

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

Objections of: Maurice Perkins, Annette)
Freeman)
)
To the Nomination) No.: 11-EB-ALD-002
Papers of: Pat Dowell)
)
Candidate for the office of)
Alderman of the 3rd 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, 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 Maurice Perkins and Annette Freeman (“Objectors”) to the nomination papers (“Nomination Papers”) of Pat Dowell, candidate for the office of Alderman of the 3rd Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 Objectors 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 December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Edna Turkington for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objectors, Maurice Perkins and Annette Freeman, pro se; the Candidate, Pat Dowell, by attorney James Bizzieri.

7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

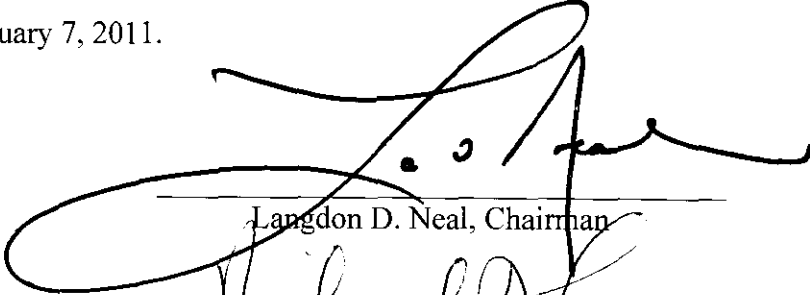
9. The Electoral Board would further find that the "Receipt for Nomination Papers – City of Chicago For the February 22, 2011 Municipal General Election" is a form created by and

for the administrative convenience of the Chicago Board of Election Commissioners. It is not a form mandated by statute. Thus, any errors or omissions on the form, while probative of what documents may have been filed or not filed with the Board, does not change the fact that a document was indeed filed or not filed, as the case may be.

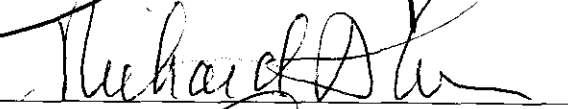
10. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Maurice Perkins, Annette Freeman to the Nomination Papers of Pat Dowell, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Pat Dowell, candidate for election to the office of Alderman of the 3rd Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

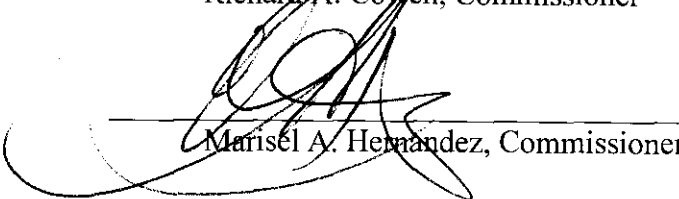
Dated: Chicago, Illinois, on January 7, 2011.



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 5 days after service of the decision of the Electoral Board.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

2010 DEC 20 A 8:00

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER, AND ALDERMAN
IN THE CITY OF CHICAGO**

MAURICE PERKINS AND)
ANNETTE FREEMAN)
)
)
 Objectors,)
)
 -VS-)
)
PAT DOWELL)

Case No. 11-EB-ALD-002

Hearing Officer's Report and Recommended Decision

This matter first came before the hearing officer on December 6, 2010. The Objectors MAURICE PERKINS and ANNETTE FREEMAN each appeared pro-se. PAT DOWELL was represented in these proceedings by Attorney James Nally. The matter was scheduled to be heard at 11:00 A.M. on December 6, 2010. However, the proceedings were delayed due to the extended Board session. The hearing started at 11:45 A.M. The hearing officer inquired into the allegations of Objector's Petition. The hearing officer also inquired as to whether any motions

would be filed. The attorney for the Candidate indicated that he would be filing a Motion to Strike Objector's Petition. A Briefing schedule was set for the candidate's motion in accordance with Rule 5 of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago. A hearing date of December 3, 2010 was set for an evidentiary hearing on the candidate's motion.

I. Objections Presented

The objectors indicated that the nomination papers for Pat Dowell for candidate for Alderman of the 3rd Ward of the City of Chicago, Illinois, were insufficient in fact and law for candidate's failure to file the following : (1) Statement of Candidacy (2) receipt for Statement of Economic Interests and (3) loyalty oath. Additionally the candidate's nominating papers were not bound. Lastly, the objectors indicated that the Election Board did not take a photo of the candidate's nominating papers.

The objectors also argued that the candidate's nominating petitions were in violation of the Illinois Election Code because they were not prepared in conformity with union printers.

There were no objections to be resolved by a records examination.

The matter was continued to December 13, 2010 at 9:00 A.M. for an evidentiary hearing on Candidate's Motion to Strike and Dismiss Objector's Petition and for status on Objector's Petition.

II. Findings of Facts.

All parties timely filed and served pleadings with respect to the Candidate's Motion to

Strike and Dismiss Objector's Petition. Although only the Motion to Strike was scheduled for hearing, the parties agreed to have an evidentiary hearing on both the Motion to Strike and the Objector's Petition.. The Candidate's Motion to Dismiss was in essence a response to the Objector's Petition. The Objector's Petition was sufficient in form and in law. The attorney for the Candidate stated on the record that the candidate filed her (1) Statement of Candidacy (2) receipt for Statement of Economic Interests (3) loyalty oath and (4) 192 petition sheets that were bound. The candidate's attorney made no argument with respect to whether the Election Board took a photo of the Nominating Papers.

The objector, Maurice Perkins produced a copy of his request dated November 19, 2010 to the City of Chicago Board of Election Commissioners for public records under the Freedom of Information Act of all nominating petitions of Pat Dowell for Alderman of the 3rd Ward .

As a result of that request, the Board of Elections gave the objector, Maurice Perkins copies of all of the nominating petition sheets and a Receipt for Nomination Papers - City of Chicago for the February 22, 2011 Municipal General Election for the candidate. The Board identified the Receipt for Nomination Papers from the candidate with ticket number 032. The receipt indicated that the Board of Elections did not receive from the candidate, Pat Dowell, a Statement of Candidacy, a Receipt for Statement of Economic Interest or a Loyalty Oath. The receipt also indicated that the nominating papers were not bound and no photo was taken by the Election Board of the candidate's nominating papers. The receipt was prepared and dated November 15, 2010 by an employee of the Chicago Board of Elections. The receipt was signed on that same date by the candidate Pat Dowell.

The candidate argues that the person who completed the receipt for the candidate's nominating papers made an error in filling out the receipt. This argument was supported by the fact that although the Board employee indicated on the receipt that the nominating papers were not bound, the employee also indicated in answer to the question concerning the bound petitions that: "If yes, describe how they are bound." The Board employee wrote: "Yes, Bound by steel hole." It is clear that the papers could not be nonexistent and also be bound.

A review of the Board's file showed that the Candidate indeed had filed a Statement of Economic Interests, a Receipt for Statement of Economic Interests and a Loyalty Oath. The original documents were in the Board file. Further, each of those documents bore a Chicago Board of Elections file stamp with the date November 15, 2010 at 9:00 A.M. The originals of each of these nominating papers was contained in Pat Dowell's Election Board file.

Further, the Board's file contained 192 pages of original petitions bound by a steel attachment. The petitions were bound with the foregoing nominating papers.

The petition papers consisted of 15 lines per sheet. The objector argued that the petition papers should have 20 lines per sheet and did not look like other petition papers he had seen in the past. The objector did not produce any sample petition papers.

Further, the objectors argued that the petition papers were not printed by a union printer. The hearing officer did not see a "union bug" on the petition papers.

III. Findings of Law and Legal Analysis

The Objector's Petition was sufficient in form and in law. Therefore, the candidates's Motion to Dismiss was denied .

The following discussion covers the evidentiary hearing on Objectors Petition.

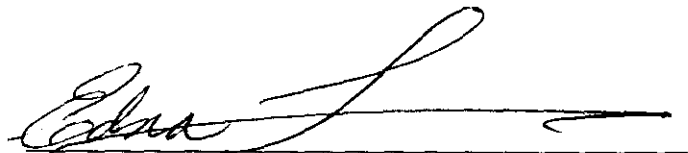
Whether or not the Board took a photo of the candidate's nominating papers does not render the nominating papers invalid.

There is no requirement that the nominating papers in part or in whole be printed by union printers. There is also no requirement that a certain number of signature lines be printed on each nominating petition.

The nominating papers filed by the candidate, Pat Dowell, were timely filed and filed in compliance with 710 ILCS 5/10-5 of the Election Code of Illinois. The date stamp of receipt on the candidate's original nominating papers is controlling over the clerk's receipt.

IV. Recommendation

In light of the above factual findings and legal analysis, it is the recommendation of this hearing officer that the candidate's Motion to Strike and Dismiss Objector's Petition be denied. It is also recommended that the objections of the Objectors, Maurice Perkins and Annette Freeman be denied and that the name of the Candidate, Pat Dowell, appear and be printed on the ballot for election for the Office of Alderman of the 3rd Ward of the City of Chicago to be voted on February 22, 2011 in the Municipal Election for Alderman.

A handwritten signature in black ink, appearing to read 'Edna Turkington', written over a horizontal line.

Edna Turkington

Hearing Officer

Electoral Board

From: "Electoral Board" <electoralboard@chicagoelections.com>
To: "Maurice Perkins" <mperkins100@gmail.com>; "James P Nally" <jpnlaw@att.net>
Sent: Monday, December 20, 2010 9:50 AM
Attach: Recommendation Ald 0020001.pdf
Subject: Recommendation Ald 002

Hearing Officer's Recommended Decision for Ald 002 attached

Perkins + Freeman
Objector(s)

vs.

Dowell
Candidate

)
)
) Case No. 11-EB-AD-002
)
)
) Hearing Officer: Turkington
)

PROOF OF SERVICE

I, Steven Cieslicki, certify that on Dec 20, 2010 I served a copy of the Hearings officer's Report + Recommended Decision (a copy of which is attached) on the Objector(s) and Candidate(s) listed on the attached document and/or their attorney(s) of record ("Party" or "Parties") either by (a) personally handing a copy of the document to such Party, (b) faxing or emailing the document to the fax number or email address listed on the Appearances on file with the Electoral Board, (c) by placing a telephone call to or leaving a message on the telephone number listed on the Appearance on file for any Party who did not list a fax number or email address, or (d) where no fax number, email address or telephone number is listed on the Party's Appearance or where no Appearance was filed, by depositing a copy of the document in the United States mail, first class postage prepaid, addressed to the Party at the address on record on the Party's Appearance or on the Party's nomination papers or objector's petition if no Appearance is on file.

Dated: Dec 20, 2010

Stacy