

**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-098**
Papers of: CASANDRA COLVIN)
)
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 CASANDRA COLVIN, 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, Tiffany Nelson and James P. Nally PC; and the Candidate, CASANDRA COLVIN, *pro se*.

7. The Objector alleges that the Candidate's Nomination Papers contain a Statement of Candidacy that specifies the district as the City of Chicago, not the 28th Ward.

8. The Hearing Examiner found that each of the Candidate's nominating petition sheets did correctly specify that the Candidate was seeking the office of Alderman in the 28th Ward.

9. The failure to properly designate the office the candidate is seeking on the statement of candidacy does not render his nomination papers invalid if it can be determined or ascertained by looking at the nominating petitions for which office the candidate is filing. *Lewis v. Dunne*, 63 Ill.2d 48, 344 N.E.2d 443 (1976). The candidate's failure to insert the Ward number on his statement of candidacy is not fatal since the Ward designation is clearly listed on each petition sheet. *Morgan v. Stowers*, 87-EB-ALD-140, CBEC, January 20, 1987.

10. The Objector next alleges that the Candidate's Statement of Candidacy improperly set forth a date of election as February 27, 2006.

11. The Candidate's error in referring to 2006 than 2007 does not invalidate it is Nomination Papers. See, for example, *Ahimaz v. Sheriff*, 92-EB-WC-88, CBEC, January 29, 1992; *Summers, et al. v. Morrow*, 04-EB-WC-09, CBEC, February 12, 2004.

12. Finally, the Objector alleges that the Candidate does not correctly state the title of election at which the office is to be voted upon as the "Municipal General Election", in violation of the Election Code.

13. The Hearing Examiner found that the Candidate's nominating petition sheets properly indicated in the heading that it was a "Municipal General Election Petition."

14. 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 overruled and that the Nomination Papers be found valid.

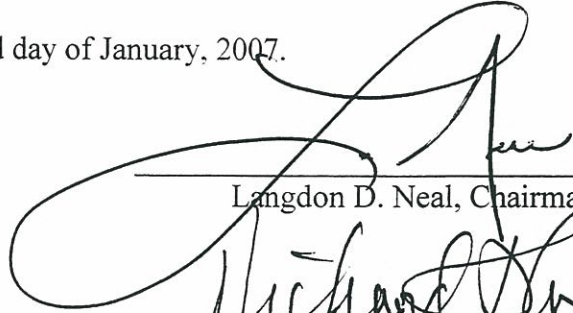
15. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

16. 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.

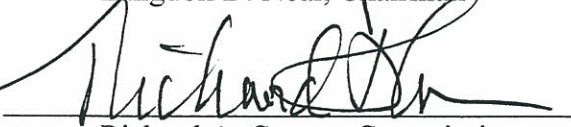
IT IS THEREFORE ORDERED that the Objections of EMMA ROBINSON to the Nomination Papers of CASANDRA COLVIN, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CASANDRA COLVIN,

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 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,

vs.

CASANDRA COLVIN,

Respondent-Candidate.

No.: 07-EB-ALD-006

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Hearing Officer: Edwin Reyes

The Objector, Emma Robinson filed a verified Objector's Petition on December 26, 2006. The Respondent-Candidate filed a Motion to Strike and Dismiss on January 3, 2007. The Objector filed his response on January 8, 2007 (Objector not previously served with candidate's Motion to Strike). The candidate filed a reply on January 9, 2007.

The Objector, Emma Robinson, alleges that:

- A) The nomination papers contain a statement of candidacy which specifies the district as the City of Chicago, not the 28th Ward.
- B) The Candidate's Statement of Candidacy sets forth a date of election as February 27, 2006.
- C) The Candidate does not state which election the office is to be voted upon as the Municipal General Election in violation of the Election Code.

Certificates of nomination or nomination papers must specify the office or offices to which such candidates shall be nominated. (Election Code Section 7-10, 8-8 and 10-5 (1).

According to the case of Lewis vs. Dunne, 63 IL.2d 48, 344 N.E. 2d 443 (1976), the failure to properly designate the office the candidate is seeking on the statement of candidacy does not render his nomination papers invalid if it can be determined by looking at the nominating petitions for which office the candidate is filing.

A review of Casandra Colvin's nomination papers make it very clear that Ms. Colvin is running for Alderman of the 28th Ward of the City of Chicago. Each of the 115 petition sheets

Ms. Colvin filed designate that she is running for Alderman of the 28th ward of the City of Chicago.

With respect to Objector's allegation that candidate's statement of candidacy sets forth the date of election as February 27, 2006. In Summers, etal. v. Morrow, 04-EB-WC-09, February 12, 2004, the board held that statements of candidacy with the wrong election date does not invalidate that candidate's nomination papers when it is clear from reading the nomination papers...the office and date candidate is seeking. In the case at hand, Summers is applicable and Casandra Colvin's nomination papers are clear with respect to the office and date of election Ms. Colvin is seeking.

The Objector's allegation that the candidate does not state which election the office is to be voted upon as the Municipal General Election is invalid. Each of the 115 petition sheets filed by the candidate designate in the heading, "Municipal General Election Petition."

The Objector presented no evidence to substantiate her claims.

The Candidate, Casandra Colvin filed her nominating petitions for 28th Ward Alderman. A candidate for the 28th Ward needs 141 valid signatures. The candidate has filed 115 pages of nominating petitions which will not challenge with respect to signatures.

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 Casandra Colvin be placed on the ballot as a candidate for 28th ward Alderman in the February 27, 2007 Municipal General Election in the City of Chicago.



Hearing Officer, Edwin Reyes