

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

Objections of: YVETTE WILLIAMS)	
)	
)	
)	
To the Nomination)	No. 08-EB-WC-17
Papers of: LATASHA THOMAS)	
)	
)	
Candidate for the office of Ward)	
Committeeman for the 17th Ward of the)	
City of Chicago, 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 ("Objector") to the nomination papers ("Nomination Papers") of LATASHA THOMAS, candidate for election to the office of Ward Committeeman for the 17th Ward of the City of Chicago, Democratic Party ("Candidate"), having convened on November 26, 2007, at 11:00 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 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner William P. Jones 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, YVETTE WILLIAMS, appearing *pro se*; and the Candidate, LATASHA THOMAS, appearing by counsel, James P. Nally.

7. 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 overruled and that the Nomination Papers be found valid.

8. 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.

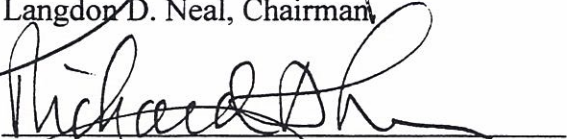
9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of YVETTE WILLIAMS to the Nomination Papers of LATASHA THOMAS, candidate for election to the office of Ward Committeeman for the 17th Ward of the City of Chicago, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of LATASHA THOMAS, candidate for election to the office of Ward Committeeman for the 17th Ward of the City of Chicago, Democratic Party, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 7th 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.

SERVICE ATTACHED

BEFORE THE CHICAGO BOARD OF
ELECTION COMMISSIONERS

Hearing Examiner's Report

Yvette Williams,)	
)	
Petitioner-Objector,)	
)	No. 08-EB- ^{WC} 88 -17
vs.)	
)	
Latasha Thomas,)	
)	
Candidate.)	

2007 DEC - 3 A 11:01

EXAMINER'S FINDINGS AND RECOMMENDATIONS

1. The initial hearing on this matter commenced at 11:00 a.m. on November 26, 2007. The Objector appeared *pro se* and the Candidate appeared through legal counsel, Mr. James Nally.
2. Board Group Exhibits A through D were identified, marked and admitted as Candidate's Papers, the Objectors' Petition, the Sheriff's Return of Service and the Appearances, respectively.
3. Counsel for the Candidate stated an intent to file a Motion To Strike and Dismiss and the *pro se* objector requested leave to file a response. Further, this matter was set for hearing upon the Candidate's Motion to Strike and Dismiss at 1:00 p.m. on November 30, 2007.
4. The parties timely filed their pleadings and served copies of the pleadings upon their opponent.
5. Essentially, the Objector's Petition alleges that the Statement Of Candidacy erroneously includes the terms "...municipal general elections..." Additionally, the Objector's

Petition states that the Nomination Papers include the terms "...primary election ...". Objector argues that when these two documents are read together, voter confusion occurs.

6. The hearing upon the Candidate's Motion To Strike and Dismiss began with counsel for the Candidate arguing that the case of *Lewis v. Dunne*, 63 Ill.2d 49, 344 N.E.2d 443 (1976) controls the result of this matter. Candidate argued that the Statement of Candidacy (which in fact contains the terms "municipal general election") is a document reviewed by election officials and is not read or reviewed by voters/signers. Therefore, Candidate argued that no voter confusion occurred. The Objector proceeded and largely reiterated the contents of her "Motion to Sustain Objection" which document stood as her response to the Candidate's Motion. The Objector reiterated her reliance upon *Lawlor v. Municipal Officers Electoral Board*, 28 Ill.App.3d 823, 329 N.E.2d 346 (1st Dist, 1975). During the presentation of argument the Objector conceded that the contents of the Nomination Papers were correct. Objector further conceded that no voter confusion occurred.

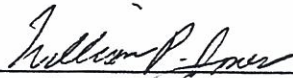
7. At the time of hearing, the Hearing Examiner orally concluded that the contents of the Nomination Papers are correct and comply with section 7-10 of the Illinois Election Code, 10 ILCS 5/7-10. Further, the Hearing Examiner finds that the contents of the Nomination Papers do not confuse the voters/signers. Additionally, the Hearing Examiner notes that although the Statement Of Candidacy does in fact include the terms "municipal general election" no voter/signer confusion would result because this document is not a document that is reviewed by voters/signers. The Hearing Examiner concludes that the Statement of Candidacy complies with Section 7-10 of the Election Code.

8. The above findings are supported by principles enunciated in *Lewis v. Dunne*, supra, and *Salgado v. Marquez*, 356 Ill.App. 3d 1072, 828 N.E.2d 805 (2nd Dist. 2005).

Additionally, the Hearing Examiner finds that the holding in *Lawlor, supra* does not apply to this matter.

9. For all the foregoing reasons, the Candidate's motion to dismiss being granted, the Hearing Examiner recommends that the name of Latasha Thomas appear on the ballot for nomination to the office of Democratic Ward Committeeman for the 17th Ward of Chicago, County of Cook, State of Illinois.

Date: 12/3, 2007



Hearing Examiner
William P. Jones

HP LaserJet 3050

Fax Call Report

HP LASERJET FAX

Dec-3-2007 11:08AM

Job	Date	Time	Type	Identification	Duration	Pages	Result
499	12/ 3/2007	11:07:12AM	Send	17734244370	0:00	0	No answer

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

YVETTE WILLIAMS
Objector(s)

vs.

LATASHA THOMAS
Candidate

Case No. 08-EB-WC-17

APPEARANCE

The undersigned hereby makes his/her appearance (either *pro se* or by attorney (circle one)) for YVETTE WILLIAMS and designates the following address and telephone number(s) for Service or Notice of Filing pursuant to Rules 2 and 15 of the Electoral Board's Rules of Procedure:

Name: YVETTE WILLIAMS
(print your name here)

Address: 6943 South Winchester
(print your street address, suite, room, unit or apartment number here)

Chicago, IL Zip 60636
(print your city, village or town and State here) (print your Zip Code here)

Telephone Number(s): 773.727.7136 773.727.7136
(office) (home)

I agree to accept service by facsimile at the following fax number: 773.424.4370

Date: 11/26/07

Check here if you are a licensed attorney: Yvette Williams
(sign your name here)

IMPORTANT NOTE: An objector or a candidate may appear in person on his or her own behalf ("pro se") and participate in the Electoral Board proceedings, or they may be represented by an attorney licensed to practice law in the State of Illinois. Non-attorneys may not appear on behalf of or represent another party in Electoral Board proceedings, but non-attorneys may participate in records examinations or additional records examinations under Rules 6 and 7 of the Electoral Board's Rules of Procedure. See Rule 2 of the Electoral Board's Rules of Procedure for more detailed explanation.

IMPORTANT NOTE: The numbers listed shall be available for calls during the Board's working hours, including Saturdays, Sundays and Holidays.

BOARD
GROUP EXHIBIT D
Appearances

Left Message Available
on 12/03 11:15 AM Report
in office

HP LaserJet 3050

Fax Call Report

HP LASERJET FAX

Dec-3-2007 11:06AM

Job	Date	Time	Type	Identification	Duration	Pages	Result
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**BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD**

<u>William</u> Objector(s)	}	
vs.	}	Case No. <u>08 EB WC 17</u>
<u>Thomas</u> Candidate	}	

APPEARANCE

The undersigned hereby makes his/her appearance (either pro se by attorney (circle one)) for Candidate and designates the following address and telephone number(s) for Service or Notice of Filing pursuant to Rules 2 and 15 of the Electoral Board's Rules of Procedure:

Law Office of
Name: James P. Nally PC
(print your name here)

Address: 8 S. Michigan #3500
(print your street address, suite, room, unit or apartment number here)

Chicago, IL Zip 60603
(print your city, village or town and State here) (print your Zip Code here)

Telephone Number(s) 312-422-5560
(office) (home)

I agree to accept service by facsimile at the following fax number: 312-346-7999

Date: 11/24/07

Check here if you are a licensed attorney: [Signature]
(sign your name here)

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