

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

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Objections of: JERMAINE B. SHEPPARD )  
and IRIS L. HEARD )  
)  
To the Nomination ) No.: 07-EB-ALD-125  
Papers of: MICHELLE WINDING )  
)  
Candidate for the office of )  
Alderman of the Twentieth 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 and Richard A. Cowen, 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 JERMAINE B. SHEPPARD, Iris L. Heard, (“Objector(s)”) to the nomination papers (“Nomination Papers”) of MICHELLE WINDING, candidate for the office of Alderman of the Twentieth Ward in the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 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(s) 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Rodney Stewart for further hearings and proceedings.

6. The Objector(s) and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector(s), JERMAINE B. SHEPPARD, Iris L. Heard, by counsel, Kara; and the Candidate, MICHELLE WINDING, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its 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 Examiner 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 Objector(s) and/or their duly authorized representative was 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 Electoral Board's file in this case and a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. 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 137;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 295;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 227;

D. The remaining number of signatures deemed valid as a result of the records examination total 68.

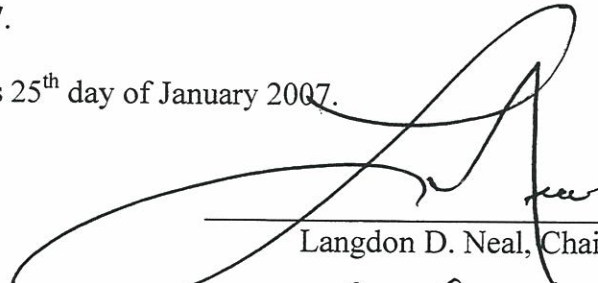
14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Twentieth Ward of the City of Chicago.

15. Based upon the evidence presented, the Hearing Examiner found that the Candidate's Nomination Papers contained only 68 valid signatures and that the Candidate's Nomination Papers should be found invalid.

16. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Nomination Papers of MICHELLE WINDING are not valid.

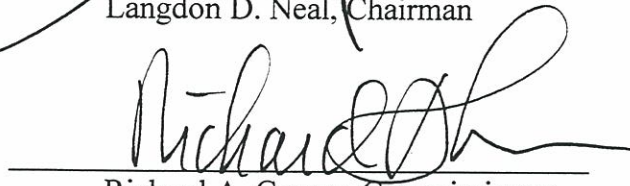
IT IS THEREFORE ORDERED that the Objections of JERMAINE B. SHEPPARD and IRIS L. HEARD to the Nomination Papers of MICHELLE WINDING, candidate for election to the office of Alderman of the Twentieth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MICHELLE WINDING, candidate for election to the office of Alderman of the Twentieth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 25<sup>th</sup> day of January 2007.



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Langdon D. Neal, Chairman



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Richard A. Cowen, 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 10 days after the decision of the Electoral Board.

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

JERMAINE B. SHEPPARD and  
IRIS L. HEARD,  
Objectors,

and

No. 07-EB-ALD-125

MICHELLE WINDING,  
Candidate.

**Recommended Findings of Fact and Decision**

The Objector's Petition challenging the number of valid signatures on the Candidate's nomination petitions and the Candidate's Response was properly filed.

The Candidate filed a Motion to Strike and Dismiss the Objector's Petition and a Response was filed. A hearing was conducted on January 10, 2007. Argument by both parties was presented and the motion was denied.

The Candidate challenged the Objector, Iris Heard contending that the Objector married and utilized a maiden name when signing the Objector's Petition. The Candidate further contended that the Objector's name is was actually Iris Trotter at the time the Objector's Petition was completed and signed. The Objector, Iris L. Heard also known as Iris L. Trotter, thru her attorneys, did not contest this argument and withdrew her as an Objector to the Petition resulting in Jermaine B. Sheppard being named as the sole objector to the Petition.

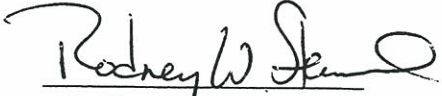
A Record Examination was ordered on January 2, 2007 and was completed by an employee of the Board of Election Commissioners on January 16, 2007. The Candidate needs at least 137 valid signatures on his nomination petitions in order to remain on the ballot for Alderman. A hearing was conducted on January 17, 2007 but less than the 24 hour period allowed in order to permit the Candidate to file a petition pursuant to Rule 8 if desired. The hearing was continued to January 18, 2007 and the results of the Record Examination conducted on January 16, 2007 were admitted into evidence demonstrating that the Candidate had 68 valid signatures, some 69 valid signatures less than required. The Objector rested on his

Objections and the Candidate rested on the results of the Record Examination. The Candidate never filed a Motion pursuant to Rule 8 in order to rehabilitate any of the signatures contained in her Nomination Petitions that were sustained and as a result was never able to offer or present any evidence that sought to rehabilitate any of the signatures that were sustained during the Record Examination conducted pursuant to Rule 6.

The Candidate filed a Motion to Strike pursuant to Rule 10. The Candidate's Rule 10 motion sought to dismiss the Objector's petition after alleging that the different times stamped on the Objector's Petition raised a question of fraud and improprieties. Board of Election employee, Charles Holiday was called to testify and stated that on the day the Objector's Petition was filed, the time stamp machine was not working properly and a second machine was, in all probability, used. The first machine time stamped the Objector's Petition approximately one hour faster than the actual time but there was no question that the Petition was filed prior to 5:00 p.m. because the petition would have indicated that if a petition was accepted after 5:00 p.m., it would have been so noted on the petition. Furthermore, the only way that such a petition would have been accepted was if the person filing was inside of the office prior to 5:00 p.m. After such testimony, the Hearing Examiner determined that the Objector's Petition was properly and timely filed.

It is recommended that the name of the Candidate, Michelle Winding not appear on the February 27, 2007 ballot for Alderman in the 21<sup>st</sup> Ward.

Date: January \_\_, 2007

  
Rodney W. Stewart  
Hearing Examiner