

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

Objections of: Richard Thompson)	
)	
)	
To the Nomination)	No.: 11-EB-MUN-057
Papers of: Fenton C. Patterson)	
)	
Candidate for the office of)	
Mayor of the City of Chicago)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of 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 Richard Thompson (“Objector”) to the nomination papers (“Nomination Papers”) of Fenton C. Patterson, candidate for the office of Mayor of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, 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 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Linda R. Crane for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them 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, Richard Thompson, by attorney James Robinson; and the Candidate, Fenton C. Patterson, pro se.


7. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

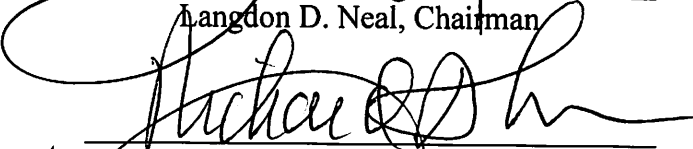
9. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Richard Thompson to the Nomination Papers of Fenton C. Patterson, candidate for election to the office Mayor of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Fenton C. Patterson, candidate for election to the office of Mayor of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

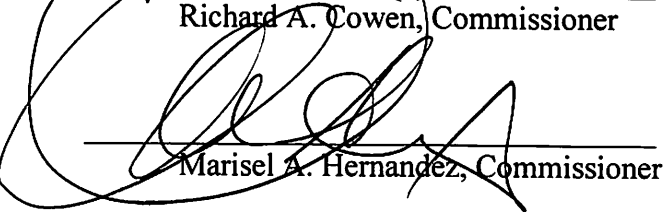
Dated: Chicago, Illinois, on January 3, 2011.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. 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.

BEFORE THE BOARD OF ELECTION COMMISSIONERS
SITTING AS THE DULY CONSTITUTED MUNICIPAL OFFICERS
ELECTORAL BOARD FOR THE CITY OF CHICAGO

RICHARD THOMPSON)	
)	
Petitioner-Objector)	
)	
)	
Vs.)	No. 11 - EB - MUN-057
)	
)	
FENTON C. PATTERSON)	
)	
Respondent-Candidate)	

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HEARING EXAMINER'S RECOMMENDED DECISION

The Respondent-Candidate, **FENTON C. PATTERSON**, has filed Nomination Papers in support of his nomination to the office of Mayor of the City of Chicago to be voted upon during the upcoming election on February 22, 2011 (election). The Petitioner-Objector, **RICHARD THOMPSON**, has filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers for various reasons stated in Paragraphs 2 through 7 of his Petition. Paragraph 2 of the Objector's Petition alleges that the Candidate's nomination papers contain "*less than 12,500 signatures of allegedly duly qualified, legal, and registered voters of the City of Chicago.*"

The initial hearing on this matter was held on December 6, 2010, and both parties were present and filed their Appearances: the Candidate pro se; and the Objector by and through his attorney, Mr. James Robinson. During the initial hearing, the Candidate requested Record Examination. A second hearing was scheduled for and was held on December 16, 2010 to allow the candidate an opportunity to file a Rule 5 Motion to

Strike the Objector's petition in whole or in part; and to review the results of the Record Examination.

Pursuant to Rule 6 of the Board's Rules of Procedure, a Records Examination was ordered to determine the adequacy of the Petitioner's allegations as to whether the Petitioner had filed the minimum number of required valid signatures as required by the Illinois Election Code. On December 13, 2010, Charles Holiday, the Manager of Registration for the Chicago Board of Election Commissioners notified this Hearing Officer of the results of his preliminary examination of the Respondent's nomination petitions by stating the following: *"The total signatures filed by Fenton C. Patterson for the Office of Mayor is 12,381. The minimum requirement is 12,500. Therefore, there can be no record examination in this case."* (CBOEC OFFICE MEMORANDUM, dated December 13, 2010)

During the second hearing, on December 16, 2010, the Respondent-Candidate challenged the accuracy of the preliminary Record Examination that resulted in a determination that he had filed fewer than 12,500 signatures. This Hearing Officer requested Mr. Holiday to attend the hearing and to be sworn in as a witness to describe his expertise, his familiarity with the matter, and the process that he had employed to reach the conclusion that the total number of signatures filed with the nomination papers was fewer than 12,500. During the course of his testimony, under oath, Mr. Holiday recounted all of the signatures that had been submitted by the candidate and summarized by his department. During the course of the hearing, this Hearing Officer also recounted – separately from Mr. Holiday's recount - all of the signatures that had been submitted by the candidate and summarized by the BOE's Registration Department. To wit: there

were a total of sixty (60) numbered preliminary record examination recapitulation pages that contained summaries of a maximum of 210 signatures per page [15 lines per page, and each line reflecting the total number (up to a maximum of 15) of signatures on each petition sheet that had been filed with the nomination papers. $15 \times 15 = 210$].

Specifically, according to the count conducted by this Hearing Officer, pages 1 through 27 contained a raw subtotal of 5,626 signatures. Pages 28 through 54 contained a raw subtotal of 5,642 signatures; and pages 55 through 60 contained a raw subtotal of 1,113 signatures. According to both complete recounts during the hearing, excluding a separate tally maintained by the candidate and the objector that they did not read into the record, the total number of signatures filed by the Respondent-Candidate with his nomination papers were 12,381 [$5,626 + 5,642 + 1,113$].

The reported preliminary Record Examination results were as follows:

Total Pages Filed:	831
Number of Signatures Filed	12381
Number of Objections to Signatures	281
Number of Objections Ruled On	0
Number of Objections Overruled	0
Number of Objections Sustained	0
Number of Valid Signatures	12381
Number of Signatures Required	12500

The results of the preliminary Record Examination were that the Candidate filed 119 fewer total signatures than the minimum required. Because there was neither a Record Examination nor any sustained objections against any of the signatures filed by the

Respondent, there was no basis for granting the Respondent's request for a Rule 8 evidentiary hearing to dispute sustained objections to any of the filed signatures.

The candidate filed a Rule 5 Motion on December 8, 2010 in which he requested that the Objector's petition be dismissed because it was filed too late under Illinois Election law. A hearing was conducted on this issue during the second hearing date, December 16, 2010. During that hearing, Charles Holiday, Manager of Registration for CBOEC, testified under oath about his expertise on the matter; and about his knowledge of the last date and time by which all Objectors Petitions were due to be filed with the BOE for the upcoming election. It was his testimony that the cutoff was Tuesday, November 30, 2010 at 5:00 p.m., not Monday, November 29, 2010, as asserted by the Respondent. The Respondent did not call any witnesses to contradict Mr. Holiday's testimony or to challenge his expertise.

Because of the foregoing, I am making the following recommendations for consideration by the Commissioners:

1. That the Objector's objections to this candidacy should be sustained based on the insufficiency of the number of required valid signatures filed with the nomination papers;
2. That the Respondents Rule 5 Motion should be denied; and
3. That the Respondent's name should be excluded from the ballot during the upcoming election.

Respectfully submitted,

Date: December 27, 2010

By: 
LINDA R. CRANE, Hearing Officer