

**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-100
Papers of: DONALD GREER)	
)	
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 DONALD GREER, 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, DONALD GREER, by counsel, Richard K. Means.

7. The Objector alleges that the circulator of the petition sheets 1-65 did not personally appear and sign such sheets as the circulator before a notary public and that the nomination petition sheets 1-65, which bear a circulator's affidavit, were not sworn to before a notary public or other appropriate officer and that every signature on such sheets are invalid.

8. The Hearing Examiner conducted an evidentiary hearing on January 12, 2007, at which time notary public Essie L. White appeared and testified. The witness was the person who signed as the notary public on sheets 1-65. She testified that she notarized the petition sheets for the candidate, Donald Greer, who signed as the circulator of the petition sheets and who always signed such sheets in her presence.

9. Section 10-4 of the Election Code requires that the circulator's statement appearing at the bottom of each nominating petition sheet shall be sworn to before some officer

authorized to administer oaths in the state. This requirement has been held to be mandatory and not directory. *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469, 404 N.E.2d 180 (1980).

10. In this case, the notary public credibly testified that the circulator of petition sheets 1-65 appeared personally before her and signed such sheets in her presence when she notarized such petition sheets.

11. The Hearing Examiner concluded that Objector failed to demonstrate that the Candidate's Nomination Papers do not substantially comply with section 10-4 of the Election Code.

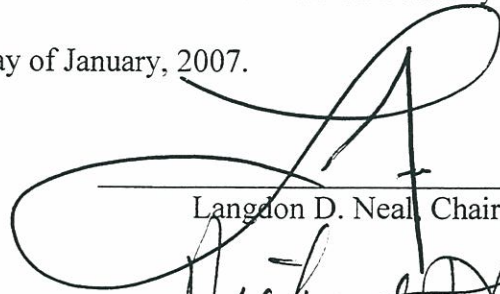
12. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be found valid.

13. 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.

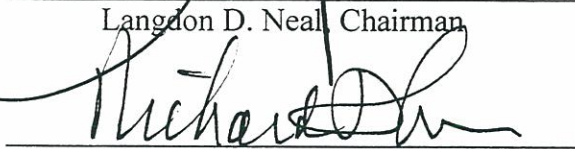
14. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of EMMA ROBINSON to the Nomination Papers of DONALD GREER, 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 DONALD GREER, 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.

On January 12, 2007, the Notary, Essie L. White appeared for an evidentiary hearing. Ms. White testified that she notarized the candidate Donald Greer's petition sheets.

Ms. White also testified that Donald Greer was always signed in her presence (Transcripts p. 5-6).

The circulator's statement appearing at the bottom of each nomination petition sheet shall be sworn to before some officer authorized to administer oaths in this state. 10ILCS 5/7-10 5/10-4.

The requirement in the Election Code That the person who circulated nominating petitions personally appear before a notary to validate the petition has been held to be mandatory and not directory, Bowe v. Chicago Electoral Board, 79 Ill.2d 469, 404 N.E.2d 180 (1980).

In the Notary Essie L. White testified that Donald Greer always personally appeared and signed in her presence when she notarized the nominating petitions. Mr. Greer has met his burden in accordance with the Election Code.

RECOMMENDED FINDINGS OF FACT AND DECISIONS:

After reviewing the records, motions, objections and testimony, the Hearing Officer grants the Respondent-Candidate's motion to dismiss.

The Hearing Officer further recommends that Donald Greer's name 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.

Edwin Reyes
Hearing Officer Edwin Reyes