

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

Objections of: ROY DAVIS)
)
)
To the Nomination) No.: 15-EB-ALD-002
Papers of: MARVIN MCNEIL)
) Rel. ALD-001 AND ALD-064
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 ROY DAVIS (“Objector”) to the nomination papers (“Nomination Papers”) of MARVIN MCNEIL, 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 24, 2015, having convened on December 1, 2014, 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 1, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Lynne R. Ostfeld 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 Candidate, MARVIN MCNEIL, by his attorney, Eric M. White.

7. The Hearing Officer has tendered to the Electoral Board her 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.

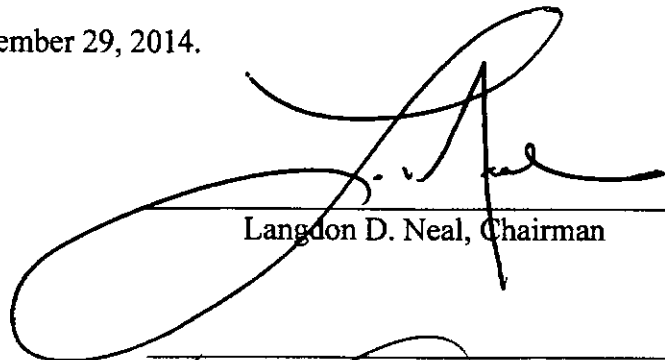
9. The Electoral Board finds that there were additional objections filed against the Candidate's Nomination Papers in related cases ALD-001 and ALD-064. The objections in

ALD-001 and ALD-064 were overruled. There are no other objections pending against the Candidate's Nomination Papers.

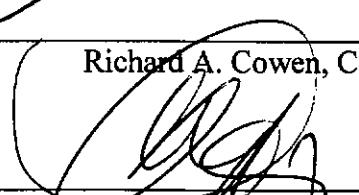
10. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of ROY DAVIS to the Nomination Papers of MARVIN MCNEIL, candidate for election to the office of Alderman of the 21st Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MARVIN MCNEIL, 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 24, 2015.

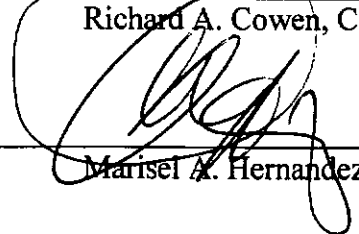
Dated: Chicago, Illinois, on December 29, 2014.



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.

CHICAGO BOARD OF ELECTION COMMISSIONERS

Objections of:)
Roy Davis)
)
To the Nomination)
Papers of:) No. 15-EB-ALD-002
Marvin McNeil) (Rel. ALD -001, 064)
) Lynne R. Ostfeld,
Candidate for the Office of) Hearing Officer
Alderman of the 21st Ward)
in the City of Chicago)

RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on objections of Roy Davis ("objector") to the nomination papers of Marvin McNeil ("candidate"), Lynne R. Ostfeld, Esq., Hearing Officer, finds and recommends as follows:

1. The hearing was begun on December 3, 2014. In attendance at the hearing were the candidate, Marvin McNeil, and his attorney, Eric M. White. The objector did not appear, either in person or through an attorney.
2. The objector requested that Marvin McNeil's name not be printed on the ballot for election to the office of Alderman of the 21st Ward, City of Chicago, based on his not having the requisite number of 473 validly collected signatures of qualified and duly registered legal voters of the 21st Ward of the City of Chicago, based on the following objections:
 - A. the nomination papers contained the names of persons who were not registered voters at the addresses shown;
 - B. the nomination papers contained the names of people who did not sign the papers in their own proper persons, whose signatures were not genuine;
 - C. the nomination papers contained sheets with the names of people whose addresses were not in the 21st ward;
 - D. the nomination papers contained petition sheets with addresses either missing or incomplete;
 - E. the nomination papers contained petition sheets where signers signed more than one time;
 - F. the nomination papers contained petition sheets that were signed by persons who were not circulators.
3. The objector received proper notice of the instant hearing.

Findings of Fact and Conclusions of Law

4. The objector was defaulted for failure to appear. His objections are stricken. Rules of

Procedure, Rule 12.

5. Further, the objector's petition to bar the candidate from appearing on the ballot was defective on its face. Only two Recapitulation Sheets were attached to the objections, although photocopies of seven additional copies were attached. Only 48 signatures were objected to. The candidate had submitted petitions with 1480 signatures. Disqualifying 48 signatures out of 1480 signatures would not bring the candidate's total below the required minimum of 473 signatures.

6. The CBOE can strike objections on its own motion if the objections do not meet the requirements set forth in 10 ILCS 5/10-8 or are not well grounded in fact and/or law. There must be specific objections to each signer objected to. Rules of Procedure, Rule 1 (b) (xv).

7. On the face of the petition, there were not enough objections to put the candidate below the requisite number of 473 signatures to be placed on the ballot for Alderman from the 21st Ward.

8. There were two other objections to Marvin McNeil's candidacy, in 15 EB ALD 001 and 15 EB ALD 064. Neither of those objections was successful.

9. The Hearing Officer recommends that this Board find that the Nomination Papers of MARVIN McNEIL be declared to be VALID for the reasons stated above.

10. The Hearing Officer recommends that this Board order that the name of MARVIN McNEIL BE printed on the ballot for the Aldermanic Election, 21st Ward, City of Chicago, to be held on February 24, 2015, for the reasons stated above.

Dated: Chicago, Illinois, this 26th day of December, 2014.



Lynne R. Ostfeld, Hearing Officer