

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 was held on these Objections commencing on December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, ADOLPHUS AL KINDLE, by his attorney, James P. Nally P.C.; and the Candidate, PATRICIA HORTON, by her attorney, Andrew Finko P.C.

7. The Candidate filed a motion to strike and dismiss paragraph 28 of the Objector's Petition wherein the Objector claims that the Candidate did not meet the residency requirement for the office of Alderman of the 3rd Ward of the City of Chicago. The Hearing Officer initially took the motion under advisement.

8. 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.

9. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

10. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

11. The Objector and/or his duly authorized representative were present during the examination of the registration records.

12. 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.

13. 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 2,167.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 760.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,070.

14. 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 3rd Ward of the City of Chicago.

15. Neither party filed a Rule 8 motion objecting to the Board's clerk's findings during the records examination. However, the Objector did wish to present evidence regarding

paragraphs 9, 10, 24 and 25 of the Objector's Petition alleging false circulator's affidavits and fraud.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained a number of valid signatures that 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 3rd Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid. The Hearing Officer also found that the evidence presented does not rise to the level required to make a finding that there was a pattern of fraud perpetrated by the Candidate requiring the invalidation of all petition sheets circulated by her. The Hearing Officer also noted that even if he were to invalidate each sheet implicated by the affidavits, the Candidate would still have in excess of the minimum signature requirement of 473 valid signatures.

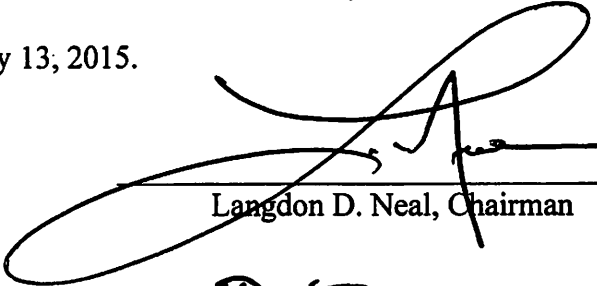
17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

18. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of PATRICIA HORTON are, therefore, valid.

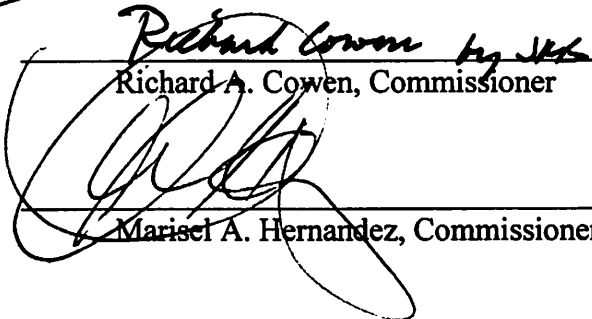
IT IS THEREFORE ORDERED that the Objections of ADOLPHUS AL KINDLE to the Nomination Papers of PATRICIA HORTON, candidate for election to the office of Alderman of

the 3rd Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of PATRICIA HORTON, candidate for election to the office of Alderman of the 3rd 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.

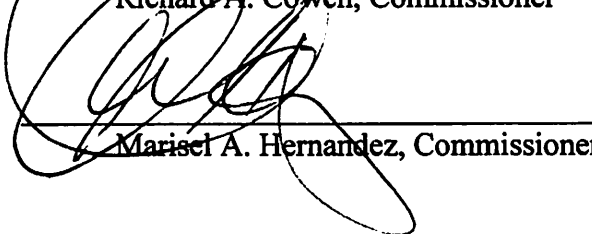
Dated: Chicago, Illinois, on January 13, 2015.



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.

Examination and the scheduling of a hearing on any Rule 8 Motions. The hearing Officer also extended the time to request subpoenas until December 18, 2014.

4. The Candidate filed a Motion to Dismiss paragraph 28 of the Objector's Petition.

Paragraph 28 alleged as follows:

"28. The candidate Patricia Horton does not meet the residency requirements to appear on the ballot as a candidate for Alderman of the 3rd Ward City of Chicago. In order to meet the residency requirements a candidate for this office must be: " a qualified elector who has resided in the ward he or she seeks to represent at least 1 year before the date of the election, provided, however, that in the election following a redistricting, a candidate for Alderman may be elected from any ward containing a part of the ward in which he or she resided for at least 1 year next preceding the election that follows the redistricting. [65 ILCS 20/21-14(a)]." This candidate is not resided in the specified area for the required one year before the February 24, 2015 election and does not meet the residency requirements and her Statement of Candidacy stating that she meets all legal requirements and her nomination papers are invalid in their entirety." *Objector's Petition.*

5. Candidate argued that paragraph 28 failed to fully state the objection and was factually and legally insufficient. The Objector argued that paragraph 28 sufficiently alleged a challenge to the Candidate's residency. The Hearing Officer took the Motion under advisement and continued the case until December 22, 2014 for status on the Records Examination and to schedule a hearing date on the Objector's Petition.

6. On December 22, 2014, the matter appeared for status on the Records Examination. The Records Examination was in progress. The Candidate requested the Hearing Officer suspend the Records Examination because the Candidate had 800 valid signatures which exceeds the 473 minimum signature requirement. The Hearing Officer consulted Mr. Charles Holiday regarding the Records Examination, and Mr. Holiday indicated it would be completed in the next day. The Objection Petition also contained circulator objections, and the Hearing Officer noted that numerous sheets were objected to on the basis that the person who signed as

circulator did not circulate said petition sheets. If said allegations were proven they would invalidate entire petition sheets. The Hearing Officer found it prudent to complete the Records Examination and denied the request to suspend the Records Examination. The Hearing Officer set the matter for an evidentiary hearing on the Objector's Petition on January 3, 2015. The Hearing Officer, over the Candidate's objection, granted Objector until December 23, 2014 to request subpoenas and granted the Candidate until December 26, 2014 to request subpoenas. The Hearing officer also ordered the exchange of witness lists.

7. On December 22, 2014, the Records Examination was completed. The Results of the Records Examination are as follows:

*Number of Signatures on Petition:	2167
*Total Objections:	1851
*Number of Objections Overruled:	760
*Number of Objections Sustained:	760
*Valid Signatures:	1070
*Minimum Signature Requirement:	473

A copy of the Petition Summary Sheet is attached hereto as Hearing Officer's Exhibit 1.

8. On December 23, 2014, the Objector requested certain subpoenas be issued. The Candidate field a written objection to the issuance of said subpoenas. The Hearing Officer overruled the objections to the issuance of Objector's requested subpoenas and issued a recommended finding that the Board approve said subpoenas. On December 29, 2014, the Board issued an order directing the Hearing Officer to issue the requested subpoenas.

9. On January 2, 2015, the Candidate served a Notice to Produce to the Board of Elections to produce certain voter registration records and voting histories of certain individuals. The Hearing Officer issued an order that said documents be produced for use by the Candidate during the Hearing on the Objector's Petition.

10. On January 3, 2015, the matter appeared on the Hearing Officers call for an evidentiary hearing on the Objector's Petition. The Objector indicated on the record that the Objector did not file a Rule 8 Motion and was not contesting the rulings made during the Records Examination that revealed the Candidate had 597 signatures in excess of the 473 minimum signature requirement. The Objector also indicated on the record that he was only proceeding with the presentation of evidence as to the allegations set forth in paragraphs 9, 10, 24, and 25 of the Objector's Petition.

11. The Objector presented the following evidence:

- a. The Objector called the Candidate, Patricia Horton, who testified as follows:
 - Her name is Patricia Horton and she resides at 3720 S. Calumet for the past year and a half.
 - She circulated 30 or more petition sheets in relation to her candidacy for Alderman of the 3rd Ward.
 - She signed as the circulator for sheets 1-31 and sheets 110 through 113.
 - In regards to the sheets she circulated, she was present when the signers signed the petition sheets and she was the individual who handed the petition sheets to the signers.

- When she circulated sometimes she was by herself and sometimes she was with her area coordinator Carlos Estes. At times she may have circulated with Shekinah Horton, Donna Thomas, and Larry Vivians. She did not circulate with Charles Sparks, Robert Jackson, or Liddell Locket.
 - In regard to sheets 12, 13, and 14, she circulated those petition sheets on August 26, 2014 in the area of 4520 S. Princeton. She did not go into the building to circulate the petition sheets. The signatures on sheet 12 lines 1 through 17 she obtained at a grocery store on 43rd Street and at Root Liquor store. She obtained the signatures on sheet 13 that have an address of 4520 S. Princeton in the same locations. As to sheet 14, all of the signatures with an address of 4520 S. Princeton the Candidate obtained in the same locations and nobody was with her at that time.
 - In regard to sheet 110, Ms. Horton testified that she obtained those signatures while standing on Wabash Street near the building located at 1801 S. Wabash. She never entered the building at 1801 S. Wabash and she was alone at that time.
 - In regard to sheet 55 that bears the circulator name of Larry Vivians, Ms. Horton did not remember if she was with Mr. Vivians at the time he circulated said sheet.
- b. Geraldine Finklea testified as follows:
- She resides at 4520 S. Princeton, Chicago, Illinois. She has resided at 4520 S. Princeton since 1994 and the building is a senior apartment building.
 - Her signature appears on sheet 14, Line 10.
 - She did not remember the Candidate being present when she signed the petition sheet.

- When asked “When did you sign this petition sheet when you were inside the building?” Ms. Finklea stated “I don’t remember. I don’t remember even signing it.” *Transcript pg 24-25.*
- c. James Monroe, Jr. testified that he resides at 4120 South Indiana and previously resided at 4520 S. Princeton. In August of 2014 he resided at 4520 S. Princeton. His signature appears on petition sheet 12, Line 6. He does not remember the Candidate being present when he signed the petition. He also does not remember who was present when he signed the sheet. When asked where he was when he signed the sheet the witness stated, “I don’t remember signing it.”
- d. Maurice Perkins testified as follows:
- He resides at 441 East 46th Place and is a registered voter at that address. His signature appears on Sheet 27, Line 5. The Candidate was not present at the time he signed the petition sheet. A guy asked him to sign the petition sheet when he was standing by King Drive.
 - On cross examination the witness denied he was being paid for his testimony. The witness also testified that the affidavit he signed lists his address as 446 E. 46th Place; however, he does not live there and moved within the last 3 weeks.
- e. The objector moved to admit the following affidavits into evidence:
- Objector’s Group Exhibit 1** consisting of the affidavits of the following individuals:

Ametta Carr, Georgia Carr, Mikiela Montgomery, Marlo Tillis and Wayne Arnold. All affidavits stated in essence that the person whose picture appeared on the affidavit was not present when they signed the candidate's petition sheet.

Objector's Group Exhibit 2 consisting of the affidavits of the following individuals:

Derrick Jefferson, Ray Shearer, Dominique Pitts, Yolanda Pitts, Richard Veal, Yvonne Barr, Rosetta Thomas, Derek Sutherlin, Stacy Adams, Eric Grimmitte, Victoria Slue, Maurice Tolbert, Donald Pennington, Lisa Abernathy, Alma Brakes, Michael Baugh, Leo Taylor, John Vincer, Percy McGhee, Linda Hoffman, and Percy Powell.

The Candidate objected to all of the affidavits contained in Group Exhibit 2 in that they were disclosed after the 29th of December which was the deadline for the Objector to produce a witness list and various other objections stated on the record.

The Hearing Officer admitted the affidavits as evidence subject to the Candidate's objections and the objector rested.

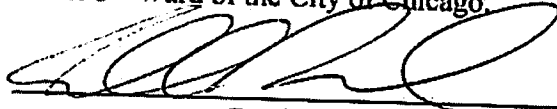
12. The Candidate moved for a directed finding stating that the Objector has not proven a pattern of fraud by clear and convincing evidence and that even if the Hearing Officer were to strike each and every signature on the sheets that are implicated by the affidavits that the Candidate would still have in excess of the 473 minimum signature requirement.

13. Where the signature sheets of a nominating petition submitted by a circulator evidence a pattern of fraud, false swearing, and total disregard for the requirements of the Code.

the sheets circulated by that individual should be stricken in their entirety. *Canter v. Cook County Officers Electoral Board*, 170 Ill.App.3d 364, 368, 120 Ill.Dec. 388, 523 N.E.2d 1299 (1988). In this case, the Candidate testified credibly that she circulated the petitions that bear her name and that she was present when the individuals that signed the petition sheets actually signed the petition. The only other live testimony presented by the Objector was the testimony of Ms. Finklea, Mr. Monroe and Mr. Perkins. Both Finklea and Monroe testified that they did not remember the Candidate being there when they signed the petition; however, they also did not remember signing the petition. Mr. Perkins testified that he did remember signing the petition and that the Candidate was not present when he signed the petition. Mr. Perkins also indicated that he signed an affidavit for the objector and listed his address as 441 E.46th Street; even though, he has not resided there for a few weeks. The Hearing Officer finds that Mr. Perkins testimony was not credible. The 27 affidavits submitted by the Objector are hearsay documents and not subject to cross examination. Also, there was no testimony regarding how the affidavits were obtained from these individuals. Therefore, the hearing officer gives little weight to the affidavits and finds that the evidence presented does not rise to the level required to make a finding that there was a pattern of fraud perpetrated by the Candidate requiring the invalidation of all petition sheets circulated by her. The Hearing Officer also notes that even if he were to invalidate each sheet implicated by the affidavits, the Candidate would still have in excess of the minimum signature requirement of 473 valid signatures. The Hearing Officer granted the Candidate's Motion for a Directed Finding for the above reasons.

14. The Hearing Officer recommends that the Objector's Petition be overruled and the Candidate, Patricia Horton, appear on the ballot for the February 24, 2015 Municipal General

Election as a candidate for Alderman of the 3rd Ward of the City of Chicago.

A handwritten signature in black ink, appearing to read 'Frank A. Tedesso', written over a horizontal line.

Frank A. Tedesso, Hearing Officer

Petition Summary Report

FINAL

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ALD-051 RECOMMENDATION.pdf - 01/06/2015 4:38 pm

Petition: 15-EB-ALD051
Election: 022415

Objector Name: ADOLPHUS AL KINDLE
Candidate Name: PATRICIA HORTON

Candidate Contact:
Phone:
Fax:

Objector Contact:
Phone:
Fax:

ADOLPHUS AL
KINDLE

Signature Required: 473
Alderman 3rd Ward

Total Pages: 113
Total Signatures: 2167
Total Objections: 1857
Total Ruled On: 1857
Total Remaining: 0
Total Sustained: 1097
Total Overruled: 760
For Review (Candidate): 915
For Review (Objector): 891
Total Valid Signatures: 1070
Total Unchallenged Sigs: 310

597 Signatures greater than the required minimum

I acknowledge the completion of the records examination at 12/22/2014 5:28:18 PM

Candidate Representative

Objector Representative

County / City Representative