NBCOFF-ALD

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

Objections of: WANDA G. MARTIN	)	
	)	
To the Nomination	)	
Papers of: TRACY WILLIAMS	)	No.: 03-EB-ALD-036
	)	
Candidate for the office of	)	[related to 03-EB-ALD-073]
Alderman of the Third Ward, City of Chicago	)	

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 WANDA G. MARTIN ("Objector") to the nomination papers ("Nomination Papers") of TRACY WILLIAMS, candidate for the office of Alderman of the Third Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, at 10:00 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 December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner CHRISTOPHER AGRELLA 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

Trial Call. The following persons, among others, were present at such hearing; the Objector, WANDA G. MARTIN; and the Candidate, TRACY WILLIAMS.

7. The Objections allege that the Candidate's Nomination Papers contain a Statement of Candidacy which is false in that the Candidate did not reside in the Third Ward for at least two years prior to the date of the February 25, 2003 election.

8. The Candidate listed the address of 4535 S. King Drive, Chicago, Illinois as her residence address on her petitions and on her Statement of Candidacy, this latter document having been sworn to under oath by the Candidate when she signed it.

9. Both parties submitted documentary evidence and the Candidate and her purported landlord testified. The Hearing Examiner, after weighing the evidence and having heard the testimony of the witnesses, including the Candidate, and observing their demeanor, submitted to the Electoral Board very detailed reports that concluded that the Objector met her burden of proving that the Candidate did not reside in the Third Ward for two years prior to the date of the election nor did she reside at 4535 S. King Drive at all at the time that she signed her Statement of Candidacy claiming to reside there, thus rendering such Statement false.

10. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions of law and finds that the Objections as to the Candidate's residency and Statement of Candidacy are sustained and the Candidate's Nomination Papers are invalid.

11. The Electoral Board further finds that there are other objections filed against the Candidate's Nomination Papers in case number 03-EB-ALD-073 and that the decision in that case also finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of WANDA G. MARTIN to the Nomination Papers of TRACY WILLIAMS, candidate for election to the office of Alderman of the Third Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of TRACY WILLIAMS, candidate for election to the office of Alderman of the Third Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Fifth day of February, 2003.

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.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

TRACY WILLIAMS

v.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO

No. 03 CO EL 25

ORDER

This matter having come before the Court on the petitioner's petition for judicial review, the matter having been fully-briefed and argued, and the Court being fully-advised, IT IS HEREBY ORDERED THAT:

The decision of the Board removing Tracy Williams from the ballot is hereby affirmed.

Atty. No.: 70859
Name: Thomas E. Johnson
Atty. for: Respondents Jochim + Owens
Address: 36 S. Wabash #1310
City/State/Zip: Chicago, IL 60603
Telephone: 312-578-8100

ENTER:

CIRCUIT COURT OF COOK COUNTY
ENTERED
FEB 21 2003
JUDGE
MARSHA D. HAYES-1

Judge

Judge' No.