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

Objections of: ANDRE HOLLAND	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-MUN-005
Papers of: FREDERICK COLLINS	)	
	)	
Candidate for the office of	)	
Mayor of the City of Chicago	)	
	)	
	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of ANDRE HOLLAND ("Objector") to the nomination papers ("Nomination Papers") of FREDERICK COLLINS, for the office of Mayor of the City of Chicago ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on Friday, December 9, 2022 at 4:00 p.m. 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 were duly and timely filed.

2. The Electoral Board was legally constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair 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 or service was waived.

4. A public hearing held on these Objections commenced on Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Rodney Stewart for further hearings and proceedings.

5. 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, ANDRE HOLLAND, through his attorney, STEVEN FINE; and the Candidate, FREDERICK COLLINS, and/or his Attorney, FRANK AVILA.

6. 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.

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

8. The Candidate and/or his duly authorized representative were allowed to be present during the examination of the registration records. The Objector and/or his duly authorized representative was present during the examination of the registration records.

9. The examination of the registration records was suspended for the reasons anticipated by, and under procedures expressly authorized by, Electoral Board Rule 6(k) and the Electoral Board hereby adopts and incorporates by reference the results of the partial records examination conducted by its clerks and agents. 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.

10. The results of the partial 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 12,500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 13,489;

C. The remaining number of signatures deemed valid as a result of the records examination total 9,854.

D. The total number of objections lodged was 13,281, and the number of objections ruled upon in the partial records exam was 4,450.

E. Of the 4,450 objections ruled upon, they pertained to 3,972 individual signature lines on the petition sheets.

F. Of the 3,972 signature lines that were ruled upon during the partial records exam, 3,635 of those lines had objections sustained, which equals a sustained rate of 81.69%.

G. There were 1,004 signature lines that were not objected to and that shall be deemed valid.

11. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was 2,646 fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Mayor of the City of Chicago.

12. The Electoral Board further finds that there are 8,831 objections yet to be ruled upon, and that if the current sustained rate of 81.69% were to continue, an additional 7,214 signatures may be struck from the Candidate's Nomination Papers, which would leave the Candidate with approximately 9,860 signatures fewer than the required minimum of 12,500.

13. The Electoral Board finds that records exam was properly suspended pursuant to Rule 6(k) at a time when it was readily apparent that the Nomination Papers were substantially deficient, with 2,646 signatures *under* the required minimum, 8,831 objections remaining to be ruled upon, and only 1,004 unchallenged signatures. At this point, it was essentially a mathematical impossibility for the Candidate to rehabilitate the legal validity of the Nomination Papers. Thus, for purposes of administrative and judicial economy, the exam was properly suspended in accordance with the Electoral Board's procedural rules.

14. The Electoral Board further finds that the 81.69% sustained rate for the 4,450 objections that were ruled upon is a strong indication that the objections were lodged in good faith. An allegation of a bad-faith objection should be dismissed when the only relevant evidence in the record shows such a high success rate for the Objector. See, for example, this Electoral Board's prior rulings in *Johnson v. McLain*, 04-EB-WC-21 (2004), in which the candidate's motion to strike based on an alleged "shot gun" objection was denied where 69% of the objections were sustained; and *Anderson v. Prince,* 08-EB-RGA-31 (2007), in which the Candidate's motion to strike and dismiss based on alleged bad-faith objections was denied where 77% of the objections were sustained.

15. Furthermore, the Electoral Board finds that it was proper for the Hearing Officer to recommend a denial of the Candidate's "Rule 5b Motion to Strike and Dismiss and Request for a Good Faith Hearing" (the "Motion"). The Electoral Board finds that the Candidate's claim

in said Motion was limited to the allegation that the Objector was required, himself, to have personally reviewed a copy of the Nomination Papers, to have personally performed the comparison of signatures at the Board's offices, and to have personally lodged the line-by-line objections. Whether or not the Objector's Petition was verified, no law requires that the Objector personally perform the above actions. It is common practice for named objectors to obtain the services of agents and representatives who perform the above actions and report their results to the objector for inclusion of their line-by-line objections in the Objector's Petition. If the objector were required to personally review and lodge each line-by-line objection, it would be virtually impossible for any objector to lodge a complete Objector's Petition against any citywide municipal candidates, for whom the signature requirement is 12,500. Thus, the Electoral Board finds that a named objector may, in good faith, utilize the efforts of agents and representatives, either paid or unpaid, to develop and lodge good-faith objections.

16. The Candidate's Motion, in which he pleads that the Objector's Petition be dismissed solely because the Objector, himself, allegedly did not review the Nomination Papers, fails to state a claim for which relief can be granted, and the Motion is therefore and hereby denied.

17. 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 9,854 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 the office of Mayor for the City of Chicago , and that the Candidate's Nomination Papers should be found invalid.

18. Having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, along with the additional argument presented by the parties to the members of the Electoral Board in response to the Candidate's Rule 20 Motion, the Electoral Board hereby adopts and incorporates the Hearing Officer's recommended findings and conclusions of law.

19. 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 FREDERICK COLLINS are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of ANDRE HOLLAND to the Nomination Papers of FREDERICK COLLINS, candidate for election to the office of Mayor of the City of Chicago , are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of FREDERICK COLLINS, candidate for the office of Mayor for the , SHALL NOT be printed on the official ballot for the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023.

Dated: Chicago, Illinois, on Friday, January 6, 2023.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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.