

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

Objections of: Mildred Hare)
)
)
To the Nomination) No.: 17-EB-ALD-03
Papers of: Gerald Scott McCarthy)
)
Candidate for the office of)
Alderman of the 4th Ward, City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of 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, Chairwoman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Mildred Hare (“Objector”) to the nomination papers (“Nomination Papers”) of Gerald Scott McCarthy, candidate for the office of Alderman of the 4th Ward of the City of Chicago (“Candidate”) to be elected to fill the vacancy for the remainder of the term (2 years) at the General Municipal Election to be held on February 28, 2017, having convened on December 12, 2016, at 10:00 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 Chairwoman 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 12, 2016, and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman 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, Mildred Hare, by her attorney, Michael C. Dorf; and the Candidate, Gerald Scott McCarthy, by his attorney, Stephen Berrios .

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. At the hearing, the Objector withdrew paragraph 11 of the Objector's Petition regarding a purported pattern of fraud.

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 her duly authorized representative were present during the examination of the registration records.

11. By December 19, 2016, the preliminary examination of the registration records was completed but the further examination of signatures by the Electoral Board's handwriting expert had not yet been made. Nevertheless, the Objector advised the Hearing Officer and the Candidate by email on December 20, 2016, that the Objector would stand on the results of the preliminary records examination. Therefore, it was unnecessary for the handwriting expert to proceed with a review of the Candidate's petition and it was also unnecessary to further address the Candidate's motion to strike and dismiss the Objector's Petition.

12. 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.

13. 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 1,188.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 488.

D. The remaining number of signatures deemed valid as a result of the records examination total 700.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination 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 4th Ward of the City of Chicago.

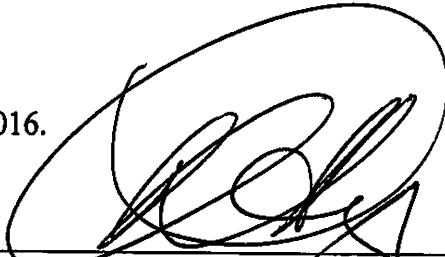
15. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 700 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 4th 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.

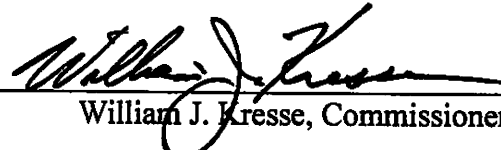
17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Gerald Scott McCarthy are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Mildred Hare to the Nomination Papers of Gerald Scott McCarthy, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, to be elected to fill the vacancy for the remainder of the term (2 years) are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of GERALD SCOTT MCCARTHY, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago to be elected to fill the vacancy for the remainder of the term (2 years), SHALL be printed on the official ballot for the General Municipal Election to be held on February 28, 2017.

Dated: Chicago, Illinois, on December 29, 2016.



Marisel A. Hernandez, Chairwoman



William J. Kresse, Commissioner

RECUSED

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.