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

Objections of: THOMAS L MCMAHON	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-PDC-007
Papers of: MICHAEL E. MAYDEN	)	
	)	Rel.: 23-EB-PDC-006
Candidate for the office of	)	
Council Member of the 5th Police District,	)	
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 THOMAS L MCMAHON ("Objector") to the nomination papers ("Nomination Papers") of MICHAEL E. MAYDEN, for the office of Council Member of the 5th Police District ("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 Ellen K. Raymond 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, THOMAS L MCMAHON, and/or his attorney, ROSS SECLER, THOMAS MCMAHON, JAYMAN A AVERY, III and BURTON S ODELSON; and the Candidate, MICHAEL E. MAYDEN.

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 was present during the examination of the registration records.

9. The Objector and/or his duly authorized representative was present during the examination of the registration records.

10. 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 Electoral Board's file in this case and a copy has been provided or made available to the parties.

11. 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 256;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 384;

C. The remaining number of signatures deemed valid as a result of the records examination total 235.

12. 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 official ballot as a candidate for the office of Council Member of the 5th Police District.

13. No motions were filed pursuant to Rule 8 of the Board's Rules of Procedure.

14. 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 235 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 Council Member for the 5th Police District, and that the Candidate's Nomination Papers should be found invalid.

15. 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 and incorporates the Hearing Officer's recommended findings and conclusions of law.

16. 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 MICHAEL E. MAYDEN are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of THOMAS L MCMAHON to the Nomination Papers of MICHAEL E. MAYDEN, candidate for election to the office of Council Member of the 5th Police District, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MICHAEL E. MAYDEN, candidate for the office of Council Member for the 5th Police District, 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 Thursday, January 5, 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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 28, 2023 CONSOLIDATED PRIMARY ELECTION FOR COUNCIL MEMBER OF THE FIFTH POLICE DISTRICT OF THE CITY OF CHICAGO

THOMAS L. MCMAHON	)	
	)	
Petitioner-Objector	)	
	)	**No. 23-EB-PDC-007**
vs.	)	
	)	
MICHAEL E. MAYDEN	)	
	)	
Respondent-Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

Objector, Thomas L. McMahon ("Objector"), timely filed an objection petition challenging the nomination papers for election of the office of Council Member of the Fifth Police District of the City of Chicago, County of Cook, State of Illinois filed by the Candidate Michael E. Mayden ("Candidate"). This matter was first heard on December 12, 2022. The Candidate was not present either in person or by counsel. The Objector was present by counsel Odelson, Sterk, Murphey, Frazier & McGrath, Ltd. The Electoral Board received an email from the Candidate prior to the start time of the hearing stating that he was taking his disabled 90 year old mother to the doctor and could not attend the hearing. The Candidate requested by email that the hearing be rescheduled. The Objector agreed that the Candidate established "good cause" for a continuance pursuant to the Election Commissioner's Rules of Procedure Rule 12. The hearing was continued until December 19, 2022.

The case was called again on December 19, 2022. Candidate appeared in person pro se. Objector again was present by counsel. The Exhibits were entered and identified. The Candidate and Objector concurred that all the objections were based on criteria that would be subject to review by a Records Examination. No preliminary motions were filed. No requests for subpoenas were made. A directive for a Records Examination was entered. The Records

Examination final report was served on the parties via email on December 29, 2022. No Rule 8 Motions were filed. A telephone status with the Candidate and the Objector's Attorney was conducted by the Hearing Officer on December 31, 2022. The Candidate requested the Hearing Officer continue the Hearing. The Hearing was continued until January 4, 2023.

On January 4, 2023 the Final Report of the Records Examination was entered as Exhibit E and indicated as follows:

1) Minimum signature requirement: 256

2) Total signatures: 384

3) Total objections: 264

4) Total sustained lines: 149

5) Total overruled lines: 25

6) For review Candidate: 0

7) For review Objector: 46

8) Total valid signatures: 235

9) Signatures fewer than the required minimum: 21

Neither the Candidate or the Objector wanted to enter any further evidence or make any further arguments. Accordingly, the Hearing Officer sustained the objections based on the results of the Final Report of the Records Examination. The Candidate did not meet the required minimum of 256 signatures on his petitions.

Recommendation

The Hearing Officer recommends that the Board make the following findings: 1) the objections of Thomas L. McMahon to Michael E. Mayden are sustained and the nomination papers for the Candidate, Michael E. Mayden, are deemed invalid and 2) that the Candidate's name, Michael E. Mayden, shall not be on the ballot for the office of Council Member of the Fifth Police District of the City of Chicago, County of Cook, State of Illinois for the Consolidated Primary Election to be held on February 28, 2023.

Please note this recommendation reverses the recommendation of EB-23-PDC-006 wherein the objections were overruled due to the Objector's default and the nomination papers of Candidate Michael E. Mayden were deemed valid.

Respectfully Submitted,

Ellen K. Raymond

Ellen K. Raymond, Hearing Officer
Submitted on: 1/5/23