NBCON-RGA

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

Objections of: JOSEPH WILLIAM SNEED	)
	)
To the Nomination	)
Papers of: ANNAZETTE R. COLLINS	)
	) No. 02-EB-RGA-14
Candidate for the office of Representative in the	)
General Assembly, 10th 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, Theresa M. Petrone and Richard A. Cowen, 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 JOSEPH WILLIAM SNEED to the nomination papers ("Nomination Papers") of ANNAZETTE R. COLLINS, candidate for the nomination to the office of Representative in the General Assembly for the 10th Representative District, Democratic Party ("Candidate"), having convened on January 8, 2002, 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 8, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Frank A. Tedesso 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, JOSEPH WILLIAM SNEED, by counsel; and the Candidate, ANNAZETTE R. COLLINS, by counsel.

7. The Candidate filed a Motion to Strike and Dismiss the Objector's petition. The Hearing Examiner granted the Candidate's motion as to paragraph 5 of the Objector's petition, but denied the Candidate's motion with respect to paragraph 4 of the Objector's petition.

8. The only remaining objection is that the Candidate does not reside at 3519 West Walnut Street, Chicago, Illinois, the address listed in her Statement of Candidacy, and that she has not resided at said address for the requisite amount of time, thus rendering her Nomination Papers fatally flawed and invalid.

9. On January 29, 2002, an extensive evidentiary hearing was conducted by the Hearing Examiner. The Objector, the Candidate and their respective attorneys appeared at this hearing. Based on the testimony and evidence presented during the hearing, the Hearing Examiner found, for the reasons stated in the Hearing Examiner's Recommended Decision, a copy of which is attached and incorporated herein, that the Candidate does in fact reside at 3519 West Walnut Street as stated in her Statement of Candidacy and has resided at that address in excess of two years preceding the November 5, 2002 election. Therefore, the Hearing Examiner recommends that the Objector's objections to the Candidate's Nomination Papers will be overruled.

10. The Electoral Board hereby adopts the recommended findings and decision of the Hearing Examiner and finds that the Candidate resides at the address listed on her Statement of Candidacy and has resided at said address for the requisite period of time. Accordingly, the Electoral Board overrules the Objections and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of JOSEPH WILLIAM SNEED to the Nomination papers of ANNAZETTE R. COLLINS, candidate for nomination to the office of Representative in the General Assembly for the 10th Representative District, Democratic Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of ANNAZETTE R. COLLINS, candidate for nomination to the office of Representative in the General Assembly for the 10th Representative District, Democratic Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 19, 2002.

Dated: Chicago, Illinois, this 4th day of February, 2002.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY, 10TH REPRESENTATIVE DISTRICT, COOK COUNTY, ILLINOIS

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BOARD OF ELECTION

JOSEPH WILLIAM SNEED,	)	
Petitioner – Objector,	)	
	)	
v.	)	**02-EB-RGA-14**
	)	
ANNAZETTE COLLINS,	)	
Respondent – Candidate.	)	

HEARING EXAMINER'S RECOMMENDED DECISION

The Respondent – Candidate, ANNAZETTE COLLINS, filed Nomination Papers for nomination to the Office of Representative in the General Assembly, 10th Representative District, Illinois, Democratic Party, to be voted upon at the General Primary Election to be held on March 19, 2002. The Petitioner – Objector, JOSEPH WILLIAM SNEED, filed a petition objecting to the Nomination Papers of the Candidate on the grounds that the Candidate does not reside at the address shown on the Nomination Papers and that the Nomination Paper's are invalid in their entirety, and that the Candidate continues to reside outside the 10th Representative District rendering the Nomination Papers fatally flawed and invalid.

On January 7, 2002 this mater appeared on the initial trial call. The Hearing Examiner granted the Candidate leave to file a Motion to Strike and the Objector leave to respond to Candidate's Motion. The matter was then continued until January 14, 2002 for hearing on Candidate's Motion to Strike and scheduling of any further hearings.

On January 14, 2002, a hearing was had on Candidate's Motion to Strike and Dismiss. The Hearing Examiner granted Candidate's motion as to paragraph 5 of

Objector's Petition and denied the Candidate's Motion as to paragraph 4 of the Objector's Petition finding that paragraph 4 of the Objector's Petition provided the Candidate with notice that the Objector challenged the Candidate's residency at 3519 W. Walnut. The Hearing Examiner then allowed the issuance of certain subpoenas and continued the matter until January 25, 2002 for an evidentiary hearing.

On January 16, 2002, the Respondent- Candidate filed a motion asking the Board to reconsider the Hearing Examiner's denial of Candidate's Motion to Strike and Dismiss paragraph 4 of the Objector's Petition, and the Board denied Candidate's Motion to Reconsider. On January 25, 2002, the matter was continued for evidentiary hearing until January 29, 2002 at 1:00 p.m. for an evidentiary hearing by agreement of the parties.

On January 29, 2002 this matter came before the Hearing Examiner for an evidentiary hearing on Objector's Petition. The Objector appeared in person and by his attorney, Gloria Chevere, and the Respondent- Candidate appeared in person and by her attorney, Burton Odelson.

In support of his objections, Petitioner – Objector presented the Petitioner's Exhibits#1, Petitioner's Exhibit #2, Petitioner's Exhibit #3, and Petitioner's Exhibit #4. Petitioner's Exhibit #1 is a copy of the old Representative District Map; Petitioner's Exhibit #2 is a copy of the newly redistricted Representative District Map; Petitioner's Exhibit #3 is small map of the newly redistricted 10th Representative District, and Petitioner's Exhibit #4 is a small map of the old 25th Representative District. The Hearing Examiner received these exhibits into evidence. The Petitioner – Objector also asked the Hearing Examiner to take notice of the Candidate's Statement of Candidacy which indicated an address of 3519 W. Walnut, Chicago, Illinois for the Candidate. The

Objector also sought introduction of Petitioner's Exhibit #5 being a Board generated list of registered voters registered at 3519 W. Walnut.

Petitioner-Objector then called Myron N. Schrieber, an employee of the City of Chicago Water Department. Mr. Schrieber testified that he was responding to a subpoena for water records for the following addresses: 3519 W. Walnut and 6127 S. Woodlawn, Unit C. Mr. Schrieber further testified that 3519 W. Walnut has one meter and the account is in the name of Herbert Collins. Mr. Schrieber testified that the account is listed in the name of Anthony Briggs at the address of 6127 S. Woodlawn, Unit C, and that Mr. Briggs' name appears in 3 or 4 other units at the Woodlawn Property. Mr. Schreiber further testified that Petitioner's Exhibit #6 are the water records for the address at 3519 W. Walnut and that Petitioner's Exhibit #7 are the water records for 6127 S. Woodlawn, Unit C. Petitioner's Exhibit #6 and #7 were received into evidence. Mr. Schreiber then testified that he brought additional documents that are not proprietary of the Water Department but were documents provided by the Water Department's on-line title provider that the Water Department utilizes to reconcile account issues. Mr. Schreiber indicated that these records indicate that Annazette Collins is the owner of the property located at 6127 S. Woodlawn, Unit C and that she acquired title to the property on May 28, 1999. Petitioner then moved for admission of Petitioner's Exhibit #8 being the documents generated by the Water Department's on-line title service and said exhibit was received into evidence. On Cross-Examination, Mr. Schreiber admitted that by these records he can determine who owns 6127 S. Woodlawn, but they do not indicate who actually lives at that address.

Objector then called Assistant Executive Director Bob Sawicki who testified that the address 3519 W. Walnut is located in both the old 10th representative district and the newly redistricted 10th Representative District. Mr. Sawicki further testified that 6127 S. Woodlawn is in both the old and newly redistricted 25th Representative District and that the old 25th District does not have any commonality with the newly redistricted 10th Representative District.

The Petitioner-Objector then called Linda R. Thomas who testified that she was present here from a subpoena served upon her employer, SBC Ameritech, in response to three subpoenas: one for any and all service and billing records for Annazette Collins at 6127 S. Woodlawn, Unit C, Chicago, Illinois; one for any and all service and billing records for the telephone number: 773-324-1498, and one for any and all service records for Annazette Collins at 3519 W. Walnut, Chicago, Illinois. The witness testified that Petitioner's Exhibit #9 are the billing records for the phone service at 6127 S. Woodlawn from January 2000 until December 2001, and that the phone number on the bill is (773) 324-1498. She also stated the bills are mailed to Annazette Momon, Apartment C, 6127 S. Woodlawn. Petitioner's Exhibit # 9 was received into evidence. The witness further testified that Petitioner's Exhibit #10 are the service records for (773) 324-1498 from July 2000 through December 2001. When asked if there were any records for a phone service in the name of Annazette Collins at the address of 3519 W. Walnut, the witness assumed that there were not, and if they did, they would have been included in order to comply with the subpoena. On cross-examination the witness stated that it is possible that Ameritech was still processing the request for records in regard to 3519 W. Walnut, and that their absence does not mean that they definitely do not exist.

Petitioner-Objector then sought the admission into evidence of the following exhibits and the Hearing Examiner received them as evidence:

1. Petitioner's Exhibit # 11 being a subpoena issued and served upon Peoples Energy Corp for any and all service and billing records for Annazette Collins at 3519 W. Walnut, Chicago, Illinois from May 1999 to present;
2. Petitioner's Exhibit #12 being Peoples Energy records for 3519 W. Walnut. Said records reveal service at said address in the name of Herbert Collins;
3. Petitioner's Exhibit # 13 being a subpoena issued and served upon Peoples Energy Corp for any and all service and billing records for Annazette Collins at 6127 S. Woodlawn, Unit C, Chicago, Illinois from May 1999 to present;
4. Petitioner's Exhibit #14 being Peoples Energy records for service at 6127 S. Woodlawn, Chicago, Illinois in the name of R. Momon;
5. Petitioner's Exhibit #15 being a copy of a Judgement of Dissolution of Marriage entered on February 19, 1997 in Case No. 97 D 1356 and the case being entitled: In re the Marriage of Annazette Collins-Momon and Michael Momon;
6. Petitioner's Group Exhibit #16 consisting of the Subpoena served upon the Chicago Board of Education seeking personnel and contractual records regarding Annazette Collins and any records regarding Annazette Collins and Chicago Board of Education personnel file for Annazette Collins;
7. Petitioner's Exhibit #17 being a subpoena issued to Commonwealth Edison requesting any and all service records for Annazette Collins at 3519 W. Walnut, Chicago, Illinois from may 1999 to present;
8. Petitioner's Exhibit #18 consisting of Commonwealth Edison records indicating service at 3519 W. Walnut, Unit 2 in the name of Herbert Collins;
9. Petitioner's Exhibit #19 being a subpoena issued to Commonwealth Edison requesting any and all service records for Annazette Collins at 6127 S. Woodlawn, Unit C, Chicago, Illinois from May 1999 to present;
10. Petitioner's Exhibit #20 being Exelon Corporation records indicating electric service at 6127 S. Woodlawn, Unit C in the name of Annazette Momon.

Petitioner-Objector then sought to admit a letter from the legal department of Exelon Corporation as Petitioner's Exhibit #21. Candidate-Respondent objected on the grounds that the document was not generated in response to the subpoena, is hearsay, and

that the Candidate is severely prejudiced by his inability to cross-examine. The Hearing Examiner sustained the Candidate's objection and Petitioner's Exhibit #21 was not admitted into evidence.

Petitioner-Objector then sought the admission of the following exhibits that were received into evidence:

1. Petitioner Group Exhibit # 22 being certified copies of Mortgage Documents recorded against 6127 S. Woodlawn with the borrower being Annazette Collins, the mortgage document dated May 28, 1999 included an occupancy clause as paragraph 6 of the mortgage;
2. Petitioner's Exhibit # 23 being a subpoena to the Illinois Department of Children and Family Services for any and all Personnel Records for Keith Langston from May 1999 thru the present;
3. Petitioner's Exhibit #24 being redacted DCFS personnel records indicating an address for Keith Langston at 39 N. Mason, Chicago, Illinois;
4. Petitioner's Exhibit # 25 being a copy of the Marriage Certificate issued to Annazette Collins and Keith Langston indicating a date of marriage of August 11, 2001;

Petitioner then called Ms. Margaret Louise Wilkens as a witness. Ms. Wilkens testified that she resides at 217 N. Austin, Chicago, Illinois, is 48 years of age and self employed doing janitorial service. Ms. Wilkens also testified that she is a Notary Public and has been a Notary for 6 years. Ms. Wilkens testified that she visited the 6100 block of South Woodlawn and spoke with two individuals, Lenny Hood and Andrew Wallace. Ms. Wilkens was shown Petitioner's Exhibit #26 and identified it as an affidavit of Lenny Hood. Ms Wilkens testified that she witnessed Lenny Hood sign the affidavit and that he did so under oath. Ms. Wilkens was then asked to identify Petitioner's Exhibit # 27 which she identified as an affidavit signed by an Andrew Wallace. She testified that she witnessed Mr. Wallace sign the affidavit. Ms. Wilkens further testified that the affiants did not fill in the handwritten information on #26 and #27, but that others filled in those blanks in front of the affiant. Ms. Wilkens also testified that she advised both that they

were signing the document under oath, but that she did not personally administer an oath to the affiant. Over the objection of the Candidate the Hearing Examiner admitted Petitioner's Exhibits #26 and #27.

Ms. Wilkens was then shown Petitioner's Group Exhibit #28 which she identified as follows: #28A as a picture of the security entry key pad at 6127 S. Woodlawn indicating 13 as Collins, #28B being a picture of the property at 6127 S. Woodlawn, and #28C being a different view of the property at 6127 S. Woodlawn. Ms. Wilkens also testified regarding Petitioner's Group Exhibit # 29 which she identified as follows: #29A being a picture of the property located at 3519 W. Walnut, #29B being a picture of the rearview of 3519 W. Walnut, #29C being a close up shot of the rearview of 3519 W. Walnut, and #29D being a street view of Walnut Street.

On cross-examination, Ms. Wilkens stated that she does not know Representative Collins, that she has never been inside 6127 N. Woodlawn, Unit C, and that she has no personal knowledge as to where Annazette Collins sleeps.

Petitioner-Objector then called Aloysius Ward who testified that he resides at 3142 W. Walnut and works with kids in the community since 1992. Mr. Ward testified that he walks by 3519 W. Walnut on a daily basis and is familiar with the street. When asked who lives there, Mr. Ward stated that Annazette Collin's father, Herbert Collins, lives there and he is aware that Annazette visits him. Mr. Ward testified that he has never witnessed a car with State Representative Plates on Walnut Street and that the residence at 3519 W. Walnut does not have a garage. On cross-examination Mr. Ward testified that he just knows Herbert Collins and the last time he saw him was in the summertime. Mr. Ward testified that he does not know the Candidate and does not know if she lives at

3519 W. Walnut. Mr. Ward indicated that he is a friend of the Objector and that no one paid him for his testimony.

At the conclusion of Mr. Ward's testimony, the Petitioner-Objector rested and the Candidate renewed their Motion to Strike and made a motion for a directed finding. The Hearing Examiner denied the Candidate's motions and proceeded to hear evidence presented by the Candidate.

The Candidate called Alderman Ed Smith. Alderman Smith testified that he resides at 3215 W. Warren and is the Alderman for the 28th Ward of the City of Chicago and is the Democratic Ward Committeeman for the 28th Ward. Alderman Smith testified that he has served as Alderman for 18 years and as Committeeman for 17 years. Alderman Smith testified that he selected Annazette Collins to run in the last election, and Annazette Collins resides at 3519 W. Walnut. Alderman Smith testified that he has dropped the Candidate off at the Walnut Address, and he has on occasion dropped her off at the Woodlawn address where her husband resides. Alderman Smith testified that the Candidate's daughter resides at 3519 W. Walnut and that he has no doubt that the Candidate resides at 3519 W. Walnut. Alderman Smith further testified that he is very close to Representative Collins and is in daily contact with her. Alderman Smith further testified that he is aware that Annezette Collins is seeking to construct a new residence located on Monroe Street. Alderman Smith further testified that he knew the 6127 S. Woodlawn Property as an investment property and that Annazette Collins does not reside at the Woodlawn Property. On cross-examination Alderman Smith testified that the Candidate's daughter's last name is Momon and that he believes she attends Lincoln Academy. Alderman Smith further testified that the 1st floor of the property at 3519 W.

Walnut is under renovation, and that the Candidate has married Keith Langston and that he lives at 6127 S. Woodlawn.

The Candidate then called Mr. Leo S. McCord as a witness who testified that he has resided on Walnut Street since 1959 and that the Candidate has resided at 3519 W. Walnut for the majority of her life. That he saw the Candidate at the Walnut Street address this morning and the time before that being "last night". Mr. McCord testified that he sees the candidate at 3519 W. Walnut 2 to 3 times per week and that the Candidate's daughter "Angel" lives at 3519 W. Walnut where she shares a bedroom with her mother on the second floor. Mr. McCord testified that he has never been to the Woodlawn address and has no knowledge of who lives there. He testified that he has driven the Candidate to 3519 W. Walnut and that he assumes she sleeps at the Walnut address. On cross-examination Mr. McCord testified that Ms. Collins has a car and that she parks it on the street, and the vehicle has State Representative Plates. He also affirmed that Ms. Collins resides on the Second Floor of the property due to work being done on the first floor.

The Candidate then called Barbara Collins, Candidate's mother, who testified that Annazette and her daughter reside in the front bedroom on the second floor at 3519 W. Walnut. That the First Floor is being rehabbed and that there is no doubt in her mind that Annazette Collins resides at 3519 W. Walnut. Barbara Collins further testified that her husband passed away in April of 2000 and that the bills still come in his name. On cross-examination the witness was shown Petitioner's Exhibit #5 and testified that her son Craig lives at 3519 W. Walnut, her son Jeffery used to live there, her daughter Rosalind lives in the basement, her sister in law Yvette no longer resides there, Karen Shelby used

to occupy the 1st Floor and Patricia Wiliams is a sister in law who lives across the street. The witness further testified that Keith Langston lives at the Woodlawn Address and that upon the completion of the renovation on the 1st Floor Annazette and her family were to live on the first floor. Barbara Collins was then shown Petitioner's Exhibit #30 being the voter registration of Keith Langston at 3519 W. Walnut and the witness affirmed that he does not live there.

The Candidate then called Craig Malone Collins who testified that he is the Candidate's' brother and resides at 3519 W. Walnut. Craig Collins testified that the Candidate and her daughter have resided continuously at the Walnut Address since just prior to her divorce, and that he sees her "just about everyday" at 3519 W. Walnut address when she is not in Springfield. The witness was questioned concerning the rehab work on the first floor and he testified that he has been doing said work on and off since June of 2001. The witness then identified several receipts as receipts for items purchased for the rehab of the first floor and these receipts were admitted as Candidate's Group Exhibit #4.

The Candidate then called the Candidate's sister, Rosiland Collins, who testified she resides in the basement apartment with Craig and that her sister, Annazette, and her daughter, Angel, occupy the front bedroom in the second floor apartment.. She testified that the first floor was being rehabbed so that Annazette, Keith and Angel could move into the first floor. Rosiland further testified that Annazette's daughter lives at 3519 W. Walnut and that she has witnessed the Candidate sleeping at 3519 W. Walnut on numerous occasions.

The Candidate then called Lashand Flood who testified that she is 24 years old and lives at 3520 W. Walnut which is directly across the street from 3519 W. Walnut. Miss. Flood testified that she knows the Candidate for 8 years and that the Candidate lives at 3519 W. Walnut. Miss Flood testified that she considers herself a friend of the family and has been inside the residence at 3519 W. Walnut. Miss Flood testified that the First Floor of the Walnut address is being renovated and that she has visited the Candidate on the Second Floor o the Walnut Address. Miss Flood further testified that she has seen the Candidate's car parked in front of the residence and that it is a silver Chrysler with Legislative Plates. The witness testified she has no doubt that the Candidate resides at 3519 W. Walnut.

The Candidate then testified that she resides at 3519 W. Walnut and has resided there since shortly before her divorce in 1997. She testified that she is employed by the Chicago Board of Education and is a State Representative. She stated that she owns the property located at 6127 S. Woodlawn, Unit C, Chicago, Illinois and that she purchased it in May of 1999 as an investment property. The Candidate testified that she rents the property to Keith Langston since May of 1999.

The Candidate further testified that she is divorced from her child's father, the divorce became final on February 19, 1997, and she married Keith Langston on August 11, 2001. The Candidate then was shown Candidate's Exhibit #5, and she identified it as the Wedding invitation that was sent out for her wedding. The return envelope included in Candidate's Exhibit # 5 was addressed to 3519 W. Walnut. The Candidate testified that she mailed the invitations 6 weeks prior to her wedding and had the responses sent to 3519 W. Walnut because that is where she lives.

The Candidate then was shown Candidate's Exhibit #6 that she identified as a true and correct copy of her Illinois Driver's License, Illinois State Identification Card, her Proof of Auto Insurance Card, and her Illinois Vehicle Registration. Each document lists the address of Annazette Collins at 3519 W. Walnut. The Candidate then was shown Candidate's Exhibit #7 which she identified as a true and correct copy of her voter's registration card that lists her address at 3519 W. Walnut. Candidate's Exhibits #6 and #7 were admitted into evidence.

The Candidate then identified Candidate's Exhibit #8 as a change of address form filed with the U.S. Postal Service dated July 1, 2001, which changed her mailing address from her office to her home. The Candidate explained that she had problems with staff and wanted to insure that she received all her mail. The Candidate was then shown Candidate's Exhibit #9 which she identified as a copy of her payroll stubs from the Chicago Board of Education and the State of Illinois. Both payroll stubs list the address of Annazette Collins as 3519 W. Walnut. Candidate's Exhibits #8 and #9 were admitted into evidence.

The Candidate was then presented with Candidate's Exhibit # 10 which she identified as a copy of her 1999 U.S. Tax Return which states the Candidate's address at 3519 W. Walnut. The Candidate then testified in relation to Candidate's Exhibits #11 through #22, which she identified as follows:

> Exhibit #11 being an envelope mailed from the Illinois Arts Alliance addressed to the Candidate at 3519 W. Walnut;
>
> Exhibit #12 being an envelope mailed from the Board of Elections addressed to the Candidate at 3519 W. Walnut;
>
> Exhibit #13 being an envelope mailed from the Metropolitan Planning Council to the Candidate at 3519 W. Walnut;

Exhibit #14 being a statement from CompDent listing the Candidate's address as 3510 W. Walnut;

Exhibit #15 being an envelope sent by IMPAC to the Candidate at 3519 W. Walnut;

Exhibit #16 being an envelope sent from CompDent to the Candidate at 3519 W. Walnut;

Exhibit #17 being an envelope sent from the League of Women Voters to the Candidate at 3519 W. Walnut;

Exhibit #18 being an sent from Lerner Newspapers addressed to the Candidate at 3519 W. Walnut;

Exhibit #19 being an envelope sent from the Department of Streets and Sanitation to the Candidate at 3519 W. Walnut;

Exhibit # 20 being a n envelope sent from project Smart Vote to the Candidate at 3519 W. Walnut;

Exhibit #21being an envelope from the Board of Election Commissioners to the Candidate at 3519 W. Walnut; and

Exhibit #22 being an envelope sent from Citizens Taking Action addressed to the Candidate at 3519 W. Walnut.

The Candidate then identified Candidate's Group Exhibit #23 which she identified as checks written by Keith Langston to the Candidate, various utility companies and to Jewel Osco, which were for payment of the assessments and utilities at 6127 S. Woodlawn. Candidate's Exhibit #23 was admitted over the objections of the Objector. The Candidate then testified in regard to Candidate's Exhibit #24 that she identified as a letter from the developer regarding the lot she desires to purchase and build upon located at 3531-33 W. Monroe. The Candidate moved for admission of the document and the petitioner objected its admission on the ground that the document is a facsimile of a facsimile and was double hearsay. The Hearing Examiner sustained the objection to the admission of Candidate's Exhibit #24.

The Candidate then offered Candidate's Exhibit #25 which she identified as architectural drawings for the home she intends to have built at 3531-33 W. Monroe. Said plans were admitted as evidence over the objection of the Objector.

The Candidate then testified that Keith Langston has resided in the Woodlawn property since its purchase and that they did not move in together in May of 1999 because they were not married. She testified that she spends the night at the Woodlawn property on occasion and they are planning on renting the property to a third property once the rehab of the first floor of the Walnut property is completed. The Candidate also testified that when in Springfield she stays at the Hilton, but that did not mean that she resides at the Hilton and that her permanent home is 3519 W. Walnut.

The Candidate then was shown Petitioner's Exhibit #16 and Candidate stated that she did not lie on those forms when she completed them for the Board of Education. The Candidate was then shown Objector's Exhibit #26 and #27 and the Candidate testified that she had no idea who the two individuals were that signed the affidavits.

On cross-examination the Candidate testified that the mortgage dated May 28, 1999 included in Petitioner's Exhibit # 22 contains an occupancy clause and that at the time of the closing she did not read the mortgage document but signed it because her lawyer told her it would be o'k. When asked why the mortgage states she is single, the Candidate responded that it was not her handwriting and she had no idea who made the changes to that document. The Candidate further testified that Keith Langston pays her between $600 and $800 dollars a month rent and that her tax return does not include schedule E listing money received from Mr. Langston as investment property income. The Candidate explained that her accountant prepared the return and she signed it.

Following the testimony of the Annazette Collins, the Candidate rested, the Objector did not present a case in rebuttal, and the Hearing Examiner heard argument of the parties. The hearing Examiner then made the following recommended findings of fact and decision:

1. That Annazette Collins filed Nomination Papers for nomination to the Office of Representative in the General Assembly, 10th Representative District, Illinois, Democratic Party, to be voted upon at the General Primary Election to be held on March 19, 2002.

2. That the Candidate's Statement of Candidacy states that she resides at 3519 W. Walnut.

3. That the Candidate has resided at 3519 W. Walnut in excess of two years preceding the election as required by Article IV Section 2(c) of the Illinois Constitution.

4. That the Candidate has resided at 3519 W. Walnut with her daughter since on or about January 1997.

5. That the Candidate purchased 6127 S. Woodlawn, Unit C on May 28, 1999.

6. That the Candidate rented the Woodlawn property in May of 1999 to her then boyfriend, Keith Langston.

7. That the Candidate married Keith Langston on August 11, 2001.

8. That it is the Candidate's intention to move from the second floor of 3519 W. Walnut to the first floor of 3519 W. Walnut upon completion of the rehab work to the first floor.

9. Under the Election Code, a permanent abode is necessary to constitute a residence. 10 ILCS 5/3-2.

10. Two elements are necessary to create a residence: (1) a physical presence in that place and (2) an intention of remaining there as a permanent home. *Stein v. County Board of School Trustees (1967) 85 Ill.App.2d 251,256, 229 N.E.2d 165, 168.*

11. That in order to work a change of residence there must be, both in fact and intention, an abandonment of the former residence, and a new domicile acquired by actual residence, coupled with the intention to make it a permanent home. *Welch v. Shumway232 Ill. 54 , 76 (1908).*

12. That the evidence presented at hearing did not establish in fact or intention that the Candidate intended to abandon the Walnut residence and make the Woodlawn address her residence.

13. That it is recommended that the Board overrule Petitioner's objections to the Nomination Papers of Annazette Collins.

14. That it is recommended that Annazette Collins' name be placed on the ballot for nomination to the Office of Representative in the General Assembly, 10th Representative District, Illinois, Democratic Party, to be voted upon at the General Primary Election to be held on March 19, 2002.

Hearing Examiner, Frank A. Tedesso