NBCON-ALD

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

Objections of: YVETTE WILLIAMS	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-024**
Papers of: CHARLES PARTLOW, JR.	)	**(rel. ALD-045)**
	)	
Candidate for the office of	)	
Alderman of the Seventeenth 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 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 YVETTE WILLIAMS ("Objector") to the nomination papers ("Nomination Papers") of CHARLES PARTLOW, JR., candidate for the office of Alderman of the Seventeenth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Frank 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, YVETTE WILLIAMS, *pro se*; and the Candidate, CHARLES PARTLOW, JR., *pro se*.

7. The Objector's Petition raised two objections: (1) that listing the Candidate's name as "Charles Partlow" on 3 of his petition sheets instead of "Charles Partlow, Jr." (as listed on his Statement of Candidacy and the remainder of his petition sheets) invalidates all of his nominating petition sheets; (2) that identifying signers on 15 of his 65 petition sheets as "registered voters of the Chicago" whereas they are identified on the remaining sheets as "registered voters of the 17th Ward in the City of Chicago" violates the requirement that the headings of petition sheets be uniform.

8. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

9. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all

argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law. A copy of the Hearing Examiner's Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

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

11. The Electoral Board further finds that another objection was filed against the Candidate's Nomination Papers in case 07-EB-ALD-045, but the objections in that case were withdrawn.

IT IS THEREFORE ORDERED that the Objections of YVETTE WILLIAMS to the Nomination Papers of CHARLES PARTLOW, JR., candidate for election to the office of Alderman of the Seventeenth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CHARLES PARTLOW, JR., candidate for election to the office of Alderman of the Seventeenth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd day of January, 2007.

Langdon D. Neal, Chairman

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 ALDERMAN OF THE 17TH WARD, CITY OF CHICAGO TO BE VOTED UPON AT THE FEBRUARY 27, 2007 MUNICIPAL GENERAL ELECTION

YVETTE WILLIAMS,	)	
Petitioner-Objector,	)	
	)	
v.	)	**07-EB-ALD-024**
	)	
CHARLES PARTLOW, JR.,	)	
Respondent – Candidate.	)	

HEARING EXAMINER'S RECOMMENDED DECISION

1. Respondent – Candidate, CHARLES PARTLOW, JR., filed Nomination Papers for nomination to the Office of Alderman of the 17th Ward of the City of Chicago, to be voted upon at the 2007 Municipal General Election to be held on February 27, 2007.

2. Petitioner– Objector, YVETTE WILLAIMS, filed a petition objecting to the Nomination Papers of the Candidate.

(a) Paragraph one (1) of her petition alleges the candidate's petition sheets did not comply with section 10-4 of the Election Code in that pages 14, 24, and 27 listed the candidate's name as Charles Partlow not Charles Partlow, Jr. as set forth in the Statement of Candidacy. Objector claimed this invalidated each and every petition sheet after sheet 14.

(b) Paragraph two (2) claims the petition sheets are not in conformity with Section 10-4 in that the headings on the petition sheets are not exactly the same. Objector noted that the heading contained on sheets 4, 5, 6, 7, 8, 9, 12, 13, 18, 19, 28, 30, 31, 55, and 56 identifies the signers as "registered voters of the City of Chicago" and the

was not known as Charles Partlow Jr. and Charles Partlow. The hearing examiner continued the matter until January 12, 2007 for the objector to make an offer of proof in regard to what witnesses would testify to at an evidentiary hearing.

5. On January 12, 2007, the objector had requested the issuance of 4 subpoenas. The objector stated that the witnesses would testify that they did not know the candidate. The hearing examiner denied the objector's request and made the following findings of fact:

(a) that the Candidate's statement of candidacy identifies the candidate as Charles Partlow, Jr.;

(b) that all but three petition sheets identified the candidate as Charles Partlow, Jr.;

(c) that sheets 14, 24, and 27 listed the candidate's name as Charles Partlow;

(d) that Charles Partlow, Jr. and Charles Partlow are the same person;

(e) that sheets 4, 5, 6, 7, 8, 9, 12, 13, 18, 19, 28, 30, 31, 55, and 56 identifies the signers as "registered voters of the City of Chicago" and the remaining petition sheets identify the signers as "registered voters of the 17th Ward in the City of Chicago";

(f) that 4, 5, 6, 7, 8, 9, 12, 13, 18, 19, 28, 30, 31, 55, and 56 contain 185 signatures; and

(g) that the candidate filed 65 petition sheets containing in excess of 700 signatures.

6. The omission of the suffix Jr on sheets 14, 24, and 27 do not invalidate the Candidate's Nomination Papers. In Morton v. State Officers Electoral Board, 311

Ill.App.3d 982, 983, 726 N.E.2d 201, 202 (4th Dist. 2000), the Appellate Court held the omission of the suffix Jr. following an objector's name will not invalidate an objection petition and where the only difference between two names is the addition of a suffix such as Sr. or Jr., they have been presumed to refer to the same person until the contrary is alleged and proved. Morton v. State Officers Electoral Board, 311 Ill.App.3d 982, 983, 726 N.E.2d 201, 202 (4th Dist. 2000). Also the Board has consistently held that the absence of such Jr. on a petition sheet does not justify the removal of the candidate from the ballot. *Wailes v. King, 87 EB ALD 93, CBEC, January 9, 1987, See: Wailes v. Dorsey, CBEC, 91 EB ALD 6, January 23, 1991.* It is recommended that the objections contained in paragraph one (1) of the objector's petition be overruled.

7. Section 10-4 of the Election Code sets forth the requirements for the heading of the petition sheets. Section 10-4 does not require the heading in the petition sheets identify the signers as being registered voters of the political subdivision. Section 10-4 requires that the circulator's affidavit acknowledge to the best of the circulator's belief that the signers were duly registered voters of the political subdivision. *Wilson v. Kato, 99 EB ALD 148, CBEC, January 29, 1999.* In this matter the Objector did not object to the circulator's affidavit in sheets 4, 5, 6, 7, 8, 9, 12, 13, 18, 19, 28, 30, 31, 55, and 56. Furthermore, if the above referred to petition sheets were declared invalid, the Candidate still has well in excess of the 178 signatures required for placement on the ballot. It is recommended that the objections contained in paragraph 2 of the objector's petition be overruled.

8. It is recommended that Charles Partlow, Jr. appear on the February 27, 2007 ballot for the Municipal General Election as a candidate for aldrman of the 17th Ward of the City of Chicago.

Hearing Examiner, Frank A. Tedesso