NBCON-WC

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

Objections of: JOSHUA D. GRIFFIN	)	
	)	
To the Nomination	)	
Papers of: MALVINA R. HAZARD	)	
	)	No. 04-EB-WC-24
Candidate for the office of Ward Committeeman for	)	
the 19th Ward of the City of Chicago, Republican	)	
Party	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Theresa M. Petrone, 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 JOSHUA D. GRIFFIN ("Objector") to the nomination papers ("Nomination Papers") of MALVINA R. HAZARD, candidate for election to the office of Ward Committeeman for the 19th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on January 5, 2004, at 2:00 p.m., in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 5, 2004 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner BARBARA GOODMAN for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, JOSHUA D. GRIFFIN, by his attorney; and the Candidate, MALVINA R. HAZARD, by her attorney.

7. The sole objection is that the Statement of Candidacy is legally insufficient and not in compliance with the Election Code because it is not notarized and sworn to by the Candidate.

8. The Electoral Board finds that the *jurat* on the Statement of Candidacy was completed and signed. However, the notary public's seal is missing.

9. The Hearing Examiner heard testimony by the Candidate that she signed the Statement of Candidacy in front of Clark Pellet and that the sole purpose of Mr. Pellet being at her home was to notarize her petitions. She also testified that she signed approximately 17 other individual petition sheets before Mr. Pellet. A review of the other sheets indicated that each of them contained the signature and notary stamp of Mr. Pellet. Mr. Pellet testified that he witnessed the Candidate sign her Statement of Candidacy as well as the other 17 petition sheets. His notary seal was offered into evidence to establish that his notary status was current.

10. The Electoral Board finds that:

    A. The Candidate signed her Statement of Candidacy before Mr. Pellet.

    B. Mr. Pellet is a duly commissioned notary public in the State of Illinois.

    C. Mr. Pellet signed and dated the *jurat* on the Candidate's Statement of Candidacy as a notary public but omitted affixing his notary seal on said document.

    D. Failure of the notary to properly affix his seal to a petition sheet is deemed to be a technical violation that does not invalidate the document being notarized. *Young v. Cook County Officers Electoral Board*, 90 CO 20, Circuit Court of Cook County, January 24, 1990; *Sistrunk v. Tillman*, 91-EB-ALD-155, CBEC, January 8, 1991; *Washington v. Williams*, 92-EB-REP-31, CBEC, February 10, 1992.

11. The Electoral Board overrules the Objections. In the absence of valid objections thereto, the Electoral Board finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of JOSHUA D. GRIFFIN to the Nomination Papers of MALVINA R. HAZARD, candidate for election to the office

of Ward Committeeman for the 19th Ward of the City of Chicago, Republican Party, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MALVINA R. HAZARD, candidate for election to the office of Ward Committeeman for the 19th Ward of the City of Chicago, Republican Party, SHALL be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 20th day of January, 2004.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

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.