

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

Objections of: ANDRE THAPEDI)	
)	
)	
)	
To the Nomination)	No. 08-EB-RGA-30
Papers of: YVETTE WILLIAMS)	
)	(rel. case RGA-21)
)	
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 ANDRE THAPEDI ("Objector") to the nomination papers ("Nomination Papers") of YVETTE WILLIAMS, 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 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 November 20, 2007 and was continued from time to time.

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

6. The Objector 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 Objector, ANDRE THAPEDI, appearing by counsel, Llwellyn Thapedi; and the Candidate, YVETTE WILLIAMS, appearing pro se.

7. The Candidate filed a motion to strike and dismiss the Objections on the grounds that the Objections did not fully state the nature of the objection sufficiently to apprise the Candidate of what was being objected to as required by Section 10-8 of the Election Code.

8. The Hearing Examiner, after conducting a hearing and receiving argument, granted the Candidate's motion and strike the Objector's Petition in its entirety.

9. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be stricken and dismissed because they do not comply with the requirements of Section 10-8 of the Election Code.

10. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law. A copy of the Hearing Examiner's Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

11. For the reasons stated above, the Electoral Board strikes and dismisses the Objections to the Candidate's Nomination Papers.

12. The Electoral Board further finds that there are other objections filed against the Candidate's Nomination Papers in 08-EB-RGA-21 and that the results in those objections will determine whether the Candidate's Nomination Papers are valid or invalid.

IT IS THEREFORE ORDERED that the Objections of ANDRE THAPEDI to the Nomination papers of YVETTE WILLIAMS, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 32nd Representative District, State of Illinois, are hereby STRICKEN AND DISMISSED and that the decision whether the Candidate's Nomination Papers are valid or invalid will be made in case number 08-EB-RGA-21.

Dated: Chicago, Illinois, this 11th day of December 2007.

Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, 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.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS
OF CANDIDATES FOR NOMINATION TO THE OFFICE OF
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 32ND
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS TO BE VOTED
UPON AT THE FEBRUARY 5, 2008 PRIMARY ELECTION**

ANDRE THAPEDI,)	
Petitioner-Objector,)	
)	
v.)	08-EB-RGA-30
)	
YVETTE WILLIAMS,)	
Respondent – Candidate.)	

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HEARING EXAMINER’S RECOMMENDED DECISION

1. That the Respondent – Candidate, YVETTE WILLIAMS, filed Nomination Papers for nomination to the Office of Representative in the General Assembly for the 32nd Representative District of the State of Illinois, Democratic Party to be voted upon at the 2008 Primary Election to be held on February 5, 2008.

2. That the Petitioner– Objector, ANDRE THAPEDI, filed a petition objecting to the Nomination Papers of the Candidate.

3. That on November 20, 2007 this matter appeared on the Board of Elections initial trial call. The Objector appeared in person and by counsel and the Candidate appeared pro se'. The Hearing Examiner entered certain Board Exhibits into evidence including: Board Exhibit A consisting of the Candidate's Nomination Papers, Board Exhibit B consisting of the Objector's Petition and Attachments, Board Exhibit C consisting of the Call and Proof of Service of the Call, and Board Exhibit D consisting of the parties Appearances. The Candidate indicated her intention to file a Motion to Strike and Dismiss and the Hearing Examiner set a briefing schedule and continued the matter for argument on the Candidate's Motion to Strike and Dismiss.

4. On November 28 and December 3, 2007 the Hearing Examiner heard argument on the Candidate's Motion to Strike and Dismiss the Objector's Petition. The Candidate argued that the Objector's Petition fails to fully state the nature of the objections as required by section 10-8 of the Election Code. The Objector argued that the pleading were sufficient and that the Addendum to the Objector's Petition fully plead an allegation of a pattern of fraud by the Candidate and that a hearing should proceed on the issue of whether the Candidate engaged in a pattern of fraud, and if so, whether all of the Nominating Petition Sheets circulated by the Candidate should be invalidated.

5. Section 10-8(b) of the Election Code provides that the objector's petition "shall fully state the nature of the objections to the certificate of nomination or nomination papers."

6. Objector's Petition made the following objections to the Candidate's Nomination Papers:

"Many signatures are from out of the Representative District; more than enough are not registered in the Representative District, and many signatures do not match the voters registration card." *Pg 2 of Objector's Petition.*

"Upon a close and fair review of the Circulator's Affidavits on the bottom of each of Candidate's petition, it is clear that many are, upon information and belief, false and were known to be false when made by specific circulators because (1) many of the signatures on the affiant's sheets are not genuine; (2) many of the persons were not qualified to sign Candidate's petition and such fact was known to the affiant/Circulator; and (3) many of the signatures in the Candidate's petition were not signed in the presence of the affiant/Circulator. *Pg 3 of Objector's Petition.*

"Candidate, however, submitted many signatures from persons who reside outside of the 32nd Representative District. More specifically, the persons claimed to be identified on the page numbers and line numbers set forth in the Appendix Recapitulation do not reside in the 32nd Representative District... " *Pg 4 of Objector's Petition.*

"Candidate, however, submitted many signatures from persons who are not registered as qualified primary electors in the 32nd Representative District. In fact, the persons claimed to be identified on the page numbers and line numbers set forth in the Appendix Recapitulation are not registered voters in the 32nd Representative District..." *Pg 4 of Objector's Petition.*

"Candidate submitted several signatures that did not include the signers street address nor the signers city, village or town." *Pg 5 of Objector's Petition.*

"Candidate submitted a substantial number of signatures that are both printed and additionally do not match the signature on the voters registration card." *Pg 6 of Objector's Petition.*

"... Several other signatures are not genuine because although they were written (not printed), that did not match the voters registration card" *Pg 6 of Objector's Petition.*

7. The Addendum to the Objector's Petition set forth numerous sheet and line numbers alleging double signatures and an allegation of a pattern of fraud engaged in by the candidate.

8. The Objector's Petition did not have an attached "Appendix Recapitulation" in which the individual signatures objected to were identified and the "Addendum" attached to the Objector's Petition was not incorporated by reference or mentioned in the four corners of the Objector's Petition.

9. Objections which refer to and purportedly incorporate and "Appendix – Recapitulation" that is not, in fact, attached to the objector's petition fail to fully state the nature of the objection and are therefore dismissed. *Thomas v. Swiss, 04-EB- WC-46, January 23, 2004; Robertson and Hurston v. Moseley-Braun, 99-EB-ALD-001, CBEC, January 19, 1999; Fouladi v. Ladien, 95-EB-MUN-5, CBEC , January 17, 1995.*

Objection Petition merely stating that the candidate's petition sheets contain a number of

persons who are not registered voters, that petition sheets contain the name of persons who do not live in the district and also persons who print and that the nomination papers contain signatures that are not genuine does not fully state the nature of the objections and is invalid. *Elysee v. Patterson, 04-EB-RGA-14, January 20, 2004.*

10. In the instant case the objections contained in the Objector's Petition do not identify the signatures objected to by sheet and line, the Appendix – Recapitulation referred to in the petition does not exist, and therefore each and every objection contained in the Objector's Petition is invalid for failure to fully state the nature of the objection as required by statute.

11. The Objector's Petition does not allege a "pattern of fraud" and does not incorporate the addendum attached to the Objector's Petition and therefore said objection is also overruled. Also, even if the addendum were considered part of the Objector's Petition, the signatures identified as double signatures (printed and signed) do not rise to the level of irregularities in which a "pattern of fraud" has been found by the Board in the past and is factually and legally insufficient. Furthermore, the objector identifies essentially 80 instances in which double signatures occurred and the Candidate filed petition sheets containing some 1900 signatures.

12. It is the recommended decision of the Hearing Examiner that the Candidate's Motion to Strike and Dismiss the Objector's Petition be granted, and that the Objector's Petition be ruled invalid and stricken in its entirety for failure to fully state the nature of the objections to the Candidate's nominating papers as required by Section 10-8 of the Election Code.



Hearing Examiner, Frank A. Tedesso