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

Objections of: Rickey R. Hendon, Bernette Barnes and Anthony Johnson	)	
To the Nomination Papers of: Fredrick K White	)	No.: 11-EB-MUN-045
	)	Related Case: 11-EB-MUN-054
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 Rickey R. Hendon, Bernette Barnes and Anthony Johnson ("Objectors") to the nomination papers ("Nomination Papers") of Fredrick K White, 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 Objectors 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 Rodney W. Stewart for further hearings and proceedings.

6. The Objectors 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 Objectors, Rickey R. Hendon, Bernette Barnes and Anthony Johnson, pro se; and the Candidate, Fredrick K White, pro se.

7. 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 Objectors filed a motion to withdraw their Objections to the Candidate's Nomination Papers. The Hearing Officer recommends that the Objectors' motion to withdraw their Objections be granted.

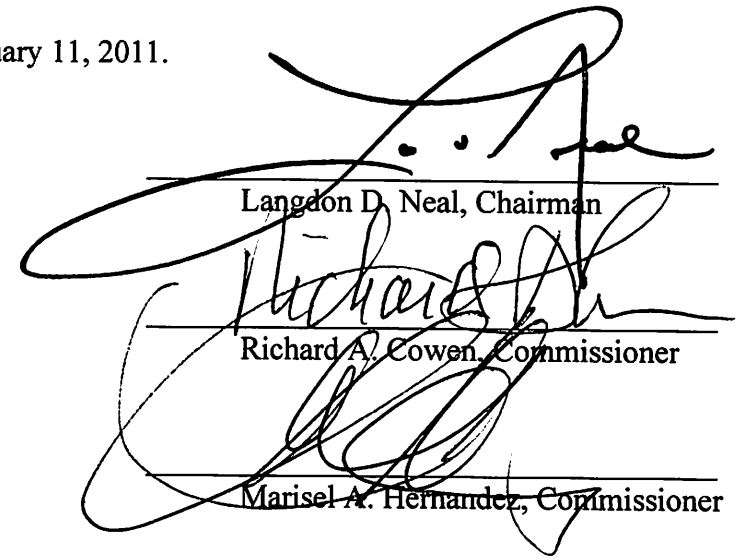
8. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

9. The Electoral Board finds that the Objections are withdrawn and this case is moot.

IT IS THEREFORE ORDERED that the Objections of Rickey R. Hendon, Bernette Barnes and Anthony Johnson to the Nomination Papers of Fredrick K White, candidate for

election to the office Mayor of the City of Chicago, are hereby WITHDRAWN and this case is MOOT.

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

RICKEY R. HENDON **BERNETTE BARNES and** **ANTHONY JOHNSON** **Petitioners-Objectors** **v.** **FREDRICK K. WHITE** **Respondent-Candidate**	)	**No. 11 - EB - MUN-045** **Linda R. Crane** **Hearing Examiner**

BOARD OF ELECTIONS
2011 JAN -7 P 2:49

RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on verified objections of **RICKEY R. HENDON, BERNETTE BARNES, and ANTHONY JOHNSON** ("objectors") to the nomination papers of **FREDRICK K. WHITE,** ("candidate"), Linda R. Crane, the Hearing Examiner, finds and recommends as follows:

1. The candidate, **FREDRICK K. WHITE,** 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, **RICKEY R. HENDON, BERNETTE BARNES, and ANTHONY JOHNSON** ("objectors"), filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers stating that the

Candidate "*has filed far less than the required 12,500 signatures of allegedly duly qualified, legal, and registered voters of the City of Chicago.*"

3. The initial hearing on this matter was held on December 6, 2010, and both parties were present and appeared pro se.

4. At the outset of the initial hearing, prior to filing his appearance, the candidate requested that the matter be "*dismissed without prejudice, because there (are) no nominating papers for a* ***Frederick*** *K. White.*" [12-6-2010 transcript of 11-EB-MUN-054 at page 2] Essentially, the candidate was not raising the issue of whether his name had been misspelled in the Petition; but whether he was the intended target of the Petition. Consequently, the Hearing Examiner understood that the candidate had refused to file a general appearance for purposes of initiating a hearing on the objections to his candidacy. The Hearing Examiner acknowledged the limited nature of the candidate's appearance which was to contest any presumption that he was the named candidate in the Objector's Petition; and, further that he rejected the idea that he had any stake in the proceedings that were being initiated insofar as they were irrelevant to his candidacy. [12-6-2010 transcript of 11-EB-MUN-054, at pages 10-11]

5. The Objector requested a determination of the question of whether the candidate had filed a sufficient number of signature pages to meet the required minimum of 12,500, without the need for a Record Examination; insofar as each of the petition sheets of the Candidate contain(s) 25 signatures per sheet or less. Your Objector further states that simply multiplying the number of petitions sheets turned in by

the Candidate by 25 signatures per sheet results in a total maximum number of signatures below the required 12,500.

6. A second hearing date was scheduled; but immediately following the initial hearing, the objectors filed a Motion to Withdraw their Objector's Petition.
7. For the reasons stated above, the Hearing Examiner recommends that the Chicago Board of Elections Commissioners grant the objectors motion to withdraw their petition.

Respectfully submitted,

Date: January 7, 2011 By: _____
LINDA R. CRANE, Hearing Examiner