NBCON-ALD

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

Objections of: Ebony Hines	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-099
Papers of: George E. Davis	)	
	)	Related Case: 11-EB-ALD-100
Candidate for the office of	)	
Alderman of the 20th 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, Richard A. Cowen, and Marisel A. Hernandez, 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 Ebony Hines ("Objector") to the nomination papers ("Nomination Papers") of George E. Davis, candidate for the office of Alderman of the 20th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Casandra B. Watson 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 Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Ebony Hines, by attorney, Andrew Finko; the Candidate, George E. Davis, pro se.

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

8. The Electoral Board has reviewed the record of proceedings in this matter and has considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties. While the Electoral Board adopts the ruling in the case, it does not adopt the Hearing Officer's recommended findings and conclusions of law.

9. The Electoral Board finds that the residence address of the circulator must be correctly set forth in the circulator's affidavit. Evidence establishing that the circulator does not reside at the address in the circulator's affidavit is sufficient to invalidate the circulator's affidavit and every page on which the incorrect address is listed.

10. The Electoral Board finds that the Objector failed to establish that circulators Otis Johnson, George Reese, Sr., LeShone Williams, and Rodger Bell do not reside at the address set forth in their respective circulator's affidavits. Evidence that a circulator may be registered to vote at an address different from the address contained in the circulator's affidavit, standing alone, is insufficient to establish that the circulators do not reside at the address set forth in their circulator's affidavit.

11. The Electoral Board further finds that the Objector failed to establish that circulator Tina McBride Watson's circulator's affidavits should be stricken because she also uses the name Tina Marie Watson.

12. The Electoral Board further finds that the Objector failed to establish that the signature of notary Ursula Fouch was not the genuine signature of said notary.

13. The Electoral Board further finds that with the inclusion of the pages of the above listed circulators, there were insufficient specific sheet and line allegations to invalidate the nominating papers.

14. 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 Ebony Hines to the Nomination Papers of George E. Davis, candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of George E. Davis, candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 7, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 22, 2011
MUNICIPAL GENERAL ELECTION IN THE CITY OF CHICAGO

2010 DEC 28 P 1:49
BOARD OF ELECTION
POLLING PLACE

Objections of:	)	
EBONY HINES,	)	
	)	
To the Nomination Papers of:	)	
GEORGE E. DAVIS	)	NO: **11-EB-ALD-099**
	)	
Candidate for the Office of Alderman	)	**Casandra B. Watson**
in the 20th Ward, City of Chicago	)	**Hearing Examiner**
Municipal General Election, February 22, 2011	)	

HEARING EXAMINER'S FINDINGS AND RECOMMENDATIONS

This matter having come before the Chicago Board of Election Commissioners ("CBOE") on the verified objections of Ebony Hines ("objector") to the Nomination Papers of George E. Davis ("candidate"), Casandra B. Watson, Esq., Hearing Examiner.

1. The objector requested that the name of George E. Davis, not be printed on the ballot for the Municipal General Election, to be held on February 22, 2011, on the basis that the candidate had failed to collect 143 valid signatures of qualified and duly registered legal voters of the 20th Ward , City of Chicago, State of Illinois; that several circulators did not reside at the address on the petitions, because the address on their voter registration records with the Board, was different from the address in the circulator's affidavit; that the signature of the notary, Ursula Fouch, was not genuine on petition sheets notarized by her; that circulator, Tina McBride, who signed petition sheets as Tina McBride Watson, did not sign the circulator's affidavit in her true and proper name.

2. This matter initially coming on to be heard on December 6, 2010, the candidate appearing Pro Se, and the objector appearing through Attorney Navdeep Jhat, on behalf of Attorney Andrew Finko; the candidate stating that he intended to file preliminary motions to strike and dismiss the objector's petition, this matter was continued to Friday, December 10, 2010.

3. Thereafter, the following motions were timely filed:

Candidate's Motion to Dismiss - with the following attachments:

A. Affidavit of circulator, Otis Johnson

B. Copy of driver's license of Otis Johnson

C. Affidavit of circulator, LeShon Williams
D. Copy of Driver's License of Tina McBride
E. Affidavit of notary, Ursula Fouch

4. On December 10, 2010, the candidate appeared Pro Se, and the objector appeared through her Attorney Andrew Finko. This matter was continued to December 17, 2010, for hearing on the Candidate's Motion to Dismiss.

5. On December 17, 2010, the candidate appeared Pro Se, and the objector appeared through her Attorney, Andrew Finko. No witnesses were sworn, and both parties proceeded to argument on their respective positions. The objector placed in evidence, without objection, the following exhibits:

Objector's Exhibit's A - Certified document from Chicago Bd. of Election Commissioners indicating that the registration number for Otis Johnson is #009527Z, address- 6522 South Englewood Avenue, 1D, Chicago, Ill. On January 25, 1996, Otis Johnson lived at 6522 South Ingleside, 1B.

Objector's Exhibit B - Certified document from the Chicago Bd. of Election Commissioners indicating that the registration Number for George Reese, Sr., is 23158F, and further that On April 12, 2007, George S Reese, Sr. lived at 7359 S. Dorchester, in Chicago.

Objector's Exhibit C - Certified document from the Chicago Bd. Of Election Commissioners indicating that the registration Number for LeShone Williams is 7005 S. Winchester Avenue, Chicago, and further that on September 24, 2002, LeShon Williams resided at 8220 South Laflin.

Objector's Exhibit D - Certified document from the Chicago Bd. Of Election Commissioners indicating the the registration Number for Roger Bell is 7521F, and that on June 5, 2001, Roger Bell, Jr. resided at 5526 South Seeley, in Chicago.

Objector's Exhibit E - Certified document from the Chicago Bd. Of Election Commissioners indicating that Tina Marie Watson (no relation to this hearing examiner) lived at 6448 South Drexel Avenue, and further that on June 23, 2006, Tina Marie Watson lived at 6448 South Drexel.

FINDINGS AND RECOMMENDED DECISION ON MOTION TO STRIKE

The basis of the Candidate's Motion to Dismiss was predicated upon Public Act 92-129, effective July 20, 2001, which sets forth the requirements for circulators, and requires only that circulators be 18 years of age, and citizens of the United States.

The basis of the objector's argument is that the addresses listed by the circulators are invalid, because their voter registrations list a different address. Additionally, the objector asserts that under Illinois law, the circulators swore an oath that they would permanently reside at the address on their voter registrations, to the election commission. (See page pg.6, lines 1-5 of December 17, 2010 transcript)

FINDINGS: As to circulator, Otis Johnson, paragraph seven, I find that the objector's petition is stricken and dismissed as a matter of law, in that even if the addresses of the circulator was 6524 South Ingleside instead of 6533 South Ingleside, the Illinois General Assembly amended Section 7-10, Section 8-8, and Section 28-3 of the Illinois Election Code requiring only that a circulator be 18 years of age or older and a citizen o the United States, effective July 20, 2001.

Paragraph eight of the objector's petition also raises the issue of registration of the circulator at an address other than the one listed on the candidate's nominating petitions, Paragraph eight is stricken and dismissed for the same reasons heretofore stated, in that a Circulator is only required to be 18 years of age and a United States citizen.

Paragraph nine is stricken and dismissed for the same afore stated reasons.

Paragraph ten is also stricken and dismissed for the aforementioned reasons.

Paragraph eleven is stricken and dismissed as a matter of law, regarding circulator, Tina McBride, in that the variation in the name of the circulator is an insufficient basis and ground upon which to invalidate a nominating petition.

Paragraph twelve is stricken and dismissed with respect to the notary; as a matter of law, in that there is no requirement in the election code mandating that the notary of a petition be a registered voter. Additionally, the affidavit attached to the candidate's motion to strike states that the notary personally notarized all of the petition sheets in question in the objector's petition. I am persuaded, and I believe that the affidavit attached hereto is true and correct.

There being no need to address the issue of "shotgun" objections, this hearing examiner Makes the following recommendation:

RECOMMENDED DECISION

It is the recommendation of this hearing examiner that the name of George E. Davis BE PRINTED on the ballot for the February 22, 2011 Municipal General Election for the City of Chicago.

Dated: Chicago, Illinois, this 27th day of December, 2010

Respectfully Submitted By:

Casandra B. Watson, Hearing Examiner