

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

Objections of: Daniel R. Mumpher)
)
)
To the Nomination) No.: 14-EB-RGA-21
Papers of: Michael T. Yorty)
)
Candidate for the nomination of the)
Republican Party for the office of)
Representative in the General Assembly of the)
20th 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 Daniel R. Mumpher (“Objector”) to the nomination papers (“Nomination Papers”) of Michael T. Yorty, candidate for the nomination of the Republican Party for the office of Representative in the General Assembly of the 20th 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 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, Daniel R. Mumpher, by his attorney, John G. Fogarty; and the Candidate, Michael T. Yorty, by his attorney, Anish Parikh.

7. The Candidate filed a Motion to Strike and Dismiss on December 17, 2013. The parties responded and replied in a timely manner. The motion was denied in part and granted in part. The Objector's Petition was found not to be a "shotgun petition;" Paragraph 11 of the Objector's Petition was stricken because the circulator was found not to have circulated petitions for another party and Paragraph 12 was stricken because the Candidate's Nominating Papers substantially complied with the Election Code despite missing the word "Republican" in the sworn declaration of the circulator on page 68.

8. 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.

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

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

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

12. The examination of the registration records was completed. 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 signatures, with a maximum of 1,500 signatures;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 766;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 314;

D. The remaining number of signatures deemed valid as a result of the records examination total 452.

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 20th Representative District of the State of Illinois.

15. On January 2, 2014 the Candidate filed an Emergency Motion for an Extension of Time alleging that he did not receive a final report of the record examination results, but admitting that he was notified by the Board that the examination had been completed and that the results were available to be picked up at the Board. The Candidate also cited inclement weather. The parties had previously agreed to include January 1, 2014 in the timeline for exchanging evidence. The Hearing Officer denied the emergency motion.

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.

17. The Hearing Officer rehabilitated one signature based on the recommendation of the Board's handwriting expert, and rehabilitated 34 signatures pursuant to affidavit (out of 39 affidavits produced by the Candidate). The Hearing Officer invalidated one signature based on a "Duplicate Signature" objection.

18. 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 487 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 Republican Party for the office of Representative in the General Assembly for the 20th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

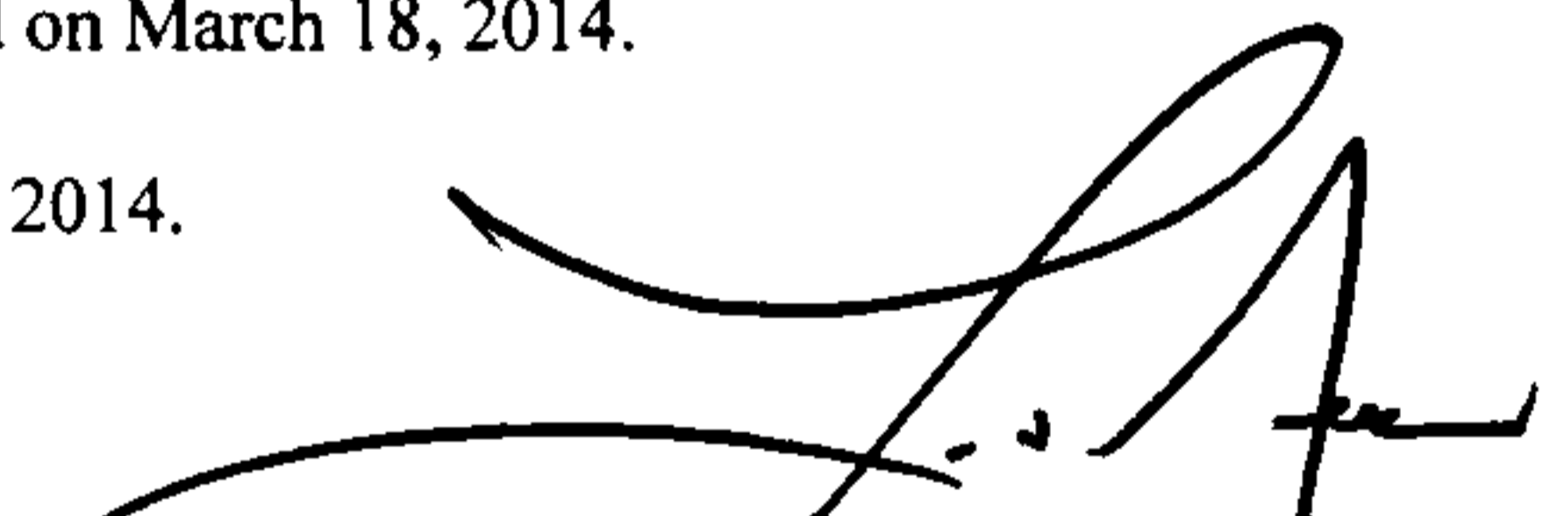
NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

19. 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.


20. 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 Michael T. Yorty are, therefore, invalid. A copy of the Hearing Officer's Recommended Findings and Decision is attached hereto and adopted and incorporated herein as part of the Electoral Board's decision.

IT IS THEREFORE ORDERED that the Objections of Daniel R. Mumpher to the Nomination Papers of Michael T. Yorty, candidate for the nomination of the Republican Party for election to the office of Representative in the General Assembly of the 20th Representative District of the State of Illinois are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Michael T. Yorty, candidate for nomination of the Republican Party for the office of Representative in the General Assembly for the 20th 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.

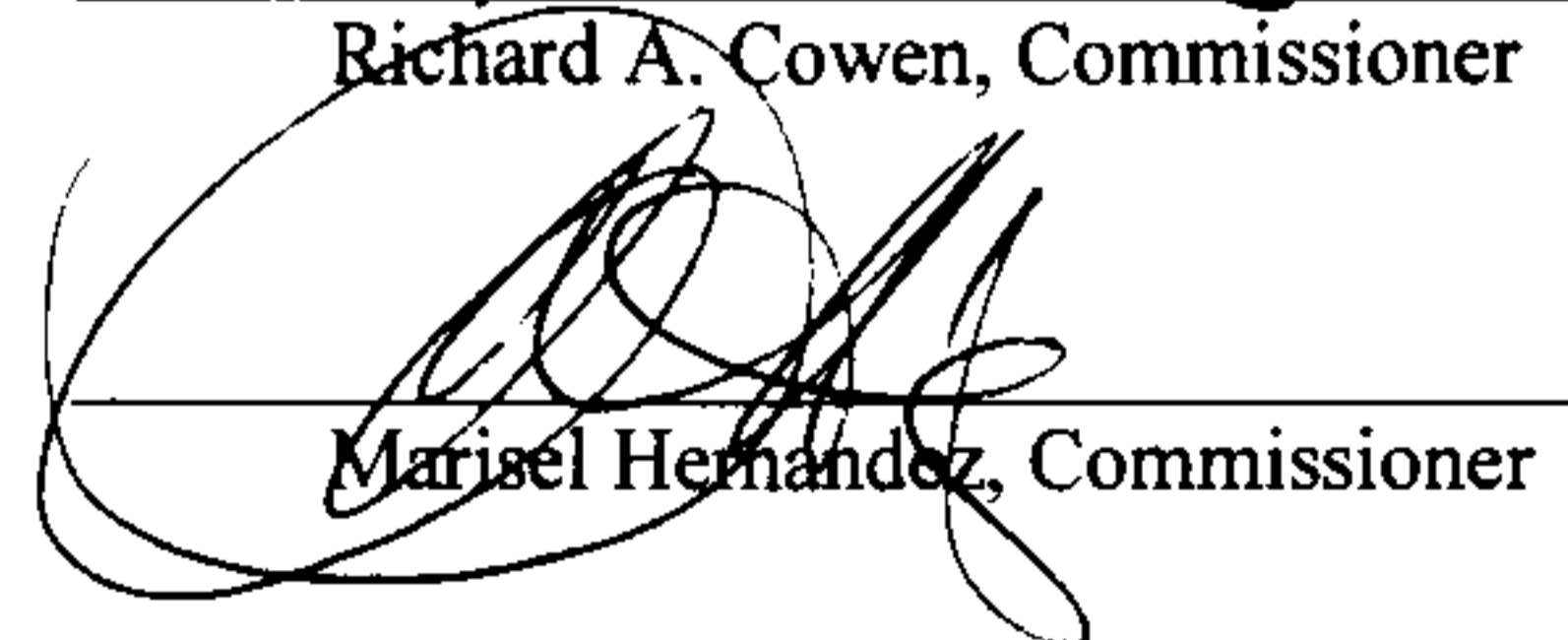
Dated: Chicago, Illinois, on January 9, 2014.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel Hernandez, Commissioner

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

DANIEL R. MUMPHER,)
Objector) **14-EB-RGA-021**
)
v.)
)
MICHAEL T. YORTY,) **Mary C. Meehan**
Candidate) **Hearing Officer**

**BOARD OF ELECTIONS
COMMISSIONER**

2014 JAN - 7 11 A 4 16

RECOMMENDED FINDINGS AND DECISION

The above named cause came to be heard before the Chicago Board of Election Commissioners (“The Board”) on the verified objection petition of Daniel Mumpher (“the Objector”) to the nomination papers of Michael T. Yorty (“the Candidate”) for the Office of Representative in the General Assembly from the 20th Representative District for the Republican Party of the State of Illinois. Mary C. Meehan, Hearing Officer finds and recommends as follows:

1. The initial hearing in this matter was conducted on December 16, 2013 at 11:00 a.m. Attorney John G. Fogarty filed an Appearance on behalf of the Objector. Attorney Anish Parikh filed an Appearance on behalf of the Candidate.
2. The Candidate filed a Motion to Strike and Dismiss on December 17th, 2013. The parties responded and replied in a timely manner, on December 18th and 19th respectively. The motion was denied in part and granted in part. The Objector’s Petition was found not to be a “shotgun petition” and paragraphs 11 and 12 of the Objector’s Petition were stricken. The issues remaining were all signature issues needing a records exam. A records exam was scheduled. On December 24th, 2013 a status hearing was held.
3. On December 26th, 2013 at approximately 12:06p.m., the records exam was complete and notice of the Final Petition Summary Report was emailed to all parties. Both parties filed Rule 8 motions.

4. A final status was set for December 30th at 11:30 a.m. The purpose of this status hearing was to narrow the issues, discuss evidence and schedule an evidentiary hearing. At the status hearing the Objector acknowledged notice of the Final Petition Summary Report of the records exam. The Candidate did not and it became apparent the Candidate relied on the preliminary report and not the final report for his Rule 8 motion. By agreement of the parties, a schedule to exchange evidence for the evidentiary hearing was set. All evidence and information was due to each party by 5:00 p.m., January 1st, 2013. Also by agreement of the parties, the evidentiary hearing was scheduled for January 3rd, 2013 at 3:00 p.m.
5. On January 1st, 2013 the Candidate filed an Emergency Motion for an Extension of Time. The Candidate stated that he never received notice of the Final Petition Summary Report. He alleged that because the Board's email notifying the parties that the final report of the records exam was complete and available to be picked up at the Chicago Board of Elections on the 8th floor did not contain an attachment, he did not receive proper notice. In his Emergency Motion for an Extension of Time, the Candidate also further stated he was unaware that the Board would use a handwriting expert. The Candidate was also asking for an extension of time due to inclement weather and the New Years Day holiday.
6. On January 2nd, 2013 at approximately 1:00 p.m. a telephonic hearing on the emergency motion was conducted. All parties were present through their attorneys. The Motion for an Extension of Time was denied. Section (h) of Rule 6 in the Rules of Procedure for the Board of Election Commissioners of the City of Chicago specifically discusses the Board's use of a handwriting expert. Section (i) of Rule 6 of the Rules of Procedure addresses notice of the results of the records exam and provides "When the results of the records examination have been finalized and totaled, the Board of Election Commissioners 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; the records examination is completed on the date the Board provides such notice to the parties. ". Further, the report that the Candidate admittedly relied on is titled "Preliminary". The Candidate admitted that he received the email from the Board informing him that the records exam was complete and available to be picked up. In addition, the Candidate through his attorney in the status hearing of December 30th, 2013 agreed to include January 1st in the time line for exchange of evidence. Finally, as to this issue of the weather, snow in January should not be a surprise in the City of Chicago. Accordingly, the Candidate's Emergency Motion for an Extension of Time was denied.

7. The matter came to be heard for Evidentiary Hearing at 3:00 p.m. on January 3rd, 2013. The final results of the records exam reflected that the total valid signatures were 452. The Candidate requires 500 valid signatures by statute. The Candidate needed to rehabilitate 48 signatures. The burden of proof was now on the Candidate. The Candidate called the handwriting expert, Mr. Jim Hayes, as his only witness. He proceeded to question Mr. Hayes regarding each signature which his finding resulted in an invalid signature. The Candidate asked this Hearing Officer to rule on a few of the expert's findings. The following signature reviewed by the handwriting expert was overruled and rehabilitated by this Hearing Officer:

1) Sheet 42 line 9

8. The Candidate also submitted 39 affidavits of signers. This hearing officer found 34 of those to rehabilitate the signature and 5 were sustained. The following signatures were rehabilitated pursuant to affidavit:

- 1) Sheet 21 line 6
- 2) Sheet 14 line 2
- 3) Sheet 51 line 1
- 4) Sheet 48 line 1
- 5) Sheet 17 line 10
- 6) Sheet 17 line 9
- 7) Sheet 39 line 4
- 8) Sheet 39 line 5
- 9) Sheet 39 line 6
- 10) Sheet 56 line 13
- 11) Sheet 56 line 15
- 12) Sheet 54 line 10
- 13) Sheet 7 line 4
- 14) Sheet 47 line 4
- 15) Sheet 54 line 8
- 16) Sheet 1 line 7
- 17) Sheet 64 line 6
- 18) Sheet 54 line 7
- 19) Sheet 19 line 14

- 20) Sheet 6 line 2
- 21) Sheet 1 line 6
- 22) Sheet 47 line 8
- 23) Sheet 52 line 12
- 24) Sheet 40 line 7
- 25) Sheet 42 line 3
- 26) Sheet 22 line 2
- 27) Sheet 27 line 1
- 28) Sheet 46 line 9
- 29) Sheet 55 line 6
- 30) Sheet 55 line 8
- 31) Sheet 30 line 2
- 32) Sheet 35 line 6
- 33) Sheet 24 line 13
- 34) Sheet 68 line 14

9. The Objector presented evidence on duplicate signatures. The following signature was overruled based on “Duplicate Signature” by this Hearing Officer and should be invalidated:

- 1) Sheet 45 line 2 (Duplicate with Sheet 42 line 4).

10. Therefore, at the close of the case, the total number of rehabilitated signatures was 35. The records exam found the Candidate was 48 signatures below the minimum requirement.

11. This Hearing Officer finds that the number of valid signatures appearing on the Candidate’s nominating papers following the completion of the records examination and evidentiary hearing is 13 below the minimum number of valid signatures as required by law to be placed on the ballot as candidate for the Office of State Representative in the General Assembly for the 20th District in the State of Illinois.

12. This Hearing Officer further finds that the objections to signatures appearing on certain sheets and lines of the Objector’s Petition are sustained in part and overruled in part.

13. For the reasons stated above, this Hearing Officer finds and recommends the following:

- a. The Nominating Papers of the Candidate, Michael T. Yorty are invalid;

- b. The name of Michael T. Yorty not be printed on the ballot for the Office of State Representative in the General Assembly for the 20th District, State of Illinois in the General Primary Election of March 18, 2014.

Entered this 6th Day of January 2013

Mary C. Meehan /s/

Mary C. Meehan
Hearing Officer