NBCOFF-MUN

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

Objections of: Josephine Sykes	)
	)
	)
To the Nomination	) No.: 11-EB-MUN-025
Papers of: Howard Ray	)
	) Related Cases:
	) 11-EB-MUN-041,
	) 11-EB-MUN-055
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 Josephine Sykes ("Objector") to the nomination papers ("Nomination Papers") of Howard Ray, 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, Josephine Sykes, by attorney, Burton S. Odelson; and the Candidate, Howard Ray, 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. The Electoral Board has made a similar finding in 11-EB-MUN-041 and 11-EB-MUN-055.

IT IS THEREFORE ORDERED that the Objections of Josephine Sykes to the Nomination Papers of Howard Ray, 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 Howard Ray, 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 11, 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

BOARD OF ELECTIONS
2011 JAN -7 P 2:49

JOSEPHINE SYKES	)	
	)	
Petitioner-Objector	)	
	)	**No. 11-EB -MUN-025**
vs.	)	**Linda R. Crane**
	)	**Hearing Examiner**
	)	
	)	
HOWARD RAY	)	
	)	
Respondent-Candidate	)	

RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on verified objections of **JOSEPHINE SYKES** ("objector") to the nomination papers of **HOWARD RAY,** ("candidate") , Linda R. Crane, the Hearing Examiner, finds and recommends as follows:

1. The candidate, **HOWARD RAY**, 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).
2. The objectors, **JOSEPHINE SYKES**, has filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers because the has filed far less than the required 12,500 signatures of allegedly duly qualified, legal, and registered voters of the City of Chicago.
3. This matter is related to two others, 11-EB-MUN-055 and 11-EB-MUN-041, which were also limited to this sole issue.

4. The initial hearing on this matter was held on December 6, 2010. Both parties were present and filed their appearances: the candidate, pro se; and the objector through her attorney, Burton S. Odelson.
5. During the initial hearing, the Candidate requested a Record Examination.
6. No Record Examination was ordered, however, because the Hearing Examiner determined that it was impossible for the candidate's nomination petition sheets to contain the required number of signatures even if all of the signatures were perfect in every respect.
7. The candidate filed 175 nomination petition sheets with his other nomination papers. Each sheet contains no more than 25 signatures for a maximum of 1625 signatures, far fewer than the 12,500 required.
8. The candidate did not request an opportunity to file a Rule 5 Motion to Strike and Dismiss the Objector's Petition.
9. No additional hearing was scheduled.
10. For the reasons stated above, the Hearing Examiner recommends the following to the Chicago Board of Elections:
    a. That the objector's objection to this candidacy should be sustained based on the insufficiency of the number of required valid signatures filed with the nomination papers; and
    b. That the candidate's name should be excluded from the ballot during the upcoming election.

Respectfully submitted,

Date: January 6, 2011 By: _____
LINDA R. CRANE, Hearing Examiner