

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

Objections of: GIA D. SMITH)
)
)
To the Nomination) No.: 15-EB-ALD-131
Papers of: CM WINTERS)
) Rel. ALD-035 AND ALD-066
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 GIA D. SMITH (“Objector”) to the nomination papers (“Nomination Papers”) of CM WINTERS, 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 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 William J. Kresse 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, GIA D. SMITH, by her attorney, Nicholas C. Kefalos; and the Candidate, CM WINTERS, by her attorney, Andrew Finko.

7. The Hearing Officer recommends that the Objector be defaults for failing to appear at a scheduled hearing for which she had notice.

8. The Hearing Officer has tendered to the Electoral Board a report and recommended decision.

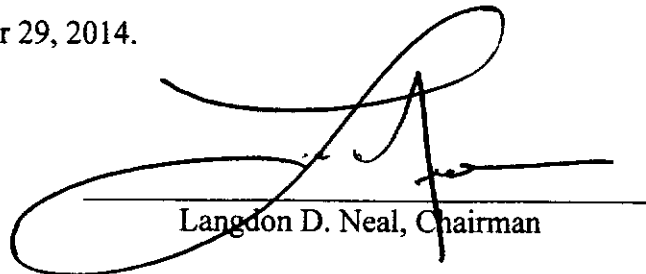
9. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached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

10. The Electoral Board finds that the Objector is in default and the Objections are dismissed.

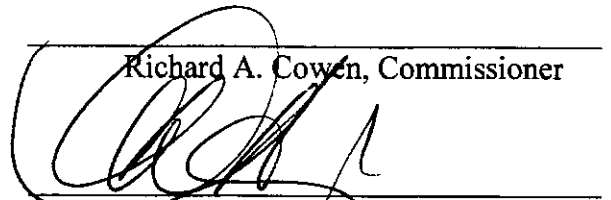
11. The Electoral Board further finds that there are other objections filed against the Candidate's Nomination Papers in related cases ALD-035 and ALD-066 that will determine whether the Candidate's Nomination Papers are valid or invalid.

IT IS THEREFORE ORDERED that the Objections of GIA D. SMITH are DISMISSED.


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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES FOR THE FEBRUARY 24, 2015 MUNICIPAL GENERAL
ELECTION IN THE CITY OF CHICAGO**

GIA SMITH,)	
)	
)	<i>Objector,</i>
)	
)	No. 15-EB-ALD-131
vs.)	
)	Hearing Officer William J. Kresse
CM WINTERS,)	
)	
)	<i>Candidate.</i>

Report and Recommended Decision of the Hearing Officer

To the Board of Election Commissioners of the City of Chicago:

Hearing Officer William J. Kresse reports as follows:

1. This matter came before the Hearing Officer, pursuant to notice, for hearing on December 9, 2014. Both the Objector and the Candidate were present by counsel. No issue was raised as to sufficiency or timeliness of notice of the objection or of the hearing. Both parties filed written Appearances and Non-Disclosure Agreements.
2. Without objection, the Candidate's nomination papers for the office of Alderman of the 21st Ward of the City of Chicago were admitted into the record as Group Exhibit A; the Objector's Petition and attachments were admitted into the record as Group Exhibit B; the return of service of process, and a copy of the Call and attachments were admitted into the record as Group Exhibit C; and the completed Appearance

forms and Non-Disclosure Agreement forms were admitted into the record as Group Exhibit D.

The Claim of the Objector's Petition

3. The Objector's Petition, filed on December 3, 2014, asserted in substance as follows:
That the Candidate's nomination papers contained fewer than the necessary 473 signatures of duly qualified, registered and legal voters of the 21st Ward; and that the Candidate's name on the Candidate's nomination papers is not legally valid.

Proceedings at the December 9, 2014 Hearing

4. At the December 9, 2014 hearing, counsel for the Candidate noted that he intended to file a Motion to Strike and Dismiss those parts of the Objector's Petition dealing with the legal validity of the Candidate's name. Accordingly, the Hearing Officer set the following briefing and hearing schedule:
- a. Motion and supporting brief due December 10 at 5:00 pm;
 - b. Response brief due December 12 at 5:00 pm;
 - c. Reply brief, if any, due December 13 at 5:00 pm;
 - d. A hearing on said motion was set for December 15 at 2:00 pm.
5. Further, the Hearing Officer, noting that the bulk of the Objector's Petition centered on whether the Candidate's nomination papers contained fewer than the necessary 473 signatures of duly qualified, registered and legal voters of the 21st Ward, ordered that a Records Examination be conducted on the Candidate's nomination papers to

commence on or about December 15, and set a hearing for December 18, 2014 at 2:00 pm for the purpose of reporting on the finding of said records examination.

6. There were no objections from the parties.

Proceedings at the December 15, 2014 Hearing

7. The Candidate appeared by counsel at the hearing set for 2:00 pm on December 15, 2014. The Objector did not appear at the Hearing, either in person or by counsel. The Hearing Officer called the case at or about 2:00 pm, at or about 2:15 pm, and at or about 2:30 pm; the Objector did not respond to any call.
8. The Hearing Officer noted on the record that the Objector was present by counsel at the December 9 hearing, who acknowledged service and did not object when the next hearing in this matter was set for 2:00 pm on December 15.
9. Counsel for the Candidate moved that the Objector be found in default pursuant to Rule 12 of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago as the Duly Constituted Electoral Board for Hearing and Passing Upon Objections to Nomination Papers and Petitions for Questions of Public Policy.
10. The Hearing Officer sustained the Candidate's Rule 12 motion. Further, the Hearing Officer struck the previous order for a records examination and struck the hearing set for December 18, 2014.

Recommended Findings of Fact and Conclusions of Law

11. The Hearing Officer recommends that the Electoral Board enter the following findings of fact:

- a. That by being present at the December 9 hearing in this case and not objecting to the setting of a hearing for 2:00 pm on December 15, the Objector received constitutionally and legally sufficient notice of the December 15 hearing.
- b. By failing to appear at either the December 15 hearing in this case, the Candidate placed himself in default pursuant to Rule 12 of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago as the Duly Constituted Electoral Board for Hearing and Passing Upon Objections to Nomination Papers and Petitions for Questions of Public Policy.

Recommended Decision

12. The Hearing Examiner recommends that the Electoral Board enter the following final administrative decision:

That the Candidate's motion for a Rule 12 default be sustained, and that the Objector's Petition be dismissed.

Dated: December 23, 2014.

Respectfully submitted,

s/ William J. Kresse

William J. Kresse
Hearing Officer