

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

Objections of: YVETTE WILLIAMS,)	
VIRGIL E. JONES)	
)	
)	
To the Nomination)	No. 08-EB-RGA-16
Papers of: ANDRE THAPEDI)	
)	(rel. case RGA-23)
)	
Candidate for the office of Representative)	
in the General Assembly, 32nd, District,)	
State of Illinois, Democratic Party)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 YVETTE WILLIAMS and VIRGIL E. JONES ("Objectors") to the nomination papers ("Nomination Papers") of ANDRE THAPEDI, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd District, State of Illinois ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 November 20, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Gerald B. Mullin for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objectors, YVETTE WILLIAMS and VIRGIL E. JONES, appearing *pro se*; and the Candidate, ANDRE THAPEDI, appearing by this attorney, Llwellyn Thapedi.

7. Objectors' sole objection to the Candidate's Nomination Papers is that the Candidate filed nomination papers for two offices – Representative in the General Assembly for the 32nd Representative District and Judge of the Circuit Court, 5th Judicial Sub-circuit – but the Candidate failed to withdraw one of such nomination papers before the statutory deadline for doing so. As a result, the Objectors' argue that the Candidate's name should not be certified to the ballot.

8. Section 7-12 (9) provides in part, "If petitions for nomination have been filed for the same person for two or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the five business days following the last day for petition filing." This section further provides that, "If he fails to withdraw as a candidate for all but one of such offices within such time his name shall not be certified, nor printed on the primary ballot, for any office."

9. The parties stipulated that the two offices for which the Candidate filed nomination papers were incompatible. However, the Candidate contended that he filed a withdrawal as to the judicial office within the time permitted by the statute.

10. The deadline for filing nomination papers for the offices for which the Candidate filed nomination papers was November 5, 2007. The fifth business day following the last day for petition filing was November 13, 2007.

11. The parties stipulated that the Candidate's withdrawal of his candidacy for the office of Judge of the Circuit Court was, in fact, filed with the State Board of Elections on November 13, 2007 before the close of business at 5 p.m.

12. The Objectors argued that because Rule 16 of the Chicago Board of Election Commissioners' Rules of Procedure includes Saturday as a business day, the Candidate's withdrawal on November 13, 2007 was beyond the five business days following the last day for petition filing permitted under Section 7-10 of the Election Code.

13. The Hearing Examiner took judicial notice on the Board's 2008 Election Calendar wherein it states, on page 16, "Tuesday, November 13, 2007 Last day for a

candidate for whom nomination papers have been filed for two or more offices which are incompatible to withdraw as a candidate for all but one of such offices." Therefore, the Hearing Examiner found that the Candidate's withdrawal of his candidacy for Judge of the Circuit Court was timely filed and recommends that the Objections be overruled.

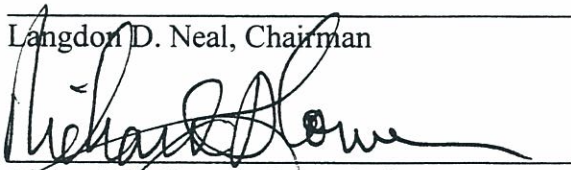
14. The Electoral Board adopts the Hearing Examiner's recommended findings and conclusions of law. The Electoral Board further finds that the Board's Rules of Procedure determining what constitutes a business day for purposes of electoral board proceedings is not controlling or determinative of what constitutes a business day for purposes of the statutory deadline for filing withdrawals of nomination papers for incompatible offices under Section 7-12(9) of the Election Code. Therefore, the Electoral Board finds that the Objections are overruled as a matter of law.

15. The Electoral Board finds that there is another objection filed against the Candidate's Nomination Papers in case 08-EB-RGA-23 which will determine whether the Candidate's Nomination Papers are valid and whether the Candidate's name will appear on the ballot.

IT IS THEREFORE ORDERED that the Objections of YVETTE WILLIAMS and VIRGIL E. JONES to the Nomination papers of ANDRE THAPEDI, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd District, State of Illinois, are hereby OVERRULED and a determination of whether the Candidate's Nomination Papers are valid will be made in case number 08-EB-RGA-23.

Dated: Chicago, Illinois, this 26th day of November 2007.

Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernández, 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.