CANDWD-ALD

**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 23, 1999 MUNICIPAL GENERAL ELECTION
FOR MAYOR, CLERK, TREASURER AND ALDERMAN
IN THE CITY OF CHICAGO**

Objections of: EVELYN T. STEPHAN	)	
	)	
To the Nomination	)	
Papers of: BRIAN ABRAHAMS	)	No.: 99-EB-ALD-003
	)	
Candidate for the Office of	)	
Alderman of the 43rd 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, Richard A. Cowen, and Theresa M. Petrone, 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 EVELYN T. STEPHAN to the nomination papers ("Nomination Papers") of BRIAN ABRAHAMS, candidate for the office of Alderman of the 43rd Ward for the City of Chicago ("Candidate"), having convened on December 28, 1998, at 9:00 a.m., in the City Council Chambers, City Hall, 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 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 December 28, 1998 and was continued from time to time.

5. The following persons, among others, were present at such hearing: the members of the Electoral Board, the Objector EVELYN T. STEPHAN by counsel, and the Candidate BRIAN ABRAHAMS, did not appear.

6. The Electoral Board assigned this matter to Hearing Examiner TERENCE FLYNN for further hearings and proceedings.

7. At the trial call on December 30, 1998, the Objector, EVELYN T. STEPHAN, was present by counsel and the Candidate, BRIAN ABRAHAMS, did not appear. The Hearing Examiner received a phone call from a person identifying himself as the Candidate stating that the he did not receive notice of the trial call. The Hearing Examiner informed the Candidate of the next hearing date of January 11, 1999.

8. On January 10, 1999, the Hearing Examiner received a voice-mail message from the same person identifying himself as the Candidate, BRIAN ABRAHAMS, stating that he was withdrawing his candidacy.

9. At the January 11, 1999 hearing in this matter, the Hearing Examiner entered into the record the phone call received from the Candidate. The Objector's counsel stated on the record that on January 10, 1999, he received a phone call from a person identifying himself as the Candidate and stating that he was withdrawing his candidacy.

10. The Hearing Examiner continued this matter to January 15, 1999, for the purpose of allowing the Candidate time to file written documentation of his withdrawal of candidacy.

11. On January 15, 1999, the Hearing Examiner found that the Candidate, BRIAN ABRAHAMS, had not filed written documentation with the Board of Elections withdrawing his candidacy. The Hearing Examiner entered into the record the facts and circumstances surrounding the phone conversation and the withdrawal candidacy.

12. The Board finds that on January 10, 1999, the Candidate telephoned the Hearing Examiner and verbally withdrew his Candidacy and requested that his/her name not be printed upon the ballot, thus rendering the Objections moot. Alternatively, the Candidate is defaulted for failing to appear at the January 11 and 15, 1999 hearings conducted in this matter. The Objector's Petition, on its face, state sufficient grounds to invalidate the Candidate's Nomination Papers if accepted as true.

IT IS THEREFORE ORDERED that the Candidate, BRIAN ABRAHAMS, has withdrawn his Nomination Papers or, in the alternative, that the Candidate, BRIAN ABRAHAMS, is defaulted for failing to appear at the hearings in this cause, and that the name of BRIAN ABRAHAMS, candidate for election to the office of Alderman of the 43rd Ward of the City of Chicago SHALL NOT be printed on the official ballot for the Municipal General Election for Mayor, City Clerk, City Treasurer and Alderman to be conducted in the City of Chicago on February 23, 1999.

Dated: Chicago, Illinois, this Twenty-Second day of January, 1999.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Theresa M. Petrone, 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.