

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

Objections of: Alexis Rendon)
)
)
To the Nomination) No.: 14-EB-RGA-01
Papers of: Antonio D. Mannings)
)
Candidate for the nomination of the)
Republican Party for the office of)
Representative in the General Assembly of the)
2nd Representative 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 Alexis Rendon (“Objector”) to the nomination papers (“Nomination Papers”) of Antonio D. Mannings, candidate for the nomination of the Republican Party for the office of Representative in the General Assembly of the 2nd Representative 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, Alexis Rendon, by her attorney, Michael J. Kasper; and the Candidate, Antonio D. Mannings, by his attorney, John G. Fogarty.

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. However, it was discovered that five sheets of the Objector's Appendix-Recapitulation were not included in the

records examination. The parties stipulated that if the missing sheets were indeed included with the Objector's Petition filed with the State Board of Elections, a records examination regarding the signatures on those five sheets would be ordered. It was subsequently concluded that the five sheets in question were, in fact, filed with the State Board of Elections and a records examination was conducted with respect to those five sheets.

12. A full 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.

13. The results of the records examination indicate that:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500, 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 1,484;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1,062;
- D. The remaining number of signatures deemed valid as a result of the records examination total 422.

14. 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 Republican Party for the office of Representative in the General Assembly of the 2nd Representative District of the State of Illinois.

15. At a final pre-trial conference, the parties stipulated on the record that the Nomination Papers in this case contain fewer than the 500 signatures required by law.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented and the stipulation of the parties, the Hearing Officer found that the Candidate's Nomination Papers contained 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 Republican Party for the office of Representative in the General Assembly for the 2nd Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

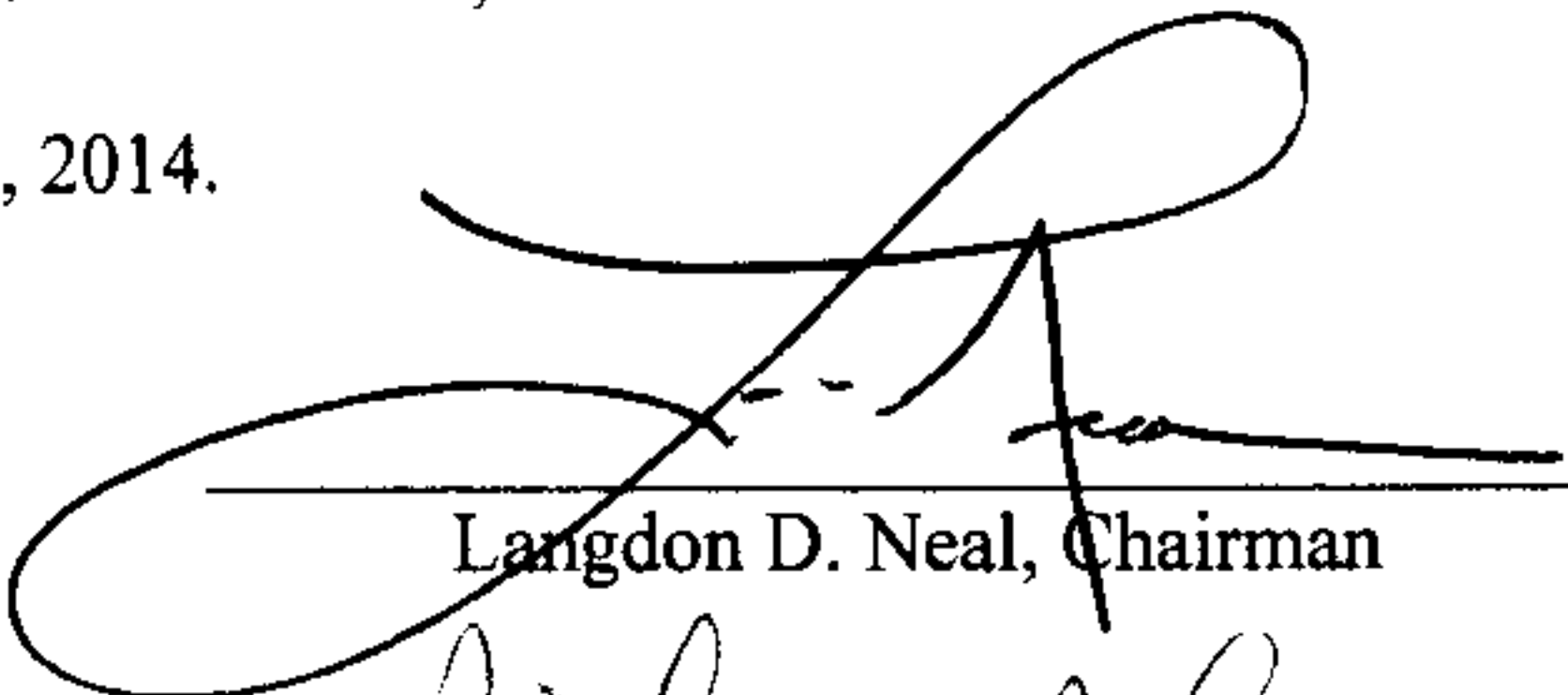
17. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's report is attached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

18. 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 Antonio D. Mannings are, therefore, invalid.


IT IS THEREFORE ORDERED that the Objections of Alexis Rendon to the Nomination Papers of Antonio D. Mannings, candidate for the nomination of the Republican Party for election to the office of Representative in the General Assembly of the 2nd Representative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby

declared INVALID and the name of Antonio D. Mannings, candidate for nomination of the Republican Party for the office of Representative in the General Assembly for the 2nd Representative 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.

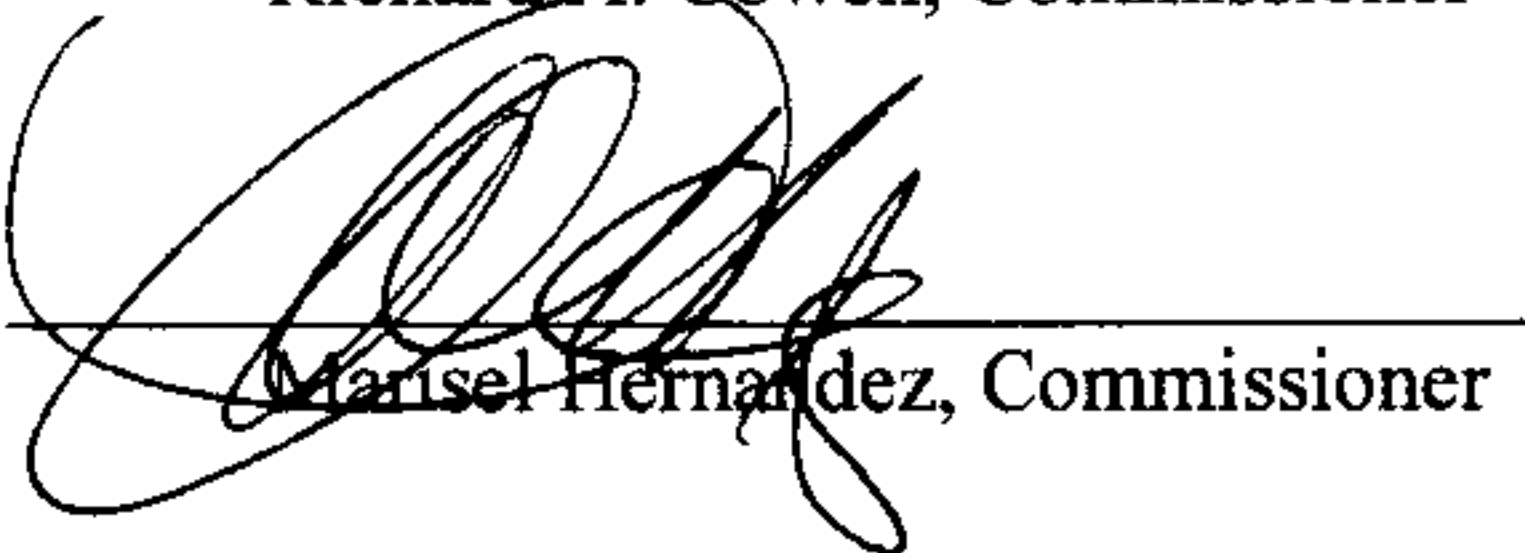
Dated: Chicago, Illinois, on January 6, 2014.



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: ALEXIS RENDON,)
)
To the Nomination)
Papers of ANTONIO D. MANNINGS,) No.: 14-EB-RGA-01
)
Candidate for the Office of) Fredrick H. Bates
State Representative, 2nd) Hearing Officer
District, State of Illinois,)
Republican Party.)

**BOARD OF ELECTIONS
COMMISSIONERS**

2013 DEC 30 PM 2:19

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

In the matter of ALEXIS RENDON's (Objector) objections to the Nomination Papers of ANTONIO D. MANNINGS, candidate for the nomination of the Republican Party for the office of State Representative, 2nd 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. An initial Case Management Conference in this matter was held on December 16, 2013, at which time a Rule 6 Record Examination was ordered. The parties were explicitly reminded that Rule 8 Motions were due at 5:00p.m. on the 1st business day after the parties were notified of the examination results.
3. Later on December 16, 2013, an Order was entered again explicitly stating that Rule 8 Motions were due at 5:00p.m. on the 1st business day after the parties were notified of the examination results.
4. The Record Examination was concluded on December 22, 2013, and Notice was provided in accordance with the Board's Rules. See Rule 6(i) and 8(c).

5. On December 23, 2013, a Case Management Status 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 were due on or before 5:00p.m. that day, December 23, 2013.

6. The Results of the Record Examination were as follows:

Signature Required: 500
Total Pages: 156
Total Signatures: 1484
Total Objections: 1153
Total Ruled On: 1153
Total Remaining: 0
Total Sustained: 1033
Total Overruled: 120
For Review (Candidate): 1115
For Review (Objector): 226
Total Valid Signatures: 451
Total Unchallenged Signatures: 331
49 Signatures fewer than the required minimum

7. At the December 23, 2013 Case Management Status Conference, the Objector raised an inquiry regarding certain missing pages in the Objector's Appendix-Recapitulation in this case, particularly sheets 39, 61, 62, 63 and 138. The Objector stipulated that if the missing pages were not submitted, they could not be considered at any subsequent Hearing on a Rule 8 Motion, because the Objection Petition cannot be amended as the Election Code does not allow an objector to file amendments to their objections, nor does it authorize the Electoral Board (or its duly appointed Hearing Officers) to raise *sua sponte* objections to nominating petitions. See *Reyes v. Bloomingdale Township Electoral Board*, 265 Ill.App.3d 69, 72 638 N.E.2d 796 (1994). However, the parties agreed that if the State Board of Elections confirmed to the Chicago Board of Elections that the Objector's Petition included these sheets, a Rule 6 Record Examination

would be required regarding the signatures contained therein. Accordingly, the Hearing Officer ruled that if the State Board of Elections confirmed that its copy of the Objection Petition included the sheets in question, a Record Examination regarding the signatures on those five sheets would be ordered. The Parties were again reminded that Rule 8 Motions were due on or before 5:00p.m. on December 23, 2013, but were also granted Leave to Amend their Rule 8 Motions by 5PM the day following Notice pursuant to Rule 6 (i) and 8 (c) as to the 5 sheets in question. Following the Status Conference, the Hearing Officer issued a written Order confirming all aspects of his oral rulings at the Case Management Status Conference held that day, specifically including advising the parties that they were granted Leave to Amend their Rule 8 Motions by 5PM the 1st business day following Notice pursuant to Rule 6 (i) and 8 (c) as to the 5 sheets in question, and that their Rule 8 Motions regarding the initial Record Examination were still due before 5:00p.m. that day, December 23, 2013.

8. Following the Status, the Hearing Officer was advised by the Chicago Board of Elections that it was informed by the State Board of Elections that the State Board of Elections' copy of the Objection Petition in fact included the sheets in question. The Hearing Officer then entered another written Order directing that a Rule 6 Record Examination regarding the signatures contained on sheets 39, 61, 62, 63 and 138, be conducted as soon as possible. The Order again specifically reminded the parties that their Rule 8 Motions were due on or before 5:00p.m. that day, but that they were granted leave to Amend their Rule 8 Motions as to the 5 sheets in question by 5PM the 1st business day following Notice pursuant to Rule 6 (i) and 8 (c).

9. Both parties timely filed their Rule 8 Motions before 5:00p.m. on December 23, 2013, as previously ordered. The Candidate specifically delineated 56 signatures that he would seek to rehabilitate at the Evidentiary Hearing. The Objector identified 117 signatures that he would challenge on various grounds at the Evidentiary Hearing.

10. On December 24, 2013, the Rule 6 Record Examination on the 5 additional sheets was concluded and Notice of the Results was provided in accordance with the Board's Rules. Therefore, any Amendments to the previously filed Rule 8 Motions were due by 5:00p.m. on December 26, 2013, the 1st business day following Notice pursuant to Rule 6 (i) and 8 (c).

11. The Results of the second Record Examination were as follows:

Signature Required: 500
Total Pages: 156
Total Signatures: 1484
Total Objections: 1188
Total Ruled On: 1188
Total Remaining: 0
Total Sustained: 1062
Total Overruled: 126
For Review (Candidate): 1144
For Review (Objector): 234
Total Valid Signatures: 422
Total Unchallenged Signatures: 296
78 Signatures fewer than the required minimum

12. Neither party filed an Amendment to their previously filed Rule 8 Motions before 5:00p.m. on December 26, 2013, as required. Accordingly, even if all 56 signatures identified in the Candidate's Rule 8 Motion were allowed at an Evidentiary Hearing (i.e., the objections overruled), the Candidate would still have 22 fewer signatures than is required by law. 10 ILCS 5/8-8 (2012).

13. At the Final Pre-Trial Conference held on Monday, December 30, 2013, at 10:30am, the Candidate, by and through his attorney, John Fogarty, acknowledged that the Nominating Petitions contained fewer than the 500 signatures required by law. 10 ILCS 5/8-8 (2012). Thereafter counsel for the Objector/Petitioner and counsel for the Candidate specifically stipulated¹ on the record that the Nominating Petition in this case contains fewer than the 500 minimum number of signatures required by law. 10 ILCS 5/8-8 (2012).

¹ Courts look with favor upon stipulations because "they tend to promote disposition of cases, simplification of issues ... and the saving of expense to litigants." *People v. Coleman*, 301 Ill.App.3d 37, 48, 704 N.E.2d 690, 698 (1998), quoting *In re Estate of*

14. The Objection to the Nomination Papers in this case must be sustained. 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).

15. Accordingly, the Board should declare the Nomination Papers in this case 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 ANTONIO D. MANNINGS, candidate for the nomination of the Republican Party for the office of State Representative, 2nd District, 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 December 30, 2013.

Respectfully Submitted By:



Moss, 109 Ill.App.2d 185, 192, 248 N.E.2d 513, 516 (1969). Parties are generally bound by their stipulations. *See Montgomery Ward & Co. v. Industrial Commission*, 304 Ill. 576, 578, 136 N.E. 796, 797 (1922), *In re Marriage of Sanborn*, 78 Ill.App.3d 146, 149, 396 N.E.2d 1192, 1195 (1979); *Greig v. Griffel*, 49 Ill. App. 3d 829, 364 N.E.2d 660 (2d Dist. 1977); *People v. Buford*, 19 Ill.App.3d 766, 769-70, 312 N.E.2d 796, 799 (1974); A trial court's discretion concerning stipulations are generally not disturbed. *Brink v. Industrial Comm'n*, 368 Ill. 607, 609, 15 N.E.2d 491, 492 (1938).