

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

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Objections of: RAYMOND T. NICE )  
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 )  
To the Nomination ) No. 08--EB-WC-13  
Papers of: PAUL F. MAYERS )  
 ) (Rel. case 08-EB-WC-14)  
 )  
Candidate for the office of )  
Ward Committeeman for the 13TH Ward )  
of the City of Chicago, Green 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 RAYMOND T. NICE (“Objector”) to the nomination papers (“Nomination Papers”) of PAUL F. MAYERS, candidate for election to the office of Ward Committeeman for the 13TH Ward of the City of Chicago, Green Party (“Candidate”), having convened on November 26, 2007, at 10:00 a.m., at 69 W. Washington Street, 8<sup>th</sup> 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 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 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Christopher J. Agrella 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, among others, were present at such hearing: the Objector, RAYMOND T. NICE, appearing by counsel, Michael J. Kasper; and the Candidate, PAUL F. MAYERS, appearing pro se.

7. The Objector raised several objections to the Candidate's Nomination Papers, including the allegation against the validity of individual signatures identifying them by sheet and line and that the Candidate's petition did not contain a sufficient number of valid signatures to meet the minimum signature requirement for the office sought.

8. The Hearing Examiner ordered that an examination of the 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.

9. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

10. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

11. The Objector or his duly authorized representative(s) was present during the examination of the registration records.

12. 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

13. The results of the records examination conducted in this case indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 34;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 48;

C. The number of signatures deemed invalid because of objections sustained during the records examination total 23;

D. The remaining number of signatures deemed valid total 25.

14. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

15. 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. A copy of the Hearing Examiner's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

16. The Electoral Board finds, therefore, that the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

17. The Electoral Board finds that the Candidate has an insufficient number of valid signatures on his Nomination Papers to be placed upon the official ballot as a candidate for election to the office of Ward Committeeman for the 13TH Ward of the City of Chicago, Green Party.

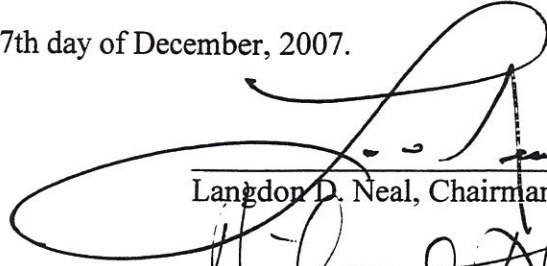
18. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Nomination Papers of PAUL F. MAYERS are not valid.

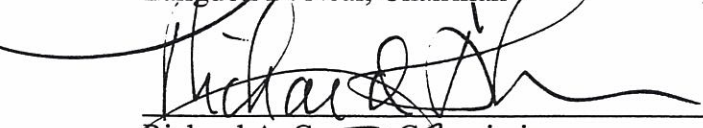
19. The Electoral Board further finds that there were additional objections filed against the Candidate's Nomination Papers in case number 08-EB-WC-14, but that objections in that case are moot given the decision in this case that the Candidate's Nomination Papers are invalid.

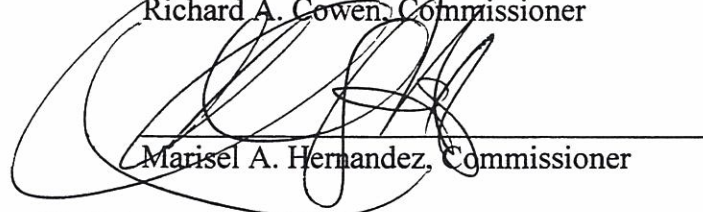
IT IS THEREFORE ORDERED that the Objections of RAYMOND T. NICE to the Nomination Papers of PAUL F. MAYERS, candidate for election to the office of Ward Committeeman for the 13TH Ward of the City of Chicago, Green Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of PAUL F. MAYERS, candidate for election to the office of Ward Committeeman for

the 13TH Ward of the City of Chicago, Green Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 7th day of December, 2007.

  
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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.

SERVICE ATTACH

BEFORE THE BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO

|                         |   |                                    |  |
|-------------------------|---|------------------------------------|--|
| RAYMOND T. NICE,        | ) |                                    |  |
|                         | ) |                                    |  |
| Petitioner - Objector,  | ) | No. 08 EB WC 13                    |  |
| v.                      | ) | (related to 08 EB WC 14)           |  |
| PAUL F. MAYERS,         | ) | Green Party                        |  |
| Respondent - Candidate. | ) | 13 <sup>th</sup> Ward Committeeman |  |

2007 DEC -14 A 9:00

**HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION**

This matter first came before the hearing examiner on November 26, 2007. It was set on the call for 1:00 p.m., and at 1:00 p.m. the matter was first called for hearing. The objector appeared through counsel, Michael Kasper, Esq., and the candidate appeared personally. Each filed their appearances and acknowledged receipt of a copy of the rules. The hearing examiner also made specific reference to the change in the Rule 8 procedure, which each side acknowledged.

The official file contained the original petition papers of the candidate and the objections of the objector, which the hearing examiner marked as Group Exhibit A and Group Exhibit B, respectively. The proof of service of notice of the call was marked as Group Exhibit C, and the appearances of the parties were marked as Group Exhibit D. Group Exhibits A through D were accepted into evidence without objection.

The candidate did not provide a fax number for service, and objector's counsel stated that he would ensure hand delivery/personal service of all papers in this matter.

The objection, Group Exhibit B, raised a line by line signature allegation or challenge, incorporating a standard index recapitulation sheet exhibit. In addition, the

objection challenged certain petition signers upon the separate basis of having signed petition sheets for the upcoming February 5, 2008, election on behalf of Democratic political party candidates for offices other than committeeman of the 13<sup>th</sup> Ward, further alleging that these signings on behalf of these Democratic party candidates took place prior in time to signing the instant petition sheets. In support of this second issue ('party raiding') the objection attached some twenty affidavits to the objection, as well as the relevant petition sheet pages from these outside candidates as evidence that each affiant signed on behalf of these Democratic candidates. Given that the candidate only filed 48 signatures for an office with a 34 signature minimum, this was a potentially dispositive issue.

The parties were informed at this initial hearing date of the briefing schedule for any preliminary motions, and objector's counsel stated his intent to file a memorandum in support of objector's dual signer allegation. The candidate indicated he probability would not be filing any such motions, but the hearing examiner informed him that the option was left open to him.

The hearing examiner set a briefing schedule on all motions which required the initial brief to be filed no later than Wednesday, November 28, 2007, at 5:00 p.m., any response brief to be filed no later than Friday, November 30, 2007, at 5:00 p.m., and any reply brief to be filed no later than Saturday, December 1, 2007, at 5:00 p.m. Hearing on any such motion was set down for Monday, December 3, 2007, at 1:00 p.m.

Before this initial case call adjourned, the hearing examiner issued a record examination directive, and set a Rule 8 Statement deadline for no later than Friday, November 30, 2007. The hearing examiner also required both sides to exchange all Rule

8 documentary evidence and witness lists by Saturday, December 1, 2007, at 5:00 p.m. When the candidate expressed doubt that he could gather and exchange his evidence within this December 1, 2007, time frame, objector's counsel graciously extended the deadline for the candidate to tender such exhibits and information all the way to the date and time of the actual Rule 8 hearing itself, which the hearing examiner set for December 3, 2007, at 1:00 p.m., informing both sides that he intended to proceeding with all matters that day until the case was concluded.

There being nothing further from either side, the case was adjourned until December 3, 2007, at 1:00 p.m.

On November 28, 2007, objector's counsel filed a memorandum in support of objector's 'party raiding' argument. The candidate did not file any motion, nor did he file any responsive briefs to the objector's motion.

The parties each received timely notice of the start of the record examination, the candidate, by telephone, the objector's counsel, by telephone and faxed notice. The record examination started, and concluded, on November 30, 2007. No one appeared on behalf of the candidate at the record examination. Both parties received timely notice of the results of the record examination. Neither party filed any Rule 8 Statement.

On December 3, 2007, at 1:00 p.m. the case was recalled. Objector appeared through counsel, Michael Kasper, Esq., and the candidate failed to appear. The matter was passed and recalled a second time. The candidate still did not appear.

At no time in this matter did either party filed any written request for any extension of time or to change the day and time for any scheduled event in this matter.

At this point the hearing officer formally accepted into evidence as Exhibit E the



November 30, 2007, Record Examination Results, and read into evidence the following results:

|   |    |
|---|----|
| Number of Signatures on Petition:                   | 48 |
| Number of Objections Overruled:                     | 4  |
| Number of Objections Sustained:                     | 23 |
| Number of Signatures Invalid Because of Circulator: | 0  |
| Number of Valid Signatures:                         | 25 |
| Minimum Signature Requirement:                      | 34 |

These record examination results were accepted into evidence without objection by objector's counsel.

At this point in the proceedings the hearing examiner referenced the fact that, even if the candidate had appeared on December 3, 2007, the Record Examination Results [Exhibit E] evidenced that no one had appeared at the record examination on behalf of the candidate, and therefore no one had preserved any objections to the initial record examination call of the board personnel; further, that the candidate had also failed to file any Rule 8 statement.

Pursuant to the board's rules either of these omissions by the candidate, standing alone, barred the candidate from any attempt to restore any signatures. Taken together, these omissions were doubly fatal to the candidate's nomination papers.

At this juncture the hearing examiner inquired of objector's counsel whether he had anything further, keeping in mind that objector's 'party raiding' issue and memorandum were still unresolved. However, the negative response from objector's counsel mooted this issue, and the hearing examiner stated on the record that his

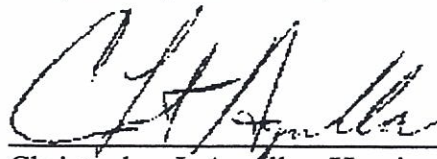
recommendation to the board would be to sustain the objection, to hold the nomination papers of the candidate invalid because of insufficient signatures, and for the candidate's name not to appear on the ballot.

There being no other matters at issue, the hearing examiner concluded the case.

This hearing examiner recommends to the Board that it adopt the above findings, decisions and recommendations of the hearing examiner, that the Board further sustain the objection and declare that said nomination papers are insufficient and invalid in law and fact, further finding that the nomination papers are not in conformity and fail to possess at least the minimum number of validly collected signatures of qualified and duly registered voters of the 13<sup>th</sup> Ward of the City of Chicago for the office of Green Party Ward Committeeman (34), and that this Board further declare that the name of the candidate, Paul F. Mayers, not appear and not be printed on the ballot as a Green Party candidate for election to the office of Green Party Ward Committeeman of the 13<sup>th</sup> Ward of the City of Chicago, to be voted upon at the February 5, 2008, General Primary Election.

Christopher J. Agrella  
Hearing Examiner  
330 East Main Street  
Suite 205  
Barrington, Illinois 60010  
Office: (847) 381-6800  
Fax: (847) 381-6866

Respectfully Submitted,



Christopher J. Agrella - Hearing Examiner

HP LaserJet 3050

# Fax Call Report

HP LASERJET FAX

Dec-4-2007 9:08AM

| Job | Date       | Time      | Type | Identification | Duration | Pages | Result |
|-----|------------|-----------|------|----------------|----------|-------|--------|
| 528 | 12/ 4/2007 | 9:06:10AM | Send | 3684944        | 2:32     | 6     | OK     |

BEFORE THE DULY CONSTITUTED  
ELECTORAL BOARD

NICE,

v.

MAYERS

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)  
)

88 EB WC # 13

APPEARANCE

The undersigned attorney hereby enters the Appearance of the Objector.

  
\_\_\_\_\_  
Michael J. Kasper

Michael J. Kasper  
222 North LaSalle Street  
Suite 300  
Chicago, IL 60601  
(312) 704-3292 (Office)  
(312) 368-4944 (Fax)

Mailed copy to Paul F MAYERS  
on 12/04 and Left message at  
Phone # Listed on appearance