

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

Objections of: MELVIN GUNN, CECIL)
LYLES, JR.)
)
To the Nomination) No.: 15-EB-MUN-001
Papers of: FENTON C. PATTERSON)
)
Candidate for the office of)
Mayor of the 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 MELVIN GUNN and CECIL LYLES, JR. (“Objectors”) to the nomination papers (“Nomination Papers”) of FENTON C. PATTERSON, candidate for the office of Mayor of the City of Chicago (“Candidate”) to be elected at the February 24, 2015 Municipal General Election, having convened on December 8, 2014 at 9:00 a.m., in the 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 Objectors 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 Christopher B. Cohen for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board's Call to appear before the Hearing Officer on the date and at the time to be designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objectors, MELVIN GUNN and CECIL LYLES, JR., by their attorney, Andrew Finko; and the Candidate FENTON C. PATTERSON, pro se.

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 given the opportunity to be present during the examination of registration records. However, neither the Candidate nor any person on his behalf attended the records examination.

10. The Objectors and/or their duly authorized representative was given the opportunity to be present during the examination of the registration records. However, no one attended the records examination on behalf of the Objectors.

11. The examination of the registration records of the Board was terminated after it was determined that even if all of the remaining objections to individual signatures were overruled in the Candidate's favor, the Candidate's nominating petition would still have an insufficient number of valid signatures to qualify for a place on the ballot as a candidate for the office of Mayor, City of Chicago.

12. 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 official ballot as a candidate for election to the office of Mayor, City of Chicago.

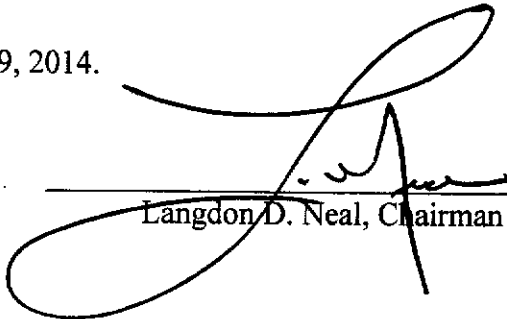
13. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained, at best, only 10,474 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Mayor, City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

14. 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.

15. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of FENTON C. PATTERSON are, therefore, not valid.

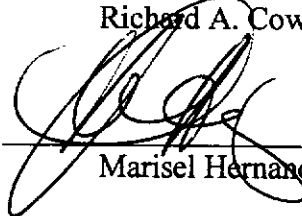
IT IS THEREFORE ORDERED that the Objections of MELVIN GUNN and CECIL LYLES, JR. to the Nomination Papers of FENTON C. PATTERSON, candidate for the office of Mayor, City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of FENTON C. PATTERSON, Candidate for the office of Mayor, City of Chicago, SHALL NOT 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 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**

Objections of)	
MELVIN GUNN and CECIL LYLES, JR.)	
)	
To the Nomination Papers of:)	No. 15-EB-MUN-001
FENTON C. PATTERSON)	
)	
Candidate for Nomination to the Office of)	
Mayor of the City of Chicago to be voted)	
upon at the February 24, 2015 Municipal)	
General Election)	

HEARING OFFICER'S RECOMMENDED DECISION

This matter came before the Chicago Board of Election Commissioners ("Board") sitting as the Duly constituted Electoral Board on the Objectors' Petition ("Objections") of MELVIN GUNN and CECIL LYLES, JR. ("Objectors") to the Nomination Papers of FENTON C. PATTERSON ("Candidate") for Election to the office of Mayor of the City of Chicago to be voted upon at the February 24, 2015 Municipal General Election. The Board appointed Attorney Christopher B. Cohen as Hearing Officer for this case. The Hearing Officer finds and recommends as follows:

1. On November 17, 2014, the Candidate timely filed Nomination Papers with the Board for the office of Mayor of the City of Chicago.
2. On December 3, 2014, the Objectors timely filed with the Board Objections to the Candidate's Nomination Papers. An Appendix-Recapitulation was attached as part of these Objections.
3. This Board is the duly constituted Electoral Board for hearing and passing on objections to Nomination Papers for the office that is the subject of these proceedings.
4. The Board's official file contained the original Nomination Papers of the Candidate and the original Objections of the Objectors.
5. The Objectors' Petition alleged that the Candidate's Nomination Papers were insufficient in fact and law for the following reasons: (¶4) the Nomination Papers must contain signatures and addresses of at least 12,500 voters registered in the City of Chicago; (¶5) they contained sheets with names of persons who were not registered voters or who were not registered at the addresses shown opposite their respective names as marked in Column A of the Appendix-Recapitulation; (¶6) they contained sheets with names of persons for whom addresses stated were outside the relevant district and not registered voters in Chicago as marked in Column B; (¶7) they contained sheets with signatures of persons who did not sign in their own proper persons and with signatures that were not genuine as marked in Column C; (¶8) they contained names of persons who signed the Nomination Papers more than once as marked in Column D; (¶9) they contained sheets with signatures of persons who are deceased or otherwise not qualified to sign or the line is illegible, incomplete or stricken or otherwise defective as marked in Column E; and (¶10) they contained fewer than the required minimum of 12,500 valid signatures.

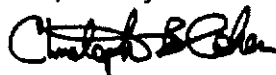
6. On December 9, 2014, the Board's Hearing Officer began a public hearing in the nature of a case management conference regarding the Objections at 69 W. Washington, Chicago, Illinois. Objectors MELVIN GUNN and CECIL LYLES, JR. appeared not in person but by Andrew Finko who indicated that he was an attorney licensed to practice law in Illinois. Candidate FENTON C. PATTERSON appeared personally and without counsel, that is, *pro se*.
7. During the hearing, the Objectors' attorney and the Candidate each filed a written appearance as well as a Non-Disclosure and Confidentiality Agreement. The parties stated on the record that they had received service of the Board's Call and other Board documents and that the Candidate had received service of the Objections and, in any event, each party signed a waiver of statutory service.
8. The Hearing Officer confirmed with the parties that a copy of the Board's Rules and the Index of Electoral Board Decisions were available to each and that the parties were aware these documents were also available on the Board's website at www.chicagoelections.com.
9. Board Rule 5(b) authorizes a Candidate to file Preliminary motions to challenge the legal sufficiency of the Objectors' Petition in the nature of a Motion to Strike or Dismiss the Objections in whole or in part. When asked if he wanted to file a preliminary motion, the Candidate stated on the record that he did not wish to file a motion.
10. The Objectors requested a records examination. Charles Holiday, Manager of the Board's Registration Department, stated that the petition sheets would be divided into three parts with three teams working simultaneously. He stated that each party would be allowed a watcher at each of the three examination stations.
11. The Hearing Officer and Mr. Holiday each signed a Record Examination Directive. It directed that the records examination be scheduled for December 10, 2014 at 10:15. Each party agreed on the record to the date and time. Neither party requested that any subpoenas be issued. A continuation of the hearing was scheduled for December 13, 2014. This date was subsequently re-set for December 16 and then re-set for December 17 at 6:30 pm.
12. At the continued hearing held on December 17, 2014, Mr. Holiday testified that the records examination had not yet been completed. He presented and the parties reviewed a Petition Summary Report ("Report"). The Report stated that as of 4:03 pm December 17, 2014, the Candidate's 969 pages of Petitions contained 14,492 signatures of which 3,669 were unchallenged and 10,823 had been objected to. Of those 10,823 signatures, 5,412 had been ruled on resulting in 4,018 Objections being sustained.
13. Mr. Holiday testified that so far during the records examination neither party had provided any watchers. He stated that no challenges or appeals had been filed or preserved regarding any of the decisions made by Board staff. Because of this fact, both parties agreed during the December 17, 2014 hearing that none of the 4018 sustained objections could be rehabilitated at any future evidentiary hearing that might be filed pursuant to Board Rule 8. Even though the records examination was not yet complete, subtracting the parties and Mr. Holiday agreed that the 4,018 objections sustained from the 14,492 total signatures left the Candidate with 10,474 valid signatures.
14. The Petition Summary Report indicated that the Candidate's Nomination Papers contained 2026 fewer signatures than the statutory minimum required of 12,500. At the December 17, 2014 continued hearing, the Candidate stated on the record that continuing the examination

could not produce a successful result for him and would cost taxpayers needlessly. The Objectors' attorney and the Candidate each requested that the Hearing Officer accept the Report's results and that the examination not be continued. No party filed a Rule 8 motion or other request for further review of this matter. The Candidate did not file a notarized statement of withdrawal or a motion or request to withdraw pursuant to Board Rule 13.

15. The Hearing Officer noted that during the course of the two hearings he had received into evidence the following exhibits marked as follows – the Candidate's Nomination Papers including a Statement of Candidacy, Petition Sheets, Receipt for filing a Statement of Economic Interests and other documents as Group Exhibit A; the Objectors' Petition as Exhibit B; the Board's Proofs of Service and Waivers of Service as Group Exhibit C; the Candidate's and Objector's Appearance forms and Non-Disclosure and Confidentiality Agreements all of which were filled out and signed as Group Exhibit D, the Record Examination Directive as Exhibit E and the Records Examination Petition Summary Report as Exhibit F.
16. At the December 17, 2014 hearing, based on the evidence and hearing no objection, the Hearing Officer granted the Objectors' request and announced that he would accept the results summarized in the Board's Report and would recommend to the Board that the Objections be sustained and that the Candidate's name not appear on the ballot based on the fact that the Candidate's Nominating Papers contained fewer valid signatures than the 12,500 minimum required by 65 ILCS 20/21-28.
17. With no other issues to be decided, these proceedings were concluded.

In light of the above findings of fact and conclusions of law, it is this Hearing Officer's recommendation that the Objectors' Petition filed by MELVIN GUNN and CECIL LYLES, JR. be sustained, that the Candidate's Nomination Papers be deemed not valid in law and in fact and that the name of Candidate FENTON C. PATTERSON not appear on the ballot for election to the office of Mayor of the City of Chicago to be voted upon at the February 24, 2015 Municipal General Election.

Respectfully submitted,



Christopher B. Cohen
Hearing Officer
December 24, 2011