

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

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|  |   |                           |
|--|---|---------------------------|
| <b>Objections of: MELVIN DELK and</b>      | ) |                           |
| <b>LARRY G. NELSON</b>                     | ) |                           |
|  | ) |                           |
| <b>To the Nomination</b>                   | ) | <b>No.: 07-EB-ALD-090</b> |
| <b>Papers of: MARTAVIUS "MARK"</b>         | ) |                           |
| <b>CARTER</b>                              | ) |                           |
|  | ) |                           |
| <b>Candidate for the office of</b>         | ) |                           |
| <b>Alderman of the Twenty-fourth Ward,</b> | ) |                           |
| <b>City of Chicago</b>                     | ) |                           |

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal and Richard A. Cowen, 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 DELK and LARRY G. NELSON ("Objector(s)") to the nomination papers ("Nomination Papers") of MARTAVIUS "MARK" CARTER, candidate for the office of Alderman of the Twenty-fourth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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 Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector(s) 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Lynne Ostfeld for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector(s), MELVIN DELK and LARRY G. NELSON, initially *pro se*, then subsequently by counsel, Leonard Murray; and the Candidate, MARTAVIUS "MARK" CARTER, by counsel, Sidney B. Smith.

7. The Objectors allege that the persons who signed as circulators of the Candidate's nominating petition sheets, including the Candidate, did not, in fact, circulate some or all of the sheets bearing their signatures. Therefore, Objectors contend that the circulators' affidavits appearing at the bottom of the petitions sheets are false.

8. The only witness called by either side was the Candidate, who appeared and testified.

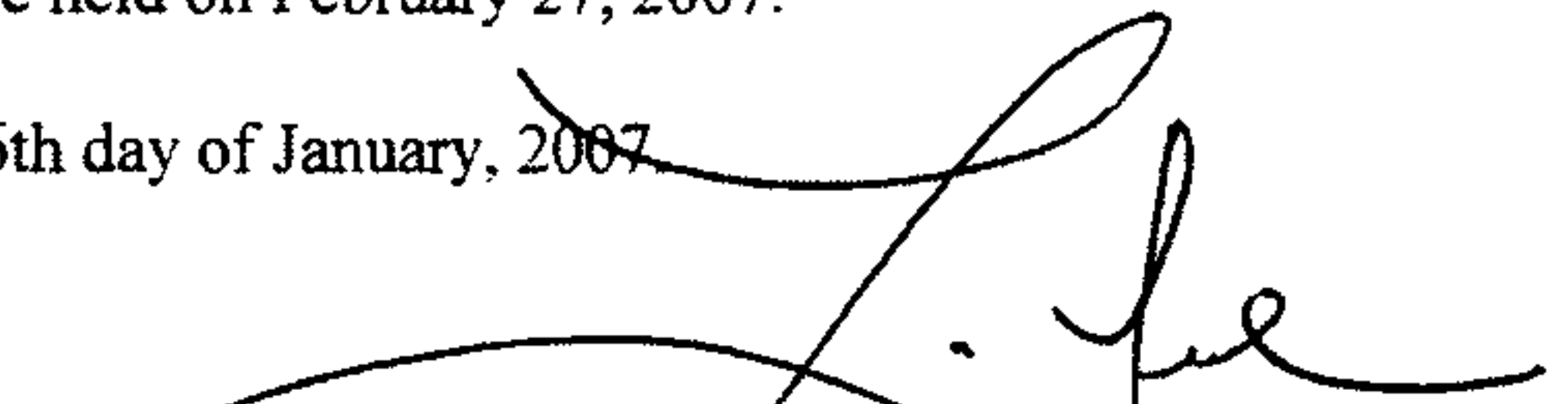
9. The Hearing Examiner has tendered to the Electoral Board her report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

10. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

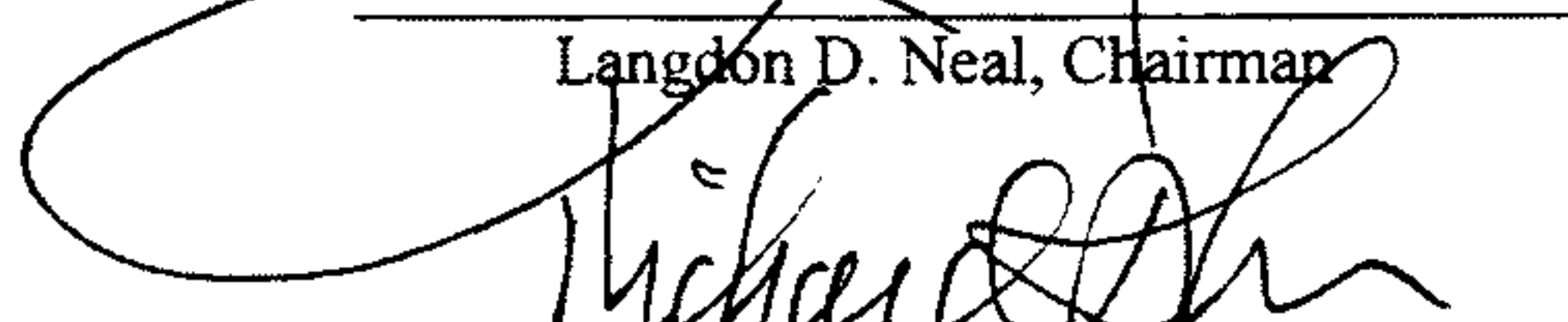
11. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of MELVIN DELK and LARRY G. NELSON to the Nomination Papers of MARTAVIUS "MARK" CARTER, candidate for election to the office of Alderman of the Twenty-fourth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MARTAVIUS "MARK" CARTER, candidate for election to the office of Alderman of the Twenty-fourth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 26th day of January, 2007



Langdon D. Neal, Chairman



Richard A. Cowen, 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 10 days after the decision of the Electoral Board.

Objections of: )  
**MELVIN DELK, LARRY G. NELSON** )  
 )  
 To the Nomination )  
 Papers of: **MARTAVIUS "MARK" CARTER** )  
 )  
 Candidate for the Office of )  
 Alderman of the 24th Ward )  
 in the City of Chicago )

No. **07-EB-ALDE 090**  
 Lynne R. Ostfeld  
 Hearing Examiner

2007 JAN 25 13  
 P-5513

**RECOMMENDED DECISION**

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on objections of MELVIN DELK and LARRY G. NELSON ("objectors") to the nomination papers of MARTAVIUS "MARK" CARTER ("candidate") and the matter having been assigned to Lynne R. Ostfeld, Esq., hearing examiner, and she finds and recommends as follows:

**Background**

1. The hearing was commenced on January 2, 2007. In attendance at the hearing were the candidate, Martavius "Mark" Carter, his attorney Sidney B. Smith, and the objectors, Melvin Delk and Larry G. Nelson (Mr. Nelson not being in attendance the entire time, however). Mr. Delk and Mr. Nelson represented themselves. They were later represented by attorney Leonard Murray, who filed his appearance on January 9, 2007.
2. The CBOE has jurisdiction of this matter and of the parties.
3. The written and oral objections to the candidacy of Carter were, in summary, that: certain signatures were forged at the request of the circulator; certain signatures were not signed by the persons represented by the signatures; certain people signed who are not properly registered voters at the addresses shown on the petitions; certain people signed whose addresses are not in the 24<sup>th</sup> Ward, City of Chicago; certain people signed but did not fully state their addresses. The objections also included allegations that: the circulators did not circulate the sheets signed by them as circulator; candidate petitions were circulated by "many individuals and Martavius Carter" and there is a pattern of false swearing because he signed these sheets as the circulator; numerous sheets demonstrate a pattern of fraud and disregard for the Election Code. The objectors requested a binder check of the petitions and a ruling that the name of Martavius Carter not appear on the ballot for Alderman for the 24<sup>th</sup> Ward, City of Chicago. The objectors attached recapitulation sheets to their Verified Objectors' Petition, as well as two sheets belonging to other candidates: sheet 4 belonging to Sharon Denise Dixon; one of two sheets 35 belonging to the candidacy of Julius Anderson

4. The Candidate denied the validity of these objections and orally moved to strike them on the basis that, on the face of the objections and the petitions, the objections should be dismissed for the following reasons: a number of signatures in excess of the number of signatures needed to be placed on the ballot were not objected to, therefore the candidate had a valid number of signatures to be placed on the ballot; many of the objections were contradictory inasmuch as they were that the signatures were not genuine signatures of the purported voter and, at the same time, that the signer was not registered at the address shown within political district. The candidate questioned how the objectors could state that the signatures were not genuine if the signer was not registered to vote at that address; how could the objectors know that the signatures were not genuine because, if this was true, they had no way to see what the genuine signatures were.

5. The Hearing Examiner had the candidate sworn and he testified, under oath, that he circulated all of the petition sheets which he signed as circulator, that no one else circulated these petitions but him. Mr. Delk was given the opportunity to cross examine the candidate and the candidate reaffirmed that he circulated all of the petition sheets which he signed as the circulator and that all of the signatures were signed by people in their own and proper person.

6. The Hearing Examiner, her clerk, the candidate and the objectors reviewed the 21 sheets which the candidate stated to have circulated (sheets 1-21) and tallied the signatures included, objected to and not objected to. The unobjected to signatures on these sheets exceeded the number required for the candidate's name to be placed on the ballot.

7. The objectors requested time to find people who would submit affidavits, or testify in person, that the candidate was not the circulator for whom they had signed petitions which he stated to have circulated. The objectors were unable, or unwilling, to specify who they would have testify, in person or via affidavit. The request was denied by the Hearing Examiner as being too vague a request to merit a delay in ruling on the objections.

8. The objectors further requested the Hearing Examiner to visually review all of the petition sheets circulated by the candidate and issue a decision that they were forgeries on their face. The candidate objected to the Hearing Examiner's qualifications to do this. The Hearing Examiner denied the request as being unnecessary and inappropriate.

9. The hearing examiner initially issued an oral ruling granting the candidate's motion to strike and dismiss the objections. In reviewing this decision for purposes of issuing a written order, she determined that she had been premature in her decision because the candidate had not in fact made allegations which would have supported the motion to dismiss, as to the legal sufficiency of the objections. In rescinding the order and issuing an order that the candidate file a written motion to strike and dismiss, if he chose to do so, she stated, "An administrative agency may not consider matters which are not in the record. *Stevenson v. County Officers Electoral Board*, 58 Ill.

App. 3d 24, 373 N.E.2d 1043, 1978 Ill. App. LEXIS 2249 ((3<sup>rd</sup> Dist. 1978). An electoral board may not advocate in any sense for either an objector or a candidate. *see, gen'ly, Bendell v. Education Officers Electoral Board for School Dist. 148*, 338 Ill. App. 3d 458, 788 N.E.2d 173 (1<sup>st</sup> Dist. 2003). Both the objector(s) and the candidate have rights to protect the integrity of the ballot, so long as these are accomplished by means which do not unnecessarily burden a candidate's "interest in the availability of political opportunity." *Stevenson*, at 25, *citing, Anderson v. Schneider*, 67 Ill. 2d 165, 365 N.E.2d 900 (1977)."

10. The candidate did then submit a written Motion to Dismiss Verified Objection Petition. In it, he argued that the objectors had failed to adequately state the nature of the objections, the objector had failed to perform an actual review of the signatures submitted by the candidate, the signature verifying the objector's petition was forged, that the objector arbitrarily "shot gunned" the candidate's nominating petitions, and did not exercise due diligence in a review of the nominating petitions.

11. Continued hearing was held on January 13, 2007. The objectors did not file a written response to the Motion to Strike and Dismiss but made oral arguments. They requested a record examination and argued that there was a question of fraud regarding the circulator affidavits. They argued that their showing that the candidate committed fraud would eliminate the petitions which he, and others, had circulated, and show him having less than the 172 signatures required for his name to be placed on the ballot.

12. Hearing was scheduled to take testimony on the objectors' proofs relative to their allegation that the circulator did not circulate some or all of the petitions which he stated to have circulated. The issue to be addressed was the validity of the circulator affidavits.

13. Neither party submitted Rule 8 memos prior to the hearing.

### Hearing

14. The hearing was to have been reconvened on January 18, 2007, at 2:00 p.m. The start was delayed by one hour because the attorney for the objectors was delayed due to his presence at another CBOE hearing. The hearing examiner determined that defaulting the objectors would be a harsh sanction, given that they were physically present in the same hearing room. The hearing was subsequently again delayed when the other hearing officer requested the presence of the attorney to make closing arguments. During that time the hearing examiner worked with the candidate and his attorney to tally the sheets and review the evidence submitted by the objectors. This information was shared with the objectors who had the opportunity to respond.

15. The only witness called by either party who testified was the candidate, Martavius "Mark" Carter. Due to the delay in the hearing caused by the absence of the objectors' attorney, the candidate's witnesses were unable to stay to testify. This was taken into account by the hearing examiner in her decision. The only paper evidence

submitted was composed of affidavits submitted by the objectors from persons indicating that the candidate had not circulated the petition that each signed, or that the circulator had told the affiant that he could sign the name of other people. Only two of the affidavits were provided to the candidate in advance of the hearing. This was taken into account by the hearing examiner in her decision.

## OPENING STATEMENTS

### Objectors:

There are four affidavits, two of which were submitted to Smith, by which the affiants indicate that they signed petitions which were not circulated by the candidate, although he stated that he was the circulator. The affiants gave the affidavits freely and voluntarily, not under coercion or distress.

To determine whether the candidate was the circulator or not a photo was attached to the affidavit.

There is one individual from whom there are two affidavits, Johnnie Tyus, who resides on St. Louis. He indicates that he was instructed by the candidate that it would be "ok" for him to not only sign his name but that he could also affix someone else's name. Mr. Tyus, on sheet 11 line 15, he placed another name on that sheet and line.

He has 8-9 affidavits to tender and then they would close their case.

### Candidate:

He has only received two affidavits, Billy Deal, sheet 7 line 13, 1963 S. Trumbull and Zelma McMillan, sheet 47, line 7. He has not received the other affidavits that the objector claims to have given to him.

Regardless, the candidate still has enough signatures despite this. The candidate will state that he himself submitted 311 signatures to the Board.

He has witnesses to his circulating the petitions

The candidate has enough signatures even without those contrary affidavits.

The affidavits are vague and possibly defective because they do not state who it was who circulated the petitions.

The submission of these affidavits is in fact amending the petition of the objectors and should not be admitted into evidence.

## TESTIMONY and EVIDENCE

### Objectors:

The objectors submitted their Objector's Group Exhibit which was composed of:

1. Form affidavit signed by Billy Deal, 1963 S. Trumbull that the candidate did not circulate the petition sheet which he signed;
2. Form affidavit signed by Zelma McMillan, 1442 S. Central, that the candidate did not circulate the petition which she signed;
3. Form affidavit signed by Cornelius Perry that the candidate did not circulate the petition which he signed;
4. Form affidavit signed by Antoinette Barfield, 3657 W. Douglas, that the candidate did not circulate the petition which she signed;
5. Form affidavit signed by Johnny Tyus, 1822 S. St. Louis, that the circulator told him that he could sign the name(s) of other people, which he did;
6. Form affidavit signed by Johnny Tyus, 1822 S. St. Louis, that the candidate did not circulate the petition which he signed;
7. Form affidavit signed by Akjeya Huddleston that the circulator told her that she could sign the name of other people on the petition, which she did.

Mark Carter was called and sworn.

He stated that he participated in securing signatures on his nominating papers. He circulated them himself but there were people with him watching. He had different groups of people at different times. He might be able to recall who was with him when looking at a particular sheet.

Regarding CBOE exhibit, p. 1, of the petition sheet - It is his signature but he cannot recall by sheet who was with him. He cannot recall who was with him at any particular time. People were always with him when he circulated the petitions.

He gathered sheet 1 on September 27. Antoinette Barfield's name appears on the sheet, he does not know her personally. He was at Herzl elementary school when he circulated the sheet. He was there because residents were there picking their children up and he was circulating the petition. Tomica Barfield's name is on the sheet and both Barfields were there. He cannot address the validity of her affidavit.

He does not know how long it took to gather the 20 signatures on the sheet.

He circulated sheet 7. He does not recall where he was when he circulated it. There were people with him but he does not know who they were.

He circulated sheet 11. He was at the Borak elementary school. This was a polling place. He circulated some of them on election day. He went to 5-6 different polling places on Election Day.

On sheet 11 there are two people whose last names are Tyus, both signed the sheet. He did not instruct Mr. Tyus to sign somewhere else's name. He would not say that they were the same, they are two different names.

He circulated sheet 20. He does not recall who was with him when he circulated sheets. Some of the people who were with him were Derek Harris, Angelina Ross, Alex McNulty, "Dree", "Moan,".

He circulated sheet 35 but does not recall who was with him; his children's mother's name was on that sheet.

He circulated the entire sheet that he swore to as having been circulated by him.

He circulated sheet 47.

When he circulated his sheets he would talk with the people who signed about the campaign. He had a clipboard. His sheets were on the clipboard. He was handling it at all times. In every instance he would present the petition sheet to the person signing.

Every sheet bears a notarization date of Nov. 8th because they notarized everything the same day. He held onto them and took them all to the notary the same day.

Regarding sheet 35 line 7, Akeela Hubbleston, he can not read her handwriting. On line 8 he can't read the handwriting. They do not appear to be similar to him.

#### Cross examination:

He is a candidate for alderman in the 24th ward. He began his petition signatures on September \_\_\_ and collected signatures. He had different volunteers helping him. He went to a neighborhood elementary school to ask neighbors to sign the petitions. He went to various places including schools, playgrounds, grocery stores and so forth to obtain signatures. He secured over 200 signatures. According to the count he secured 211 signatures.

He had a volunteer videotape the efforts of his activities.

From September 25 to sometime prior to November 8 he collected signatures. Each time he asked if they were a registered voter.

Regarding sheet 35, he circulated the petition within the boundaries of the 24th ward. Each of the signatures was of a registered voter and he had them notarized on Nov. 8th.

(There was a stipulation to all of the signatures being for the 24th ward.)

He circulated petition sheet 20. Each and every signature is valid and he witnessed



each registered voter signing the petition; he did not sign the petition or instruct anybody to sign. He signed the petition as having circulated the petition and had it notarized.

#### Candidate

He personally circulated all of the sheets which he signed as the circulator. There was no mention as to who circulated the affidavits.

Regarding the McMillan affidavit, the affidavit has a different address than the one on the affidavit and petition, both were 1442 Central but one was Park and one was Central. There is no mention made in the affidavit as to who the person was who circulated the affidavit. The affidavits should have been attached to the original petition because submitting them now is tantamount to amending the original objections.

In paragraph 5, there was no explanation as to who actually appeared.

#### Offer of proof:

Derek Harris and Angelina Ross were prepared to testify that on some occasions during the period of the petition drive that they had witnessed the candidate in his efforts to secure the necessary signatures. Derek Harris would say that his signature was valid although the objection is that it was forged.

### CLOSING ARGUMENTS

#### Objectors

He said that several of the sheets had similar handwriting signatures and Carter as circulator allowed that to happen. This was not alleged in the original petition but it is not necessary because the objections need not be as specific as a state court pleading but more similar to a federal notice pleading.

*Huskey* stands for the proposition that if a candidate permits a person to sign someone else's name, that is fraud.

#### Candidate

The objectors have not met their burden either factually or legally.

It's purely a stall tactic.

The candidate has a constitutional right to be on the ballot.

### Findings of Fact and Conclusions of Law

16. The candidate was a credible witness. He testified under oath on several occasions that he had personally circulated all of the petitions which he signed as circulator.

17. The objectors denied the candidate an adequate opportunity to present other witnesses to testify, which would have been that they watched the candidate circulate many of his petitions, due to their attorney having two hearings occurring at the same time. To not penalize the candidate for something beyond his control, the hearing examiner accepted as true what the candidate's attorney stated would be the testimony.

18. The objectors' paragraphs numbered 10 and 11 state that the circulators, including Martavius Carter, did not circulate the petition sheets (para. 10) and that Martavius Carter circulated many of the petitions.

"10. The purported circulators did not circulate the sheets signed by the circulators which make the circulator's affidavits false and perjuries. Those

circulators are Martavius Carter, Deborah McNutty, Patricia S. Lard, Joseph Bracy and Howard Griffin.

11. That the Candidate Petitions notarized on November 8, 2006 was circulated by many individuals and Martavius Carter. Those sheets are 1 to 22, and 33 to 66. The candidate signed these sheets as the circulator which shows a pattern of false swearing to total disregard of the electoral process.”

19. Objectors’ paragraphs numbered 10 and 11 are contradictory and, thus do not and cannot apprise the candidate of what the allegations are to which he must respond, nor do they sufficiently allow him to make a response. The Election Code of Illinois requires an objector to fully state the nature of the objections. 10 ILCS 5/10-8. There is a long line of cases requiring specificity in an objector’s allegations in order for them to withstand a motion to strike. *see, Sutor v. Acevedo*, 06 –EB-RGA-04, CBEC, Jan. 30, 2006; *Alschuler v. Feigenboltz*, 94-EB-REP-009, CBEC, January 19, 1994; *Gray v. Elliot*, 92-EB-WC-49, CBEC, January 22, 1992; *Cleveland v. Sohn*, 88 EB-SMAY-11, CBEC, January 19, 1989. These two paragraphs do not state with the requisite specificity what the allegations against the candidate are.

20. The evidence presented by the objectors, through their affidavits, that the candidate did not circulate his petitions, or that someone told an affiant that he could sign another’s name, was mediocre, unreliable, and insufficient to meet their burden of proving that the circulator did not circulate his petitions, or had engaged in a pattern of fraud.

A. The objectors did not provide copies of affidavits 3-7 to the candidate prior to the evidentiary hearing, in violation of Rule 8. He could not prepare to address the statements contained therein.

B. The picture attached to the affidavits purporting to show to the affiants who the candidate is, was too blurred to recognize the candidate.

C. All of the affidavits were “fill in the blank” forms of questionable validity.

D. None of the affiants was present to testify, so there was no possibility for the candidate to cross-examine the statements.

E. It was unknown who submitted the affidavits to the affiants. There was no opportunity for the candidate to cross-examine that person(s).

21. Further, the affidavits are hearsay and generally inadmissible in this type of proceeding. *Goranson v. Dept. of Registration & Education*, 92 Ill. App. 2d 496, 415 N.E.2d 1249 (1980).

22. Because ballot access has been held to be a substantial right and one not to be lightly denied a voter, it follows that the proof that a candidate does not meet a requirement necessary to run for an election should be clear and convincing. *see, gen’ly, Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 779 N.E.2d 376 (2<sup>nd</sup> Dist. 2002). The affidavits, which were hearsay, did not meet that burden and did not destroy the credibility of the candidate’s testimony, which was subject to examination by

the objectors. The affidavits, as stated, were not subject to verification or to cross-examination.

23. The objectors' paragraph numbered 12 contains conclusions that numerous sheets demonstrate a pattern of fraud and disregard of the Election Code, but does not make specific allegations. The hearing examiner is left to assuming what the objectors mean and how their allegations come together to prove that there was fraud.

"12. The Petitions contain numerous sheets circulated by individuals that those sheets demonstrate a pattern of fraud and disregard of the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated in order to protect the integrity of the electoral process. Such circulators are those who circulated the sheets in which objections are made in Column (sic) A of the Appendix-Recapitulation."

24. In order to plead and sustain a cause of action for fraud, the facts of the alleged fraud "must be pleaded with specificity and particularity, including 'what misrepresentations were made, when they were made, who made the misrepresentations and to whom they were made.'" *Prime Leasing, Inc. v. Kendig*, 332 Ill. App. 3d 300, 773 N.E.2d 84 (1<sup>st</sup> Dist. 2002); *citing People ex rel. Peters v. Murphy-Knight* 248 Ill. App. 3d 382, 618 N.E.2d 459 (1993), *quoting Board of Education v. A, C & S. Inc.*, 131 Ill. 2d 428, 546 N.E.2d 580 (1989). The alleged fraudulent action must be one "of fact and not an expression of opinion." *Id.* at 309. Fraud must be affirmatively established and proved by clear and convincing evidence. *see, gen'ly, In re Petition for Removal of Bower*, 41 Ill. 2d 277, 242 N.E.2d 252 (1968); *Durr v. Chicago Board of Election Commissioners*, 03 CO EL 028 (Cir. Ct. Cook Cty. 2/20/03). The objectors did not plead fraud with the requisite particularity and certainly did not even begin to present evidence to make a case of fraud, much less to prove it.

25. Upon reviewing the petitions submitted by the candidate, the Hearing Examiner found the following:

|  |      |
|--|------|
| Number of sheets submitted   | 67   |
| Number of sheets circulated by candidate, which he signed as the circulator  | 21   |
| Number of signatures on all sheets   | 1250 |
| Number of signatures on candidate's sheets not objected to   | 207  |
| Number of signatures on all sheets not objected to   | 351  |
| Number of signatures not objected to, excluding those on sheets for which affidavits put into question the validity of the circulators' affidavits | 303  |
| Number of signatures required for candidate to be placed on the ballot   | 172  |

26. A visual, but not tallied, evaluation of the all of the recapitulation sheets submitted by the objectors shows an overwhelming number of signatures objected to on the basis that they were not the genuine signature of the purported voter. Of these, it appears that at least half of them were also objected to on the basis that the signer was not registered at the address shown.

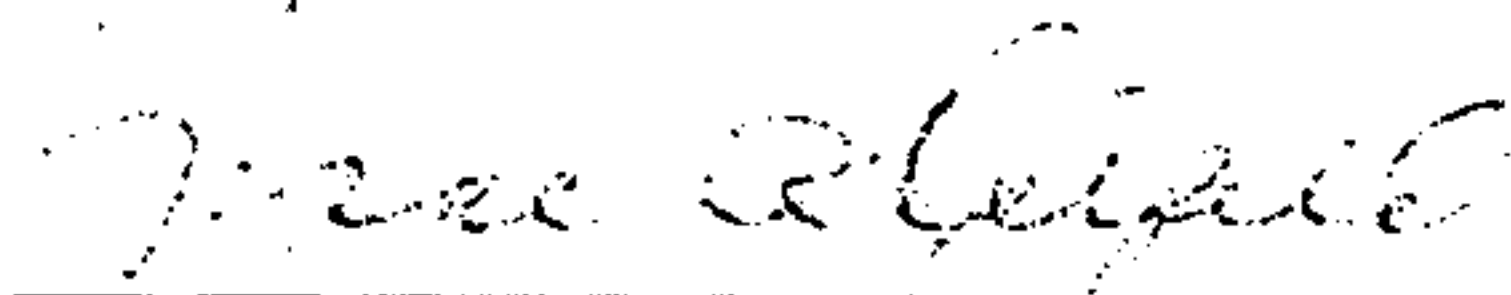
27. The hearing examiner found the candidate to be credible, and the objectors' affidavits not to be. She further found that the allegation that the candidate committed fraud was insufficiently articulated in the original objections and certainly not proven. Had the candidate had the opportunity to present evidence or argument regarding his charge that the objections to his petitions were "shot gunned" by the objectors, he might have been able to prove it.

28. The Hearing Examiner recommends that the objections to the nominating petitions and the candidacy of MARTAVIUS "MARK" CARTER be DENIED for the reasons stated above.

29. The Hearing Examiner recommends that this Board find that the Nomination Papers of MARTAVIUS "MARK" CARTER be declared to be VALID for the reasons stated above.

30. The Hearing Examiner recommends that this Board order that the name of MARTAVIUS "MARK" CARTER be printed on the ballot for the Aldermanic Election to be held on February 27, 2007 for the reasons stated above.

Dated: Chicago, Illinois, this 24th day of January, 2007.



Lynne R. Ostfeld, Hearing Examiner

**ORDER**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

Citation

No. 07 0072 028

v.

CHICAGO BOARD OF Election Commissioners

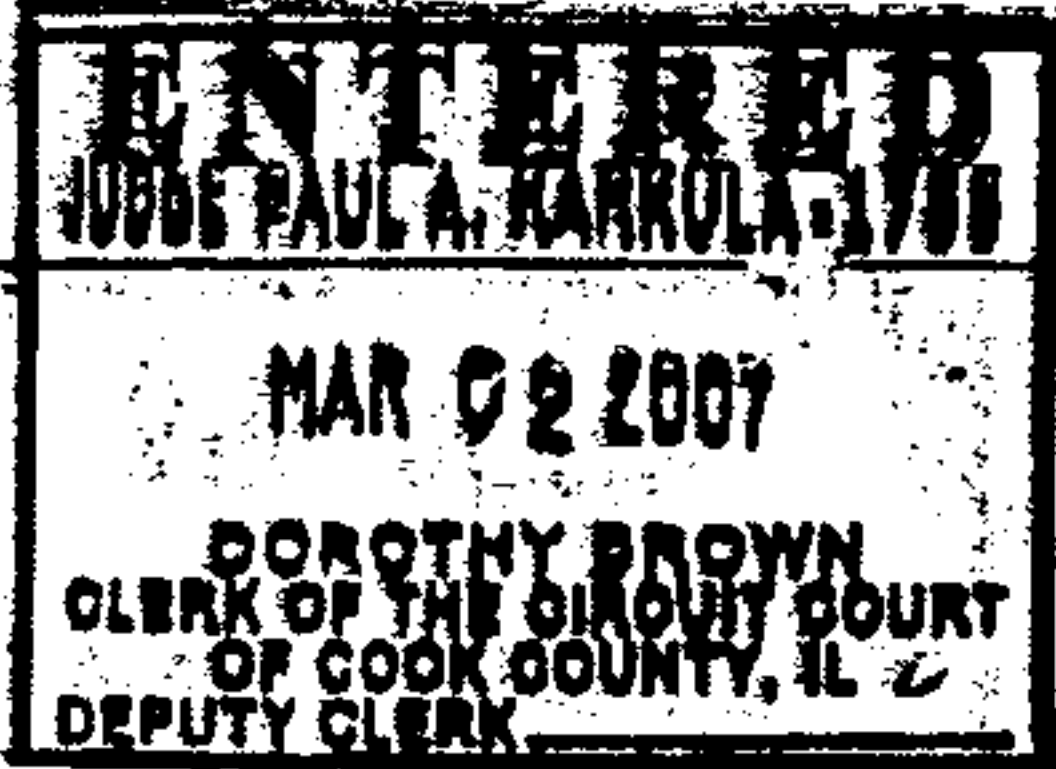
**ORDER**

THIS MOTION COMING IN TO BE HEARD FOR STAYS  
AND THE CLERK BEING ADVISED IN THE PREMISES:

IT IS HEREBY ORDERED THAT:

THE PETITIONER'S MOTION TO VOLUNTARILY NON-SUIT  
IS GRANTED.

Atty. No. : 70389  
Name : LEONARD MULLINS  
Atty. for : MICHAEL CHANDLER  
Address : 731 E 95th St  
City/State/Zip : CHICAGO IL 60619  
Telephone : 773-401-8426

ENTER :   
Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**