

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

Objections of: John J. Curry)
)
)
To the Nomination) No.: 12-EB-WC-31
Papers of: Stephen F. Boulton)
)
Candidate for the office of Republican Party)
Ward Committeeman for the 32nd 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 John J. Curry (“Objector”) to the nomination papers (“Nomination Papers”) of Stephen F. Boulton, candidate for the office of Republican Party Ward Committeeman for the 32nd Ward in the City of Chicago (“Candidate”) to be elected 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 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Kelly Cherf 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, John J. Curry, by attorney, John G. Fogarty, Jr.; and the Candidate, Stephen F. Boulton, pro se.

7. 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.

8. The number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Republican Party Ward Committeeman for the 32nd Ward of the City of Chicago.

9. The Hearing Officer conducted a hearing to allow both the Candidate and the Objector an opportunity to present evidence in support of their respective Rule 8 motion objecting to the Board's clerk's findings during the records examination.

10. 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

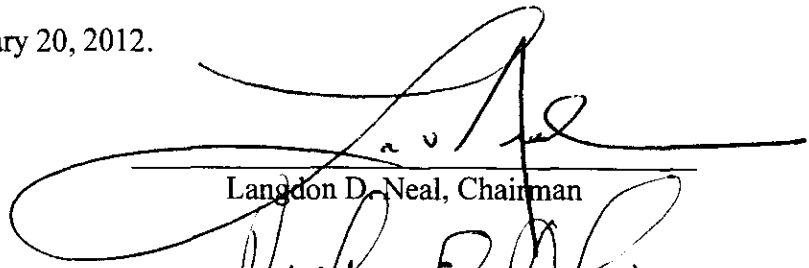
Candidate's Nomination Papers contained only 58 valid signatures, which is less than the minimum number of valid signatures required by law (75) to be placed upon the official ballot as a candidate for election to the office of Republican Party Ward Committeeman of the 32nd Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

11. 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.

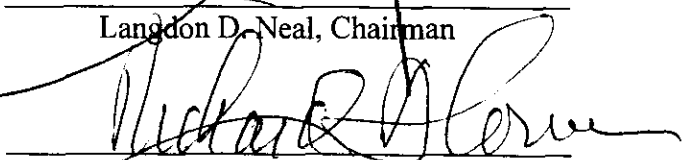
12. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Stephen F. Boulton are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of John J. Curry to the Nomination Papers of Stephen F. Boulton, candidate for the office of Republican Party Ward Committeeman for the 32nd Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Stephen F. Boulton, candidate for the office of Republican Party Ward Committeeman for the 32nd 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.

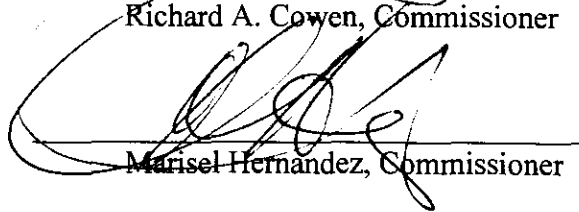
Dated: Chicago, Illinois, on January 20, 2012.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



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

Objections of:)
JOHN J. CURRY)
)
To the Nomination Papers of:) No. 12-EB-WC-31
STEPHEN F. BOULTON)
)
Candidate for the Office of)
Republican Committeeman of the 32nd Ward)
of the City of Chicago.)

BOARD OF ELECTIONS
COMMISSIONER

2012 JAN 14 A 9:15

HEARING EXAMINER'S REPORT AND RECOMMENDATION

This matter coming before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners, and before the undersigned Hearing Examiner, the Hearing Examiner hereby makes the following Report and Recommendation:

PRELIMINARY FACTS

1. The Candidate filed Nomination Papers as a Candidate for the office of Republican Committeeman of the 32nd Ward for the City of Chicago. Such Nomination Papers consist of: a) Statement of Candidacy; and b) Nomination Petition Sheets.

2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on December 12, 2011. In the Petition, the Objector alleges the petition pages contain: a) names of persons who are not registered voters at the addresses shown opposite their respective names; b) names which are illegible for which it cannot be determined whether or not they have signed in their proper name or are properly registered; c) names of persons who reside outside the 32nd Ward; d) signatures which are not genuine; e) missing or incomplete addresses; f) printed and not signed signatures; and g) names which are incomplete rendering the determination of voter registration status impossible. Attached to the Objector's Petition is an Appendix-Recapitulation. The Objector further alleges a pattern of fraud on the grounds of the foregoing alleged defects and because the Candidate was the sole circulator who allegedly misrepresented how the sheets were actually circulated and "of the 25 or more valid signatures, the overwhelming majority of them were signatures of electors for the Democratic Party and were induced through misrepresentation to sign the petition."

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 certified mail or by Sheriff's service, as provided by statute.

4. The initial hearing on these Objections was called on December 19, 2011. Stephen F. Boulton appeared *pro se*. John Fogarty appeared on behalf of the Objector.

5. At the hearing, the Candidate represented that he was not filing a Motion to Strike Objector's Petition.

RECORDS EXAMINATION COMPLETED ON DECEMBER 22, 2011

6. The Records Examination commenced on December 21, 2011 and was completed on December 22, 2011. Notice of the record examination results was served on both parties on December 22, 2011.

7. The Candidate needed 75 signatures to be on the ballot. The Candidate submitted 150 signatures. There were 125 objections. 97 objections were sustained leaving 53 valid signatures which is 22 signatures fewer than the required signatures. The Candidate appealed 62 findings, and the Objector appealed 67 findings.

RULE 8 MOTION AFTER THE DECEMBER 22ND RECORDS EXAMINATION

The Candidate's Motion Submission Pursuant to Rule 8

8. On December 23, 2011, the Candidate filed a Motion Submission Pursuant to Rule 8. In his Motion, the Candidate states that he will submit additional evidence in order to rehabilitate the 44 signatures identified by sheet and line number in his motion.

9. The Objector did not file a Rule 8 Motion.

The Candidate's Amended and/or Supplemental Motion Submission Pursuant to Rule 8

10. On December 26, 2011, the Candidate filed an Amended and/or Supplemental Motion Submission Pursuant to Rule 8 by which the Candidate seeks to include an additional 20 signatures to the Candidate's Rule 8 Motion filed on December 23, 2011. In this pleading, the Candidate admits that on December 22, 2011, the Board did provide him with notice of the results of the records examination and a petition summary report. However, the Candidate contends that "no detail report was included" which "prevented Candidate-Respondent from determining why his total of 74 approved signatures in the Preliminary Report had been reduced by 29-53 in the Final Report." The Candidate further contends that he was not able to obtain a copy of the detailed report until December 23, 2011 "to discovery [sic] that the Handwriting Expert had reversed the Examiner on 29 approved signatures."

11. On December 27, 2011, there was a case management conference.

12. The parties first addressed the Candidate's Amended and/or Supplemental Motion Pursuant to Rule 8. The Objector objected on the grounds that the pleading is untimely.

13. Rule 6(i) of the Rules of Procedure for the Board of Election Commissioners of the City of Chicago states that upon completion of the records examination, the Board “shall notify the parties of the *results* of the records examination and *advise them that reports of the results are available to each party upon request.*” See Board of Election Commissioners of the City of Chicago, Rules of Procedure 6(i) (emphasis added). Rule 8 states that a motion requesting an evidentiary hearing concerning the results of a Rule 6 examination must be filed “. . . not later than 5:00 p.m. on the first business day following the day on which the parties were notified of the *results* of the Rule 6 records examination” Board of Election Commissioners of the City of Chicago, Rules of Procedure 8 (emphasis added).

14. The Candidate admits in his pleading that on December 22, 2011, he received Notice of the Record Examination Results (“Notice”) and the Petition Summary Report. (A copy of the Notice and the Petition Summary Report is attached as Exhibit A to the Candidate’s pleading and also is made part of this record). In addition to providing the parties with a summary report containing the final results of the records examination, the Notice also advises the parties: “Copies of this and other detailed reports pertaining to this case are available for pickup at the Board’s 6th Floor. Any motion pursuant to Rule 8 of the Rules of Procedure must be filed not later than 5:00 p.m. on the first business day following the date on which you were notified of the results (“Notification Date”) as shown below” Consistent with the Rules, the Candidate did file a Rule 8 Motion on December 23, 2011. The relevant Rules – which were also set forth in the Notice received by the Candidate on December 22, 2011 – clearly state that the time period for filing a Rule 8 motion commences when the parties receive the results of the records examination and not when the parties receive the details of the records examination. Moreover, the Candidate does not contend that the Board’s response to any request for a detailed report was delayed.

15. For the foregoing reasons, I recommend that the Candidate’s Amended and/or Supplemental Motion Pursuant to Rule 8 be stricken and/or that leave be denied.

Case Management Conference

16. At the December 27, 2011 case management conference, the Rule 8 evidentiary hearing was set to commence (and conclude) on January 2, 2012. The dates for the exchange of exhibits and witness lists among the parties were set as follows:

a. By December 29, 2011, the Candidate shall serve Objector’s counsel and the hearing officer with the following:

i. copies of all exhibits/documents that the Candidate intends to introduce at the evidentiary hearing and for each exhibit/document, the Candidate shall identify the finding and/or objection for which the exhibit/document is being introduced; and

ii. a list of witnesses the Candidate intends to call at the hearing and for each such witness, the address for the witness and the purpose for each witness’ testimony.

b. By December 31, 2011, the Objector shall serve the Candidate's counsel and the hearing officer with the following:

i. copies of all exhibits/documents that the Objector intends to introduce at the evidentiary hearing and for each exhibit/document, the Objector shall identify the finding and/or objection for which the exhibit/document is being introduced; and

ii. a list of witnesses the Objector intends to call at the hearing and for each such witness, the address for the witness and the purpose for each witness' testimony.

(See Case Management Order dated Dec. 27, 2011).

STAY OF PROCEEDINGS

17. On December 28, 2011, pursuant to the Candidate's request, the Board asked for additional time to review the Petition Summary Report and the Petition Detail Report in this case. Accordingly, I stayed the case management order and the dates set forth therein.

18. On December 30, 2011, General Counsel advised the parties that the program used to create the Final Petition Detail Report changed the original ruling in the third column of that report whenever the Board's handwriting expert reversed the original ruling of the clerk. For example, if the original ruling of the clerk was to "Overrule" an objection to the validity of a petition signature and the handwriting expert "Reversed" that ruling, the program would automatically change the original ruling in the "Ruling" column to "Sustained" and that is how it would appear when it was printed out in the Final Petition Detail Report. Therefore, if one were to read the face of the Final Petition Detail Report without knowing that the original ruling had been automatically changed, one could conclude that the handwriting expert "Reversed" an original ruling of "Sustained," thus rendering the signature valid. Thus, the program has been rewritten to create an additional column on the Final Petition Detail Report that will show both the original ruling and the final ruling after the handwriting expert's review, thereby avoiding any confusion going forward. The parties were further advised that Mr. Holiday also checked to determine whether the Petition Summary Report that was printed on December 22, 2011 was accurate. Mr. Holiday took the Preliminary Detail Report that was generated before the handwriting expert conducted his review and manually checked the handwriting expert's findings. Mr. Holiday concluded that the numbers reflected on the December 22 Petition Summary Report accurately reflects the original rulings made during the records examination and the handwriting expert's review and findings regarding the same. A Final Petition Detail Report using the program as changed, along with a new Petition Summary Report, was made available at the Board for the parties' review.

19. General Counsel also spoke to the handwriting expert Mr. Hayes about his review of signatures of the objected to signatures on the Candidate's nomination papers. On December 31, 2011, General Counsel advised the parties that Mr. Hayes believes that the Final Petition Detail Report published on December 22, 2011 accurately reflected his findings (notwithstanding the program design issues discussed in General Counsel's December 30, 2011 email) but that he

also ruled upon some original rulings where neither party had requested his review and these rulings and findings affected the outcome.

20. On January 2, 2012, I notified the parties that I was ordering Mr. Hayes to conduct another review of the signature objections where one of the parties asked that the original records exam ruling be reviewed. After Mr. Hayes review, the parties will receive a Petition Summary Report and a Final Petition Detail Report. Upon receiving these Reports, the parties will then have until 5:00 p.m. the following business day to file their Rule 8 motions.

THE CANDIDATE'S MOTION FOR A NEW HEARING EXAMINER

21. On January 2, 2012, the Candidate filed a Motion for the Reassignment of the Hearing Examiner pursuant to Rule 2 of the Rules of Procedure for the Board of Election Commissioners. In the motion, the Candidate argues, *inter alia*, that the following acts of the Hearing Examiner "demonstrates prejudice sufficient to be good cause shown for reassignment to a new Hearing Officer:" a) the failure to disclose to the parties that the Hearing Examiner is a resident and registered voter of the 32nd Ward; b) setting a quick timetable for the resolution of the issues in the case despite General Counsel's suggestion that all date's be stayed; and c) failure to update the parties on the status of the case on New Year's Day (an official holiday of the Board).

22. On January 3, 2012, the Objector filed a Brief in Opposition to Motion for Reassignment of Hearing Officer and Cross-Motions Related to Same. For his Opposition, the Objector argues that the Motion for Reassignment should be denied because the request is untimely, and the Candidate has failed to sustain his burden of proof in establishing the existence of good cause because: a) Candidate failed to submit any evidence that the Hearing Examiner has a personal interest in the outcome of the case; and b) the Hearing's Examiner's orders were reasonable and issued in her discretion. Cross-Motion 1 is a Motion to Bar Non-Rule Ex Parte Requests by the Candidate to Board Officials for Action Related to the Objection. Cross-Motion 2 is a Motion to Bar New Review of Signatures by the Board's Handwriting Expert Indicated on December 31, 2011.

23. On January 3, 2012, the Candidate filed Motions to Strike the two Cross-Motions.

24. On January 4, 2012, the Board denied all three motions, *i.e.*, the Motion for Reassignment and the two related Cross-Motions.

RECORDS EXAMINATION COMPLETED ON JANUARY 2, 2012

25. Pursuant to the Hearing Examiner's January 2, 2012 directive, the Handwriting Expert completed his review of the signature objections where one of the parties asked that the original records exam ruling be reviewed. Notice and the Petition Summary Report of the record examination results were served on both parties on January 3, 2012. At the January 4, 2012, Board meeting, both parties received a copy of the "Final Petition Detail Report – Including the Results of the Handwriting Expert" dated January 2, 2012.

26. The Candidate needed 75 signatures to be on the ballot. The Candidate submitted 150 signatures. There were 125 objections. 94 objections were sustained leaving 56 valid signatures which is 19 signatures fewer than the required signatures. The Candidate appealed 62 findings, and the Objector appealed 67 findings.

RULE 8 MOTIONS

The Candidate's Rule 8 Motion

27. On January 5, 2012, the Candidate filed a Rule 8 Motion. In his Motion, the Candidate states that he seeks to have overturned findings made at the Records Examination as identified by name, sheet and line number in his motion. On January 5, 2012, the Candidate also filed a Motion for Records and Subpoenas. In his motion, the Candidate requests the hearing examiner to order the production of the following documents: a) the file of the Board; b) all records of the expert handwriting exam maintained by the Board or the handwriting expert; and c) signature clips for identified individuals. In his motion, the Candidate also requests a subpoena for the following individuals to testify at the evidentiary hearing: a) James Hayes (the handwriting expert); b) James Scanlon; c) Charles Holiday; d) John Curry; and e) Theodore Matlak.

The Objector's Rule 8 Motions

28. On January 5, 2012, the Objector filed a Rule 8 Motion for Leave to Submit the Rule 6 Examination Reports and Finding of 1/2/2012 as Evidence and a Rule 8 Motion as to Handwriting Expert's Findings.

The Case Management Conference

29. At the January 6, 2012 case management conference, the Rule 8 evidentiary hearing was set to commence (and conclude) on January 11, 2012. The dates for the exchange of exhibits and witness lists among the parties were set as follows:

a. By January 8, 2012, the parties will serve each other and the hearing examiner with the following for their case-in-chief:

i. copies of all exhibits/documents that each party intends to introduce at the evidentiary hearing and for each exhibit/document, the party shall identify the finding and/or objection for which the exhibit/document is being introduced; and

ii. a list of witnesses each party intends to call at the hearing and for each such witness, the address for the witness and the purpose for each witness's testimony.

b. By January 10, 2012, the parties shall serve each other and the hearing examiner with the following for their defense/rebuttal:

- i. copies of all exhibits/documents that each party intends to introduce at the evidentiary hearing and for each exhibit/document, the party shall identify the finding and/or objection for which the exhibit/document is being introduced; and
- ii. a list of witnesses each party intends to call at the hearing and for each such witness, the address for the witness and the purpose for each witness' testimony.

(See Amended Case Management Order dated Jan. 6, 2012).

30. I granted in part and denied in part the Candidate's Motion for Records and Subpoena. I ordered the Board to make available to the parties as soon as possible the following: a) the Board's file on this case; b) the handwriting expert records; and c) the signature clips requested in the Candidate's Motion. I also ordered the Board to make James Hayes available for his testimony at the evidentiary hearing. Over the Candidate's objection, I denied without prejudice the request for subpoenas on James Scanlon, Charles Holiday, John Curry and Theodore Matlak as their testimony is not relevant to this proceeding.

31. The Objector's Rule 8 Motion for Leave to Submit the Rule 6 Examination Reports and Findings of 1/2/2012 as Evidence is granted as the January 2, 2012 Petition Summary Report and the Final Petition Detail Report are part of the record. The Objector's Rule 8 Motion as to Handwriting Expert's Findings which requested that, "the Handwriting Expert's findings and conclusions regarding the signatures set forth on Exhibit B attached . . . be introduced into the record and into evidence," will be addressed at the evidentiary hearing.

32. On January 8, 2012, the Candidate submitted his witness list and his exhibits which consisted of the certified registration cards and rehabilitation affidavits. The Candidate's witness list, to which the Objector objected for being untimely, was submitted shortly after 6:00 p.m. I overruled the objection on the grounds that the late filing was inadvertent and did not prejudice the Objector.

33. On January 8, 2012, the Objector filed a Rule 8 Motion for Additional Signature Clips for purposes of his case-in-chief and on which the handwriting expert, Mr. Hayes, can opine. The Objector's request for the requested signature clips was granted.

34. On January 10, 2012, the Objector filed his defense/rebuttal evidence which consists of the certified registration cards previously submitted by the Candidate and the Candidate's rehabilitation affidavits. The Objector also filed his witness list which includes a handwriting expert. The Candidate objected to the handwriting expert.

35. On January 10, 2012, the Candidate filed his defense/rebuttal evidence consisting of a certification and a list of witnesses, many of whom were listed on his witness list for his case-in-chief and two who were not. The Objector objected to the witness list as not being appropriate for rebuttal.

EVIDENTIARY HEARING

The Candidate's Rule 8 Motion

36. For his case-in-chief on the genuineness of signature rulings, the Candidate relied upon the following evidence: a) certified registration cards (Candidate's Group Exhibit 1); b) affidavits by signers to the petition papers, the majority of which are "affidavits by certifications" and some of which are notarized (Candidate's Group Exhibit 2), which generally provide exemplars of the signer's signature and state that the signer signed the page and line number of the Candidate's petition papers; c) notes from Mr. Boulton during his attendance at the records examination (Candidate's Group Exhibit 3); the testimony of James Hayes, the Board's handwriting expert; and 4) the Candidate's own testimony. The Candidate also sought to have Eloise Gerson and Sharon Meroni testify on the petition circulation process and the gathering of rehabilitation affidavits.

37. The Objector objected to the following categories of evidence¹:

a. *Signer affidavits.* The Objector objected for the following reasons: i) the affidavits by certification do not comply with 735 ILCS 5/1-109 and are otherwise improper as they are self-serving in a case where the genuineness of one signature is at issue (citing to the concurrence in *Hazard v. Carbol*, 04-EB-WC-22, CBEC, (January 30, 2004)); ii) the affidavits are ambiguous; iii) the notarized affidavits are missing the certification signature at the bottom of the page; and iv) at least one of the affidavits is being submitted for purposes of rehabilitation of a signature that was never appealed to by the Candidate. The Candidate argued that: i) affidavits by certification are accepted by the Board as supported by the holding in *Hazard v. Carbol*, 04-EB-WC-22, CBEC, (January 30, 2004); ii) the exemplars of the signatures that appear on the notarized affidavits are sufficient for the certification; and iii) the Candidate will submit evidence that proves the Candidate appealed a ruling even though the Final Petition Detail Report indicates otherwise. I recommend that the objection be overruled in part and sustained in part. As the Board will accept affidavits by certification (see *Hazard v. Carbol*, 04-EB-WC-22, CBEC, (January 30, 2004)), I recommend that such affidavits be admitted. The contents of the affidavits, including any ambiguities therein, go to the weight of the evidence and not their admissibility. However, I recommend that the objection as to the affidavits missing the certification signature (namely Sarah Veenstra -- Sheet 3/Line 9 and William E. Matznick, Sheet 5/Line 7) be sustained. I think there must be some certification signature set forth in the affidavit in order for it to be admitted into evidence. Finally, since the Candidate may be able to demonstrate through additional evidence (*i.e.* the Candidate's notes and his own testimony) that the Final Petition Detail Report does not accurately reflect whether the Candidate appealed a finding (or waived it), I recommend that this objection be overruled.

b. *The Candidate's notes from the records examination.* The Objector objected for lack of foundation. I recommend that the objection be overruled as the Candidate did testify that he took the notes during the records examination.

¹ Any evidence not objected to by either party was admitted into evidence.

c. *The testimony of Eloise Gerson and Sharon Meroni.* The Objector objected on the grounds the witnesses were not disclosed in the Candidate's Witness List for his case-in-chief. I agree and recommend that the objection be sustained.²

38. For his defense to the Candidate's case-in-chief on the genuineness of signature rulings, the Objector relied upon the following evidence: a) the Preliminary Petition Detail Report dated December 21, 2011 (Objector's Exhibit 1); b) the testimony of Todd Welch, a forensic handwriting expert who testified that the signatures on the registration cards (Candidate's Group Exhibit 1) and the corresponding rehabilitation affidavits (Candidate's Group Exhibit 2) were not similar and it was his opinion that the individual on the registration card did not sign the affidavit; and c) a page from the Objector Mr. Curry's nomination petition which includes one of the signatures at issue in the Candidate's Rule 8 Motion. For his cross-examination of the Candidate, the Objector sought to introduce evidence of a mailing from 2008 (Objector's Exhibit No. 3).

39. The Candidate made the following objections to the Objector's evidence:

a. *The testimony of Todd Welch.* During the voir dire of Mr. Welch³, Mr. Welch testified that he had a business relationship with Mr. Hayes, the Board's handwriting expert. The Candidate sought the exclusion of Mr. Welch on the grounds that he is biased and there is a conflict of interest. I recommend that this objection be overruled. Mr. Welch's business relationship with Mr. Hayes is not a basis for excluding him from testifying, although that fact may affect his credibility. There were no objections to Mr. Welch's qualification as a forensic handwriting expert. Given his qualifications to which he testified during the voir dire, I recommend that Mr. Welch be qualified as an expert.

b. *Petition sheet No. 6 from Mr. Curry's nomination petition.* The Candidate objected on the grounds that Mr. Welch testified that the signature for which the sheet is being introduced is not a genuine signature. The testimony of Mr. Welch goes to the weight of the evidence and not whether the petition sheet should be admitted. Therefore, I recommend that the objection be overruled.

c. *The mailing.* During the cross-examination of the Candidate, the Objector asked the Candidate questions regarding acts and conduct unrelated to his nomination papers. The Objector argued that the questions were relevant to the Candidate's credibility. Although I allowed some latitude in the cross-examination, I find that the majority of the testimony is

² The Candidate also sought to introduce these two witnesses at the close of the Objector's defense. The Objector objected, and I recommend that the objection be sustained because their testimony is irrelevant to issues in the proceeding.

³ The following was admitted into evidence, without objection, during the voir dire of Mr. Welch: a) an undated CV of Todd Welch (Candidate's Exhibit 4); b) a page from the website of Riley Welch LaPorte & Associates (Candidate's Exhibit 5); c) a page from the website of the Michigan State Police (Candidate's Exhibit 6); d) a page from the Michigan Department of Licensing and Regulatory Affairs (Candidate's Exhibit 7); e) another page from the website of the Michigan Department of Licensing and Regulatory Affairs (Candidate's Exhibit 8); f) a page from the google website (Candidate's Exhibit 9); and g) an advertisement for Mr. Hayes and Mr. Welch in the Daily Law Bulletin (Candidate's Exhibit 10). In addition, the Objector admitted into evidence Mr. Welch's CV which was marked as Objector's Exhibit No. 4.

irrelevant to this proceeding, including the mailing (Objector's Exhibit 3). Therefore, I recommend that the Candidate's objection to this exhibit for relevancy reasons be sustained and the exhibit not be admitted into evidence.

40. Although this report includes a discussion as to each signature which is the subject of the Candidate's Rule 8 Motion, the following are my general findings and recommendations:

a. In order to rehabilitate each signature line, the Candidate has the burden of going forward to demonstrate by a preponderance of the evidence that the Board's finding is wrong. I find that with the exception of two signatures, the Candidate failed to meet this burden. The genuineness of signature rulings by the records examiner and the Board's handwriting expert Mr. Hayes, a witness that both parties agreed was qualified, was based on the registration card. With the exception of one signature (*infra* at para 41(FF)), the registration cards alone were not sufficient proof for the Candidate to meet his burden. I reviewed the signatures on the registration card and the nomination page, and with the exception of one signature (*infra* at para 41(FF)) I do not find the signatures to be sufficiently similar for purposes of the Candidate meeting the preponderance of the evidence burden to show that there is a likelihood that the signatures are from the same author. Moreover, Mr. Hayes, who testified in the Candidate's case-in-chief on many of the signatures, meticulously explained that for each such signature, he found there were insufficient characters between the signature on the registration card and the signature on the nomination page to find a likelihood that the signatures are from a common author. This testimony provided additional support for sustaining the objection and not overruling them. The Candidate's testimony, in which he testified on circumstances related to the circulation of the petition pages, was credible, but did not provide sufficient evidence to meet the burden in rehabilitating the signature. Finally, with regard to the rehabilitation affidavits, although the signatures may be genuine, with the exception of one affidavit (*infra* at para 41 (ZZ)), there is nothing in the affidavits that explain why the signature on the registration card is different than the signature on the nomination page. See *Fritchey v. Romanelli*, 08-EB-WC-37, CBEC, December 16, 2007, affirmed, Cir. Ct. Cook County, No. 2007 COEL 0065, affirmed, Appellate Court of Illinois, First Judicial District, No. 1-1031 (February 11, 2008). At the hearing, the Candidate repeatedly questioned both expert witnesses on whether other factors could affect a person's signature. Both experts agreed that outside factors may affect one's signature. However, both experts confirmed that their opinion is based upon the registration card which, according to Mr. Hayes, is the card a voter signs for purposes of representing his signature for purposes of the election process. Throughout the hearing, the Candidate argued that there may be reasons that explain why someone's signature on the nomination page is different than the signature on the registration card, *i.e.*, lapse of time, holding a baby, in a hurry. However, with the exception of one signature (*infra* at para 41 (ZZ)), none of the rehabilitation affidavits included an explanation as to why there was a change in the affiant's signatures. For all of the foregoing reasons, with the exception of the two signatures noted above (*infra* at para 41(FF) and (ZZ)) the Candidate has not met the preponderance of evidence standard on the signature objections listed in his Rule 8 Motion, and as set forth below, I recommend that the signature objections be sustained.

b. Given that the Candidate, with the exception of two signatures, failed to meet the preponderance of the evidence standard on the signatures identified in his Rule 8 Motion, the testimony of Mr. Welch (the Objector's defense witness) becomes irrelevant.

41. After review of the registration cards, the certifications of signers, the testimony of witnesses, and upon consideration of each party's arguments regarding all of the evidence in the record, I submit the following recommendations with regard to the genuineness of signature objections:

A. *Carrie M. Nielsen, Sheet 1/Line 1*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

B. *Stephanie Evans Cramer, Sheet 1/Line 3*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes acknowledged the age of the registration card (5 years) and confirmed that he compared the signature on the registration card to the signature on the nomination paper. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

C. *Shelly Mujtaba, Sheet 1/Line 5*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

D. *Arlet V. Nedeltcheva, Sheet 2/Line 7*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to

the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

E. *Rebecca Lim, Sheet 3/Line 5*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

F. *Eileen Kamerick, Sheet 3/Line 6*: The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

G. *Jorge Simes, Sheet 3/Line 7*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

H. *Sarah Willard Veenstra, Sheet 3/Line 9*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card.⁴ I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

I. *David Hirschboek, Sheet 4/Line 7*: The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

J. *Susan Schmidt, Sheet 5/Line 4*: The objection to the signature was sustained by the records examiner. Neither the Candidate nor the Objector appealed the ruling. The Candidate did not meet his burden of demonstrating that

⁴ The objection to the affidavit for this signer was sustained (supra at para. 37a).

the records examiner erred in not noting the Candidate's objection. **Objection sustained.**

K. *Mark Grube, Sheet 5/Line 6:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was reversed by the handwriting expert. As the Candidate prevailed on the genuineness of the signature, it is unclear why evidence (registration card and affidavit and testimony of Mr. Hayes) was introduced on this issue. At the hearing, Mr. Hayes explained that he reversed the examiner's sustained ruling because he found there were sufficient similarities in the signatures on the registration card and the nomination page. There is no need for me to make a finding on this signature with regard to the genuineness objection.

L. *William E. Matznick, Sheet 5/Line 7:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card.⁵ I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

M. *Rex Savage, Sheet 5/Line 9:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. Nothing was introduced into evidence to rehabilitate this signature. **Objection sustained.**

N. *Lisa Wilcox Bailey, Sheet 6/Line 1:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

O. *Thomas Hubbard, Sheet 6/Line 3:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

P. *Kathleen Cunningham, Sheet 6/Line 5:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling

⁵ The objection to the affidavit for this signer was sustained (supra at para. 37a).

was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

Q. *Kevin M. Leonard, Sheet 6/Line 9:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. Mr. Hayes agreed with the Candidate that the first letter in the first name is similar but testified that the remaining portion of the signature does not have sufficient characteristics for him to conclude that there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

R. *Amit Mehta, Sheet 7/Line 2:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. Mr. Hayes agreed with the Candidate that the first letter in the first name is similar but testified that the remaining portion of the signature does not have sufficient characteristics for him to conclude that there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

S. *Juliette C. Goldstein, Sheet 7/Line 4:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to

the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

T. *Kathleen R. Hockman, sheet 7/Line 7:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

U. *Lara Fitzsimmons, Sheet 7/Line 9:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. He agreed with the Candidate that the "t" in both signatures was similar, but he testified that remaining portion of the signatures were dissimilar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

V. *Howard Girovich, Sheet 8/ Line 2:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

W. *Michael Schuetz, Sheet 8/Line 4:* The objection to the signature was sustained by the records examiner. The candidate did not appeal the ruling. The Candidate did not provide sufficient evidence at the hearing to demonstrate that the records examiner made a mistake in noting there was no objection by the Candidate. **Objection sustained.**

X. *S. Michael Richard, Sheet 8/ Line 7:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration cards of Michael Richard and Kevin Bryar. I do not find sufficient similarities on either card with the signature on the nomination page. **Objection sustained.**

Y. *John E. Polich, Sheet 8/Line 8:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

Z. *Kathleen A. Luetkemeyer, Sheet 8/ Line 9:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

AA. *Frank M Galisto, Sheet 9/ Line 1:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

BB. *Scott A. Adams, Sheet 9/Line 3:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

CC. *Jeffrey S. Schielemerger, Sheet 9/Line 4:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

DD. *Mary Charlotte Ripberger, Sheet 9/Line 5:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

EE. *Justin W. Friesen, Sheet 9/Line 7:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

FF. *Maureen E. Moran, Sheet 10/Line 1:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Moreover, the affidavit provided additional exemplars that were similar. **Objection overruled.**

GG. *John R. Ashenden, Sheet 10/Line 2:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion

that the signatures on the registration card and nomination page were not sufficiently similar. Mr. Hayes acknowledged that he has met Mr. Ashenden as Mr. Ashenden is a hearing officer at the Board. However, Mr. Hayes testified that when he makes his rulings, he bases his conclusion on the registration card and does not take into consideration his familiarity with others. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

HH. *Gary H. Costarella, Sheet 10/Line 3:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

II. *Martin W. Cain, Sheet 10/Line 6:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

JJ. *Steven Lorsch, Sheet 10/Line 8:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

KK. *Sharon Xun Su, Sheet 10/Line 9:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

LL. *Amy Gast O'Toole, Sheet 10/Line 10:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

MM. *Jerry Chatelain, Sheet 11/Line 3:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

NN. *Brian M Lewin, Sheet 11/Line 4:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

OO. *David Bassin, Sheet 11/Line 5:* The objection to the signature was sustained by the records examiner. The candidate did not appeal the ruling. At the hearing, the Candidate did not meet his burden to demonstrate that the records examiner incorrectly noted that the Candidate did not appeal this finding. **Objection sustained.**

PP. *Rik Duryea, Sheet 11/Line 8:* The objection to the signature was overruled by the records examiner. Neither the Candidate nor the Objector appealed the ruling. The objection to the registration not at address was sustained by the records examiner. Neither the Candidate nor the Objector appealed the ruling. **Objection sustained.**

QQ. *Mark James Gagnon, Sheet 11/Line 10:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

RR. *Joseph P. Aguanno, Sheet 12/Line 2:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling

was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

SS. *Joseph W. Lamberti, Sheet 12/Line 3:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

TT. *Thomas Darr, Sheet 12/Line 4:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

UU. *Stanislav Kleyman, Sheet 12/Line 5:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

VV. *Sandra J Voypick, Sheet 12/Line 6:* The objection to the signature was overruled by the records examiner. Neither the Candidate nor the Objector appealed the ruling. The handwriting expert reversed the ruling. Although the genuineness of signature should not have been reviewed by the handwriting expert since neither party objected to it, the January 2, 2012 Final Petition Detail Report reflects a sustained not registered at address objection to which neither party appealed. **Objection sustained.**

WW. *Jennifer A Kowieski, Sheet 12/Line 8:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for

purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. He agrees with the Candidate that there were some similarities with the “k” and “j,” but he testified that the remaining portion of the signatures were significantly different from each other. **Objection sustained.**

XX. *Wendy Elise Phillips, Sheet 13/Line 1:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

YY. *Kristin M Neyens, Sheet 13/Line 2:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

ZZ. *Gretchen A Peyton, Sheet 13/Line 3:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the first name of her signature on the registration card is similar to the first name of her signature on the nomination page. However, the last name is completely different. The affidavit did provide an explanation for why her last name signature is different on the registration card and the nomination page, *i.e.* her married name is Gretchen Peyton Swank which appears to be consistent with the signature on the nomination page. **Objection overruled.**

AAA. *Lisa Voegel Rogers, Sheet 13/Line 4:* The objection to genuineness was overruled by the records examiner and affirmed by the handwriting expert. The not registered at address was sustained by the records examiner and, accordingly, the January 2, 2012 Final Petition Detail Report reflects a sustained objection for that signer. **Objection Sustained.**⁶

BBB. *Laurel M. Burdette, Sheet 13/Line 7:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to

⁶ The Candidate’s Rule 8 Motion addressed only signature rulings. The Rule 8 Motion did not address registration issues or the “not registered at address objection” nor did the Candidate argue for the rehabilitation of registration objections at the evidentiary hearing.

the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

CCC. *Michael A. Bressler, Sheet 14/Line 2:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

DDD. *Suzanna Dulin, Sheet 14/Line 7:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

EEE. *Paul Schick, Sheet 15/Line 1:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that he was unable to reach a conclusion because of the signatures on the affidavit were faint. **Objection sustained.**

FFF. *Nirav Shah, Sheet 15/Line 6:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration

card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

GGG. *Joanne C. Kirby, Sheet 16/Line 1:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. The Objector relied upon Mr. Welch who testified that the signatures on the registration card and the rehabilitation affidavits were not from the same author. **Objection sustained.**

HHH. *Jeffery S. Ceretoo, Sheet 16/Line 3:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

III. *Virginia G. Costigan, Sheet 16/Line 6:* The objection to the signature was sustained by the records examiner. The candidate appealed the ruling. The ruling was affirmed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

JJJ. *Norman J. Shanker, Sheet 16/Line 9:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the signatures are from the same author. **Objection sustained.**

KKK. *Matthew K. Wade, Sheet 16/Line 10:* The objection to the signature was overruled by the records examiner. The objector appealed the ruling. The ruling was reversed by the handwriting expert. The Candidate relied upon the registration card and affidavit of the signer as well as the testimony of Mr. Hayes. I find that the signature on the registration card is not similar to the signature on the nomination page for purposes of finding there is a likelihood that the

signatures are from the same author. Mr. Hayes provided details for his opinion that the signatures on the registration card and nomination page were not sufficiently similar. The affidavit did not provide an explanation for the difference between the signature on the registration card and the nomination page. **Objection sustained.**

42. For the foregoing reasons, I recommend that the Candidate's Rule 8 Motion be granted as to two of the genuineness of signature objections and denied for all other signature objections.

The Objector's Rule 8 Motion

43. The Objector's Rule 8 Motion was limited to the following two signatures which were overruled during the records examination: a) David Schmidt (Page 5/Line 3); and b) Holly Schmidt (Page 5/Line 5).

44. The Objector has the burden to show by the preponderance of the evidence why the signature objections on these two individuals should have been sustained.

45. For his Rule 8 Motion, the Objector elicited testimony from Mr. Hayes and Mr. Welch in an attempt to demonstrate that one member of the Schmidt family signed for all three Schmidts, *i.e.*, David, Holly and Susan Schmidt (Page 5/Line 4).


46. Mr. Hayes testified that although there were some similarities among the three signatures, he could not conclude that they were signed by the same person. I do not believe Mr. Welch's testimony provided sufficient evidence for the Objector to meet his burden on the Schmidt signatures.

47. Therefore, I recommend that the Objector's Rule 8 Motion be denied.

CONCLUSION

48. The Candidate needed 75 signatures to be on the ballot. The Candidate submitted 150 signatures. There were 125 objections. 94 objections were sustained leaving 56 valid signatures which is 19 signatures fewer than the required signatures. At the hearing on Candidate's Rule 8 Motion, with the exception of 2 signatures, he was unable to meet his burden of going forward in rehabilitating the signature objections sustained by the Board at the records examination. Accordingly, I recommend that the name of Stephen F. Boulton not be printed on the ballot for the office of Republican Ward Committeeman for the 32nd Ward of the City of Chicago for the Primary Election to be held on March 20, 2012.

Date: January 14, 2012



Kelly McCloskey Cherf
Hearing Examiner