

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

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Objections of: Walter Gaskew	)	
	)	
	)	
To the Nomination	)	No.: 16-EB-WC-59
Papers of: George McKinley	)	
	)	
Candidate for the office of Republican Party	)	
Ward Committeeman for the 37th Ward, City	)	
of Chicago	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Walter Gaskew (“Objector”) to the nomination papers (“Nominating Papers”) of George McKinley, candidate for the office of Republican Party Ward Committeeman for the 37th Ward of the City of Chicago (“Candidate”) at the General Primary Election to be held on March 15, 2016, having convened on December 14, 2015, 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 14, 2015 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Martin Greene 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, Walter Gaskew, by his attorney, Sharee S. Lagenstein; the Candidate, George McKinley, by his attorney, James P. Nally PC.

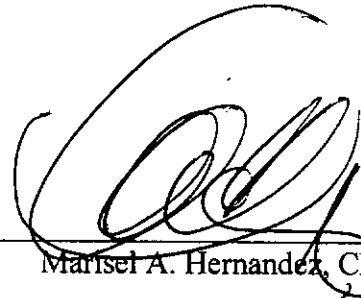
7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Candidate's motion to strike and dismiss the Objector's Petition be granted, and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

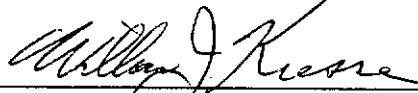
9. For the reasons stated above, the Electoral Board grants the Candidate's motion to strike and dismiss the Objector's Petition and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Walter Gaskew to the Nomination Papers of George McKinley, candidate for the office of Republican Party Ward Committeeman for the 37th Ward of the City of Chicago, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of George McKinley, candidate for the office of Republican Party Ward Committeeman for the 37th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Primary Election to be held on March 15, 2016.

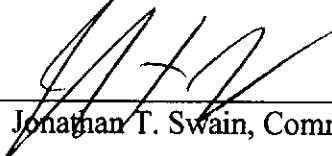
Dated: Chicago, Illinois, on January 12, 2016.



Marisel A. Hernandez, Chairman



William J. Kresse, Commissioner



Jonathan T. Swain, 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 A DULY CONSTITUTED ELECTORAL BOARD**

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Walter Gaskew	)	
	)	Case No. 16-EB-WC-59
Petitioner-Objector(s),	)	
	)	
vs.	)	
	)	
George McKinley	)	Hearing Officer: Martin P. Greene
	)	
Respondent-Candidate.	)	

**HEARING OFFICER'S FINDINGS AND RECOMMENDATION**

In the matter of Walter Gaskew, (Objector) regarding the Nomination Papers of George McKinley, candidate for the Republican Ward Committeeman for the 37<sup>th</sup> Ward, City of Chicago, State of Illinois (Candidate), the hearing having convened on December 14, 2015; Martin P. Greene, Esq, the duly appointed Hearing Officer in this matter, hereby makes the following report and recommended findings to the Board of Election Commissioners of the City of Chicago ("CBEC" or the "Board"):

1. The Candidate filed Nomination Papers with the CBEC for the nomination for Republican Ward Committeeman for the 37<sup>th</sup> Ward, City of Chicago, State of Illinois, for the Municipal General Election to be held on March 15, 2016. Such Nomination Papers consisted of a statement of candidacy and the candidate's Nomination Papers. At the initial hearing of this matter the Hearing Officer advised the parties that such documents would be marked as Board Group Exhibit A, and admitted into evidence.

2. The Verified Objector's Petition was timely filed. The parties were advised that such petition was to be marked as Board Group Exhibit B and admitted into evidence.
3. A Call to the Hearing on said objections was duly issued by the Chairman of the CBEC and served upon all parties. The parties were advised that the Call and Proof of Service thereof were to be marked and admitted into evidence as Board Group Exhibit C.
4. Both parties filed appearances and the parties were advised that such were to be marked and admitted into evidence as Board Group Exhibit D.
5. The initial public hearing concerning the objections was scheduled to commence on December 14, 2015 at 3:30 p.m. The Candidate and the Objector appeared through their attorneys. All Parties were provided copies of the Rules of Procedure of the CBEC, and were instructed to become familiar with the Rules. At that status, the Hearing Officer reminded counsel that this case was on an expedited basis, and that continuances would not be granted as a matter of course.
6. At the initial hearing, all parties agreed to service via email.
7. The Candidate filed his motion to strike and dismiss the Objector's petition on or about December 14, 2015.
8. The Objector filed his response to said motion on December 15, 2015.
9. The Candidate filed a Reply to Response to Motion to Strike and Dismiss Objector's Petition on December 21, 2015.
10. The Hearing Officer took the motion under advisement.
11. The matter was set for a records examination on January 5, 2016 at 9:45 a.m.

12. The matter is set for further case management conference on January 6, 2016 at 9:30 a.m.

13. Candidate's counsel has requested a ruling on the pending motion prior to the parties undergoing the expense of a records examination.

14. The Objector made the following objection in his Petition:

**Objections**

**4. The Candidate did not submit a sufficient number of legally valid signatures because his petition sheets were circulated illegally.**

The Nomination Papers contain petition sheets that were circulated by persons who also circulated nominating petitions for Emma Mitts, a candidate of another established political party. Such petition sheets are therefore invalid pursuant to the Illinois Election Code and must be stricken.

15. The Objector concluded that the Nomination Papers contained "...less than the required number of validly collected signatures...as is set forth [in] the Appendix-Recapitulation..." attached to the petition.

16. Upon review of the signatures objected to on the Objector's Appendix-Recapitulation, it is disclosed that 44 signatures were objected to. The Candidate submitted a total of 144 signatures. The statutory minimum number of signatures required for inclusion on the ballot is 67. Accordingly, even if all of the challenged signatures listed on the Appendix-Recapitulation were successfully challenged, the Candidate would be left with more than the statutory minimum and would be entitled to be included on the ballot. There is, accordingly, no need for a records examination.

17. As to the specific objection contained in Objector's paragraph 4, the objection does not, as noted by the Candidate, state which circulator or circulators (there are six

circulators of the Candidate's nominating petition sheets); circulated petition sheets for Emma Mitts.

18. Since the objectors uses the phrase "circulated by persons," is it to be assumed there was more than one person who circulated for Emma Mitts? If there were two, which two? If three, which three? Did all six (6) of them circulate petitions for Emma Mitts?
19. While it is true that the Objector does not have to prove all his allegations in his objector's petition, he does have be specific enough to put the candidate (and the Electoral Board) on notice as to the nature of the objections, including which circulators and/or petition sheets are involved.
20. Even if the Objector now claims that he meant that all of the candidate's circulators circulated for Mitts, his allegation is poorly drafted and insufficient to put the candidate (and the Board) on notice of that fact.
21. The Candidate's Motion to Strike the Objector's petition in this case should be granted. After considering the arguments of the parties, it is noted that the original objection fails to name the offending circulators. The first attempt to identify the circulators is contained in the Objector's Response to Candidate's Motion to Strike Petition. There the Objector states at paragraph 1 that *all* of the petitions were "circulated illegally." This late attempt to bolster the objection amounts to an attempt to file an amended objection, which is not allowed under existing legal authority. *McCarthy v. Pellett*, 04-EB-WC-04, January 30, 2004.

22. Further, an objector is required to fully state the nature of the objections and what relief is being sought to comply with the election code. *Prince v. Colvin*, 08-EB-RGA-33, CBEC, December 7, 2008, quoting *Kopec v. Sims*, 07-EB-MUN-002, CBEC, January 19, 2007; *Crosby v. Beavers*, 95-EB-ALD-202, CBEC, January 24, 1995. An objection petition must adequately and sufficiently apprise the candidate of the specificity of each objection, thus making evaluation possible. *Elysee v. Patterson*, 04-EB-RGA-14, January 20, 2004.

**RECOMMENDED DECISION**

It is the recommendation of this Hearing Officer that the Candidate's Motion to Strike Dismiss the Objector's Petition be granted, and that the name of George McKinley, candidate for the Republican Ward Committeeman for the 37<sup>th</sup> Ward, City of Chicago, State of Illinois, SHALL be printed on the official ballot for the Municipal General Election to be held on March 15, 2016.

Respectfully Submitted by:



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Martin P. Greene, Hearing Officer

Dated: Chicago, Illinois, on January 3, 2016.