NBCON-ALD

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

Objections of: VERDEAN ANDERSON	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-035**
Papers of: DEBORAH E. LEVI	)	
	)	
Candidate for the office of	)	
Alderman of the Ninth Ward,	)	
City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal 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 VERDEAN ANDERSON ("Objector") to the nomination papers ("Nomination Papers") of DEBORAH E. LEVI, candidate for the office of Alderman of the Ninth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 a.m., in 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 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 2, 2007 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's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. The following persons, among others, were present at such hearing; the Objector, VERDEAN ANDERSON, by counsel, James P. Nally PC; and the Candidate, DEBORAH E. LEVI, by counsel, Robert L. Anderson.

7. The Hearing Examiner has tendered to the Electoral Board her report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law. A copy of the Hearing Examiner's Report is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of VERDEAN ANDERSON to the Nomination Papers of DEBORAH E. LEVI, candidate for election to the office of Alderman of the Ninth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of DEBORAH E. LEVI, candidate for election to the office of Alderman of the Ninth Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 19th day of January, 2007.

Langdon D. Neal, Chairman

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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 27, 2007 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO

2007 JAN 15 A 9:15

VERDEAN ANDERSON	)	
	)	
Objector	)	
	)	
-v-	)	**07-EB-ALD -035**
	)	
DEBORAH E. LEVI	)	
	)	
Candidate	)	

HEARING EXAMINER'S REPORT

This cause came to be heard before this Hearing Examiner on January 2, 2007. The candidate appeared through counsel and the objector appeared through counsel. At that time, the parties were given an opportunity to file preliminary motions and responses. The parties declined the opportunity to file preliminary motions. The matter was continued for further hearing on January 8, 2007.

Paragraph 2 of the Objector's Petition alleged that the candidate's nominating papers were not securely bound together in book form. The parties stipulated and a review of the nominating papers established that the nominating papers were bound with two Acco brass fasteners that are inserted through the pages and spread in opposite directions on the top of the pages.

The requirement that the nominating papers be securely fastened is a mandatory requirement. However, the Election Code does not prescribe acceptable manners of fastening. The intended goal is to prevent tampering and

and preserve the integrity of the papers. Bendell v Education Officers Electoral Board for School Dist. 148, 338 Ill. App. 3d 458, 788 N.E. 2d 173 (1st Dist. 2003).

The use of the Acco brass fasteners was sufficient to meet the Election Code's mandatory fastening requirement. Contrary to the objector's assertion, the sheets could not simply be pulled apart. Rather, they were securely bound and unless someone intentionally ripped the pages through the fasteners, no pages could be removed. Accordingly, paragraph 2 of the Objector's Petition is overruled.

Paragraph 3 of the Objector's Petition alleged that because the petition sheets identify the election in which the candidate was running as the "consolidated primary election", the nominating papers are invalid. However, this Board has already determined that the misnomer of the election at which the candidate is running is not sufficient grounds to invalidate the candidate's nomination papers. Campos v Rangel, 95 EB-ALD-79, CBEC, January 23, 1995. Accordingly, paragraph 3 of the Objector's Petition is overruled.

For the foregoing reasons, it is my recommendation that the Objections of VERDEAN ANDERSON to the nominating papers of DEBORAH E. LEVI be overruled and that the nominating papers of candidate DEBORAH E. LEVI be deemed valid.

Respectfully submitted,

Barbara Goodman
Hearing Examiner