

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

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Objections of: CHESTER WILSON, JR.	)	
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To the Nomination	)	No.: 15-EB-ALD-013
Papers of: CHARLES R. THOMAS SR.	)	
	)	Rel. ALD-094 AND ALD-161
Candidate for the office of	)	
Alderman of the 34th 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 CHESTER WILSON, JR. (“Objector”) to the nomination papers (“Nomination Papers”) of CHARLES R. THOMAS SR., candidate for the office of Alderman of the 34th 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 8, 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 8, 2014 and was continued from time to time.
5. The Electoral Board assigned this matter to Hearing Officer Yolanda Sayre 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, CHESTER WILSON, JR., by his attorney, Thomas A. Jaconetty; the Candidate, CHARLES R. THOMAS SR., appearing pro se. Attorney Frank Avila subsequently filed an appearance for the Candidate on December 13, 2014.
7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.
8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.
9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.
10. The Objector and/or his duly authorized representative were present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 931.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 367.

D. The remaining number of signatures deemed valid as a result of the records examination total 564.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 34th Ward of the City of Chicago.

14. Neither party filed a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled.

16. 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.

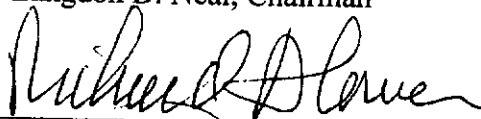
17. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers.

18. The Electoral Board further finds that objections to the Candidate's Nomination Papers were filed in related cases ALD-094 and ALD-161, that such objections are still pending and they will determine whether the Candidate's Nomination Papers are valid or invalid.

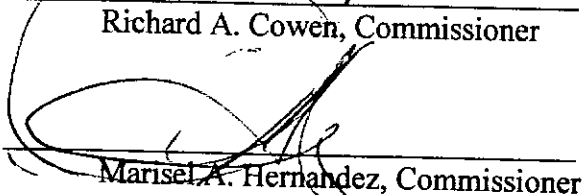
IT IS THEREFORE ORDERED that the Objections of CHESTER WILSON, JR. to the Nomination Papers of CHARLES R. THOMAS SR., candidate for election to the office of Alderman of the 34th Ward of the City of Chicago, are hereby OVERRULED.

Dated: Chicago, Illinois, on January 5, 2015.

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Langdon D. Neal, Chairman



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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**

**CHESTER WILSON, JR.**  
Objector

-v-

**CHARLES R. THOMAS, SR.**  
Candidate

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**15-EB-ALD-013**

**Yolanda H. Sayre**  
Hearing Officer

CHICAGO BOARD OF  
ELECTION COMMISSIONERS  
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**HEARING OFFICER'S REPORT AND RECOMMENDED FINDINGS**

This matter having come before the duly constituted Chicago Board of Election Commissioners ("the Board"), and before the undersigned Hearing Officer on December 9, 2014; the Hearing Officer hereby makes the following report and recommended findings:

1. The Candidate filed Nomination Papers for Alderman of the 34<sup>th</sup> Ward in the City of Chicago. Such Nomination Papers consisted of: a) a Statement of Candidacy; b) a Receipt for Statement of Economic Interests; c) a City of Chicago 2014 Statement of Financial Interests; and d) Nominating Petition Sheets numbered 1 through 65. Without objection, the Candidate's Nomination Papers were admitted into evidence and marked as Group Exhibit A.
2. The Verified Objector's Petition was timely filed on December 3, 2014. Such Petition was admitted into evidence and marked as Group Exhibit B.
3. A Call to the hearing on said objections was duly issued by the Chairman of the Board and served upon all parties. The Call, the proof of service, and / or waivers thereof, were admitted into evidence and marked Group Exhibit C.

4. The matter was initially called on December 9, 2014. At that time, the Objector, MR. CHESTER WILSON, JR. appeared through his attorney, Mr. Thomas A. Jaconetty (collectively referred to as "the Objector"). The Candidate, MR. CHARLES R. THOMAS, SR., appeared *pro se*. Both parties filed appearances and indicated they were present and ready to proceed. The Candidate indicated that although he wanted to proceed and schedule a records examination, he would be obtaining an attorney who would represent him at the next scheduled Second Initial Hearing.
5. The Objector agreed to withdraw the portion of his objection based upon the improper binding of the Petition Sheets after examining the Candidate's original Nomination Papers. The parties then stipulated the remaining objections were based on the validity of the signatures and would require a records examination.
6. The Hearing Officer issued a Records Examination Directive, and it was scheduled for December 15, 2014. The parties were notified on the record of the date and time of the Records Examination.
7. A Second Initial Hearing was held on December 13, 2014 (prior to the Records Examination), at which time Mr. Frank Avila filed an appearance on behalf of the Candidate. The Appearance forms of both parties, as well as Nondisclosure Agreements executed by each, were admitted into evidence as part of Group Exhibit D (At the First Initial Hearing, only the Objector's appearance and Nondisclosure Agreement were admitted and marked.)
8. At the Second Initial Hearing, the Candidate reserved the right to file a Motion to Strike and Dismiss and was given a deadline of 5:00 p.m. on December 14, 2014.

9. The Candidate filed a Motion to Strike and Dismiss at 9:25 a.m., on December 15, 2014, according to the Board's official timestamp—after the deadline.
10. The matter was recalled December 17, 2014 for a Status Hearing to receive the results of the Records Examination. Both parties appeared through their attorneys, and both signed the Final Petition Summary Report. The Candidate opted to withdraw his untimely Motion to Strike and Dismiss on the record, thereby obviating any discussion of the issue of timeliness.
11. Unbeknownst to the parties and the Hearing Officer at the time, there had been an error in the entry of the data during the Records Examination that skewed the results and required adjustments and the issuance of a second set of results. The first set of results listed on the Final Petition Summary Report last printed on December 16, 2014 ("the First Report") were as follows:

**15-EB-ALD-013**

<b>Signatures on Petitions</b>	858
<b>Total Objections</b>	516
<b>Objections Overruled</b>	149
<b>Objections Sustained</b>	367
<b>For Review – Candidate</b>	6
<b>For Review – Objector</b>	21
<b>Number of Valid Signatures</b>	491
<b>Min. Signatures Required</b>	473
<b>Number Above Minimum</b>	<b>18 - Above the statutory minimum</b>


12. After analyzing the results, the parties agreed that neither wished to proceed any further. There having been no other matters at issue at that time, the Hearing Officer concluded the case and informed the parties she would issue a report and recommendation.

13. After the December 17, 2014 Hearing, the Hearing Officer noticed a difference in the numbers of total signatures submitted by the Candidate as listed on the first Final Petition Summary and Detail Reports ("the First Reports") for this case as well as the related case of 15-EB-ALD-094. They also indicated wildly different results for the number of valid remaining signatures. The First Reports indicated that, in 15-EB-ALD-013, the Candidate had eighteen (18) signatures above the statutory minimum; whereas in 15-EB-ALD-094 the Candidate had two hundred ninety-five (295) signatures less than what was required. While some of the differences in two separate cases could be attributed to the number or type of objections filed; here, the two different numbers of total signatures submitted by the Candidate indicated there was a discrepancy.
14. The Hearing Officer notified Mr. Jeff Fedderke who in turn notified Mr. Charles Holiday, the Board employee who supervises the records examination process. Apparently, the Candidate had also alerted the Board and spoken to Mr. Holiday as well. Mr. Holiday explained what he believed happened in the Records Examination to the Candidate and the Hearing Officer at various times. He stated he would attempt to rectify the situation by re-entering some of the data.
15. On December 19, there was an impromptu hearing / conference call held (with the Objector appearing in person and the Candidate on a speaker phone) wherein the matter was reopened, the discrepancies and proposed remediation were discussed, and another Status Hearing was scheduled.
16. On December 23, after Mr. Holiday made the corrections, the matter was recalled to receive the Second Final Petition Summary Report. Both parties appeared through their attorneys, and both signed it acknowledging receipt. The results were as follows:



<b>15-EB-ALD-013</b>	
<b>Signatures on Petitions</b>	931
<b>Total Objections</b>	516
<b>Objections Overruled</b>	149
<b>Objections Sustained</b>	367
<b>For Review – Candidate</b>	6
<b>For Review – Objector</b>	21
<b>Number of Valid Signatures</b>	564
<b>Min. Signatures Required</b>	473
<b>Number Above Minimum</b>	<b>91 - Above the statutory minimum</b>

17. Despite the results and reopening of the related case, 15-EB-ALD-094, neither party wished to proceed further and agreed to let the results stand. There having been no other matters at issue, the Hearing Officer concluded the case and informed the parties she would issue a report and recommendation.
18. The Hearing Officer finds that the Candidate has five hundred sixty-four (564) valid signatures— ninety-one (91) greater than the minimum requirement to have his name placed on the ballot.
19. For the forgoing reasons, the Hearing Officer recommends that the OBJECTIONS of CHESTER WILSON, JR. be OVERRULED. However, the validity of the Candidate's Nomination Papers will ultimately be determined in one of two related cases—15-EB-ALD-094 or 15-EB-ALD-161.



Yolanda H. Sayre

Hearing Officer