

SUMMARY OF FINDINGS AND RECOMMENDATION

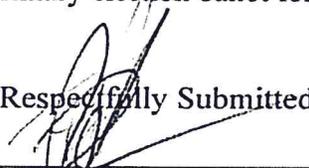
1) The Candidate, THADDEUS JONES, seeks to run for the office of representative for the 29th Legislative District of Illinois, which requires, inter alia, that he reside at the address set forth his statement of Candidacy, 289 Paxton, Calumet City, Illinois;

2) The Petitioner/Objector, VINCENT SANDERS, filed an objection to the nominating petitions alleging that the Candidate "is not, and was not at the time of signing the Statement of Candidacy, a resident at the address shown on the Nomination Papers and Statement of Candidacy, as required by law, and thus the Statement of Candidacy is false and perjurious and is not valid."

3) That at a hearing held on January 4, 2018, the Objector failed to establish that the Candidate had abandoned the address listed in his statement of candidacy;

Accordingly, it is recommended that the Objector's petition be denied and that the Candidate's name appear on the primary election ballot for the office of representative in the 29th Legislative District of Illinois,

Respectfully Submitted


Philip Krasny

Hearing Examiner

1/8/18

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD

VINCENT SANDERS)
Petitioner/Objector,)
)
Vs.)
)
THADDEUS JONES)
Respondent/Candidate.) No. 2017-S0EB 517
)
)

FINDINGS AND RECOMMENDATIONS

PROCEDURAL HISTORY

The Candidate, THADDEUS JONES, seeks to run for the office of representative for the 29th Legislative District of Illinois, which requires, inter alia, that he reside at the address appearing in his statement of candidacy and nominating petitions.

The Petitioner/Objector, VINCENT SANDERS, filed an objection to the nominating petitions alleging that the Candidate “is not, and was not at the time of signing the Statement of Candidacy, a resident at the address shown on the Nomination Papers and Statement of Candidacy, as required by law, and thus the Statement of Candidacy is false and perjurious and is not valid.”

On December 19, 2017, the Electoral Board appointed Philip Krasny as the Hearing Examiner to conduct a hearing on the objections to the nominating petitions and present recommendations to the Electoral Board.

An initial case management conference was held on December 19, 2017, which was attended by Michael Kasper, attorney for the Candidate. The Objector was represented by Burt Odelson. At the case management conference, the parties were given time to file motions and requests for issuance of subpoenas.

The Objector filed a “Notice to Produce” seeking the appearance of the Candidate and documents at the hearing. He also filed a request for subpoenas, which was granted by the Electoral Board.

A hearing was held on January 4, 2018 at the offices of the SBOE in Chicago. The Candidate was represented Michael Kasper. The Objector was represented by Burt Odelson.

HEARING

This case focuses on whether the Candidate resides at the address listed in his Statement of Candidacy, 289 Paxton, Calumet City, Illinois (hereinafter refers to "the Calumet City property or residence") or, rather, he resides at 17119 S Drexel, South Holland Illinois (hereinafter refers to "the South Holland property or residence")

A candidate's residency requirements is set forth in the following sections of the Election Code

10 ILCS 5/7/10 provides, in pertinent part, as follows

All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. *This statement shall set out the address of such candidate*, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified....(emphasis added)

10 ILCS 5/8-8 provides, in pertinent part, as follows:

The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section. Each such petition shall include as a part thereof the oath required by Section 7-10.1 of this Act [10 ILCS 5/7-10.1] and a statement of candidacy by the candidate filing or in whose behalf the petition is filed. *This statement shall set out the address of such candidate*, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.], shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State....(emphasis added)

Accordingly, if the Candidate failed to correctly set forth his residency as required above, the Electoral Board has the authority to remove his name from the primary ballot.

In support of his contention that the Candidate resides at the South Holland address and not the Calumet City address, the Objector called the following witnesses:

Thaddeus Jones

As regards his residency, Mr. Jones testified that he resides at 289 Paxton, Calumet City. He further testified to the following:

- 1) He is a Calumet City alderman and the representative from the 29th legislative district;
- 2) He purchased the Calumet City property in 2004 and pays real estate taxes on the property;
- 3) That all the utilities to the Calumet City property are in his name, including the water bill; He identified water bills sent to the property indicating that the property was billed for using less than 1,000 gallons of water within a month;
- 4) That he is divorced from his first wife. He and his first wife had one child, Thaddeus Jr., who is 16 years old, resides with his mother in Chicago and attends school in Chicago.
- 5) Mr. Jones got remarried to Saprina Martin on December 31, 2016. They have one son together, Preston.
- 7) That at the time of their marriage on December 31, 2016, Saprina owned and resided at the South Holland Property with her mother, Sherry Martin, and Preston.
- 8) Preston, attends school in South Holland.
- 9) Mr. Jones' name is not on the title to the South Holland property.
- 10) While Saprina pays the real estate taxes and most expenses related to the South Holland property, Mr. Jones does help out with payment of expenses;
- 11) Mr. Jones does not keep any clothes, furniture or personal items at the South Holland address; rather, all of his clothes, furniture and personal items are at the Calumet City property;
- 12) Depending on the time of year, Mr. Jones spends considerable time in Springfield, where he rents an apartment;
- 13) He spends an average of 2-3 nights a week at the Calumet City property; His son, Thaddeus Jr., spends time with him and sleeps over at the Calumet City property; On occasion, Saprina stays at the Calumet City Property and Preston remains at the South Holland Property with Saprina's mother;
- 14) Mr. Jones spends an average of 1-2 nights a week with Saprina and their son at the South Holland property;
- 15) Mr. Jones gets all his mail at the Calumet City property;
- 16) That he is registered to vote at the Calumet City property address;

17) Mr. Jones owns and drives a brown GMC Arcadia; His wife owns and drives a silver Cadillac, whose license plate, 46, is registered to Mr. Jones;

18) Although Saprina believes that Calumet City is safe than South Holland, Mr. Jones and Saprina are planning on moving to the Calumet City property; To that end, they have invested thousands of dollars in renovating the Calumet City property;

Saprina Martin Jones

Saprina Martin Jones testified as follows:

- 1) She married Thaddeus Jones on December 31, 2016;
- 2) They have one child together, Preston.
- 3) She has owned the South Holland property since 2004;
- 4) That she resides at the South Holland property with her mother and Preston;
- 5) That at the time she married Thaddeus; he resided at the Calumet City Property;
- 6) That Thaddeus does not have any furniture, personal items or clothing at the South Holland property;
- 7) That since their marriage, Thaddeus has spent time in Springfield; He also had been attending law school.
- 8) Because of Thaddeus' schedule of being in Springfield and going to law school, they are still in the process of combining their respective households; Thaddeus spends an average of 1-2 nights a week at the Calumet City property and she spends an average of 1-2 nights a week at the South Holland property;

Jack Burns

Jack Burns is a private investigator who was hired to serve subpoenas and conduct surveillance at the Calumet City and South Holland residences.

Mr. Burns conducted his surveillance and took photos between December 22, 2017 and January 1, 2018. A log he prepared, as well as the photos he took were marked as an exhibit and is attached hereto

In summary, Mr. Burns did not see anyone at either residence at the times and dates set forth in the log. However, he did see a silver Cadillac, whose plates registered to Thaddeus Jones, in the driveway of the South Holland property. He also saw other vehicles in the driveway, whose plates did not register to the vehicle onto they were affixed. No

other one with his parents, which was inside the district; 2. His permanent abode was not with his wife and child but with his parents, where he had not lived full-time for years, and 3. He had a separate permanent abode from his wife. In finding that the residence inside the district an "imaginary abode," the Commission quoted the Supreme Court:

A real and not an imaginary abode, occupied as his home or dwelling, is essential to satisfy the legal requirements as to the residence of a voter. One does not lose a residence by temporary removal with the intention to return, or even with a conditional intention of acquiring a new residence, but when one abandons his home and takes up his residence in another county or election district, he loses his privilege of voting in the district from which he move." *Park v Hood* 974 Ill. 36, 43 (1940)

The Candidate memorandum further stated that

"Just as in *Golniewicz*, the Candidate's house in Calumet City is nothing more than an 'imaginary abode.' Just like *Golniewicz*, the Candidate made the same 'incredible' assertions in regard to his two residences: 1. although his wife and child had one home address outside of the district, he had two homes, one with his wife and child and the other one which is where he claims he resides; 2. his permanent abode was not with his wife and child but in a house where he did not live full-time for at least a year; and 3. he had a separate permanent abode from his wife."

Unlike the cases relied on by the Objector, the Candidate's residence on the date of his marriage to Saprina was the Calumet City property, which he purchased it in 2004. With that showing, it is the Objector's burden to show "abandonment" of the residence within the last 12 months.

Based upon the evidence presented at the hearing, it is the Hearing Examiner's opinion that the Objector has not met his burden. Instead, it appears that following their marriage on December 31, 2017, the couple has been in the process of combining and integrating their respective households. That is demonstrated by the testimony of the witnesses and the surveillance of the private investigator, which indicated that he never saw the Candidate enter or leave any of the residences, that the vehicle the Candidate owned, a Brown Arcadia, was never seen at either residence, and that the search of a data base by the used to show who resides at, or had resided, at a residence, did not reveal the Candidate's name. Accordingly, until that the process of integrating the respective families is complete, it is the Hearing Examiner's recommendation that the evidence does not support Objector's burden of demonstrating abandonment from the Calumet City residence.