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

Objections of: DEBORAH E. LEVI	)	
	)	
To the Nomination	)	**No.: 07-EB-ALD-080**
Papers of: HAROLD NOONIE WARD	)	
	)	
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 DEBORAH E. LEVI ("Objector") to the nomination papers ("Nomination Papers") of HAROLD NOONIE WARD, candidate for the office of Alderman of the Ninth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Elections 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, DEBORAH E. LEVI, by counsel; and the Candidate, HAROLD NOONIE WARD, by counsel.

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 overruled 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 DEBORAH E. LEVI to the Nomination Papers of HAROLD NOONIE WARD, candidate for 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 HAROLD NOONIE WARD, candidate for election to the office of Alderman of the Ninth Ward of the City of Chicago, SHALL be printed on the 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 9:16

DEBORAH E. LEVI	)	
	)	
Objector	)	
	)	
-v-	)	**07-EB-ALD-080**
	)	
HAROLD NOONIE WARD	)	
	)	
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. No motions were filed. The matter was continued for further hearing on January 8, 2007.

The Objector's petition contained allegations regarding the validity of the signatures and thus a records examination was ordered. The records examination was terminated as the candidate had over the minimum number of valid signatures before the records examination was completed. The minimum number of required signatures for the office of Alderman in the 9th Ward is 187 and the candidate's nomination papers contained more than the minimum.

The Objector's petition further alleged that because the candidate's Statement of Candidacy designated the candidate's party affiliation (Democratic) the nominating papers were invalid. The Board has had an opportunity to

address this issue and has previously determined that the designation of the candidate's party on the Statement of Candidacy at a non-partisan election is not a sufficient basis to invalidate the nominating papers. Dix v Terry, 03-EB-ALD-071, CBEC, January 31, 2003. Here, as in Dix, no party affiliation was contained on the individual petition sheets and there was no evidence that the petition signers were confused or unduly influenced.

For the foregoing reasons, it is my recommendation that the Objections of DEBORAH E. LEVI to the nominating papers of HAROLD NOONIE WARD be overruled and that the nominating papers of HAROLD NOONIE WARD for purposes of this matter be deemed valid.

Respectfully submitted,

Barbara Goodman
Hearing Examiner