

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

Objections of: Jim Ginderske)
)
)
To the Nomination) No.: 12-EB-WC-38
Papers of: Nathan Ben Myers)
)
Candidate for the office of Democratic Party)
Ward Committeeman for the 49th 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 Jim Ginderske (“Objector”) to the nomination papers (“Nomination Papers”) of Nathan Ben Myers, candidate for the office of Democratic Party Ward Committeeman for the 49th 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 Mary C. Meehan 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, Jim Ginderske, pro se; and the Candidate, Nathan Ben Myers, pro se.

7. The Candidate filed a motion to strike and dismiss paragraph 9 of the Objector's Petition claiming that such paragraph states "printed but did not sign" as a basis for invalidating signatures. Candidate cites this Electoral Board's decision in *Simms-Johnson v. Coordes*, 04-EB-WC-05.

8. The Hearing Officer denied the motion to strike and dismiss, noting that the present case differs from the *Coordes* case. While Column E of the Appendix-Recapitulation does, in fact, state, "Signer's signature printed and does not match written signature," paragraph 9 of the Objector's Petition clearly states, "The Nomination Papers contain petition sheets with the 'signatures' of persons which are not signed but are rather printed *and said signatures are not genuine signatures*, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporate herein, under the heading, Column E, 'Signer's Signature printed and does not match written signature'." Thus, paragraph 9 of the Objector's Petition clearly states that the

objections marked in Column E relate not only to the fact that they are printed, but also alleges they are not “genuine.”

9. 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.

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

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

12. The Objector and/or his duly authorized representative was present during the examination of the registration records.

13. 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 Electoral Board’s file in this case and a copy has been provided or made available to the parties.

14. 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 425;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 730;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 147;

D. The remaining number of signatures deemed valid as a result of the records examination total 343.

15. The Electoral Board finds that 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 Democratic Party Ward Committeeman for the 49th Ward of the City of Chicago.

16. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination. The Candidate indicated that he did not wish to present evidence regarding the signatures he had preserved for appeal, but further said he reserved the right to do so in the event that a higher court remands the case on the issue of printed signatures.

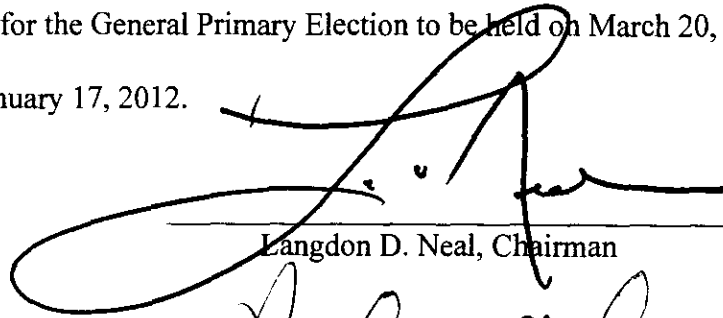
17. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained only 343 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Democratic Party Ward Committeeman of the 49th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

18. 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.

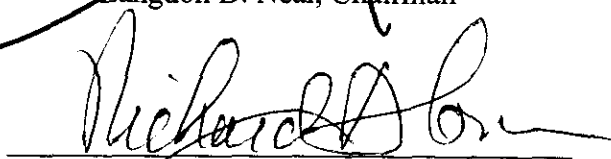
19. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Nathan Ben Myers are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of Jim Ginderske to the Nomination Papers of Nathan Ben Myers, candidate for the office of Democratic Party Ward Committeeman for the 49th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Nathan Ben Myers, candidate for the office of Democratic Party Ward Committeeman for the 49th 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.

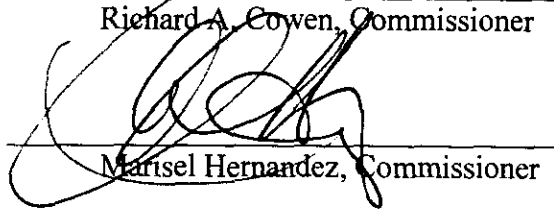
Dated: Chicago, Illinois, on January 17, 2012.



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.