

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

Objections of: ALDOPHUS 'AL' KINDLE)	
and RITA PERRY)	
)	
)	
To the Nomination)	No. 08-EB-WC-21
Papers of: WARDELL LAVENDER)	
)	
)	
Candidate for the office of)	
Ward Committeeman for the 20th 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 ALDOPHUS 'AL' KINDLE and RITA PERRY (“Objectors”) to the nomination papers (“Nomination Papers”) of WARDELL LAVENDER, candidate for election to the office of Ward Committeeman for the 20th Ward of the City of Chicago, Democratic Party (“Candidate”), having convened on November 26, 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 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 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Mario Correa 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(s), ALDOPHUS 'AL' KINDLE and RITA PERRY, appearing by counsel, Richard K. Means; and the Candidate, WARDELL LAVENDER, appearing on his own behalf. Attorney Bruce Nash entered an appearance on behalf of the Candidate on December 3, 2007.

7. The Objectors raised several objections to the Candidate's Nomination Papers, including the allegation against the validity of individual signatures identifying them by sheet and line and that the Candidate's petition did not contain a sufficient number of valid signatures to meet the minimum signature requirement for the office sought.

8. The Hearing Examiner ordered that an examination of the registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

9. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

10. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

11. The Objectors or their duly authorized representative(s) were present during the examination of the registration records.

12. 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

13. The results of the records examination conducted in this case indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 305;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 505;

C. The number of signatures deemed invalid because of objections sustained during the records examination total 311;

D. The remaining number of signatures deemed valid total 194.

14. At a subsequent hearing, Charles Holiday, a supervisor in the Board's Registration Department, appeared and testified that the findings for petition sheet 27 was missing. The Objectors conceded that sheet 27 contained 10 signature that were objected to, and even if all 10 signatures were overruled the Candidate would still have only 204 valid signatures, well below the 305 minimum.

15. The Hearing Examiner found that the Candidate only objected to 14 of the record examiner's findings during the Rule 6 records examination. Therefore, even assuming all 14 of those signatures were restored to the Candidate, he would still be 87 signatures below the minimum signature requirement of 305.

16. 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 sustained and that the Nomination Papers be found invalid.

17. 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.

18. The Electoral Board finds that the Candidate has an insufficient number of valid signatures on his Nomination Papers to be placed upon the official ballot as a candidate for election to the office of Ward Committeeman for the 20th Ward of the City of Chicago, Democratic Party.

19. The Electoral Board finds, therefore, that the objections to signatures on certain sheets and lines as listed in the Objectors' Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.


20. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Nomination Papers of WARDELL LAVENDER are not valid.

IT IS THEREFORE ORDERED that the Objections of ALDOPHUS 'AL' KINDLE and RITA PERRY to the Nomination Papers of WARDELL LAVENDER, candidate for election to the office of Ward Committeeman for the 20th Ward of the City of Chicago, Democratic Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of WARDELL LAVENDER, candidate for election to the office of Ward Committeeman for the 20th Ward of the City of Chicago, Democratic Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

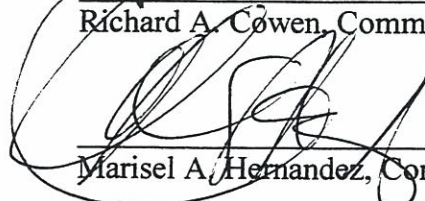
Dated: Chicago, Illinois, this 14th day of December, 2007.



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.