

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

Objections of: TAMARA McCULLOUGH)
)
)
)
To the Nomination) No. 08-EB-SS-04
Papers of: MATTIE HUNTER)
)
)
Candidate for the office of)
State Senator for the 3rd Legislative)
District, State of Illinois, Democratic Party)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 TAMARA McCULLOUGH ("Objector") to the nomination papers ("Nomination Papers") of MATTIE HUNTER, candidate for the nomination of the Democratic Party to the office of State Senator for the 3rd Legislative District, State of Illinois ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 November 20, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Terence E. Flynn for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons were present at such hearing: the Candidate, MATTIE HUNTER, appearing by counsel, Marshall L. Blankenship. Neither the Objector nor any representative of the Objector appeared at the hearing after the case was called and recalled a second and third time.

7. The Hearing Examiner found that substituted service of the Call of the Board was effectuated by the Sheriff on November 19, 2007 at 7:20 a.m. at the Objector's address at 5615 S. Winchester Avenue, Chicago, Illinois, on Tawanda Woods, a female of approximately 25 years of age.

8. The purported "objection" filed in this matter states in full, "I'd like to file an objection to the petitions of Mattie Hunter for State Senator of the third legislative district of Illinois." This handwritten one-page letter was signed by the Objector, giving

her address as 5615 South Winchester, the same address in which substituted service of the Call of the Objector was achieved.

9. The Candidate filed a motion to strike, stating that such an objection is not valid.

10. The Hearing Examiner made an independent review of the Candidate's Nomination Papers and found that these papers contain well over 1,000 signatures, which exceeds the minimum signature requirement of 1,000 for the office sought.

11. The Hearing Examiner concluded that the Objector was properly served by substituted service with a copy of the Board's Call to the meeting of the Electoral Board.

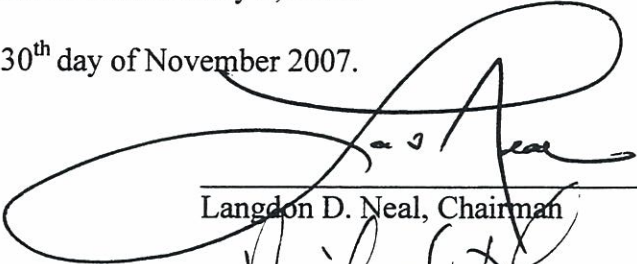
12. The Hearing Examiner further concluded that the "objection" filed in this matter was not a valid objection in that it failed to comply with requirements of Section 10-8 of the Election Code. See, *Gafeny v. Beavers*, 95-EB-ALD-94, CBEC, January 24, 1995. The purported "objection" does not state the nature of the objection as required by Section 10-8 nor does it adequately apprise the candidate on the nature or specificity of the objections to her nomination papers so as to give the Candidate a reasonable opportunity to defend her Nomination Papers. See, *Elysee v. Patterson*, 04-EB-RGA-14, January 20, 2004.

13. The Hearing Examiner recommends, therefore, that the motion to default the Objector be granted and that Objector be defaulted, and further that the Candidate's motion to strike the objection be sustained.

IT IS THEREFORE ORDERED, that the Objections of TAMARA McCULLOUGH to the Nomination papers of MATTIE HUNTER, candidate for the

nomination of the Democratic Party to the office of State Senator for the 3rd Legislative District, State of Illinois, are hereby STRICKEN AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of MATTIE HUNTER, candidate for nomination of the Democratic Party to the office of State Senator for the 3rd Legislative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

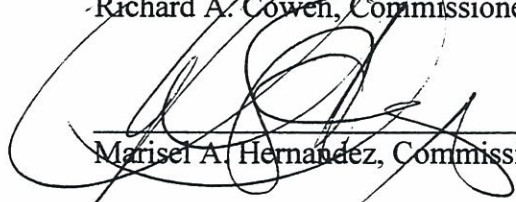
Dated: Chicago, Illinois, this 30th day of November 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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 10 days after the decision of the Electoral Board.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES IN THE FEBRUARY 5, 2008 GENERAL
PRIMARY ELECTION

TAMARA MCCULLOUGH)	
)	
Petitioner-Objector,)	
)	08-EB-SS-04
v.)	Minimum Signature requirement:
)	1000
MATTIE HUNTER)	Office sought:
)	Democratic nomination for
Respondent-Candidate.)	State Senator-3 rd Legislative District

REPORT AND RECOMMENDATION
OF HEARING EXAMINER TERENCE E. FLYNN

FINDINGS OF FACT:

- 1) This matter was scheduled for hearing on 11/20/07 at 11:30 a.m.
- 2) The candidate appeared by her attorney. (Board Group Ex. D)
- 3) The purported objector did not appear; the case was called after the originally scheduled time but no one answered to the requests for “Tamara McCullough or her representative or anyone affiliated with her”.
- 4) Upon review, the file demonstrated that substituted service of the Call of the Board was effected by the Sheriff on 11/19/07 at 7:20 a.m. at the objector’s address at 5615 S. Winchester Avenue, Chicago, Illinois, on Tawanda Woods, a female of approximately 25 years of age. (Board Group Exhibit C)

- 5) The purported “objection” (Board Group Ex. B) stated in full: “I’d like to file an objection to the Petitions of Mattie Hunter for State Senator of the third legislative district of Illinois.” This hand-written one-page letter was signed by Tamara McCullough, giving her address as 5615 S. Winchester, the same address at which substituted service of the Call was achieved. (Board Group Exhibit C)
- 6) The candidate’s attorney filed a motion to strike essentially stating that such a statement is not a valid objection.
- 7) The Hearing Examiner made an independent review of the candidate’s nominating papers (Board Group Ex. A) and found that these papers contain well over the 1000 minimum signatures required for the office sought.

CONCLUSIONS OF LAW:

- A) The purported “objector” was properly served by substituted service (See Finding of Fact #4 above).
- B) Whether the purported “objector” was served or not is close to irrelevant: the statement of future intent – “I’d like to ...” is radically insufficient to ever create a justiciable matter for this Board to hear. Whether she’d “like to” file or not, Ms. McCullough did not file a valid objection in the time required, or any other time.
- C) That such a statement was stamped as an objection is understandable – but no further action is warranted. The purported objection “fails to comply with Section 10-8 of the Election Code”, Gafeny v. Beavers, 95-EB-ALD-94 CBEC, 1/24/95. Further, the purported “objection” does not adequately apprise the candidate of the specificity of each objection. Elysee v. Patterson, 04-EB-RGA-14, 1/20/04. Actually, the “objection” does not apprise the candidate of anything at all.

- D) Despite the radically insufficient purported “objection”, the Hearing Examiner reviewed the candidate’s nominating papers and found them sufficient. (See Finding of Fact #7 above.)
- E) If the purported “objector” ever appeared, no different result would obtain.
- F) The motion to default the objection is granted and the motion to strike the objection is sustained.

RECOMMENDATION:

It is the Recommendation of this Hearing Examiner that the name Mattie Hunter should appear on the ballot in the February 5, 2008 election for the Democratic Nomination for State Senator for the 3rd Legislative District.

Terence E. Flynn
Hearing Examiner

Dated: 11/24/07