

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

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Objections of: CARI A. MEYERS	)	
	)	
	)	
To the Nomination	)	No.: 15-EB-MUN-008
Papers of: MARC LOVELESS	)	
	)	
Candidate for the office of	)	
City Clerk 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 CARI A. MEYERS (“Objector”) to the nomination papers (“Nomination Papers”) of MARC LOVELESS, candidate for the office of City Clerk 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 Christopher B. Cohen for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, CARI A. MEYERS, by his attorney, Michael J. Kasper; and the Candidate, MARC LOVELESS, pro se.

7. 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 contain fewer than the 12,500 signatures of registered legal voters of the City of Chicago as required by 65 ILCS 20/21-28. The Hearing Officer recommends that the Objections filed in this matter be sustained and that the Candidate's Nomination Papers be declared invalid.

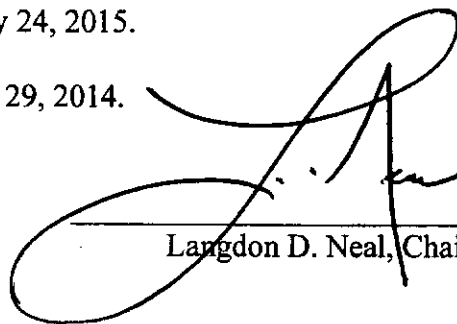
8. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached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

9. The Electoral Board finds that that the Candidate's Nomination Papers contain fewer than the 12,500 signatures of registered legal voters of the City of Chicago as required by 65 ILCS 20/21-28 and that the Objections filed in this matter are sustained.

10. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of CARI A. MEYERS to the Nomination Papers of MARC LOVELESS, candidate for election to the office City Clerk of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MARC LOVELESS, candidate for election to the office of City Clerk of the 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.

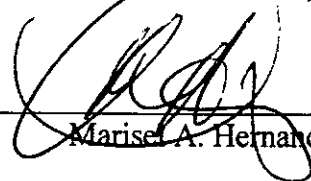


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Langdon D. Neal, Chairman

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Richard A. Cowen, Commissioner



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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**

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Objections of CARI A. MEYERS	)	
To the Nomination Papers of: MARC LOVELESS	)	No. 15-EB-MUN-008
Candidate for Nomination to the Office of City Clerk	)	
of the City of Chicago to be voted upon at the	)	
February 24, 2015 Municipal General Election	)	

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**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 Objector's Petition ("Objections") of CARI A. MEYERS ("Objector") to the Nomination Papers of MARC LOVELESS ("Candidate") for election to the office of City Clerk 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 24, 2014, the Candidate timely filed Nomination Papers with the Board for the office of City Clerk of the City of Chicago.
2. On December 3, 2014, the Objector timely filed with the Board Objections to the Candidate's Nomination Papers.
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 Objector.
5. The Objector's Petition alleged that the Candidate's Nomination Papers were insufficient in fact and law for the following reasons: (¶5) they contained fewer than the required minimum of 12,500 signatures; (¶6) they contained 261 sheets with no more than 25 names on each sheet which equates to a maximum of 6,525 signatures; (¶7) petitions are not consecutively numbered but are numbered as follows: 1-114, 116-152 (there are two pages numbered 152 and two pages numbered 153), 154-156, 147-195, 200-215, 218-242, 252, 256-259, 272, 316-317, 495, 579, 930, 938, 977 and 980; (¶8) they contained the following sheets that were not notarized: 72, 77, 79, 110, 114, 125, 127, 130, 151, 152, 179, 195, 2021-204, 211-215 and 218-242; (¶9) they contained fewer than 12,500 signatures of registered legal voters of the City of Chicago signed by voters in their own proper person with proper addresses.
6. On December 9, 2014, the Board's Hearing Officer began a public hearing regarding the Objections in the nature of a case management conference at 69 W. Washington, Chicago, Illinois. Objector CARI A. MEYERS appeared not in person but by Michael Kasper who indicated he was an attorney licensed to practice law in Illinois. Candidate MARC LOVELESS appeared personally and without counsel, that is, *pro se*.
7. During the hearing, the Objector's attorney and the Candidate each filed a written appearance as well as a signed 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](http://www.chicagoelections.com).
9. The Candidate timely filed an oral motion to strike and dismiss the Objections and stated his intent to file a written motion pursuant to Board Rule 5(b). That Rule authorizes a Candidate to file preliminary motions challenging the legal sufficiency of an Objector's Petition in the nature of a motion to strike or dismiss the Objector's Petition in whole or in part.
10. At the December 9, 2014 hearing, the Hearing Officer set a schedule for filing the written motion and responsive pleadings.
11. Also during the December 9, 2014 hearing, Charles Holiday, the Board's Manager of Registration, was sworn and testified. He provided the parties with a Petition Summary Report. It indicated that the Candidate had filed 261 pages of petitions containing a total of 5,890 signatures which is less than the minimum 12,500 signature requirement. Mr. Holiday testified that the pages were not numbered consecutively. The Candidate testified that he filed not 261 but 980 sheets, with 25 names on each sheet for a total of 24,000 signatures. Mr. Holiday stated that the last page bore the number 980 but some other pages before that numbered page were not present in those filed with the Board.
12. During the hearing, no party requested a records examination or the issuance of subpoenas. The Hearing Officer continued these proceedings until December 14, 2014 at 3 pm. Each of the parties received oral notice on the record of the date and time of that upcoming hearing.
13. At the reconvened hearing on December 14, the Candidate appeared in person, *pro se*. The Objector's attorney also appeared. The Hearing Officer announced the Candidate's filing of his written Motion to Dismiss the Objections. The Candidate provided a copy to the Objector's attorney at the hearing but not prior to the deadline set by the Hearing officer at the previous hearing. The Objector's attorney waived his right to object to late service. No further pleadings were filed by either party.
14. The Candidate's Motion alleged that the Objector's Petition should be dismissed for the following reasons: (¶1) the Objector is not a registered voter in the City of Chicago; (¶2) the Objections were filed after the 5 pm deadline on December 3, 2014; (¶3) the Objector's filing was not in line at 5 pm but was in line after 5:01 pm on December 3, 2014; (¶4) the Candidate filed Nomination Papers with 980 pages of petitions containing 24,000 signatures of registered voters which exceeds the 12,500 requirement.
15. The Hearing Officer then took up the Candidate's Motion to Dismiss. As to (¶1), the Candidate asserted without providing more specificity or evidence for evaluation that the Objector was not a registered voter in the City of Chicago. The Hearing Officer relied on Board Rule 5(b)(vii) which reads as follows:

The objector's standing or qualifications to file the objector's petition may be challenged by the respondent, but the respondent has the burden of proof to establish that the objector lacks the requisite qualifications to file such objection (i.e., the objector is not a registered voter, or does not reside in the district in which the candidate seeks to be a candidate).
16. In (¶2), the Motion to Dismiss asserted and the Candidate testified that he personally filed 980 pages of petitions with 24,000 signatures. The Objector's attorney put into evidence photographs from a Facebook page. During cross-examination by the Objector's attorney at the hearing, the Candidate stated that these photos showed his Nomination Papers being filed November 24, 2014 at the Board's offices. Mr. Holiday testified and confirmed that one of the photographs included the picture of a stack of papers in front of Board employee Fidel Barrera who was accepting them for the Board. He testified that the number of signatures in the Candidate's Nomination Papers that were filed is 6,610 fewer than the required minimum.
17. Also at the December 14, 2014 hearing, as a demonstrative exhibit the Objector's attorney asked the Board's clerk to place the first 980 pages from the Nomination Papers of SUSANA MENDOZA on a

table. Next to those 980 pages, he placed all of the Candidate's Nomination Papers including petition pages numbered from 1 to the last page numbered 980. Next to these two stacks of paper, he placed the photos from the Facebook page. The Objector's attorney then compared three things – 1) the height of the Candidate's actual Nomination Papers from the Board's file and 2) the height of pages in the Candidate's Facebook photograph that were filed with this Board by Candidate MARC LOVELESS and 3) the height of 980 pages on the table before the Hearing Officer that were filed on behalf of Candidate Susana Mendoza.

18. As to (¶2) of the Candidate's Motion to Dismiss, after all the evidence was in, the Hearing Officer found that it was more probably true than not that the 980 pages filed on behalf of Candidate Mendoza were more than twice as tall as the pages in the photo and more than twice as tall as the Nominating Papers' pages filed on behalf of Candidate MARC LOVELESS that were in the Board's file. The Hearing Officer found that the number of pages filed in the photographs appeared to be approximately the same height as the pages of Candidate LOVELESS' Nomination Papers physically present on the table in front of the Hearing Officer.
19. As to (¶3), the Candidate provided page 1 of 23 pages from a Municipal General Election Candidate List for the February 24, 2015 Election published by this Board. The Candidate called attention to the document's footer indicating that the Board printed it on 12/5/2014 at 12/04:52 pm. He also called attention to the filing time listed for his Nominating Papers – 11/24/2014 5:00:00 PM – with the word "CHALLENGED" next to that time and his name. The Candidate testified that the Objections were filed after the 5 pm deadline even though the Board's time stamp on the face of the Objections said 3:41 pm, December 3, 2014. The Candidate said that the Board's time stamp on the Objections is inaccurate and that the time and date that the Candidate List was printed shows the true time when the Objections were filed – 12/5/2014 at 12/04:52 pm. He alleged that the times on the Board's Candidate List were evidence proving his allegations.
20. As to (¶4) of the Candidate's Motion to Dismiss, the Candidate reasserted his belief and claim that he had filed at least 24,000 signatures rather than the 5,890 signatures indicated by Mr. Holiday.
21. After argument, the Hearing Officer denied each of the paragraphs in the Candidate's Motion to Dismiss. The Hearing Officer made three findings. He found that (1) the Candidate was unable to meet his burden of showing that the Objector was not a registered voter in the City of Chicago; (2) the Board's time stamp was conclusive that the Objections were timely filed at 3:41 pm on December 3, 2014; and (3) the number of signatures in the Candidate's Nomination Papers filed with the Board was less than the 12,500 minimum required by 65 ILCS 20/21-28.
22. At the December 14, 2014 hearing, the Hearing Officer sustained the Objections and announced that he would accept as accurate the data summarized in the Board's Report indicating that the Candidate's Nominating Papers contained fewer total signatures than the 12,500 minimum number of valid signatures required by 65 ILCS 20/21-28.
23. 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 to the Board that the Objector's Petition filed by CARI A. MEYERS be sustained, that the Candidate's Nomination Papers be deemed not valid in law and in fact and that the name of Candidate MARC LOVELESS not appear on the ballot for election to the office of City Clerk 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 25, 2014