

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

Objections of: Tanya Lee)
)
)
To the Nomination) No.: 14-EB-SS-01
Papers of: Larry D. Craddieth)
)
Candidate for the nomination of the)
Democratic Party for the office of)
State Senator of the 3rd Legislative District,)
State of Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Tanya Lee (“Objector”) to the nomination papers (“Nomination Papers”) of Larry D. Craddieth, candidate for the nomination of the Democratic Party for the office of State Senator of the 3rd Legislative District in the State of Illinois (“Candidate”) at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013 at 9:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the 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 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frederick H. Bates 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, Tanya Lee, by her attorney, Michael J. Kasper; and the Candidate, Larry D. Craddieth, *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 Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

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

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

11. 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.

12. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 1,000, with a maximum signature requirement of 1,500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,793, over the maximum of 1,500;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 825;

D. The remaining number of signatures deemed valid as a result of the records examination total 968.

13. 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 the nomination of the Democratic Party for the office of State Senator of the 3rd Legislative District of the State of Illinois.

14. The Candidate never filed a timely or proper Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. 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 968 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 nomination of the Democratic Party for the office of State Senator for the 3rd Legislative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

16. 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 as a part of the Electoral Board's decision.

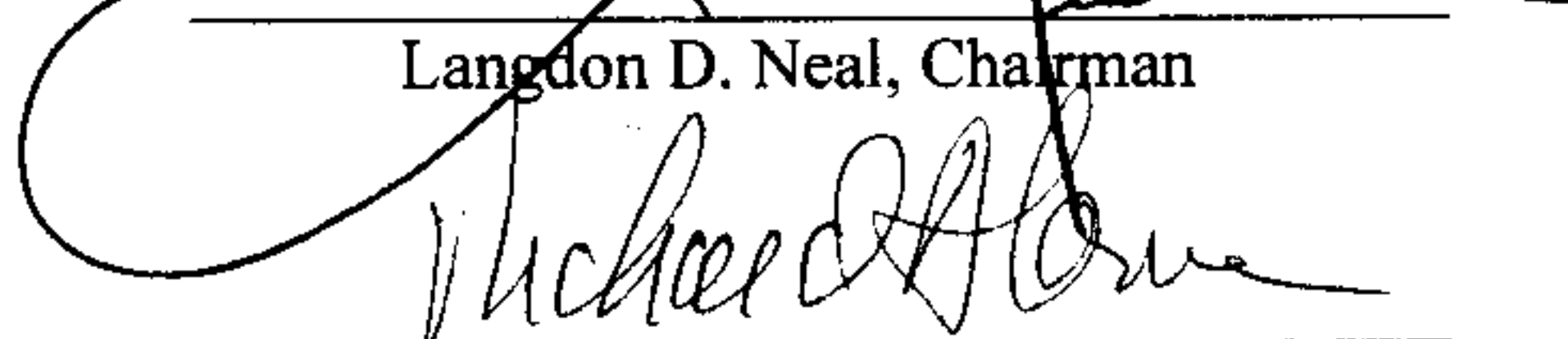
17. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of Larry D. Craddieth are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of Tanya Lee to the Nomination Papers of Larry D. Craddieth, candidate for the nomination of the Democratic Party for election to the office of State Senator of the 3rd Legislative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Larry D. Craddieth, candidate for nomination of the Democratic Party for the office of State Senator for the 3rd Legislative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

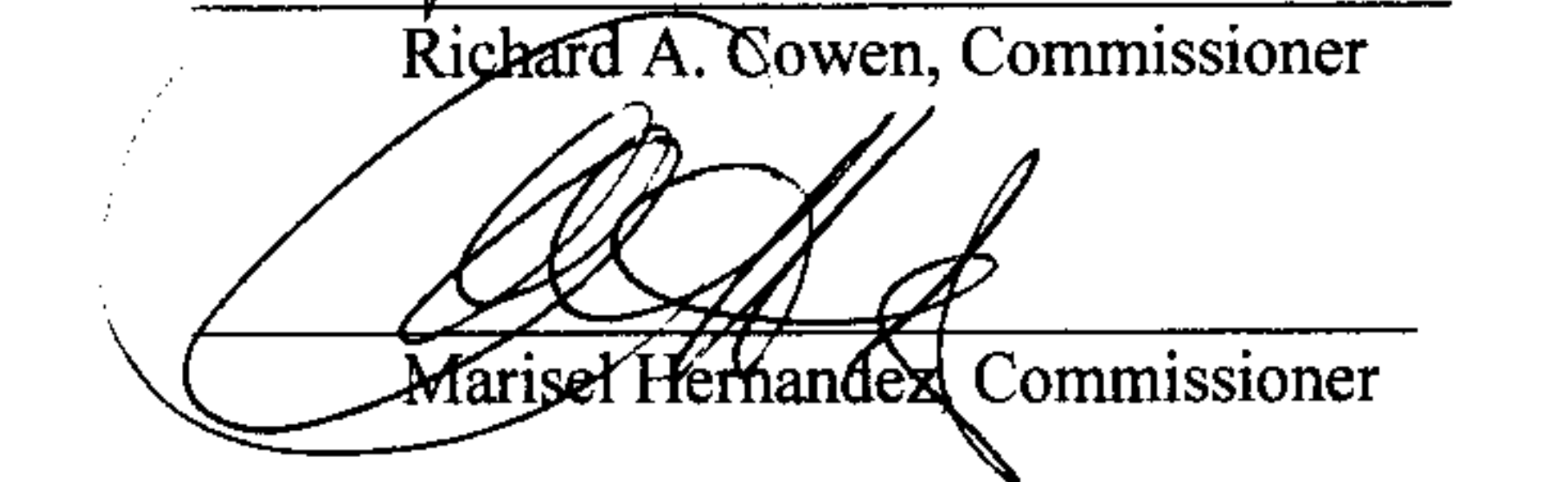
Dated: Chicago, Illinois, on January 6, 2014.



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 A DULY CONSTITUTED ELECTORAL BOARD**

Objections of: TANYA LEE,)
)
To the Nomination)
Papers of: LARRY D. CRADDIETH,) No.: 14-EB-SS-01
)
Candidate for the Office of) Fredrick H. Bates
State Senator, 3rd Legislative District,) Hearing Officer
State of Illinois, Democratic Party.)

2013 DEC 27 A 8:21
BOARD OF ELECTIONS
COMMISSIONER

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

In the matter of TANYA LEE's (Objector) objections to the Nomination Papers of LARRY D. CRADDIETH, candidate for the nomination of the Democratic Party for the office of State Senator, 3rd Legislative District, State of Illinois, (Candidate), Fredrick H. Bates, Esq., Hearing Officer.

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The Objector alleged in her objection that the Candidate failed to file the requisite minimum number of signatures as required by law. 10 ILCS 5/8-8 (2012).
3. The public hearing held on these Objections commenced on December 16, 2013.
4. An initial Case Management Conference in this matter was held on December 16, 2013 at 11:30am, at which time the Hearing Officer confirmed that the parties both had a copy of the Board's Rules of Procedure, and, recognizing that the Candidate was *pro se*, specifically asked him to read and become familiar with the Rules. The Hearing Officer explicitly advised the Candidate that Rule 8 Motions were due at 5:00p.m. on the 1st business day after the parties were notified of the Rule 6 Record Examination results pursuant to Rules 8(c)(i)(1) and 6(i). The

Hearing Officer also specifically covered Rule 16 governing the filing and service of documents. Finally, a Rule 6 Record Examination was ordered to be conducted, and was scheduled to begin on December 17, 2013.

5. Later that day an Order was issued by the Hearing Officer again explicitly advising the parties that Rule 8 Motions were due at 5:00p.m. on the 1st business day after the parties were notified of the examination results. The Order stated:

“IF EITHER PARTY INTENDS TO FILE PURSUANT TO RULE 8, THEY MUST DO SO NOT LATER THAN 5:00 P.M. ON THE 1st BUSINESS DAY AFTER THE PARTIES ARE NOTIFIED OF THE RESULTS OF THE RULE 6 RECORDS EXAMINATION. See Rules 6 (i) & 8(c).”

6. The Record Examination was concluded on December 22, 2013, and Notice was provided in accordance with the Board’s Rules. The Results were as follows:

Signature Required: 1000
Total Pages: 100
Total Signatures: 1793
Total Objections: 1064
Total Ruled On: 1064
Total Remaining: 0
Total Sustained: 825
Total Overruled: 239
For Review (Candidate): 697
For Review (Objector): 233
Total Valid Signatures: 968
Total Unchallenged Signatures: 729
32 Signatures fewer than the required minimum

7. Despite being advised at the initial Case Management Conference to read and become familiar with the Board’s Rules of Procedure, and despite having covered Rule 16 governing the filing and service of documents, on Sunday, December 22, 2013 at 10:41p.m., the Candidate submitted what purported to be a Rule 8 Motion to the Hearing Officer. (See Exhibit “A” attached hereto). He did not file this Motion with the Board as required by Rule 16(b).

8. At 9:00a.m. on December 23, 2013, the Hearing Officer issued an Order that provided in part as follows:

“At the initial Case Management Conference in this matter held on December 16, 2013, the Hearing Officer required the parties to serve a copy of all pleadings filed with the Clerk of the Electoral Board to be served upon the Hearing Officer via e-mail. Rules 16 (c) (v) provides:

(v) If requested by the hearing officer, parties shall give copies of motions, responses or other papers to the hearing officer at the fax number or email address specified by the hearing officer at the time of filing with the Electoral Board.

Service upon the Hearing Officer was not a substitute for service upon the Clerk of the Electoral Board.”

9. At 10:00a.m. on December 23, 2013, a further Case Management Conference was held. The results of the Rule 6 Record Examination (the Notice of Record Examination Results, the Petition Summary Report, and Final Petition Detail Report) were taken judicial notice of by the Hearing Officer, and were marked and admitted into evidence as Board Group Exhibit E. The parties were again reminded that Rule 8 Motions in conformity with Rule 8(d) were due on or before 5:00p.m. on December 23, 2013. The Hearing Officer specifically explained to the Candidate in great detail that what he had sent to the Hearing Officer via e-mail the night before was not a motion that complied with Rule 8(d)(1) because it failed to identify the petition sheet and line number for any signature that was examined and objected to during the Rule 6 records examination that he wanted to rehabilitate at the Evidentiary Hearing. He was also again reminded that sending the Hearing Officer the Motion was not a substitute for filing with the Board in the manner proscribed by Rule 16. The Candidate confirmed that he had not filed the Motion he e-mailed the Hearing Officer with the Board, and acknowledged that he understood that he was required to file a Rule 8 Motion with the Board that conformed with the requirements of Rule 8(d) on or before 5:00p.m. on December 23, 2013. Both parties indicated

that they intended to file was Rule 8 Motions that day. The parties were also directed to not engage in any *ex parte* communications with the Hearing Officer as per the written Order entered and served upon them on December 23, 2013.

10. On the afternoon of December 23, 2013 the Hearing Officer issued a Pre-Trial Order consistent with various directives given to the parties at the Case Management Conference held earlier that day. Paragraph 6 of that Order again explicitly advised the parties that Rule 8 Motions were due at 5:00p.m. that day. The Final Pre-Trial Conference was scheduled for December 30, 2013, at 9:30a.m., and the Evidentiary Hearing on the anticipated Rule 8 Motions that both parties said they would file that day was scheduled for January 2, at 10:00a.m.

11. The Candidate never filed a Rule 8 Motion.

12. The Candidate's Nominating Petitions contains 32 fewer signatures than the 1,000 required. The failure to file a sufficient number of signatures renders the Candidate's Nomination Papers invalid. *See Miranda v. Cummings*, 06-EB-NPP-02, CBEC, August 9, 2006. *See also, Bowe v. Board of Election Commissioners of the City of Chicago*, 614 F.2d 1147 (7th Cir. 1980).

13. Accordingly, the Nomination Papers in this case should be declared invalid.

RECOMMENDED DECISION

It is the recommendation of this Hearing Officer that the Nomination Papers in this case be declared invalid, and that the name of LARRY D. CRADDIETH SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

Dated: Chicago, Illinois, on December 24, 2013.



Fredrick H. Bates, Hearing Officer