BCCOFF-RGA

**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 MARCH 21, 2000 GENERAL PRIMARY ELECTION
FOR STATE SENATOR, REPRESENTATIVE IN THE GENERAL ASSEMBLY
AND WARD COMMITTEEMAN IN THE CITY OF CHICAGO**

Objections of: TERESA GAIL SANCHEZ	)	
	)	
To the Nomination	)	
Papers of: ANTHONY WILLIAMS	)	
	)	No. 00-EB-RGA-011
Candidate for the office of	)	
Representative in the General Assembly, 23rd	)	
Representative District, Democratic Party	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Theresa M. Petrone, 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 TERESA GAIL SANCHEZ ("Objector") to the nomination papers ("Nomination Papers") of ANTHONY WILLIAMS, candidate for nomination to the office of Representative in the General Assembly for the 23rd Representative District, Democratic, Party ("Candidate"), having convened on January 10, 2000, 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.

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 January 10, 2000 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner LYNNE OSTFELD 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 Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing: the Objector, TERESA GAIL SANCHEZ, by counsel; and the Candidate, ANTHONY WILLIAMS, by counsel.

7. 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.

8. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the record examination.

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

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

11. 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 Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties.

13. The Electoral Board finds that:

    a. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 300;

    b. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 908;

    c. The number of signatures deemed invalid because of objections sustained total 413;

d. The remaining number of signatures deemed valid total 495.

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 placed upon the official ballot as a candidate for nomination to the office of Representative in the General Assembly for the 23rd Representative District, Democratic Party.

15. The Electoral Board finds, therefore, that paragraph(s) 5-19 of the Objectors(s)' Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. The remaining issue to be decided was whether the Candidate was a resident of the 23rd Representative District during the requisite time period. He stated that he lives at 6443 S. Laflin, Chicago, which the parties agree is in the 23rd Representative District. The Objector claims that the Candidate lives at 14926 S. Avalon, Dolton, which the parties agree is outside the 23rd Representative District.

17. The Electoral Board finds that a candidate for the office of Representative in the General Assembly must reside in the district which he is to represent for two years preceding his election, as provided in Article IV, Section 2(c) of the Illinois Constitution.

18. The Candidate argues that it is his intent to reside at a certain place that determines his residency for voting purposed, while the Objector contends that it is the person's acts showing a residence at a certain place that is determinative.

19. Relevant case law decisions hold that in determining residency for voting purposes, one's acts are what is most important, not his intent, and that the question is decided based on the accumulation of facts and circumstantial evidence in each individual case. *Walsh v. County 0fficers Electoral Board of Cook County*, 267 Ill. App. 3d 9723, 642 N.E.2d 843 (2nd Dist. 1994); *Dillavour v. County Officers Electoral Board of Sangamon County,* 260 Ill. App. 3d 127, 623 N.E.2d 1127 (4th Dist. 1994); *Delk v. The Board of Election Commissioners of The City of Chicago*, 112 Ill. App. 3d 735; 445 N.E.2d (1st Dist. 1983); 1232 *Moses v. Wright*, 88-EB-REP-4, CBEC (Jan. 28, 1988).

20. The Objector presented five witnesses and 27 documents to support her contention that the candidate, ANTHONY WILLIAMS, does not live at 6443 S. Laflin, Chicago, Illinois, but, rather, at 14926 S. Avalon, Dolton, Illinois. The evidence including the following:

A. The Candidate owns the real estate at 14926 S. Avalon, where his wife and two of his four children reside, and has owned this property since 1987, although it is owned under an alias;

B. He is registered to vote from 6443 S. Laflin, Chicago, which is the family home, where he grew up, and where his sister, Jamesetta Kidd, and her family reside (top floor) as well as his own daughter, Yvette Hobson (first floor), but he sleeps on a pull-out bed in his sister's front room and keeps clothes in a chest of drawers in his nephew's room, a nephew who is currently away at school;

C. The Candidate has incorporated numerous companies and businesses during the past ten to fifteen years (e.g., The New Revelation Church, incorporated 7/15/91 [exhibit #21], Concern Christian Coalition, 11/15/95 [exhibit #22], First African Community Tabernacle [exhibit #23], African American Christian Business Men Association, Inc., 11/25/98 [exhibit #24]) and has used the Avalon address both to receive mail, as the registered agent, and as his residential address, which information was required of him by the Illinois Secretary of State, in his capacity as a member of the board of directors, although he also incorporated Nehemiah Ministers, Inc., on 4/21/86 and listed his address as 6443 S. Laflin, Chicago (exhibit #20);

D. The Candidate owned a vehicle, 1FMCU14T7KUB44020, which he purchased on August 23, 1997, while a resident at 14926 Avalon. The vehicle was registered to him under the name Anthony Williams at 14926 Avalon on September 31, 1998, when he applied for his vehicle sticker, and he sold it on September 22, 1999, with the transfer of title indicating his address to be 14926 Avalon (exhibit #19);

E. The Candidate has been involved in two bankruptcy actions as a debtor (94 B 24427 and 97 B 36970) since 1994, with numerous claims against him both under the name Anthony Williams as well as one of two other aliases;

F. The Candidate uses three names for his activities and property ownership: Anthony Williams, Wayne A. Williams and Anthony A. Moten;

G. Handwriting expert, Diane Marsh, examined the Objector's exhibits 1-19, containing the names of Anthony Williams, Wayne Williams and Anthony Moten, and found the signatures to have been all written by the same person;

H. The Candidate filed his federal income tax returns for 1997 and 1998 stating that his residence was 14926 Avalon, Dolton, and claimed one dependent, Nehemiah Williams, in 1997, and two dependents, Sharon Williams and Solomon Williams, in 1998.

21. The Candidate testified in his own behalf and presented testimony from his sister, Jamesetta Williams Kidd, as well as a neighbor to the effect that:

A. The Candidate has always lived at 6443 S. Laflin and intends that this be his residence;

B. The Candidate is registered to vote from 6443 S. Laflin, was registered there since he turned 18 years of age, and he only changed registration once during a brief period in 1999;

C. The Candidate has only lived briefly at 14926 Avalon since purchasing it in 1987 and that only "off and on" because of his obligations and love for his children;

D. The Candidate continued to live in the family home at 6443 S. Laflin shortly after buying the Avalon Avenue property because of his mother's illness with cancer, and ultimate death;

E. The Candidate continued to reside at 6443 S. Laflin after this death because of an incident in approximately 1994 whereby his wife reported to the Department of Children and Family Services behavior of his toward his son Nehemiah, behavior which caused him to commit great sums of money and effort to retain custody of and contact with his son Nehemiah;

F. The Candidate's move for four to six months to an address on Peoria Street in the 23rd Representative District, and his registration to vote from this address, was not an intent to terminate his residence at 6443 S. Laflin and he, in fact, re-registered at the Laflin address when the church allowing him to live in the parsonage on Peoria decided to rent it out;

G. The Candidate's only reason for using the 14926 Avalon address on the legal papers submitted at the hearing was because the mail delivery to 6443 S. Laflin is insecure, particularly inasmuch as it does not arrive on a regular basis until between 3:00 p.m. and 6:00 p.m.;

H. The Candidate does not have a checking account or utility accounts in his name because of his financial problems resulting in the two bankruptcy filings.

22. The Hearing Examiner had the opportunity to observe the demeanor and credibility of the Candidate as a witness and found the Candidate's testimony to be unreliable, disingenuous and occasionally dishonest due to his hostility to being questioned during the hearing and for the following specific instances:

A. The Candidate's driver's license was suspended on October 21, 1995 for using false information or identification (exhibit #14) and he did not explain this;

B. The Candidate has two young children by his current wife but claimed throughout the hearing that he never lived at the Avalon address but only stayed there off and on out of fatherly love and duty;

C. The Candidate contended that he stayed on a pullout bed in his sister's living room rather than in his own house in Dolton because he has always lived at the Laflin address in Chicago;

D. When asked about his use of aliases, the Candidate replied that he did so because of errors when he was born and errors by the mortgage company in mistitling his real estate;

E. When asked a direct question if he had straightened these errors out and put things in his name, "Anthony Williams", he refused to answer, contending that he was working on it;

F. When asked if his wife knew that he was running for political office, he first said that he did not know, then said that he assumed she did, and then

only admitted that she knew that he was running when he was showed his nominating petitions and the fact that she had notarized all of them;

G. The Candidate and his counsel delayed the hearing by 60 to 75 minutes disputing the service of document subpoenas on the candidate, which caused the Objector to produce the process server to testify about making personal service on the candidate, with the end result that the candidate agreed that he had received one of the subpoenas, he produced some of the documents, and he showed them to the Objector, although initially disputing the Objector's right to see the information contained therein.

These findings from watching and listening to the Candidate during the hearing were reinforced by his use of aliases, the continual accumulation of debts necessitating the two bankruptcy cases, and the frequent creation of corporations that were soon thereafter involuntarily dissolved by the State of Illinois.

23. The Electoral Board finds, therefore, that the Candidate's testimony that he intends to use and does use the 6443 S. Laflin Street address as his permanent address is not credible and is unsupported by the evidence. The weight of the evidence in this matter indicates that the Candidate does not reside at 6443 S. Laflin Street, Chicago, but rather resides at 14926 Avalon, Dolton, Illinois. Thus, the Electoral Board finds that the Candidate does not reside within the 23rd Representative District of the State of Illinois and has not resided in such District for at least two years. The Electoral Board finds, therefore, that the Candidate does not meet the residency qualifications as set forth in Article IV, Section 2(c) of the Illinois Constitution.

24. For the reasons stated above, the Electoral Board sustains paragraphs 20-22 of the Objector's Petition and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of TERESA GAIL SANCHEZ to the Nomination Papers of ANTHONY WILLIAMS, candidate for nomination to the office of Representative in the General Assembly for the 23rd Representative District, Democratic Party, are hereby SUSTAINED for the reasons and to the extent set forth above and said Nomination Papers are hereby declared INVALID and the name of ANTHONY WILLIAMS, candidate for nomination to the office of Representative in the General Assembly for the 23rd Representative District, Democratic Party, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 21, 2000.

Dated: Chicago, Illinois, this 4th day of February, 2000.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, 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.