

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

Objections of: Scott Davis)
)
)
To the Nomination) No.: 14-EB-RGA-14
Papers of: Ann M. Williams)
)
Candidate for the nomination of the)
Democratic Party for the office of)
Representative in the General Assembly of the)
11th 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 Scott Davis (“Objector”) to the nomination papers (“Nomination Papers”) of Ann M. Williams, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly of the 11th Representative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013, at 9:00 a.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.

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 result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500, with a maximum signature requirement of 1,500.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,457.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 421.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,036.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the nomination of Democratic Party to the office of Representative in the General Assembly for the 11th Representative District of the State of Illinois.

15. The Hearing Officer conducted a hearing to allow the Objector an opportunity to present evidence in support of his Rule 8 motion objecting to the Board's clerk's findings during the records examination. Objector moved to continue the hearing, arguing that he needed more

time to subpoena and bring in five circulators to testify. The Candidate filed a motion for a directed finding, arguing that even if all of the valid signatures remaining after the record examination on sheets circulated by the five witnesses were invalidated, the Candidate would still have 587 valid signatures, which exceeds the 500 minimum signature requirement for the office in question. After some discussion during which the Objector agreed with the calculations presented by the Candidate in her motion for directed finding, the Hearing Officer found that even if the Objector could produce the five witnesses he sought and even if Objector prevailed in invalidating the remaining signatures on petition sheets circulated by those witnesses, the Candidate would still have had a sufficient number of valid signatures (587) to qualify for the ballot. Accordingly, the Hearing Officer denied the Objector's motion to continuance and granted the Candidate's motion for a directed finding.

16. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained more than the minimum number of valid signatures required by law to be placed upon the ballot as a candidate of the Democratic Party for the office of Representative in the General Assembly for the 11th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found valid.

17. The Objector filed a motion and request to address the Electoral Board pursuant to Rule 20 of the Board's Rules of Procedure. Objector argued that the Hearing Officer erred in calculating the amount of signatures remaining if all of Objector's objections to circulators were sustained. Objector claimed that he objected to 51 pages of petitions based on the circulator's signature not being genuine and the circulator not circulating the petitions. Objector claimed

these 51 petition sheets contained 824 signatures and if his objections to these signatures were sustained, only 212 valid signatures would remain.

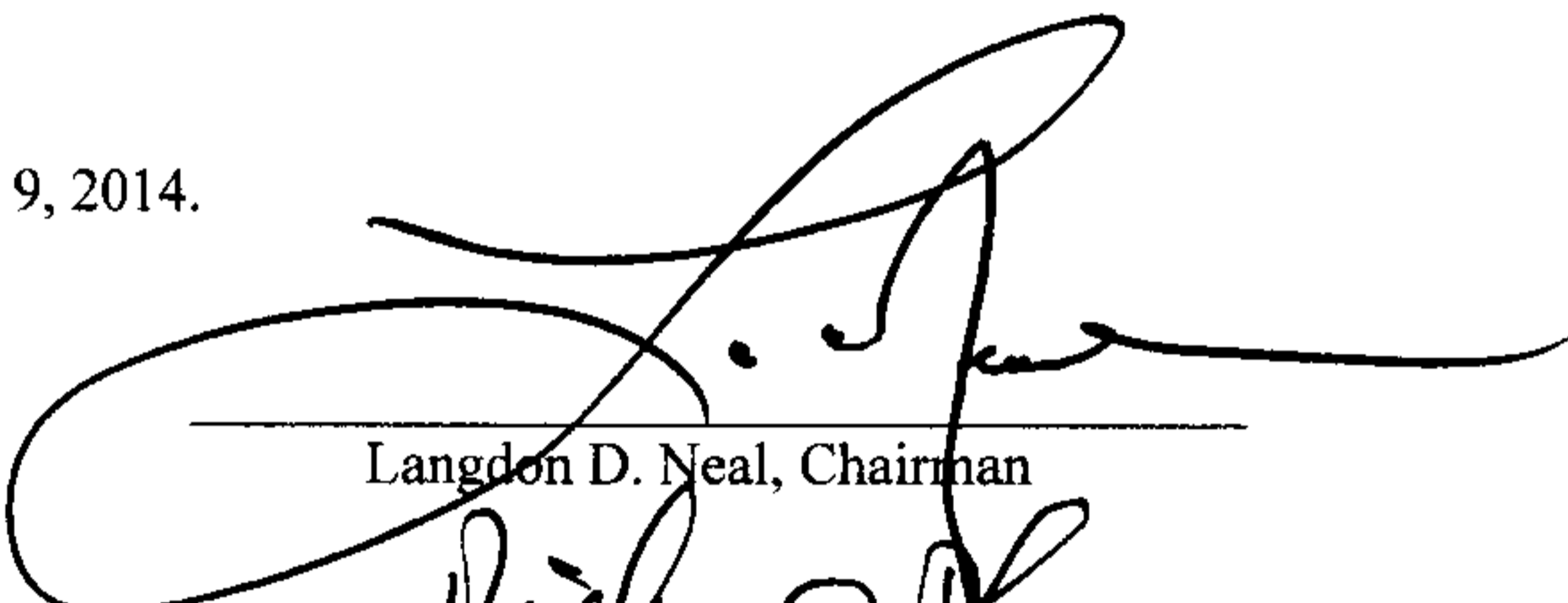
18. The Electoral Board finds, however, that the Objector preserved, at best, the right to contest only the petition sheets circulated by the five individuals he identified in his request for subpoenas before the deadline imposed by the Hearing Officer for the production and exchange of evidence, witness lists, documents and affidavits. Objector repeatedly stated on the record that he intended to call only the five circulators he identified on his subpoena request and that the only evidence he intended to present would be limited to those five circulators. Before the Hearing Officer, the Objector made no attempt to present evidence beyond the 36 petition sheets circulated by the five named individuals in his subpoena request. Rule 20 of the Board's Rules of Procedure provides that the parties will, in general, be bound by the record from the proceedings before the hearing officer unless the Electoral Board determines that the presentation of new or additional evidence or the re-opening of the hearing is in the interests of fairness, equity or substantial justice. The Electoral Board finds that the presentation of new evidence or the re-opening of the hearing is not warranted or justified in this case. The Electoral Board further finds that the Hearing Officer did not err in denying the Objector's motion for continuance or in granting the Candidate's motion for directed finding.

19. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer's Recommended Findings and Decision is attached hereto and incorporated as a part of the Electoral Board's decision in this matter as though fully set forth therein.

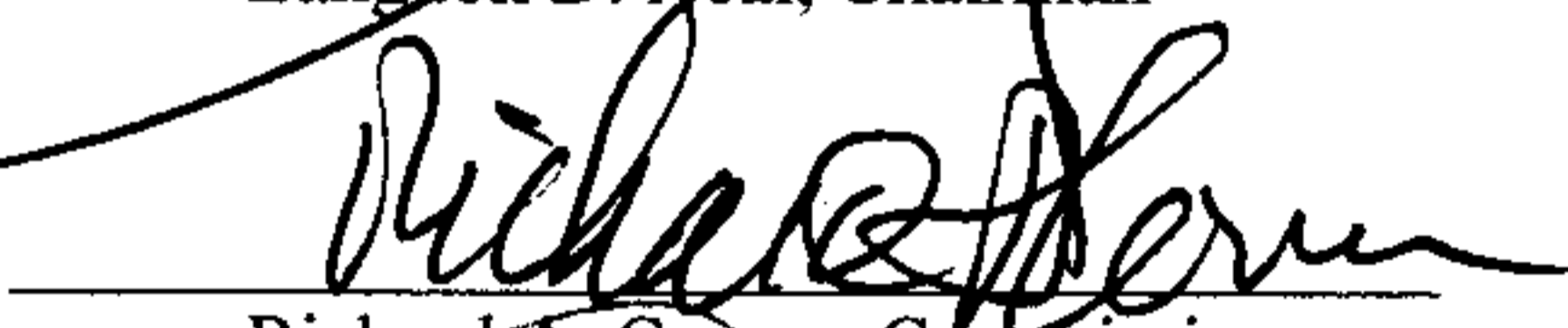
20. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Ann M. Williams are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of Scott Davis to the Nomination Papers of Ann M. Williams, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 11th Representative District of the City of State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Ann M. Williams, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 11th Representative District of the City of State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 18, 2014.


Dated: Chicago, Illinois, on January 9, 2014.



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**

SCOTT DAVIS,)
Objector) **14-EB-RGA-014**
)
v.)
)
ANN M. WILLIAMS,) **Mary C. Meehan**
Candidate) **Hearing Officer**

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BOARD OF ELECTIONS
COMMISSIONER

RECOMMENDED FINDINGS AND DECISION

The above named cause came to be heard before the Chicago Board of Election Commissioners ("The Board") on the verified objection petition of Scott Davis ("the Objector") to the nomination papers of Ann M. Williams("the Candidate") for the Office of Representative in the General Assembly from the 11th Representative District of the State of Illinois for the Democratic Party. Mary C. Meehan, Hearing Officer finds and recommends as follows:

1. The initial hearing in this matter was conducted on December 16, 2013. Attorney Thomas Cosgrove filed an Appearance on behalf of the Objector. Attorney Michael Kasper filed an Appearance on behalf of the Candidate.
2. The Candidate filed a Motion to Strike and Dismiss on December 16th, 2013. The parties responded and replied in a timely manner, on December 17th and 18th respectively. After hearing oral arguments, the motion was denied. On December 27th, 2013 at approximately 3:44 p.m. the records exam was complete and notice of the Final Petition Summary Report was emailed to all parties. The records exam found a total valid signature amount of 1036 signatures, 536 signatures greater than the required minimum. Objector filed a timely Rule 8 Motion for Evidentiary Hearing.

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 was held on these Objections commencing on December 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Mary C. Meehan for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, Scott Davis, by his attorney, Thomas G. Cosgrove; and the Candidate, Ann M. Williams, by her attorney, Michael J. Kasper.

7. The Candidate filed a motion to strike and dismiss the Objector's Petition. After hearing oral arguments, the motion was denied.

8. The Hearing Officer ordered that an examination of the voter 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 Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

10. The Candidate and/or her duly authorized representative was present during the examination of the registration records.

11. The Objector and/or his duly authorized representative was present during the examination of the registration records.

3. On December 30th, 2013 at 11:00 a.m. a status hearing was conducted. All parties acknowledged receipt of the Final Petition Summary Report. The purpose of this status hearing was to narrow the issues, discuss evidence and schedule an evidentiary hearing. By agreement of the parties, a schedule to exchange evidence for the evidentiary hearing was set. All evidence and information was due to each party by 5:00 p.m., January 3rd, 2013. Also by agreement, the evidentiary hearing was scheduled for January 4th, 2013 at 9:30 a.m. A final status telephonic conference was conducted on January 3rd at 5:30 p.m. The Objector stated issues remaining for hearing were issues pertaining to the circulators.
4. At the beginning of the evidentiary hearing on January 4th, 2013, the Objector requested a Motion to Continue. The Objector stated that he was unable to serve the notaries and circulators in question. The Objector presented evidence of his attempts to serve the witnesses. He intended on calling five witnesses who were circulators or notaries. The Objector admittedly had no evidence in regards to signers and was relying on having entire petition sheets invalidated. The motion was denied due to the fact that even if all of the Objector's objections in regards to the named circulators and notaries were sustained, and those petition sheets were stricken in their entirety, the Candidate would still possess enough valid signatures. In other words, even if the Objector prevailed at Evidentiary Hearing, the Candidate's total valid signatures would be reduced by a total of 449. The Candidate would still have a sufficient number of valid signatures (587) to qualify for the ballot ($1,036 - 449 = 587$). Accordingly, the Candidate's Motion for a Directed Finding was granted.
5. For the reasons stated above, this Hearing Officer finds and recommends the following:
 - a. The Nominating Papers of the Candidate, Ann M. Williams are valid;
 - b. The name of Ann M. Williams be printed on the ballot for the Office of State Representative in the General Assembly for the 11th District, State of Illinois in the General Primary Election of March 18, 2014.

Entered this 6th Day of January 2013

Mary C. Meehan /s/

Mary C. Meehan
Hearing Officer