

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

Objections of: Zehra Quadri)
)
)
To the Nomination) No.: 18-EB-SS-01
Papers of: Ram Villivalam)
)
Candidate for the nomination of the)
Democratic Party for the office of State)
Senator for the 8th Legislative District, State of)
Illinois)

FINDINGS AND DECISION

The duly constituted Electoral Board; consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairwoman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of Zehra Quadri ("Objector") to the nomination papers ("Nomination Papers") of Ram Villivalam, candidate for the nomination of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, March 20, 2018, having convened on Monday, December 18, 2017, 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 Monday, December 18, 2017 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman 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, Zehra Quadri, by Attorney Frank Avila; the Candidate, Ram Villivalam, Attorneys Burton S. Odelson, Ross D. Secler and Luke J. Keller.

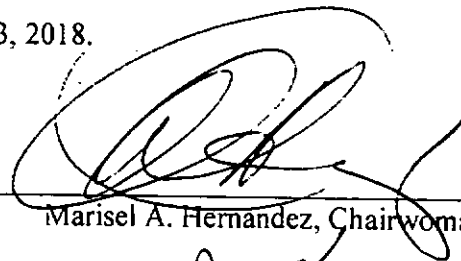
7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

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's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

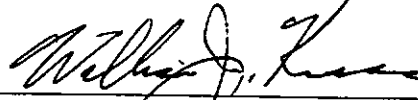
9. For the reasons stated above and within the Hearing Officer's Report and Recommended Decision, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of Zehra Quadri to the Nomination Papers of Ram Villivalam, candidate for the nomination of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Ram Villivalam, candidate for the nomination of the Democratic Party for the office of State Senator for the 8th Legislative District of the State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 20, 2018.


Dated: Chicago, Illinois, on Tuesday, January 23, 2018.



Marisel A. Hernandez, Chairwoman



William J. Kresse, Commissioner



Jonathan T. Swain, 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 OF THE CITY
OF CHICAGO AS THE DULY CONSTITUTED ELECTION BOARD**

ZEHRA QUADRI)	
)	
Objector)	18 EB SS 01
-v-)	
)	
RAM VILLIVALAM)	
)	
Candidate)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 18, 2017. The Objector appeared through counsel Frank Avila. The Candidate appeared through counsel Burton S. Odelson, Ross D. Secler and Luke J. Keller. The parties were given an opportunity to file preliminary motions. The candidate filed Candidate's Motion to Strike and Dismiss Verified Objector's Petition. No written response was filed by the Objector. However, the parties were given the opportunity to present arguments in support of and in opposition to the motion. Objector also filed a request for the issuance of subpoenas and the Candidate filed a Response in Opposition to the Subpoena Request. A copy of the Recommendation to deny the Objector's Subpoena Request is attached hereto. The request was subsequently denied by this Electoral Board.

THE CANDIDATE'S MOTION TO STRIKE AND DISMISS

The Candidate's motion, in pertinent part, alleged that the Objector's Petition contained "blatantly frivolous, convoluted, nonsensical and legally deficit allegations" which expose the nature of the objections as a fishing expedition. (Motion at par. 8). Candidate takes particular issue with the fact that objections are not consistently made against certain circulators (Motion at par. 11) and that there are numerous instances of inconsistent multiple objections against the same signer (Motion at par. 7). Finally, the Candidate argued that the purported pattern of fraud allegations at paragraphs 11,12 and 13 are insufficient on their face to constitute a cognizable pattern of fraud claim.

A review of the Objector's Petition establishes that paragraph 11 contains a general list of every type of potential issue that could give rise to a pattern of fraud, paragraph 12 contains a general statement regarding the conduct of two circulators and paragraph 13 contains a statement that unidentified circulators did not circulate and witness every signer sign the petitions. These paragraphs fail to put the candidate on notice as to the specific conduct engaged in by specific circulators and, as a result, makes it impossible for the Candidate to prepare a defense.

Accordingly, paragraphs 11, 12 and 13 were stricken. Additionally, in support of his contention that the Objector's Petition lacked a good faith basis and was, in effect, shotgunned, the Candidate filed a Notice to produce the Objector. In response to the Notice, the Objector appeared at the hearing and testified as to the steps taken in preparation of the Objector's Petition. These steps included but were not limited to her and others checking the board's records, using the internet to check addresses of circulators, and talking to individuals in the community who know her and who know the candidate and who claimed to have information about the circulation and/or notary process. The testimony of the Objector established that even if the Objector's Petition ultimately contained insufficient allegations, the Objector did make a reasonable inquiry in preparing the Objections and that there was no basis to strike the objections on the basis of the Objector's testimony.

OBJECTOR'S CASE IN CHIEF

It was acknowledged by the Objector that the Objector's Petition contained an insufficient number of sheet and line allegations to invalidate the nominating papers. Therefore, before a records examination was scheduled, a hearing was scheduled to address the numerous circulator issues raised in the Objector's Petition. In support of the Objector's allegations regarding certain circulators and their conduct in relation to the circulation process, Objector offered 14 affidavits which related to seven sheets of the nominating papers. Most of the affidavits were from signers who stated that the person who signed as circulator was not the

person who circulated the petition. Even if all of the signatures on the seven sheets called into question as a result of the affidavits were stricken in their entirety, the Candidate would have more than the minimum number of signatures required for placement on the ballot. Additionally, no cognizable argument was advanced by the Objector which would justify striking more than the sheets called into question.

CANDIDATE'S CASE IN CHIEF

In advance of the evidentiary hearing, Candidate filed a witness and extensive exhibit list. Inasmuch as the Objector presented insufficient evidence in support of the Objector's Petition, it was unnecessary for Candidate to proceed with Candidate's case in chief.

CONCLUSION

In light of the foregoing, it is my recommendation that the objections of Zehra Quadri to the nominating papers of Ram Villivalam be **overruled** and that the nominating papers of Ram Villivalam for the democratic nomination to the office of State Senator for the 8th Legislative District be deemed **valid** and that the name of Ram Villivalam for said office be printed on the ballot at the March 20, 2018 General Primary Election.

Respectfully submitted,



Barbara Goodman, Hearing Officer
1/16/18