STATE OF ILLINOIS )
) SS.
COUNTY OF COOK )

NBCON-WC

**ELECTORAL BOARD**
**FOR THE HEARING AND PASSING UPON OBJECTIONS**
**TO THE NOMINATION PAPERS OF CANDIDATES FOR**
**THE OFFICES OF STATE SENATOR, REPRESENTATIVE IN**
**THE GENERAL ASSEMBLY AND WARD COMMITTEEMAN OF THE**
**CITY OF CHICAGO FOR THE MARCH 19, 1996**
**GENERAL PRIMARY ELECTION**

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| **Objection of: Samuel Levine** | ) | |
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| **To the** | ) | |
| **Nomination Papers of: Clara M. Simms-Johnson,** | ) | **No.: 96-EB-WC-31** |
| | ) | |
| | ) | |
| **Candidate for the Office of** | ) | |
| **Ward Committeeman for the 5th Ward of** | ) | |
| **the City of Chicago, Republican Party** | ) | |

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 State Senator, Representative in the General Assembly and Ward Committeeman of the City of Chicago, having convened on January 2, 1996, at 10:00 a.m., in having heard and determined the Objections to the Nomination Papers in the above entitled matter finds 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 10, 1996;

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector by Counsel, and the Candidate by Counsel;

6. The Board finds that even though it appears that the notary public whose signature appears on the Candidate's Nominating Petitions may not be authorized by the State of Illinois to act in the capacity of a notary public, the evidence presented at the hearing established that the Candidate relied in good faith on the notary public's representation that he was properly registered.

7. The Board finds that the fact that a notary public's commission may have expired or may be otherwise defective does not invalidate the petition sheets notarized by such notary. Shipley v. Stevenson County Electoral Board, 130 Ill.App 3d 900, 474 N.E.2d 905 (Second Dist. 1985); People v.Severinhaus, 313 Ill. 456, 145 N.E. 220 (1924); Gilbert v.Lavelle,80 CO 75 (Cir. Ct., Cook County, February 11, 1980); Drake v. Stewart (CBEC, No. 90-EB-REP-11, January 19, 1990: failure of notary public to file his commission with the Cook County Clerk's Office does not invalidate pages of candidate's nominating petition); Young v. Cook County Officers Electoral Board, 90 CO 20 (Circuit Court of Cook County, January 24, 1990).

8. The Board therefore finds that the Candidate's Nominating Petitions are valid.

IT IS THEREFORE ORDERED, that the Objections of Samuel Levine to the Nomination Papers of Clara M. Simms-Johnson, Candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Clara M. Simms-Johnson, Candidate for election to the office of Ward Committeeman for the 5th Ward of the City of Chicago, Republican Party, SHALL be printed on the ballot for the General Primary Election to be held on March 19, 1996.

Dated: Chicago, Illinois, this 29th day of January, 1996.

Michael J. Hamblet
MICHAEL J. HAMBLET, Chairman

Arnette R. Hubbard
ARNETTE R. HUBBARD, Member

Richard A. Cowen
RICHARD A. COWEN, Member