STATE OF ILLINOIS )
) SS.
COUNTY OF COOK )

NBC-ALD

**ELECTORAL BOARD**
**FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR THE OFFICES OF MAYOR, CITY CLERK, CITY TREASURER AND ALDERMAN FOR THE CITY OF CHICAGO FOR THE FEBRUARY 28, 1995 ALDERMANIC AND MUNICIPAL PRIMARY ELECTIONS.**

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| **Objection of: John D. Gregory** | ) | |
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| **To the** | ) | |
| **Nomination Papers of: Willie Tines** | ) | **No.: 95-EB-ALD-137** |
| | ) | |
| **Candidate for the Office** | ) | |
| **of Alderman of the 21st Ward.** | ) | |

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD, and RICHARD A. COWEN, organized by law in response to a Call issued by MICHAEL J. HAMBLET, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nomination Papers of Candidates for the Offices of Mayor, City Clerk, City Treasurer and Alderman for the City of Chicago, having convened on January 3, 1995, at 1:00 p.m., in having heard and determined the Objections to the Nomination Papers in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the Nomination Papers of the Candidate herein were duly filed;

3. A Call to the hearing on said Objections was duly issued and served upon the members of the Electoral Board, the Objector and the Candidate, by mail and by personal service, as provided by statute;

4. A public hearing was held on these Objections commencing on January 3, 1995;

5. The following persons, among others, were present at such

hearing: the members of the Electoral Board, the Objector by Counsel, and the Candidate Pro Se;

6. The Board finds that the Candidate's nominating petitions were notarized by an employee of a currency exchange whose notary commission was defective. However, the Candidate, at the time of such notarization, was unaware of the notary's defective commission and believed that the notary had a valid commission.

7. The Board finds that the fact that the notary public's commission may have expired or may otherwise be defective does not invalidate petition sheets notarized by such notary. Shipley v. Stevenson County Electoral Board, 130 Ill.App.3d 900, 474 N.E.2d 905 (2nd District 1985); People v. Severinhaus, 313 Ill. 456, 145 N.E. 220 (1924); Gilbert v. Lavelle, 80 CO 75 (Cir. Ct. Cook CO, February 11, 1980); Drake v. Stewart, CBEC, No. 90 CB-REP-11, January 19, 1990.

8. The Board finds, therefore, that the failure of the notary public to have a valid commission does not invalidate the Candidate's nomination papers where there was good-faith reliance on the notary's qualifications to notarize documents.

9. The Board also finds that another objection was filed against the Candidate's nomination papers in case No. 95-EB-ALD-024 and that the objections therein were overruled.

10. The Board finds, therefore, that the Candidate's nomination papers are valid.

IT IS THEREFORE ORDERED, that the Objections of John D. Gregory to the Nomination Papers of Willie Tines, Candidate for election to the office of Alderman of the 21st Ward, are hereby overruled and said Nomination Papers are hereby declared valid and the name of Willie Tines, Candidate for election to the office of Alderman of the 21st Ward, shall be printed on the ballot for the Aldermanic Election to be held on February 28, 1995.

Dated: Chicago, Illinois, this 28 day of January, 1995.

MICHAEL J. HAMBLET, Chairman

ARNETTE R. HUBBARD, Commissioner

RICHARD A. COWEN, Commissioner