BCCON-ALD

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

Objections of: Rosa Kelly and Pat J. Kelly	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-037
Papers of: Mary K. Hunter	)	
	)	
Candidate for the office of	)	
Alderman of the 39th Ward, 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 Rosa Kelly and Pat J. Kelly ("Objectors") to the nomination papers ("Nomination Papers") of Mary K. Hunter, candidate for the office of Alderman of the 39th Ward 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 Objectors and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing was held on these Objections commencing on December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Travis Richardson for further hearings and proceedings.

6. The Objectors 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 Call. The following persons, among others, were present at such hearing; the Objectors, Rosa Kelly and Pat J. Kelly, by attorney, Thomas A. Jaconetty; and the Candidate, Mary K. Hunter, by attorney, Mary K. Hunter.

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 her duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or they duly authorized representative were 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 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 159.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 238.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 140.

D. The remaining number of signatures deemed valid as a result of the records examination total 98.

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 ballot as a candidate for election to the office of Alderman of the 39thWard of the City of Chicago.

14. The Hearing Officer conducted a hearing to allow the Objectors an opportunity to present evidence in support of they Rule 8 motion objecting to the Board's clerk's findings during the records examination. As a result of this hearing, the Candidate was able to successfully rehabilitate 64 signatures, bringing the Candidate's total number of valid signatures to 162, which exceeds the minimum number of signatures required for placement on the ballot.

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 162 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for election to the office of Alderman of the 39th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

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 and recommendations is attached hereto and is incorporated herein as part of the Electoral Board's decision in this matter.

17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Mary K. Hunter are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Rosa Kelly and Pat J. Kelly to the Nomination Papers of Mary K. Hunter, candidate for election to the office of Alderman of the 39th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MARY K. HUNTER, candidate for election to the office of Alderman of the 39th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 21, 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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO

Objections of: **ROSA KELLY AND PAT J. KELLY,** To the Nomination Papers of: **MARY K. HUNTER,** Candidate for the Office of Alderman of the 39th Ward, City of Chicago General Primary Election, February 22, 2011	)	No. 11-EB-ALD-037 Travis Richardson Hearing Examiner

BOARD OF ELECTIONS
2011 JAN 20 A 8:52

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter having come before the Chicago Board of Elections ("CBOE") on the verified objections of Rosa Kelly and Pat J. Kelly ("Objectors") to the nomination papers of Mary K. Hunter ("Candidate"), Travis Richardson, Esq., Hearing Examiner, finds and recommends as follows:

1. The hearing on the objections began on December 6, 2010. In attendance at the hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their attorneys, Thomas Jaconetty and Bonny Bumiller, and the Candidate, Mary K. Hunter, as well as her attorney, Andrew Finko.

2. The Objectors' petition requested that the Candidate's name not be printed on the February 22, 2011 primary election ballot for the position of Alderman of the 39th Ward of the City of Chicago on the bases that the Candidate had an insufficient number of valid signatures on her petitions, that they omitted the office the Candidate is seeking from her Statement of Candidacy, and that petition sheet numbers 6 and 7 are defective and invalid because of improper

notarization in that "State of Illinois, County of Cook" was omitted. Objectors' petition also alleged that the Candidate's petition sheets are defective for the following reasons: a) they refer to "nomination" for office, rather than "election"; b) they refer to "Consolidated Primary election" rather than "Municipal General Election"; c) they refer to "Consolidated Election" rather than "Municipal General Election"; d) they include the language "nomination for the office of Alderman" with no designation as to any particular ward; and e) the circulator's affidavit on each petition sheet omits reference to any particular ward.

3. The Candidate requested the opportunity to file a Motion to Strike and Dismiss Objectors' Petition. A briefing schedule was issued and the matter was continued to December 11, 2010.

4. The hearing was reconvened on December 11, 2010. In attendance at the hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their counsel, Thomas Jaconetty, and the Candidate, Mary K. Hunter, through her counsel, Andrew Finko.

5. Candidate's counsel timely filed and served his Motion, and Objectors' counsel timely filed and served his Response. Candidate's counsel did not file a Reply, decided to rest on his Motion.

6. Candidate's motion argued that the nominating papers, taken as a whole, are in substantial conformity with the Election Code, citing Madden v. Schuman, 105 Ill. App. 3d 900, 435 N.E. 2d 173 (1st Dist. 1982) (when the omission on a statement of candidacy is considered technical or minor, the statement of candidacy and the nominating petition can be looked at together to determine if the candidate has substantially complied with the statute). The

Candidate's Statement of Candidacy, Nominating Petitions, and Statement of Economic Interests all identify the ward in which the Candidate is running. Taking the Candidate's nominating papers as a whole, the Hearing Examiner finds that they are in substantial conformity with the Election Code.[1] The Candidate's Motion, therefore, was granted and a records examination was ordered regarding the remaining issue of the validity of the petition signatures. The scheduler for the records examination was not available at the time of the hearing, therefore the clerk was directed to notify the scheduler that this matter was to be set for an exam upon his availability. The respective attorneys were notified that the Board would contact them when the records examination was scheduled. The case was then continued to December 16, 2010.

7. The hearing was reconvened on December 16, 2010. In attendance at the hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their counsel, Thomas Jaconetty, and the Candidate, Mary K. Hunter, through her counsel, Andrew Finko.

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[1] The Candidate provided an affidavit, as Exhibit B of her Rule 7/ Rule 8 Motion, from Lisa M. Bird, the notary public who notarized petition sheet numbers 6 and 7, which stated, in pertinent part at paragraph 5, as follows:

> Although Cliff Grant affixed his signature to Sheets 6 and 7 while physically located within Cook County, Illinois, as did I, through inadvertence, I omitted the State and County portions immediately above the circulator's affidavit, though I affirm that the county and state for signature was indeed Cook County, Illinois.

The Hearing Officer accepted Ms. Bird's affidavit as true and genuine and found that the Candidate's petition sheets 6 and 7 are not void or defective for the reasons stated in Objectors' petition. Rather, along with Ms. Bird's affidavit, they were found to be in substantial compliance.

8. At the time of the December 16th hearing, the results of the records examination, which occurred on December 15, 2010, were not yet available. Therefore this matter was continued to December 17, 2010.

9. The hearing was reconvened on December 17, 2010. In attendance at the hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their counsel, Thomas Jaconetty, and the Candidate, Mary K. Hunter, through her counsel, Andrew Finko.

10. The results of the records examination were available at this hearing. Both parties were represented at the records examination, which occurred on December 15, 2010. The examination results were as follows:

Signatures Required	159
Total Pages	19
Total Signatures	238
Total Objections	146
Total Ruled On	145
Total Remaining	1
Total Sustained	140
Total Overruled	5
For Review (Candidate)	119
For Review (Objector)	15
Total Valid Signatures	98

61 Signatures fewer than the required minimum

11. Candidate's counsel was granted leave to file a Rule 7/ Rule 8 Motion, and indicated that he would send a request to the Board's general counsel for Rule 7 documents-Applications for Ballot/Form 14's. This matter was continued to December 21, 2010.

12. A case management conference was held on December 21, 2010 to discuss how this matter was to proceed and to check on the status of the Rule 7 requested documents. In attendance at the hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their counsel, Thomas Jaconetty, and the Candidate, Mary K. Hunter, as well as her counsel, Andrew Finko. The Candidate timely filed her Rule 7/Rule 8 Motion, and timely made her request for the Rule 7 documents identified in her Motion. The Board's general counsel granted Candidate's request for these documents.

13. The Candidate identified 119 signatures she would attempt to rehabilitate in her Rule 7/ Rule 8 Motion in Group Exhibits A and C with affidavits, documentary evidence, and testimony. The Rule 7 documents were not yet available. This matter was continued to December 23, 2010 for another case management conference.

13. The hearing was reconvened twice on December 23, 2010. In attendance at the first hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their counsel, Thomas Jaconetty, and the Candidate, Mary K. Hunter, through her counsel, Andrew Finko. The Candidate and her counsel did not attend the second hearing, but left copies for the Objectors' attorneys of all the affidavits and any other documentary evidence the Candidate intended to use at her Rule 8 hearing. The Candidate's proofs were closed at this point. The matter was continued to December 27, 2010 for hearing on Candidate's Motion. Hearings were subsequently held pursuant to the Candidate's Motion on December 27th and the following dates:

December 28, and 30, 2010 and January 3, 5, and 8, 2011. In attendance at each hearing were the Objectors, Rosa Kelly and Pat J. Kelly, through their attorneys, Thomas Jaconetty and Bonny Bumiller, and the Candidate, Mary K. Hunter, as well as her attorney, Andrew Finko.

12. The following sub-paragraphs a-dd are the Hearing Examiner's rulings on signatures objected to by the Objectors which the Candidate wishes to rehabilitate through the submission of additional relevant evidence, including affidavits and applications for ballot forms, in Candidate's Group Exhibit C:

a. *sheet 1, line 3, Michael Blaustein*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were too dissimilar to meet Candidate's burden- **Objection Sustained**

b. *sheet 1, line 5, Patrice M. Ardies*: the exemplars were an affidavit and the petition detail report; the voter printed her name on the petition; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 11 years; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to meet Candidate's burden- **Objection Overruled**

c. *sheet 1, line 6, Mark Brady*: the Candidate failed to preserve her objection at the records examination regarding this signature- **Objection Sustained**

d. *sheet 1, line 9, Karen Jackson*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report

were similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

e. *sheet 1, line 10, Brian Begy*: invalid address- **Objection Sustained**

f. *sheet 5, line 8, Megan Finch*: the exemplar was an affidavit; the Candidate and the petition circulator (also Candidate's husband) gave testimony; the Candidate did not circulate this petition sheet; the petition detail report did not have a signature exemplar, therefore the records examination is overruled pursuant to Rule 6(b)(III)(3)- **Objection Overruled**

g. *sheet 5, line 10, Kari B. Lindholm-Johnson*: the exemplars were an affidavit and the petition detail report; the petition circulator (also Candidate's husband) gave testimony; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to meet Candidate's burden- **Objection Overruled**

h. *sheet 5, line 13, Lynette Wilkos*: petition detail reports shows that this signature was found to be in Candidate's favor during the records examination.

i. *sheet 6, line 4, Kenneth C. Lewin*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were too dissimilar to meet Candidate's burden- **Objection Sustained**

j. *sheet 6, line 8, Monica Wilson*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 16 years; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

k. *sheet 6, line 9, Stephen Eisen*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant over 20 years; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition were similar enough to meet Candidate's burden- **Objection Overruled**

l. *sheet 6, line 12, Rizal Cacal*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 16 years; the Candidate did not circulate this petition sheet; Objectors had no objection to this signature- **Objection Overruled**

m. *sheet 6, line 13, Josefina Cacal*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate this petition sheet; the Hearing Examiner gave the Candidate the opportunity to produce information regarding the age of the petition detail report, but she presented no further evidence; the Hearing Examiner found that the signatures on the affidavit and the petition were too dissimilar to meet Candidate's burden- **Objection Sustained**

n. *sheet 8, line 3, Clifton E. Kirkland*: signatory not registered/invalid address- **Objection Sustained**

o. *sheet 9, line 5, Janette M. Smith*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; Objectors had no objection to this signature- **Objection Overruled**

p. *sheet 9, line 9, Roderick Smith*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; the Candidate circulated this petition sheet; the petition detail report exemplar was 14 years old; the

Candidate testified in great detail regarding the obtaining of the affidavit and the petition signature- **Objection Overruled**

q. *sheet 10, line 11, Miriam Tourncel*: Objectors had no objection to this signature- **Objection Overruled**

r. *sheet 11, line 4, Jennifer Fales*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate circulated this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

s. *sheet 11, line 5, Greg Morris*: Objectors had no objection to this signature- **Objection Overruled**

t. *sheet 11, line 6, Jay Nordstrom*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; the Candidate circulated this petition sheet; the Candidate testified in great detail regarding the petition signature and obtaining the affidavit; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

u. *sheet 12, line 6, Michelle Clifton-Soderstrom*: this signatory is the same as sub-paragraph "yy", below; the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate the petition; the name was printed on the affidavit and the petition sheet; the Candidate did not know the signatory well; the Hearing Examiner found that the signatures on the affidavit and the petition sheet were too dissimilar to meet Candidate's burden- **Objection Sustained**

v. *sheet 12, line 7, Evelyn Hitchcock*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of

the affidavit and that she's known the affiant 11 years; the Candidate did not circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

w. *sheet 12, line 8, Nancy Mattei*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; the Candidate did not circulate this petition sheet; the petition detail report exemplar was over 25 years old; the Hearing Examiner found that the signatures on the affidavit and the petition sheet were similar enough to meet Candidate's burden- **Objection Overruled**

x. *sheet 12, line 9, Michael Rabiger*: this signatory is the same as sub-paragraph "zz", below; the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate the petition; the Candidate has known the signatory for 10 years; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

y. *sheet 12, line 12, Margit Arsenijevic*: Objectors had no objection to this signature- **Objection Overruled**

z. *sheet 15, line 2, Joel Frankel*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; the Candidate circulated this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were barely similar enough to the petition signature to meet Candidate's burden- **Objection Overruled**

aa. *sheet 15, line 6, Olivia Maghtas*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of

the affidavit; the Candidate circulated this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to meet Candidate's burden- **Objection Overruled**

bb. *sheet 15, line 7, Anna Alvarado*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate circulated this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were too dissimilar from the signature on the petition sheet to meet Candidate's burden- **Objection Sustained**

cc. *sheet 15, line 8, Bruce Van Inwegen*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 10 years; the Candidate circulated this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition sheet were similar enough to meet Candidate's burden- **Objection Overruled**

dd. *sheet 15, line 11, Andrew Johnson*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she's known the affiant 3 years; the Candidate circulated this petition sheet; Objectors had no objection to this signature- **Objection Overruled**

13. The following sub-paragraphs a-kkkk are the Hearing Examiner's rulings on signatures objected to by the Objectors which the Candidate wishes to rehabilitate through the submission of additional relevant evidence, including affidavits and applications for ballot forms, in Candidate's Group Exhibit A.

a. *sheet 1, line 2, Dennis V. Woiwood*: the signatory's address on the petition sheet was just numbers (i.e. "53"), and nothing more; the Hearing officer

believes, after consulting with the general counsel, more was needed- **Objection Sustained**

b. *sheet 2, line 2, Peter Jiminez*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

c. *sheet 2, line 3, Frank Gleeson*: voter doesn't reside in ward- **Objection Sustained**

d. *sheet 2, line 4, Lynne Blomgren*: the exemplars were the February, 2010 and November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

e. *sheet 2, line 6, Vu T Ton*: the signatures on the exemplars were too dissimilar from the signature on the petition sheet to meet Candidate's burden- **Objection Sustained**

f. *sheet 2, line 8, Ann Marie Krilcich*: petition detail reports shows that this signature was found to be in Candidate's favor during the records examination.

g. *sheet 2, line 12, Michael Fleming*: the exemplars were similar enough to the signature on the petition sheet to meet Candidate's burden- **Objection Overruled**

h. *sheet 2, line 13, Josip Klaric*: the signatures on the exemplars were too dissimilar from the signature on the petition sheet to meet Candidate's burden- **Objection Sustained**

i. *sheet 2, line 14, Leland R Kompart*: the exemplars were the February, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

j. *sheet 3, line* 2, Kevin Swanson: there was no prior decision made regarding this signature at the records examination, therefore, after consulting with the Board's general counsel, the hearing officer reviewed the petition sheet, petition detail report, and the November, 2010 application for ballot **(see Exhibit 1)** and found that the Objectors should be **Overruled**

k. *sheet 3, line 5, Kurt M Vannucci*: the exemplars were from the November, 2010 ballot application, an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were similar enough to the one on the petition sheet to meet Candidate's burden- **Objection Overruled**

l. *sheet 3, line 6, Jody Abrahams*: the exemplars were from an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were similar enough to the one on the petition sheet to meet Candidate's burden- **Objection Overruled**

m. *sheet 3, line 7, Nephele Sellountos*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

n. *sheet 3, line* 9, *Camilia Durovic*: Objectors had no objection to this signature- **Objection Overruled**

o. *sheet 3, line 10, Juan Flores*: the exemplars were from an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were similar enough to the one on the petition sheet to meet Candidate's burden- **Objection Overruled**

p. *sheet 3, line 14, Adan Perez*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

q. *sheet 3, line 15, Hussein Saleh Aldaeri*: Objectors had no objection to this signature- **Objection Overruled**

r. *sheet 4, line 1, Charles R Halpren*: the exemplars were from the February, 2010 and November, 2010 ballot applications and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the one on the petition sheet to meet Candidate's burden- **Objection Overruled**

s. *sheet 4, line 2, John J Forrest*: no objection by Candidate recorded- **Objection Sustained**

t. *sheet 4, line 3, Wendy Kotrba*: Objectors had no objection to this signature- **Objection Overruled**

u. *sheet 4, line 4, Amel Bachir*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

v. *sheet 4, line 5, Nichole S. Aubry*: the exemplars were from the November, 2010 ballot application, an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the affidavit had the wrong name on it ("Nichole Saubry"), but the signature from the November, 2010 ballot application matched the petition sheet signature- **Objection Overruled**

w. *sheet 4, line 6, Dieter H Seyferth*: Objectors had no objection to this signature- **Objection Overruled**

x. *sheet 4, line 7, Anthony Dominick Lewellen*: Objectors had no objection to this signature- **Objection Overruled**

y. *sheet 4, line 8, Remus Surcel*: voter in the wrong ward and the only exemplar was the petition detail report from the records examination- **Objection Sustained**

z. *sheet 4, line 11, Josephine Tam*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

aa. *sheet 4, line 12, Orlando V Apostol*: Objectors had no objection to this signature- **Objection Overruled**

bb. *sheet 4, line 13, Carmelita E Apostol*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the one on the petition sheet to meet Candidate's burden- **Objection Sustained**

cc. *sheet 4, line 14, Robert Meyer*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the voter was in a wheelchair and was disabled; the Hearing Examiner found that the testimony along with the fact that the signatures on the exemplars were similar enough to meet Candidate's burden- **Objection Overruled**

dd. *sheet 4, line 15, Linda Gottlsich*: Objectors had no objection to this signature- **Objection Overruled**

ee. *sheet 5, line 2, Denise M DeBartolo*: Objectors had no objection to this signature- **Objection Overruled**

ff. *sheet 5, line 3, John C Clark*; the exemplars were from the February, 2010 ballot application, an affidavit and the petition detail report; the Candidate was not the petition circulator; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not know the signatory; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the one on the petition sheet to meet Candidate's burden- **Objection Sustained**

gg. *sheet 5, line 9, Nathan Finch*: originally sustained for invalid address; the petition circulator (also Candidate's husband) gave testimony; one of the numbers

in the voter's address was mistaken for another number; Candidate provided documentation from the Board showing signatory's address- **Objection Overruled**

hh. *sheet 5, line 11, Nora O Tormey*: the exemplars were the February, 2010 application for ballot and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

ii. *sheet 5, line 12, Melissa J Lindberg*: the exemplars were the February, 2010 application for ballot, an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; Michael J. Wood also gave testimony regarding the affidavit; the Candidate did not circulate this petition sheet; the Hearing Examiner found that, despite the testimony, the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

jj. *sheet 6, line 10, Alexandra D Rogakos*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

kk. *sheet 6, line 14, JT Fakuade*: the exemplars were an affidavit and the petition detail report; the signatory was allowed to testify over Objectors' objection that it would be cumulative; the signatory testified credibly that he signed the petition sheet and the affidavit in question- **Objection Overruled**

ll. *sheet 7, line 1, Megan T. Grant*: the exemplars were an affidavit and the petition detail report; the signatory testified credibly that he signed the petition sheet and the affidavit in question; Objectors had no objection to this signature- **Objection Overruled**

mm. *sheet 8, line 1, Barbara J Lasch*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

nn. *sheet 9, line 2, Lester H Carlstrom*: the exemplars were the February and November applications for ballot, an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did circulate this petition sheet; the Hearing Examiner found that the testimony along with the fact that the signatures on the exemplars were similar enough to meet Candidate's burden- **Objection Overruled**

oo. *sheet 9, line 6, Melvin R. Soderstrom*: this was originally sustained on the basis of lack of registration; Objectors had no objection to the proof of registration provided by Candidate- **Objection Overruled**

pp. *sheet 9, line 10, Judith L Klauba*: Objectors had no objection to this signature- **Objection Overruled**

qq. *sheet 9, line 11, George Klauba*: no objection by Candidate recorded- **Objection Sustained**

rr. *sheet 9, line 15, Mi Le Argento*: Objectors had no objection to this signature- **Objection Overruled**

ss. *sheet 10, line 1, Erik J Vander-Arend*: the exemplars were the February and November, 2010 applications for ballot, an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the testimony along with the fact that the signatures on the exemplars were similar enough to meet Candidate's burden; Objectors had no objection to this signature- **Objection Overruled**

tt. *sheet 10, line 14, Jeanne Marie Olson*: the exemplars were an affidavit and the petition detail report; the Candidate was the petition circulator; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the one on the petition sheet to meet Candidate's burden- **Objection Sustained**

uu. *sheet 11, line 8, Guy W. Robbins*: the exemplars were from the February, 2010 and November, 2010 ballot applications and the petition detail report; the Candidate was the petition circulator; the Candidate gave testimony regarding her knowledge of the voter's petition sheet signature; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the one on the petition sheet to meet Candidate's burden- **Objection Sustained**

vv. *sheet 11, line 9, Susan L Robbins*: the exemplars were from the February, 2010 ballot application, an affidavit and the petition detail report; the Candidate was the petition circulator; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not know the signatory; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the one on the petition sheet to meet Candidate's burden- **Objection Sustained**

ww. *sheet 11, line 10, Larry Knipp*: no signature on petition detail report; Rule 6 applies; in addition, the affidavit and February, 2010 application for ballot are similar to the petition sheet signature- **Objection Overruled**

xx. *sheet 11, line 13, Michele Carlon*: no signature on petition detail report; Rule 6 applies; in addition, the affidavit and November, 2010 and February, 2010 applications for ballot are similar to the petition sheet signature- **Objection Overruled**

yy. *sheet 12, line 6, Michelle A Clifton-Soderstrom*: this signatory is the same as sub-paragraph "u", above; the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate the petition; the name was printed on the affidavit and the petition sheet; the Candidate did not know the signatory well; the Hearing Examiner found that the signatures on the affidavit and the petition sheet were too dissimilar to meet Candidate's burden- **Objection Sustained**

zz. *sheet 12, line 9, Michael Rabiger*: this signatory is the same as sub-paragraph "x", above; the exemplars were an affidavit and the petition detail

report; the Candidate gave testimony regarding the obtaining of the affidavit; the Candidate did not circulate the petition; the Candidate has known the signatory for 10 years; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

aaa. *sheet 13, line 1, Mary Bennett*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

bbb. *sheet 13, line 7, Rosaire Marie Hall*: the exemplars were from the February, 2010 and November, 2010 ballot applications and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

ccc. *sheet 13, line 9, Pamela Mary Hall*: the exemplars were from the November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

ddd. *sheet 13, line 12, Andrew Halicki*: Objectors had no objection to this signature- **Objection Overruled**

eee. *sheet 13, line 13, Robert W Spearman*: no objection by Candidate recorded- **Objection Sustained**

fff. *sheet 14, line 1, Jay Sotolongo*: no signature on petition detail report; Rule 6 applies; "Jay" is an error, it should be "Jorge"- **Objection Overruled**

ggg. *sheet 14, line 2, Mary P Murphy*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

hhh. *sheet 14, line 3, ` Eileen Zimmerman*: the exemplars were from the November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the ballot application and the petition sheet were similar enough to meet Candidate's burden- **Objection Overruled**

iii. *sheet 14, line 4, John L Jenkins*: the exemplars were from the November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the ballot application and the petition detail report were too dissimilar to meet Candidate's burden- **Objection Sustained**

jjj. *sheet 14, line 5, Robyn E Sato*: voter's address not in ward- **Objection Sustained**

kkk. *sheet 14, line 9, Carol L Jost*: the exemplars were from the February and November, 2010 ballot applications and the petition detail report; Objectors had no objection to this signature- **Objection Overruled**

lll. *sheet 14, line 11, Flora E Amaefute*: the exemplars were from the February and November, 2010 ballot applications and the petition detail report; the correct spelling of the voter's name is "Amaefule"; the Hearing Examiner found that the signatures on the ballot applications and the petition detail report were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

mmm. *sheet 14, line 12, Irma L Rangle*: the exemplars were from the February, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures were similar enough to meet Candidate's burden- **Objection Overruled**

nnn. *sheet 14, line 14, Jeanne D Hayes*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

ooo. *sheet 15, line 1, Layla Frankel*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of

the affidavit and that she has known the affiant 10 years; the Candidate did circulate this petition sheet; the Hearing Examiner found that the signatures on the exemplars and the petition were too dissimilar to meet Candidate's burden- **Objection Sustained**

ppp. *sheet 15, line 5, Neda Zabadneh*: the exemplars were an affidavit and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she has known the affiant 10 years; the Candidate did circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit and the petition detail report were similar enough to meet Candidate's burden- **Objection Overruled**

qqq. *sheet 15, line 9, George Nieves*: the exemplars were from the February and November, 2010 ballot applications and the petition detail report; the Candidate was called as a witness; the Candidate did circulate this petition sheet and has known the voter for 10 years; the Hearing Examiner found that the signatures on the ballot applications and the petition detail report were too dissimilar from the petition sheet, which was printed, to meet Candidate's burden- **Objection Sustained**

rrr. *sheet 15, line 10, Mary Nieves*: invalid address- **Objection Sustained**

sss. *sheet 15, line 12, Caroline S Frieswyk*: the exemplars were an affidavit, the November, 2010 ballot application, and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit and that she knows the affiant by sight; the signatory printed her name on the petition sheet; the Candidate did circulate this petition sheet; the Hearing Examiner found that the signatures on the affidavit, petition detail report and application for ballot were similar enough to meet Candidate's burden- **Objection Overruled**

ttt. *sheet 15, line 15, Ralph Stone*: Objectors had no objection to this signature- **Objection Overruled**

uuu. *sheet 16, line 2, Ami Jean Baron*: the exemplars were from the November, 2010 ballot application and the petition detail report; the Candidate was called as a witness; the Candidate did circulate this petition sheet and has known the voter for 10 years; the Hearing Examiner found that the signatures on the ballot application and the petition detail report were too dissimilar from the petition sheet, which was printed, to meet Candidate's burden- **Objection Sustained**

vvv. *sheet 16, line 3, Katherine T Kelekolio*: petition detail reports shows that this signature was found to be in Candidate's favor during the records examination.

www. *sheet 16, line 9, Albert Hemmer*: Objectors had no objection to this signature- **Objection Overruled**

xxx. *sheet 18, line 5, Dolores R Nano*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

yyy. *sheet 18, line 9, Thomas P Howard*: the exemplars were from the February and November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the ballot applications and the petition detail report were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

zzz. *sheet 18, line 10, Debra A. Leszczynski*: Objectors had no objection to this signature- **Objection Overruled**

aaaa. *sheet 18, line 11, Elaine Kiritani*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

bbbb. *sheet 19, line 1, James Enright*: the exemplars were an affidavit, the February and November, 2010 ballot application, and the petition detail report; the Candidate gave testimony regarding the obtaining of the affidavit; the Hearing Examiner found that the signatures on the affidavit, petition detail report and

application for ballot were similar enough to meet Candidate's burden; also, the petition detail report internal system needs to be changed at sheet 19, line 1 from "Daniel Enright" to "James Enright" to avoid this problem in the future **(see Exhibit 2)- Objection Overruled**

cccc. *sheet 19, line 2, Maria Baran-Habrowska*: the exemplars were from the February and November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the ballot applications and the petition detail report were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

dddd. *sheet 19, line* 4, *Karen R Roberts*: the exemplars were the February, 2010 and November, 2010 ballot applications, and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

eeee. *sheet 19, line 6, William E. Richmond*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

ffff. *sheet 19, line 7, David E Christenson*: the exemplars were the November, 2010 ballot application and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were too dissimilar from the petition sheet to meet Candidate's burden- **Objection Sustained**

gggg. *sheet 19, line 8, Peter Y Gong*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

hhhh. *sheet 19, line 9, Elizabeth A. Martinez*: no objection by Candidate recorded- **Objection Sustained**

iiii *sheet 19, line 10, Joseph G Czerwionka*: the exemplars were the February, 2010 and November, 2010 ballot applications, and the petition detail report; the Hearing Examiner found that the signatures on the exemplars were

similar enough to the petition sheet to meet Candidate's burden- **Objection Overruled**

jjjj *sheet 19, line 11, Michael R. Carroll*: no signature on petition detail report; Rule 6 applies- **Objection Overruled**

kkkk *sheet 19, line 15, Robert E. Brown*: the only exemplar was the petition detail report from the records examination- **Objection Sustained**

14. The Hearing Officer finds that the Candidate has rehabilitated 64 signatures, including one that had not previously been ruled on (Kevin Swanson at sheet 3, line 2). This brings the Candidate's total number of valid signatures to 162, since the records examination indicated that she began with 98 valid signatures (98 + 64= 162). The minimum number of signature required in this election for this position is 159.

15. Accordingly, since the Candidate has rehabilitated a sufficient number of signatures on her petition sheets to surpass the minimum number required, the Hearing Examiner recommends that the Chicago Board of Election Commissioners order that the name of MARY K. HUNTER be printed on the ballot for Alderman from the 39th Ward, City of Chicago, in the General Primary Election to be held on February 22, 2011.

_____/s/_____

Travis Richardson, Esq.

Hearing Examiner

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