

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

Objections of: Tonya White)
)
)
To the Nomination) No.: 12-EB-SS-06
Papers of: Patricia Van Pelt Watkins)
)
Candidate for the nomination of the)
Democratic Party for the office of)
State Senator of the 5th Legislative District,)
State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for 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 Tonya White (“Objector”) to the nomination papers (“Nomination Papers”) of Patricia Van Pelt Watkins, candidate for the nomination of the Democratic Party for the office of State Senator of the 5th Legislative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011, at 8:30 AM, 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 was held on these Objections commencing on December 19, 2011 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, Tonya White, by attorney Michael J. Kasper; and the Candidate, Patricia Van Pelt Watkins, by attorneys John B. Lower and Jeffrey Greenspan.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition, alleging that the Petition fit the description of a bad-faith or "shotgun" objection that on their face show that no reasonable inquiry was made into the factual basis thereof. The Hearing Officer originally ordered a sample records examination, but upon review the Candidate's motion for reconsideration of the order for a sample records examination, the Hearing Officer vacated such order.

8. The Hearing Officer ordered that an examination of the voter 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 Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

10. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

11. The Objector and/or her duly authorized representative 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 result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

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 1,000.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 3,001.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,500.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,501.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of Democratic Party to the office of State Senator for the 5th Legislative District of the State of Illinois.

15. The parties subsequently agreed that even if the Objector was to succeed on all remaining objections, the Candidate would still have enough valid signatures above the statutory minimum.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 1501 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of State Senator for the 5th Legislative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.


17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

18. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Patricia Van Pelt Watkins are, therefore, valid.

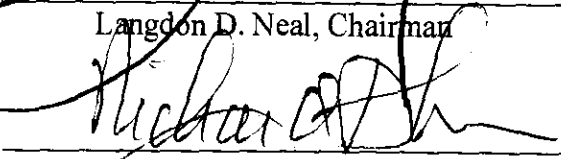
IT IS THEREFORE ORDERED that the Objections of Tonya White to the Nomination Papers of Patricia Van Pelt Watkins, candidate for nomination of the Democratic Party for the office of State Senator for the 5th Legislative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Patricia Van Pelt Watkins, candidate for nomination of the Democratic Party for the office of State

Senator for the 5th Legislative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

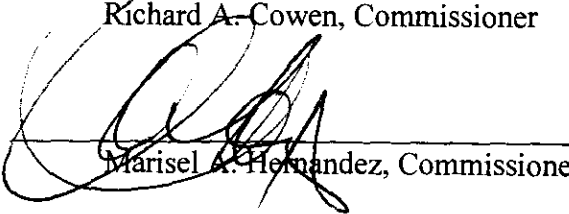
Dated: Chicago, Illinois, on January 17, 2012.



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.

BOARD OF ELECTION COMISSIONER OF THE CITY OF CHICAGO

Objections of:)
TONYA WHITE,)
)
To the Nomination Papers of:)
PATRICIA VAN PELT WATKINS,)
)
Candidate for the Office of State Senator for the)
Fifth Legislative District, State of Illinois, to be)
voted upon at the March 20, 2012 General)
Primary Election.)

No. 12-EB-SS-06
John R. Ashenden
Hearing Officer

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BOARD OF ELECTIONS
COMMISSIONER

REVISED RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners on the Objector's Petition of Tonya White ("objector") to the nomination papers of Patricia Van Pelt Watkins ("candidate"), John R. Ashenden, Hearing Examiner, finds and recommends as follows:

1. The initial hearing commenced at 2:00 p.m., December 19, 2011. The candidate's attorneys John B. Lower and Jeffery Greenspan appeared on behalf of the Candidate. The objector appeared through attorneys, Michael Kasper and Kevin Morphew.

2. Objector's Petition alleges that Candidate failed to acquire 1,000 valid signatures because her nomination petitions included signatures of persons who are not registered voters or not registered at the address listed, forged signatures, signatures of persons who reside outside the 5th Legislative District, petition sheets that were not circulated by the person who signed the circulator's affidavit, petition sheets that bear an affidavit with a forged signature, petition sheets that bear an affidavit listing an invalid address for the circulator, and petition sheets circulated by individuals whose conduct demonstrates a pattern of fraud.

3. Candidate filed a Motion to Strike, arguing that Objector had failed to state the nature of her objection in violation of section 10-8 of the Election Code. The basis of this argument was that objections in Objector's Petition allegedly fit the description of a bad-faith or "shotgun"

objections—objections that on their face show that no reasonable inquiry was made into the factual basis thereof. In addition, the Motion to Strike argued that Objector's allegations regarding circulators' affidavits were insufficient as a matter of law to invalidate the accompanying petition sheets.

4. On December 21, 2011, Candidate filed a Response to Objector's Motion to Strike. This Response argued that: (a) characterizing objections as "shotgun" objections was a factual allegation and an improper subject for a preliminary motion; (b) Candidate's motion failed to establish that objections in Objector's Petition were "shotgun" objections; and (c) Candidate's motion failed to show substantial compliance on the part of circulators.

5. On December 22, 2011, Candidate filed a Reply arguing that allegations of bad-faith objections are a proper subject for a preliminary motion and suggesting that the Board perform a partial records examination before ruling on the motion.

6. In order to gather more information with which to evaluate Candidate's Motion to Strike, the Hearing Examiner ordered a sample record examination on December 22, 2011, pursuant to Rule 6(l).

7. On December 23, 2011, Objector filed a Motion to Reconsider the December 22, 2011 Order for a Partial Records Examination. In this motion, Objector argued, among other things, that nothing on the face of the objections indicated that they were prepared in bad faith and that a partial records examination would needlessly prolong litigation.

8. The Hearing Officer then in a written decision denied Candidate's Motion to Strike, vacated the previous order for a partial records examination and ordered a full records examination.

9. At the December 27, 2011 hearing, Objector was ordered to produce evidence relating to the issue of circulators' affidavits. Hearing was then continued to January 3, 2012 to allow time for the Records Examination to be completed. On December 28, 2011, the Objector was ordered to request any and all registration records to support her circulator claims. In addition, due to scheduling considerations, the December 27 document production order was vacated.

10. At the January 3, 2012 hearing, the preliminary results of the Records Examination were discussed, showing Candidate substantially above the minimum number of signatures. Objector, in support of her pattern-of-fraud argument, pointed to several instances where the address of a signer had apparently been crossed out after the fact and a different address written in by the circulator or perhaps a third party. A hearing was set to January 10, 2012.


11. On January 4, 2012, Objector filed a memorandum identifying 485 instances of signers' addresses apparently being tampered with.

12. On January 6, 2012, Candidate filed a Rule 8 motion for an evidentiary hearing in order to challenge the results of the Records Examination.

13. At the January 10, 2012 hearing, parties discussed the full results of the Records Examination, which show Candidate with 501 signatures above the required minimum. Objector announced an intention not to pursue an evidentiary hearing, since, even if Objector were to succeed on all outstanding issues, Candidate would still have 80 valid signatures above the statutory threshold. Opposing counsel, meanwhile, calculated Candidate's margin slightly differently but came to the same general conclusion: that Objector had not challenged enough signatures reduce Candidate's signature count below the minimum.

14. Accordingly, the Hearing Officer recommends that the name of Patricia Van Pelt Watkins appear on the ballot for State Senator of the Fifth Legislative District of the State of Illinois.

Date: January 13, 2012


Hearing Examiner
John R. Ashenden