BCCOFF

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

Objections of: NIKKIDA HART	)	
	)	
	)	
To the Nomination	)	No.: 20-EB-IND-01
Papers of: PARIS WALKER THOMAS	)	
	)	
Candidate for the office of Representative in	)	
the General Assembly of the 28th	)	
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 Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of NIKKIDA HART ("Objector") to the nomination papers ("Nomination Papers") of PARIS WALKER THOMAS, candidate for election to the office of Representative in the General Assembly of the 28th Representative District in the State of Illinois ("Candidate") at the General Election to be held on Tuesday, November 3, 2020, having convened on Friday, August 7, 2020 at 12:00 PM, via teleconference, 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 Candidate's Nomination Papers were duly and timely filed.

2. The Electoral Board was legally constituted according to the laws of the State of Illinois. A Call to the hearing on said Objections was duly issued by the Chair of the Electoral Board and served upon the Objector and the Candidate, via email, as provided by statute.

3. A public hearing held on these Objections commenced on Friday, August 7, 2020 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Barbara Goodman for further hearings and proceedings.

4. 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 Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, NIKKIDA HART through counsel, MATTHEW M WELCH; and the Candidate, PARIS WALKER THOMAS, through counsel, CIERRA NORRIS.

5. 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. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination.

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

7. 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 a copy has been provided or made available to the parties.

8. 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 185;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 296;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 139;

D. The remaining number of signatures deemed valid as a result of the records examination total 157.

9. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Representative in the General Assembly of the 28th Representative District of the State of Illinois.

10. The Hearing Officer conducted an evidentiary hearing to allow the Candidate and Objector an opportunity to present evidence in support of their Rule 8 motions objecting to the Board's clerk's findings during the records examination.

11. 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 only 157 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Representative in the General Assembly for the 28th Representative District of the State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

12. 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 and incorporates them herein by this reference.

13. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of PARIS WALKER THOMAS are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of NIKKIDA HART to the Nomination Papers of PARIS WALKER THOMAS, candidate election to the office of Representative in the General Assembly of the 28th Representative District of the State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of PARIS WALKER THOMAS, candidate for the office of Representative in the General Assembly for the 28th Representative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Election to be held on November 3, 2020.

Dated: Chicago, Illinois, on Tuesday, August 25, 2020.

Marisel A. Hernandez, Chairwoman

William J. Kresse, Commissioner

Jonathan T. Swain, 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 and, pursuant to 10 ILCS 5/2B-45, said service of these Electoral Board proceedings will be made by email transmission to the addresses set forth on the Appearance forms filed by each party.

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

NIKKIDA HART	)	
	)	
Objector	)	20-EB-IND-01
-v-	)	
	)	
PARIS WALKER THOMAS	)	
	)	
Candidate	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on August 7, 2020 and continued to subsequent dates. The Objector appeared through counsel Matthew Welch. The Candidate appeared through counsel Cierra N. Norris. The parties were given an opportunity to file preliminary motions. The Candidate filed a Motion to Dismiss, the Objector filed a response thereto and the Candidate advised that she filed a reply although the reply was not received by this hearing officer. The matter was set for further hearing on the Motion to Dismiss. At the hearing, Candidate's counsel acknowledged that there was no legal basis to strike the Objector's Petition and the matters raised in the Objector's Petition should be resolved in an evidentiary hearing. Accordingly, the Motion to Dismiss should be denied. A records examination was ordered and the matter was continued for subsequent hearing.

THE RECORDS EXAMINATION

The results of the records examination were as follows:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 185.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 296.

C. The number of signatures deemed invalid because of objections sustained in the records examination total 139.

The remaining number of signatures deemed valid as a result of the records examination total 157. The results of the records examination indicated that the candidate had 28 signatures less than the statutory minimum. The Candidate filed a Motion pursuant to Rule 8 of the Board's Rules of Procedure ("Rule 8 Motion"). The Objector filed a Rule 8 Motion and a request for the issuance of subpoenas in relation to a residency issue raised in the Objector's Petition. The deadline for the production of documents was set for August 17, 2020 at 5:00 p.m. In addition to documents submitted in relation to the Candidate's residency, Candidate produced forty-one (41) affidavits in an effort to rehabilitate signatures stricken during the records examination.

The affidavits related to the following sheets and lines of the nominating petition (and while not numbered during the hearing, are now numbered in the order of presentation at the hearing):

Exhibit	Sheet/line
1	8/2
2	9/2
3	2/3
4	13/2
5	23/5
6	7/5

7	10/7
8	20/2
9	29/8
10	8/10
11	9/9
12	23/6
13	10/1
14	8/7
15	7/7
16	29/2
17	12/9
18	23/1
19	28/10
20	2/10
21	36/4
22	10/10
23	37/3
24	14/5
25	14/10
26	14/3
27	35/2
28	10/4
29	10/8

30	12/4
31	29/1
32	23/4
33	No sheet/line specified
34	No sheet/line specified
35	No sheet line specified
36	No sheet line specified
37	No sheet line specified
38	No sheet/line specified
39	17/4
40	6/4
41	6/1

As to the foregoing affidavits, it was determined that Exhibits 1, 3, and 6 related to objections that were not preserved by the Candidate at the records examination. It was further determined that Exhibits 4, 7, 10, 14, 15, 16, 17, 18, 19 and 31 were already ruled in favor of the Candidate and included in the total count of valid signatures. Additionally, Exhibits 22, 24, 25, 26, 28, 30 and 40 related to signatures not objected to in the Objector's Petition. Exhibits 33, 44, 35, 36, 37 and 38 failed to identify the sheet and line at which the affiant signed the petition. Exhibits 21, 23 and 27 were not applicable as they related to signatures contained in the nominating papers after the maximum signature count. Exhibits 29, 32 and 41 related to signatures that were sustained as "not registered" and the affidavits did not provide a basis to reverse the "not registered" findings.

Exhibit 39 related to a signature that was sustained as "not in district" and the affidavit did not provide a basis to reverse the "not in district" finding.[1] Exhibits 2 and 5 were signed by affiants that were not the petition signers.

The above thirty-five (35) affidavits were legally insufficient to rehabilitate any signatures for the reasons stated above. Additionally, Objector raised objections to Exhibits 8, 9, 11, 12, 13, and 20 on the basis that the language of the affidavits was confusing as it did not specify what petitions the affiants were shown and that no corresponding registration records were produced to be used to compare signatures. Given that the thirty-five (35) affidavits were already deemed insufficient, there is no reason to reach a conclusion as to the viability of these remaining six (6) Affidavits. Likewise, there was no reason to address the residency issue raised in the Objector's Petition as it was established that the Candidate has less than the minimum number of signatures needed for placement on the ballot.

CONCLUSION

In light of the foregoing, it is my recommendation that the objections of **Nikkida Hart** to the nominating papers of **Paris Walker Thomas** be sustained and that the nominating papers of **Paris Walker Thomas** as an independent candidate to the office of Representative in the General Assembly for the 28th Representative District be deemed **invalid** and that the name of **Paris Walker Thomas** for said office **not be** printed on the ballot at the General Election to be held on November 3, 2020.

Respectfully submitted,

Barbara Goodman

Barbara Goodman, Hearing Officer
8/19/2020

[1] Counsel for Candidate argued that Section 3-1.2 of the Election Code permits the signers of this petition could be registered anywhere in the state. This argument was rejected as it does not reflect the correct state of the law.