. Hairston* (11-EB-ALD-089). In *Hendricks*, the hearing examiner recommended that the Candidate's motion to strike and dismiss the Objector's Petition be granted. In *Wahadlo*, the hearing examiner recommended that the Candidate's motion to strike and dismiss the Objector's Petition be granted. Therefore, in both cases, the hearing examiner recommended that the name

of Leslie Hairston be printed on the ballot for the office of Alderman for the 5th Ward of the City of Chicago for the Municipal General Election to be held on February 22, 2011.

Date: December 22, 2010

Kelly McCloskey Cherf
Hearing Officer