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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-036**
Papers of: CURTISS S. LLONG BEY	)	
	)	
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 CURTISS S. LLONG BEY, 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, CURTISS S. LLONG BEY, *pro se*.

7. The Objector alleges that the Candidate's Nomination Papers are invalid and that none of the petition sheets except for petition sheet one were notarized in violation of the Election Code.

8. The Hearing Examiner sustained objections after finding that none of the candidate's nominating petition sheets were notarized, except for the first page. The candidate argued that he was circulator of all of his petition sheets and that the first sheet was notarized and there was no need to notarize the remaining sheets because that would be redundant.

9. Section 10-4 of the Election Code requires that a nominating petition sheet "the sworn to before some officer authorized to administer oaths in this State." (10 ILCS 5/10-4). The requirement is mandatory and the failure to comply is a fatal defect rendering the petition

sheet invalid. *Bowe v. City of Chicago Electoral Board*, 81 Ill.App. 146, 401 N.E.2d 1270 (First. Dist. 1980), rev. on other grounds, 79 Ill.2d 469, 404 N.E.2d 180.

10. 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 sustained and that the Nomination Papers be found invalid.

11. 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.

12. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of VERDEAN ANDERSON to the Nomination Papers of CURTISS S. LLONG BEY, candidate for election to the office of Alderman of the Ninth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CURTISS S. LLONG BEY, candidate for election to the office of Alderman of the Ninth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23rd 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

VERDEAN ANDERSON **Objector**	)	
-v-	)	**07-EB-ALD-036**
CURTISS S. LLONG BEY **Candidate**	)	

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HEARING EXAMINER'S REPORT

This cause came to be heard before this Hearing Examiner on January 2, 2007. The candidate appeared pro se and the objector appeared through attorney James Nally. At that time, the parties were given an opportunity to file preliminary motions and responses. The parties declined the opportunity to file preliminary motions.

Paragraph 2 of the Objector's Petition alleged that the candidate's nominating papers were invalid in that none of the petition sheets except for petition sheet 1 were notarized in violation of the Election Code. Sheet 1 contained 25 signatures. The required number of signatures for the office of Alderman in the 9th Ward is 187.

The candidate offered as his defense the fact that the first page was notarized and he was the circulator of the petition sheets so there was no need to be redundant and require the notary to notarize more than one of his sheets.

Sections 7-10 and 10-4 of the Election Code require that a nominating petition sheet "be sworn to before some officer authorized to administer oaths in

this State." (10 ILCS 5/7-10, 10-4) The requirement is mandatory and the failure to comply is a fatal defect rendering the petition sheet invalid. Bowe v City of Chicago Electoral Board (1st Dist 1980), 81 Ill. App. 146, 401 N.E.2d 1270, rev. on other grounds, 79 Ill.2d 469, 404 N.E.2d 180). Accordingly, it is my recommendation that paragraph 2 of the Objector's Petition be sustained. As a result, paragraph 3 of the Objector's Petition is rendered moot.

For the foregoing reasons, it is my recommendation that Objections of VERDEAN ANDERSON to the nominating papers of CURTISS S. LLONG BEY be sustained and that the candidate's nominating papers be deemed invalid.

Respectfully submitted,

Barbara Goodman
Hearing Examiner