

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

Objections of: Leola Chambers)
)
)
To the Nomination) No.: 12-EB-WC-17
Papers of: Fred McGee)
)
)
Candidate for the office of Democratic Party)
Ward Committeeman for the 15th Ward, City)
of Chicago)

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 Leola Chambers (“Objector”) to the nomination papers (“Nominating Papers”) of Fred McGee, candidate for the office of Democratic Party Ward Committeeman for the 15th Ward of the City of Chicago (“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 held on these Objections commenced on December 19, 2011.

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

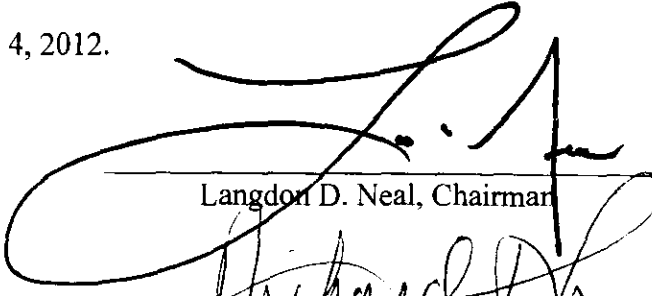
6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Leola Chambers, by attorney Michael Krelloff and Sally H. Saltzberg; and the Candidate, Fred McGee pro se.

7. The Hearing Officer has submitted his recommended decision recommending that in light of the Candidate's withdrawal, the Objections should be dismissed as moot. The Electoral Board hereby adopts the Hearing Officer's recommendations and a copy of his report is attached hereto and is incorporated herein as though fully set forth herein.

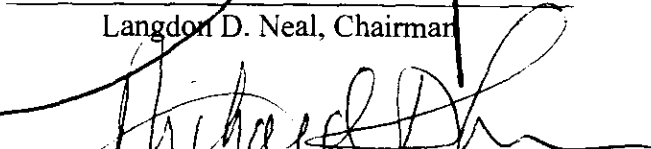
8. The Board finds that on December 28, 2011, the Candidate filed papers with the office in which the Candidate filed his nomination papers withdrawing as a candidate for election and requesting that his name not be printed upon the ballot, thus rendering the Objections moot.

IT IS THEREFORE ORDERED that the name of Fred McGee, candidate for the office of Democratic Party Ward Committeeman for the 15th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

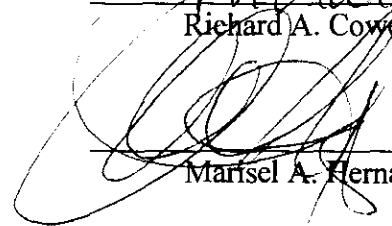
Dated: Chicago, Illinois, on January 4, 2012.



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.

then continued until December 26, 2011 for argument on Candidate's Motion to Strike and Dismiss and for status on return of the results of the Records Examination.

4. On December 26, 2011, the Hearing Officer continued the matter until December 29, 2011 at 2:00 p.m. for status on the Rule 6 Records Examination. The Hearing Officer also noted that the Candidate had not filed any motions in this matter.

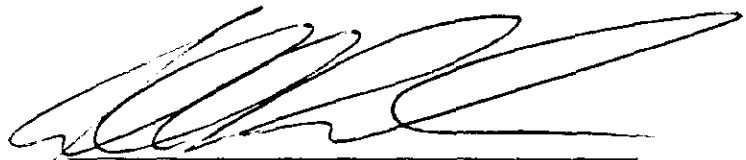
5. On December 29, 2011, the Hearing Officer noted that the Candidate had signed and had filed a "Withdrawal of Candidacy" with the Cook County Clerk on December 28, 2011. The Hearing Officer also noted that he was in receipt of a "Withdrawal of Objector's Petition" signed by the Objector's attorney and filed with the Board of Elections. The Hearing Officer noted that the "Withdrawal of Candidacy" was filed with the Cook County Clerk prior to the filing of the "Withdrawal of the Objector's Petition".

The Respondent – Candidate, FRED MCGEE, appeared on December 29, 2011 and informed the Hearing Officer that he wanted to take back his "Withdrawal of Candidacy" and in fact desired to appear on the ballot. The Hearing Officer inquired of Mr. McGee why he signed and filed a "Withdrawal of Candidacy". The Candidate advised that he thought he did not have the necessary funds to run; however, he now believes he has a commitment for the funds and would like to run for office. Mr. McGee advised that he "changed his mind". Mr. McGee acknowledged that he had in fact signed the "Withdrawal of Candidacy" and directed that Mr. Lopez file it with the Board. The Candidate advised that he nobody coerced him to sign the document, he knew what he signed, and he never advised the individual who filed the document with the Cook County Clerk not to file it. Mr. McGee could not provide any statutory authority or case

law that would give the Hearing Officer authority to allow the Candidate to withdraw his filing.

The Hearing Officer noted that 10 ILCS 5/7-12(9) provides that “Any person for whom a petition for nomination, or for committeeman . . . may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgement of deeds, and filed . . . with the appropriate election authority or local election official, not later than the date of certification of candidates for the consolidated primary or general primary ballot. No names so withdrawn shall be certified nor printed on the primary ballot, for any office.” 10 ILCS 5/7-12(9). The Hearing Officer noted that 10 ILCS 5/7-12(9) did not provide any mechanism for a candidate to void a “Withdrawal of Candidacy” and that the Hearing Officer did not have the authority to grant the Candidate’s request.

6. The Hearing Officer finds that the Respondent-Candidate, FRED MCGEE, has withdrawn as a candidate for Democratic Committeeman for the 15th Ward of the City of Chicago; therefore, the Hearing Officer recommends that the Board dismiss the Objector’s Petition as moot.

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

Hearing Examiner, Frank A. Tedesso