

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

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**Objections of: EMMA ROBINSON** )  
)  
**To the Nomination** ) **No.: 07-EB-ALD-101**  
**Papers of: DERRICK L. DAVIS** )  
)  
**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 DERRICK L. DAVIS, candidate for the office of Alderman of the Twenty-eighth Ward in 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 to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, EMMA ROBINSON, by counsel, James P. Nally, PC and Tiffany Nelson; and the Candidate, DERRICK L. DAVIS, pro se

7. The Hearing Examiner ordered that an examination of the registration records be conducted by its clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. Neither the Candidate nor any representative of the Candidate was present during the examination of the registration records.

10. The Objector and/or her duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Electoral Board's file in this case and a copy has been provided to the parties.

12. The Electoral Board has considered all evidence and arguments tendered by the parties and the Hearing Examiner's report of recommended findings and conclusions of law.

13. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 141;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 315;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 232;

D. The remaining number of signatures deemed valid as a result of the records examination total 83.

14. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago.

15. Following the records examination, the Candidate made request to rehabilitate signatures after the records examination was conducted.

16. According to Rule 6 of the Rules of Procedure of the Electoral Board, if a watcher does not appeal a finding made by the Board's clerk at the time of the clerk's entry of the finding

during the records examination, that party shall not be allowed to present any evidence or argument of any kind with respect to the clerk's finding or the issue to which it related and any future appeal or reconsideration of the clerk's finding is waived.

17. Because the Candidate was not present during the records examination, he waived whatever right he had to attempt to rehabilitate any of signatures that may have been found invalid during the records examination.

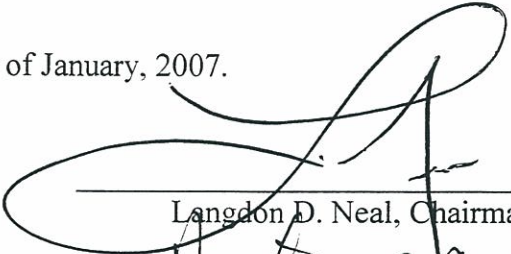
18. The Hearing Examiner has tendered to the Electoral Board his report and recommended decision. The Hearing Examiner recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

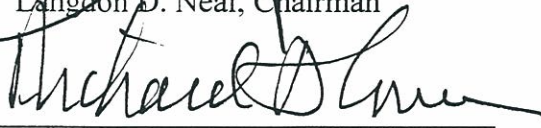
19. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Examiner, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Examiner's recommended findings and conclusions of law.

20. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of EMMA ROBINSON to the Nomination Papers of DERRICK L. DAVIS, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DERRICK L. DAVIS, candidate for election to the office of Alderman of the Twenty-eighth Ward of the City of Chicago, SHALL NOT 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.

  
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Langdon D. Neal, Chairman

  
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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.



Derrick L. Davis, the Respondent-Candidate filed his nominating petitions for 28<sup>th</sup> Ward Alderman. A candidate for the 28<sup>th</sup> ward needs 141 valid signatures. The Respondent has obtained 83 valid signatures, therefore it is recommended that Derrick L. Davis' name not appear for the February 27, 2007 Municipal General Election.

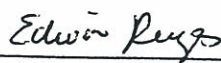
The Respondent, Derrick L. Davis was not physically present during the Records Examination and made a request to rehabilitate signatures after the Records Examination was conducted.

According to Rule 6 of the Rules of Procedure of the Board of Elections, p. 5-6. "If a watcher does not appeal a finding made by the board's clerk at the time of the clerk's entry of the finding during the Records Examination, that party shall not be allowed to present any evidence or argument of any kind with respect to the clerk's finding or the issue to which it related and any future appeal or reconsideration of the clerk's finding is waived."

Since the Respondent-Candidate was not present during the Records Examination, he waived his right to rehabilitate signatures that were found invalid. See, Rule 6.

**RECOMMENDED FINDINGS OF FACT AND DECISIONS:**

After reviewing the Records Examination, it has been determined that Derrick L. Davis does not have the minimum valid signature requirement of 141, and that he has 83 valid signatures. It is therefore not recommended that Derrick L. Davis be on the ballot as a candidate for 28<sup>th</sup> Ward Alderman in the February 27, 2007 Municipal General Election in the City of Chicago, for the reasons stated.

  
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Hearing Officer Edwin Reyes