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

Objections of: FREIDA ROBINSON	)	
	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-042**
Papers of: CHARLES B. BUCKNER	)	
	)	
Candidate for the office of	)	
Alderman of the Seventeenth 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 FREIDA ROBINSON ("Objector") to the nomination papers ("Nomination Papers") of CHARLES B. BUCKNER, candidate for the office of Alderman of the Seventeenth Ward in 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 Frank Tedesso for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, FREIDA ROBINSON, by counsel, James P. Nally PC; and the Candidate, CHARLES B. BUCKNER, pro se.

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 178;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 311;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 189;

D. The remaining number of signatures deemed valid as a result of the records examination total 122.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Seventeenth Ward of the City of Chicago.

15. In addition, the Objector also alleged that both the Candidate's Statement of Candidacy and nominating petitions identify the Candidate as a candidate of the Democratic Party, when the election is required by law to be nonpartisan.

16. The Candidate's statement of candidacy and nominating petition sheets for Alderman indicated that he was seeking the nomination of the "Democratic Party."

17. Aldermanic candidates are nonpartisan and no political party affiliation is allowed on the ballot. (65 20/21-32)

18. The Candidate's petition sheet identified the Candidate as being a candidate of the "Democratic Party." This is in violation of the Election Code requiring aldermanic petitions to conform with the provisions relating to "nomination of independent candidates for public office by petition." The Candidate's nomination petitions are therefore invalid. *Toney v. Maxwell*, 91-EB-ALD-122, CBEC, January 25, 1991.

19. For the reasons stated above, the Electoral Board sustains the Objections and finds that the Nomination Papers of CHARLES B. BUCKNER are not valid.

20. The Electoral Board further finds that another objection was filed against the Candidate's Nomination Papers in case 07-EB-ALD-023 and that the objections in that case were sustained and the Candidate's Nomination Papers were found to be invalid.

IT IS THEREFORE ORDERED that the Objections of FREIDA ROBINSON to the Nomination Papers of CHARLES B. BUCKNER, candidate for election to the office of Alderman of the Seventeenth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CHARLES B. BUCKNER, candidate for election to the office of Alderman of the Seventeenth 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.