

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

Objections of: MICHAEL D. DANIELS)
)
To the Nomination) **No.: 07-EB-ALD-110**
Papers of: DENISE P. BROWN)
)
Candidate for the office of)
Alderman of the Sixteenth 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 MICHAEL D. DANIELS (“Objector”) to the nomination papers (“Nomination Papers”) of DENISE P. BROWN, candidate for the office of Alderman of the Sixteenth 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 was held on these Objections commencing on January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner David Tecson 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 Call. The following persons, among others, were present at such hearing; the Objector, MICHAEL D. DANIELS, by counsel, Dan Johnson-Weinberger; and the Candidate, DENISE P. BROWN, 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. The Candidate or her duly authorized representative was present during the examination of the registration records at all times.

10. The Objector and/or his duly authorized representatives were present during the examination of the registration records at all times.

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 Board's file in this case and a copy was made available to the parties.

12. The Electoral Board has reviewed the applicable law and 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 Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 116.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 613.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 295.

D. The remaining number of signatures deemed valid as a result of the records examination total 318.


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

15. For the reasons stated above, the Electoral Board overrules the Objections and finds that the Nomination Papers of DENISE P. BROWN are valid.

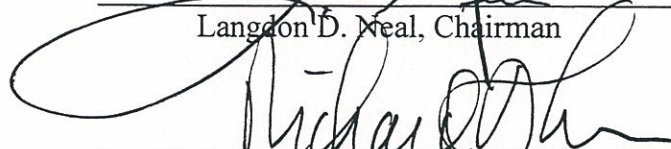
IT IS THEREFORE ORDERED that the Objections of MICHAEL D. DANIELS to the Nomination Papers of DENISE P. BROWN, candidate for election to the office of Alderman of the Sixteenth Ward of the City of Chicago, are hereby OVERRULED and said Nomination

Papers are hereby declared VALID and the name of DENISE P. BROWN, candidate for election to the office of Alderman of the Sixteenth 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 25th 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.

**BOARD OF ELECTION COMMISSIONERS
OF THE CITY OF CHICAGO**

MICHAEL D. DANIELS
Petitioner-Objector,
v.
DENISE P. BROWN
Candidate.



No. 07-EB-ALD-110

Hearing Examiner: David J. Tecson

JAN 23 4:09

RECOMMENDATION

This cause coming to be heard on Michael D. Daniels' (the "Objector") Verified Objector's Petition to bar Denise P. Brown (the "Candidate") from appearing on the ballot for the election of Alderman of the 16th Ward in the General Municipal Election to be held on February 27, 2007, the hearing examiner finds as follows:

I. Allegations of the Objection

The Objector filed a Verified Objector's Petition on December 26, 2006. Objector has brought this action challenging the nominating petitions of the Candidate for Alderman of the 16th Ward. Objector claims multiple violations of the Illinois Election Code. These objections were grouped into categories and labeled; 1) "Signer Not Registered At Address Shown," 2) "Signer's Signature Not Genuine," 3) "Signer Resides Outside of District," 4) "Signer's Address Missing or Incomplete," 5) "Signer Signed Petition More Than[k]sic Once at Sheet/Line Indicated," 6) "Not Genuine; Signer's Signature Printed and Not Written, and 7) "Circulator's Affidavit Not Properly Notarized." The Verified Objector's Petition was supported by an

appendix-recapitulation of objections which specified the nature of the objections to the individual signatures.


The Objector and the Candidate appeared before the Hearing Examiner on January 2, 2007 at approximately 10:30 a.m. The Candidate and Objector agreed that a record examination should proceed.

II. Record Examination

The Chicago Board of Election Commissioners conducted an independent examination of the signatures. The examination was completed on January 6, 2007 and the results of the record examination showed that of a total of 613 signatures on the petitions, 318 of the signatures were in fact valid. The minimum signature requirement for the office of Alderman of the 16th Ward is 116. Candidate has obtained a sufficient number of signatures to appear on the ballot for the upcoming election on February 27, 2007.

III. Recommended Findings of Fact and Decision

The Record Examination conducted by the Chicago Board of Election Commissioners demonstrates that Denise P. Brown submitted 318 valid signatures to support her candidacy. The minimum number of signatures required for the office of Alderman for the 16th ward is 116. Therefore, hearing examiner recommends that the Objector's Petition be overruled, and that Denise P. Brown remain on the ballot as a candidate for the upcoming election on February 27, 2007.


David J. Tecson
Hearing Examiner