

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

Objections of: LANCE TUCK)	
)	
To the Nomination)	No.: 07-EB-ALD-105
Papers of: VERNITA MCCLINTON-)	
FARMER)	
)	
Candidate for the office of)	
Alderman of the Twenty-first Ward,)	
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 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 LANCE TUCK, (“Objector”) to the nomination papers (“Nomination Papers”) of VERNITA MCCLINTON-FARMER, candidate for the office of Alderman of the Twenty-first Ward in 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 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 Rodney Stewart for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, LANCE TUCK, by counsel, Randy Crumpton; and the Candidate, VERNITA MCCLINTON-FARMER, by counsel, Sidney B. Smith.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 Examiner 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 her duly authorized representative were present during the examination of the registration records.

10. The Objector and/or his duly authorized representative were present during the examination of the registration records.

11. The examination of the registration records was completed and 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 Electoral Board's file in this case and a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

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 270;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 466;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 211;

D. The remaining number of signatures deemed valid as a result of the records examination total 255.

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

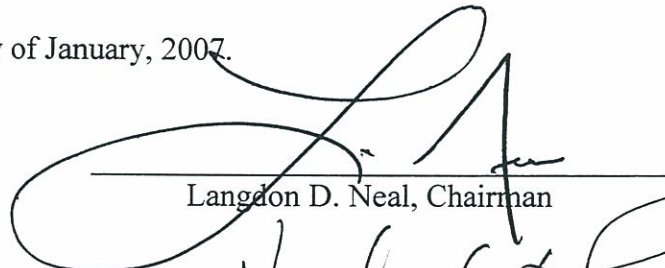
15. The Hearing Examiner then set a hearing for January 16, 2007 to allow the Candidate and opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination. However, the Candidate did not present enough evidence to rehabilitate enough signature to meet or exceed the minimum signature requirement of 270.

16. Based upon the evidence presented, the Hearing Examiner found that the Candidate's Nomination Papers did not contain enough valid signatures and that the Candidate's Nomination Papers should be found invalid.

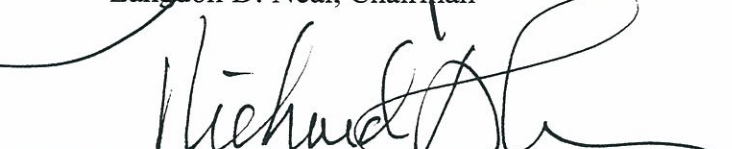
17. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Nomination Papers of VERNITA MCCLINTON-FARMER are not valid.

IT IS THEREFORE ORDERED that the Objections of LANCE TUCK, to the Nomination Papers of VERNITA MCCLINTON-FARMER, candidate for election to the office of Alderman of the Twenty-first Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of VERNITA MCCLINTON-FARMER, candidate for election to the office of Alderman of the Twenty-first Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 25th 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.

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

LANCE TUCK,
Objectors,

and

No. 07-EB-ALD-105

VERNITA MCCLINTON-FARMER,
Candidate.

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Recommended Findings of Fact and Decision

The Objector's Petition challenging the number of valid signatures on the Candidate's nomination petitions and the Candidate's Response was properly filed.

The Candidate filed a Motion to Strike and Dismiss the Objector's Petition and a Response was filed. A hearing was conducted on January 16, 2007. Argument by both parties was presented and the motion was denied.

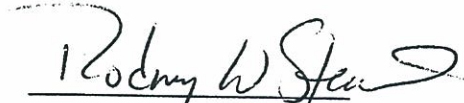
A Record Examination was ordered on January 2, 2007 and was completed by an employee of the Board of Election Commissioners on January 11, 2007. The Candidate needs at least 270 valid signatures on his nomination petitions in order to remain on the ballot for Alderman. A hearing was conducted on January 16, 2007 and the results of the Record Examination conducted on January 11, 2007 were admitted into evidence demonstrating that the Candidate had 255 valid signatures, some 15 valid signatures less than required. The Objector rested on his Objections and the Candidate rested on the results of the Record Examination.

The Candidate filed a Rule 8 Motion and the Objector filed a Response. A hearing was conducted on January 16, 2006 and in an effort to "rehabilitate" those signatures that were challenged and sustained by the Chicago Board of Election Commissions during the course of the Records Examination, the Candidate admitted through the testimony of a notary public four affidavits. The remaining eleven affidavits were not admitted into evidence since another notary public who was not present at the hearing had notarized these affidavits. On cross-examination, the Objector brought out testimony from the witness that the Nomination Petitions were never shown to the persons who signed the Affidavits in the presence of the notary public. Furthermore, the body of the affidavits failed to make

reference to the fact that they ever signed the Candidate's Nomination Petitions. As a result, although admitted into evidence, the four affidavits were deficient in the Candidate's efforts to rehabilitate the challenged signatures that resulted from the Records Examination conducted by the Chicago Board of Election Commissioners.

It is recommended that the name of the Candidate, Vernita McClinton-Farmer not appear on the February 27, 2007 ballot for Alderman in the 21st Ward.

Date: January 17, 2007



Rodney W. Stewart
Hearing Examiner