

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

Objections of: EMMA ROBINSON)
)
To the Nomination) **No.: 07-EB-ALD-097**
Papers of: CHUBBY C. ROVER)
)
Candidate for the office of)
Alderman of the Twenty-eighth 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 EMMA ROBINSON (“Objector”) to the nomination papers (“Nomination Papers”) of CHUBBY C. ROVER, candidate for the office of Alderman of the Twenty-eighth 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 Edwin Reyes 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, EMMA ROBINSON, by counsel, James P. Nally, PC; and the Candidate, CHUBBY C. ROVER, by counsel, Randy Crumpton.

7. The Objector made a number of allegations, including a contention that the Candidate's Statement of Candidacy was deficient because it did not identify the district as the 28th Ward; that the residency of the Candidate was not established; that the circulator's signature on sheet number 8 did not appear on the line reserved on that sheet for the circulator's signature; that the notary public's jurat was incorrect because somebody appeared before the notary and executed an affidavit; and that the circulator's oath is false because the circulator did not appear before a notary public.

8. An evidentiary hearing scheduled for Friday, January 12, 2007, the Objector withdrew his objection to the Candidate's residency.

9. At the same evidentiary hearing, the Objector presented no evidence whatsoever to substantiate any of the other objections set out in the Objector's Petition.

10. The Hearing Examiner found that the Candidate filed 75 pages of petition sheets and that none of the allegations set forth in the Objector's Petition and have been substantiated by the Objector. Accordingly, the Hearing Examiner granted the Candidate's motion to dismiss the Objector's Petition.

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

12. 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.

13. For the reasons stated above, the Electoral Board dismisses 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 EMMA ROBINSON to the Nomination Papers of CHUBBY C. ROVER, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CHUBBY C. ROVER, candidate for election to the office of Alderman of the Twenty-eighth 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 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.

SERVICE Attached

BEFORE THE DULY CONSTITUTED ELECTORAL 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 ALDERMAN IN THE CITY OF CHICAGO

In the Matter of:

EMMA ROBINSON,)	
)	
Petitioner-Objector,)	NO. 07-EB-ALD-097
)	
vs.)	
)	
CHUBBY C. ROVER,)	
)	
Respondent-Candidate)	Hearing Officer: Edwin Reyes

The Objector, EMMA ROBINSON, filed an Objector's Petition on December 26, 2006. The Respondent-Candidate, Chubby C. Rover, filed his motion to strike and dismiss on January 3, 2007. The Objector reply to the motion to dismiss on January 4, 2007.

At a hearing on January 6, 2007, the Objector requested subpoena's for an evidentiary hearing.

The Objector alleged:

- A.) The statement of candidacy was deficient because it does not identify the district as the 28th ward.
- B.) Residency of the candidate was not established.
- C.) Circulator's affidavit.... "I think on review your will see that the line on that particular sheet, number 8, where the circulator attests to the affidavit is not signed and the fact that the circulator may have signed a different part of that affidavit does not make that signature on attestation of what circulator said he did in circulating those petitions."

D.) The Notary's jurat is incorrect because somebody appeared before a Notary and executed an affidavit.

E.) The circulator's oath is false because they did not appear before a notary.

Subpoena's were issued to obtain the candidates utility, phone and secretary of state records.

The evidentiary hearing was continued to Friday, January 12, 2007. At the hearing, the Objector withdraw his objection to residency.

The Objector presented no evidence to substantiate other claims with respect to the:

1.) Statement of Candidacy, 2.) Circulator's affidavit and 3.) Notarial jurat.

The Candidate Chubby C. Rover filed his nominating petitions for 28th Ward Alderman. A candidate for the 28th ward needs 141 valid signatures. The Candidate has filed 75 pages of petition for nominations that were challenged. The allegations in the challenge have not been substantiated by the Objector. The Candidate's motion to dismiss is granted. It is recommended that Chubby C. Rover's name appear on the ballot for the February 27, 2007 Municipal General Election.

RECOMMENDED FINDINGS OF FACT AND DECISIONS:

After reviewing the records, motions, objections and documents submitted, the Objector has not substantiated her claims. The Hearing Officer recommends that Chubby C. Rover be placed on the ballot as candidate for 28th Ward Alderman in the February 27, 2007 Municipal General Election in the City of Chicago.

Edwin Reyes

Hearing Officer Edwin Reyes