

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

Objections of: Edwin Cobb)	
)	
)	
To the Nomination)	No.: 12-EB-NPP-02
Papers of: Lance Tyson)	
)	(Rel. Case No. 12-EB-NPP-01)
Candidate for the nomination of the 10th)	
District Unity Party for the office of)	
Representative in the General Assembly for the)	
10th Representative District, State of Illinois)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago 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 Edwin Cobb (“Objector”) to the nomination papers (“Nomination Papers”) of Lance Tyson, candidate for the nomination of the 10th District Unity Party for the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois (“Candidate”) at the General Election to be held on November 6, 2012, having convened on July 10, 2012, at 4:00 P.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 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 July 10, 2012 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Edwin Cobb, by attorney Ivan Tomic; the Candidate, Lance Tyson, by attorney James Nally.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition.

8. Subsequent to the filing of the Candidate's motion to strike and dismiss, Objector's counsel filed a motion to withdraw as counsel. The motion was granted and the Objector represented himself *pro se*.

9. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Candidate's motion to strike and dismiss the Objector's Petition be granted, that the Objections to the Candidate's Nomination Papers be dismissed and that the Nomination Papers be declared valid.

10. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's


recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

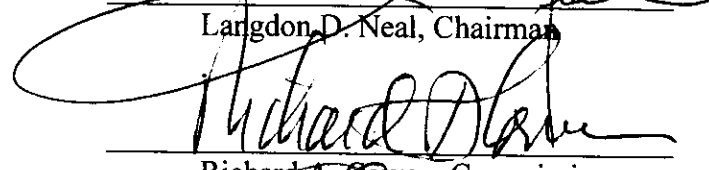
11. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

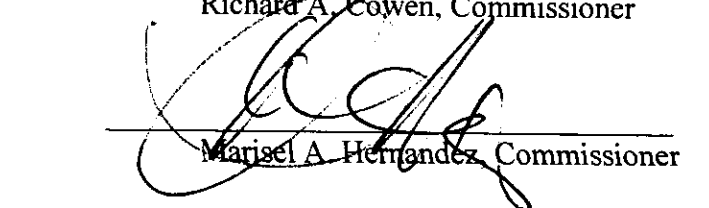
12. The Electoral Board further finds that in another objection to the Candidate's Nomination Papers in case 12-EB-NPP-01 the objections were withdrawn and the Electoral Board also found there that the Candidate's Nomination Papers were valid.

IT IS THEREFORE ORDERED that the Objections of Edwin Cobb to the Nomination Papers of Lance Tyson, candidate for the nomination of the 10th District Unity Party for the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois, are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of Lance Tyson, candidate for the nomination of the 10th District Unity Party for the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois, SHALL be printed on the official ballot for the General Election to be held on November 6, 2012.

Dated: Chicago, Illinois, on August 7, 2012.


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 5 days after service of the decision of the Electoral Board.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE NOVEMBER 6, 2012 GENERAL ELECTION**

EDWIN COBB)
)
 Objector)
)
 -v-)
)
 LANCE TYSON)
)
 Candidate)

12 EB NPP 02
(related NPP 01)

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BOARD OF ELECTIONS
COMMISSIONER

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on July 11, 2012. The Objector appeared through counsel Ivan Tomic and the Candidate appeared through counsel James Nally. The parties were given an opportunity to file preliminary motions. Candidate filed a Motion to Strike and Dismiss. Subsequent thereto, the Objector's counsel filed a Motion to Withdraw as counsel which was granted and the Objector represented himself pro se. The Objector filed a response (entitled a Reply) to the Motion to Strike and Dismiss. Thereafter, a hearing was held on the Motion to Strike and Dismiss.

The first issue raised in the Objector's Petition as Count I is that the candidate , who is a candidate in the 10th District Unity Party, failed to file a full slate of candidates. The uncontested facts are that the candidate is a new party candidate seeking election in the 10th Representative District and is the only candidate of the new party. Candidate moved to strike this allegation in that the new political party was not obligated to be formed beyond the 10th Representative

District and there is only one office in the 10th Representative District to be elected.

Candidate's argument is correct. There was no obligation on the part of the candidate to file a slate of candidates outside the 10th Representative District. As such, the filing of her petition for the only office to be elected in the 10th Representative District is sufficient and in compliance with Section 10-2 of the Election Code. 10 ILCS 5/10-2. Accordingly, it is my recommendation that Count I be stricken.

The next issue raised in the Objector's Petition as Count II is that the 10th District Unity Party is a "fiction and fraud" (Objector's Petition Count II, page 2). Objector contends that the new party is designed to deceive the voters in the district because it is composed entirely of democrats and the new party has no intention of maintaining or promoting the party. Candidate moves to strike this allegation in that there is no prohibition that the new party supporters could not have also supported an established party in the past.

Candidate's argument is persuasive. The Election Code provides no prohibition which would stop persons who may have supported an established political party from forming or supporting a new political party. Moreover, the intentions or motives underlying the formation of the new party or the possible conduct of the new party in the future are not relevant in this proceeding. Count II, in my opinion, fails to state a cognizable basis upon which the nominating papers can be invalidated. Accordingly, it is my recommendation that Count II be stricken.

The third issue raised by the Objector as Count III is that the persons listed as officers do not have the authority to nominate candidates. Candidate moves to strike this allegation in that the filing of a certificate of officers is required in Section 10-5 of the Election Code. 10 ILCS 5/10-5. While the failure to file a certificate of officers does not invalidate the nominating

papers, it would preclude the party from filling a vacancy in nomination. In this case, there is no issue regarding the authority to fill vacancies. Candidate correctly points out that the inclusion of the certificate or officers or its lack of inclusion does nothing to invalidate the nominating papers. Accordingly, it is my recommendation that Count III be stricken.

Candidate also moves to strike the Objector's Petition because it fails to state the Objector's interest as required by 10-8 of the Election Code. 10 ILCS 5/10-8. A review of the Objector's Petition indicates that the Objector has failed to state his interest and therefore the Objector's Petition fails to comply with Section 10-8. Accordingly, it is my recommendation that the Objector's Petition be stricken and dismissed in its entirety on this basis as well.

RECOMMENDATION

In light of the foregoing, it is my recommendation that the Candidate's Motion to Strike and Dismiss be granted and that the objections of Edwin Cobb be stricken and dismissed. It is my further recommendation that the nominating papers of candidate Lance Tyson be deemed **valid** and that the name of candidate Lance Tyson for the office of Representative in the General Assembly for the 10th Representative District be printed on the ballot at the November 6, 2012 General Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Examiner
August 2, 2012

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