

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

Objections of: HENRY MOSES)
)
)
To the Nomination) No.: 15-EB-ALD-094
Papers of: CHARLES R. THOMAS SR.)
) Rel. ALD-013 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 HENRY MOSES (“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 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 Yolanda Sayre 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, HENRY MOSES, by his attorney, Peter Cleary; and the Candidate, CHARLES R. THOMAS SR., pro se. Attorney Frank Avila subsequently filed an appearance on behalf of the Candidate.

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 498.

D. The remaining number of signatures deemed valid as a result of the records examination total 433.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than 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. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination. As a result, the Candidate was able to rehabilitate 43 signatures, giving him a total of 476 valid signatures.

15. 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 476 valid signatures, which 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, and that the Candidate's Nomination Papers should be found valid.

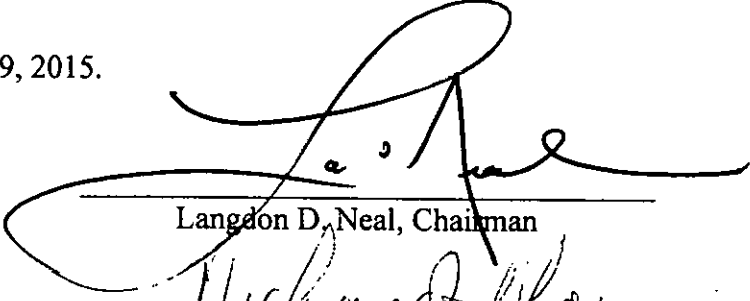
16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached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

17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of CHARLES R. THOMAS SR. are, therefore, valid.

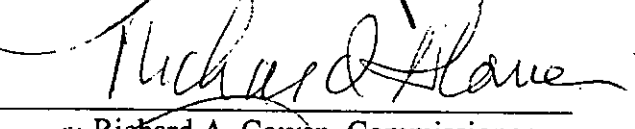
18. The Electoral Board further finds that additional objections to the Candidate's Nomination Papers were filed in related cases ALD-013 and ALD-161 and the Candidate's Nomination Papers were determined to be valid in those cases.

IT IS THEREFORE ORDERED that the Objections of HENRY MOSES 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 and said Nomination Papers are hereby declared VALID and the name of CHARLES R. THOMAS SR., candidate for election to the office of Alderman of the 34th 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.

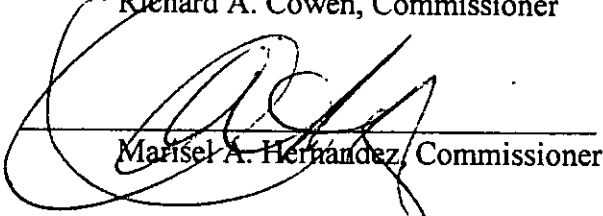
Dated: Chicago, Illinois, on January 19, 2015.



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.

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

HENRY MOSES)	
Objector)	
)	
-v-)	15-EB-ALD-094
)	
CHARLES R. THOMAS, SR.)	
Candidate)	Hearing Officer
)	Yolanda H. Sayre

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 34th 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 any 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. HENRY MOSES appeared through his attorney, Mr. Peter Cleary (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 matter was recalled on December 19, 2014 for the Second Initial Hearing. Mr. Frank Avila filed an appearance on behalf of the Candidate, and Mr. Peter Cleary on behalf of the Objector. The Second Initial Hearing was supposed to take place prior to the Records Examination (as it did in the related case of 15-EB-ALD-013); however, the first date that both attorneys were available was not until four (4) days after the Records Examination took place. Therefore, the Records Examination was conducted prior to an appearance being filed on the Candidate's behalf.
6. The Hearing Officer issued an order on December 24, 2014 that the Records Examination be redone because of a discrepancy in the results of the first Records Examinations conducted in this case as well as the related case of 15-EB-ALD-013. The details of said discrepancies are described in detail in the Hearing Officer's Order. When the first Final Petition Summary and Detail Reports (the First Reports) for both cases were served on the parties on December 18, 2014, they indicated wildly different results. 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 of objections filed. the First Reports also indicated two different numbers of total signatures submitted by the Candidate.

7. The Candidate, as well as the Hearing Officer, notified the Board of what appeared to be discrepancies in the results. Mr. Charles Holiday, the Board employee who supervises the records examination process, explained what he believed happened in the Records Examination to the Candidate, his attorney and the Hearing Officer at various times. He stated he would attempt to rectify the situation by redoing some of the data entry.
8. After Mr. Holiday made the corrections, the second set of Final Petition Reports (the "Second Reports") indicated that, in 15-EB-ALD-013, the Candidate had ninety-one (91) signatures above the statutory minimum; whereas in 15-EB-ALD-094 the Candidate had twenty-seven (27) signatures less than what was required. The total number of signatures submitted by the Candidate was now listed on the Second Reports as nine hundred thirty-one (931).
9. Prior to the Status Hearing on December 23, 2014, the Candidate submitted a letter to the Board with the following three requests: 1) That Mr. Holiday's explanation of the Records Examination errors be reduced to writing for the record; 2) that the Board redo the Records Examination in this matter; and 3) that the due date for any related Rule 8 Motions be stayed pending the Board's decision on the second request. The Hearing Officer attempted to consult with either the General Counsel or the Assistant General Counsel, and neither was available prior to the Status Hearing. The Hearing Officer decided to allow oral argument on the issue of whether a second Records Examination should be conducted. In addition, as opposed to requiring a written explanation of the

erroneous Records Examination process, the parties agreed that the sworn testimony of Mr. Holiday would suffice.

10. Mr. Holiday explained under oath how such errors occurred and what measures he took to rectify them. He testified that the Board employee who conducted the Records Examination had inadvertently “hit blank line” when there was no objection to a signature. This had the effect of lowering the total number of signatures and thereby skewing the results. He testified that he “went back in and re-entered the data” and that changed the results to what they would have been had the data been entered properly. He testified that he was certain the results were now accurate but that this was a unique situation in that his clerk did not do a thorough job. (December 23, 2014 Transcript p. 34, lines 19-21.) He testified that he was alone as he reentered the data and that neither party had a “watcher” present. He further testified that he understood how the fact that he was alone could call into question the validity of this Records Examination. (December 23, 2014 Transcript p. 31, line 12.)
11. The Candidate also argued that the results of several of the same line number objections varied between the Records Examination conducted in 15-EB-ALD-013 and the one conducted in this matter. The Hearing Officer found five (5) of the same page / line objections were ruled on differently (by the clerk as well as the handwriting expert) in the two Records Examinations on just the first page of petitions alone. (See Final Petition Detail Reports – Including the Results of the Handwriting Expert – and compare Page ID/Line # 0001/3, 0001/4, 0001/9, 0001/10, 0001/11).
12. The Objector argued that the Candidate was just trying to get a “second bite at the apple” in that they had twenty-seven (27) signatures less than what was required, but had only

objected to twenty-three (23). Ordinarily, such an argument might prevail; however, here the Objector failed to take into account the additional nine (9) objections the Candidate got as a result of the Board's Hand Writing Expert having reversed certain rulings. Those reversals are to be considered as having been automatically objected to by both the Candidate and the Objector according to Rule 6 of the Board's Rules of Procedure. Those nine (9) objections or appeals are not included in the twenty-three (23) objections "For Review (Candidate)" on the Second Reports. Therefore, the Candidate didn't technically need a second bite at the apple; at least in terms of the number of objections that could be further appealed.

13. The Second Complete Records Examination was conducted on December 27, 2014. As a result of a scheduling issue with the Board's Handwriting Expert, the results were not served on the parties until January 6, 2015. The results were as follows:

15-EB-ALD-094 Final Petition Detail Report Dated January 6, 2015

Signatures on Petitions	931
Total Objections	653
Objections Overruled	155
Objections Sustained	498
For Review – Candidate	253
For Review – Objector	55
Number of Valid Signatures	433
Min. Signatures Required	473
Number Above Minimum	40 - Below the statutory minimum

14. On January 7, 2015 a Status Hearing was held at which time the Candidate indicated he would be submitting approximately fifty (50) affidavits and would be calling

approximately eight (8) witnesses. The Objector expected to call several witnesses but wasn't certain how many. The parties were ordered to serve each other with information regarding their witnesses and proposed submissions prior to the next hearing.

15. The Candidate filed a timely Rule 8 Motion on January 8, 2015. His Rule 8 Motion consisted of attachments including itemized lists of each sheet and line number for which he intended to submit an affidavit. It also contained three different columns delineating differences in the rulings in the various Records Examinations. The Candidate also attached the Final Petition Detail Reports from all of the Records Examinations and the corrected reports, including the ones from the related case of 15-EB-ALD-013. In addition, he stated he would be calling his own handwriting expert in as a witness to refute some of the signature rulings.
16. The Objector filed a Response to the Candidate's Rule 8 Motion, but he emailed to the wrong address; as a result it was not timely filed with the Board. The Hearing Officer forwarded a copy of the Objector's Response to the correct address. In the Response, he requested the Board's Handwriting Expert testify as well.
17. The Evidentiary Hearing was held Monday, January 12, 2015. The Hearing Officer advised the Candidate at that time of the need to email copies of what had been marked in a related case (ALD-094) as Candidate's Exhibit 8 because they were missing from the file. In doing so, the Hearing Officer reminded the Objector of the correct email address.
18. The parties were advised that the Board's Handwriting Expert would not be available at the time; and that after the presentation and evaluation of the affidavits, if the parties still believed his testimony would be germane, the Hearing Officer would determine his availability and continue the Evidentiary Hearing.

19. At the Evidentiary Hearing, the Candidate requested that the Hearing Officer admit the affidavits as prima facie evidence that the signatures were valid. The Objector objected. Without having had time to thoroughly review the filings prior to the Hearing, the Hearing Officer rejected the Candidate's "Request that Official Notice Be Taken" of the affidavits and informed the parties that each document would be analyzed and each objection would be ruled upon separately.
20. The Candidate then proceeded to argue that the Hearing Officer must take the affidavits as absolute proof of the validity of the signatures. The Hearing Officer informed the Candidate he was correct to the extent that affidavits may be accepted to establish that signatures are in fact the genuine signatures of those signing a petition. *Garza v. Adams, 91-EB-ALD-11, CBEC, February 1991; Sumlin v. Newell, 07-EB-ALD-174, CBEC, January 2007*. However, his assertion that such affidavits must be accorded prima facie validity is incorrect. An Affidavit can be used to overrule a ruling by the Board staff and it's Handwriting Expert "unless it is clear from the face of the affidavit that the requisite particularity required by Supreme Court Rule 191 is not present, the facts shown are not within the personal knowledge of the person, or a reasonable person could not believe the truth of the statements. *Fritchey v. Romanelli, 08-EB-WC-37, CBEC, December 16, 2007*, affirmed, Cir. Ct. Cook Cty, No. 2007 COEL 0065, affirmed, Appellate Court of Illinois, First Judicial District, No. 1-08-0031 (February 11, 2008) (Holding that affidavits were not entitled to "prima facie validity . . .")
21. The majority of the signatures for which the Candidate presented affidavits were for rulings involving sustained objections to printed signatures. The Objector voiced several arguments regarding the issue of printed signatures being invalid and, the Hearing officer

explained that the mere fact that someone printed their name does not invalidate their petition signature. *Simms-Johnson v. Coordes*, 04-EB-WC-05, CBEC, January 20, 2004; *Prince v. Douyon*, 06-EB-RGA-10, CBEC, January 26, 2006; *Sumlin v. Newell*, 07-EB-ALD-174, CBEC, January 2007; *DeLay v. Ferral*, 08-EB-WC-03, CBEC, December 7, 2007.

The affidavits were each analyzed, and the signatures were compared to the Petition Sheets and the Signature Expert Report (Board Copy) including the signature clips from the Board's database. The Hearing Officer made the following findings on the record:

- a) **Page 1 Line 3 – Affidavit of T. Mcmillon** – Objection was sustained by the Board and its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card (“registration card”). – **objection overruled.**
- b) **Page 1 Line 4 – Affidavit of D. Mcmillon** – Objection was sustained by the Board and its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be dissimilar. The signature on the affidavit is substantially similar to that of the registration card, however the address listed on the petition is different from the address on the affidavit. Even though the objection was not based on the address, it is unlikely that the signer of an affidavit would have signed the incorrect address on a recent petition, and again the print doesn't match. – **objection sustained.**
- c) **Page 1 Line 5 – Affidavit of M. Spencer** – Objection was overruled by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be different and no explanation for the difference is explained in the affidavit. The signature on the affidavit is substantially different to that of the voter registration card. – **objection sustained.**
- d) **Page 1 Line 7 – Affidavit of C. Wilson** – Objection was overruled by the Board and sustained by its handwriting expert. Candidate submitted a

sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**

- e) **Page 1 Line 9 – Affidavit of D. Jackson** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- f) **Page 1 Line 10 – Affidavit of D. Tate** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- g) **Page 1 Line 12 – Affidavit of S. Sampson** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- h) **Page 1 Line 13 – Affidavit of Q. Taylor** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- i) **Page 3 Line 8 – Affidavit of M. Mosley** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**

- j) **Page 3 Line 13 – Affidavit of S. Randle** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. The print in the address on the affidavit is the same. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- k) **Page 4 Line 5 – Affidavit of B. Bohannon** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. – **objection overruled.**
- l) **Page 4 Line 13– Affidavit of J. Poe** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be different and no explanation for such difference is explained in the affidavit. – **objection sustained.**
- m) **Page 7 Line 10 – Affidavit of D. Washington** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- n) **Page 11 Line 14 – Affidavit of J. Brewer** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. The signature on the affidavit is substantially similar to that of the voter registration card. – **objection overruled.**
- o) **Page 13 Line 3 – Affidavit of R. Hardy** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. – **objection overruled.**

- p) **Page 13 Line 9 – Affidavit of S. Daniels** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. In addition, the print in the address is the same as that on the petition. – **objection overruled.**
- q) **Page 19 Line 11 – Affidavit of R. Tolbert** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially dissimilar. The numbers on both are dissimilar as well – **objection sustained.**
- r) **Page 19 Line 13– Affidavit of L. Harris** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds that the signer wrote “Street” on the Petition, but wrote “Place” on the affidavit. That is not a usual mistake. Although the signature clip is similar to the affidavit, the signature on the petition is dissimilar and the affidavit offers no explanation as to the difference. – **objection sustained.**
- s) **Page 21 Line 2 – Affidavit of C. Campbell**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially dissimilar. The Hearing Officer initially reserved ruling on this signature, but now decided to sustain the objection. The signature appears very “shaky” and could be genuine; but the affidavit offers no explanation as to the difference in signatures. -- **objection sustained.**
- t) **Page 22 Line 6 – Affidavit of A. McIntyre** – Objection was sustained by the Board and sustained by its handwriting expert. The Candidate failed to include this page and line number in his Rule 8 Motion – **objection sustained.**
- u) **Page 22 Line 11 – Affidavit of W. Riley** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be similar.

The signature on the affidavit is substantially similar to that of the voter registration card – **objection overruled.**

- v) **Page 23 Line 13 – Affidavit of R. Clark**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar.– **objection overruled.**
- w) **Page 25 Line 11 – Affidavit of S. Stewart**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. – **objection overruled.**
- x) **Page 26 Line 7 – Affidavit of K. Knazze**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. – **objection overruled.**
- y) **Page 28 Line 1 – Affidavit of L. Woodard**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- z) **Page 28 Line 12 – Affidavit of R. Tolbert**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially dissimilar, and no explanation is offered in the affidavit.-- **objection sustained.**
- aa) **Page 29 Line 2 – Affidavit of D. Stemley**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**

- bb) **Page 29 Line 6 – Affidavit of J. Dease**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the affidavit is similar to the petition, and the signature is similar to the voter registration card; but it looks as if he printed quickly on the petition.– **objection overruled.**
- cc) **Page 31 Line 15 – Affidavit of M. Connie**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and on the affidavit to be substantially similar. – **objection overruled.**
- dd) **Page 32 Line 7 – Affidavit of G. Wright**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- ee) **Page 32 Line 12 – Affidavit of T. Arrington**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- ff) **Page 32 Line 15 – Affidavit of M. Wheeler**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- gg) **Page 33 Line 4 – Affidavit of R. Taylor**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the petition say “Gregory” not “Radell” as the affidavit says.– **objection sustained.**
- hh) **Page 37 Line 12 – Affidavit of W. Gholson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and

- that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- ii) **Page 37 Line 13 – Affidavit of J. Tucker**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and on the affidavit to be dissimilar. – **objection sustained.**
- jj) **Page 38 Line 15 – Affidavit of M. Williams**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- kk) **Page 41 Line 11 – Affidavit of V. Cross**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- ll) **Page 42 Line 14 – Affidavit of R. Kennedy**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled..**
- mm) **Page 42 Line 8 – Affidavit of R. Robinson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- nn) **Page 37 Line 12 – Affidavit of W. Gholson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**

- oo) **Page 44 Line 1 – Affidavit of T. Terry**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- pp) **Page 44 Line 2 – Affidavit of K. Grandberry**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- qq) **Page 44 Line 3 – Affidavit of C. Borders**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- rr) **Page 44 Line 6 – Affidavit of R. Jackson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**
- ss) **Page 47 Line 3 – Affidavit of P. Bonner**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and the signature on the affidavit to be substantially similar. – **objection overruled.**
- tt) **Page 52 Line 2 – Affidavit of M. Simmons**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. Voter registration card signature is substantially similar to affidavit.– **objection overruled.**
- uu) **Page 52 Line 15 – Affidavit of A. Willis**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and

that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be dissimilar. It appears to be an older person with a "shaky" hand, but the affidavit offers no explanation for the variation. – **objection sustained**.

- vv) **Page 53 Line 12 – Affidavit of M. Fraser**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.
- ww) **Page 56 Line 5 – Affidavit of H. Lovett**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.
- xx) **Page 56 Line 13 – Affidavit of B. Nunn**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.
- yy) **Page 57 Line 2 – Affidavit of** – Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.
- zz) **Page 57 Line 8 – Affidavit of B. Salter**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.
- aaa) **Page 58 Line 9 – Affidavit of S. Berry**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled**.

bbb) **Page 59 Line 2 – Affidavit of K. Cowley**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed (but actually printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**

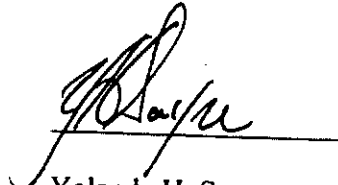
ccc) **Page 61 Line 12 – Affidavit of W. Gholson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and on the affidavit to be dissimilar, and the affidavit offers no explanation for the variation. – **objection sustained.**

ddd) **Page 63 Line 9 – Affidavit of D. Gibson**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer signed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the signature on the petition and on the affidavit to be dissimilar, and the affidavit offers no explanation for the variation. – **objection sustained.**

eee) **Page 64 Line 2 – Affidavit of K. Shelton**– Objection was sustained by the Board and sustained by its handwriting expert. Candidate submitted a sworn affidavit that the signer printed their signature on the petition and that they signed in their own proper person. The Hearing Officer finds the print on the petition and the print on the affidavit to be substantially similar. – **objection overruled.**

22. The Hearing Officer finds that the Candidate has successfully rehabilitated forty-three (43) signatures leaving him with three (3) signatures over the required minimum. 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.
23. The Hearing Officer finds that the Candidate has four hundred seventy-six (476) valid signatures— three (3) greater than the minimum requirement to have his name placed on the ballot. The Candidate's Nomination Papers were determined to be valid in two related cases—15-EB-ALD-013 and 15-EB-ALD-161.

24. For the forgoing reasons, the Hearing Officer recommends that the OBJECTIONS of MR. HENRY MOSES be OVERRULED and that the NOMINATION PAPERS of MR. CHARLES THOMAS be deemed VALID.



Yolanda H. Sayre

Hearing Officer