NBCOFF-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: IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN	)	
	)	No.: 99-EB-ALD-111
To the Nomination Papers of: JOSEPH ANTHONY CLARK	)	
Candidate for the office of Alderman of the 4th Ward	)	

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 IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN to nomination papers ("Nomination Papers") of JOSEPH ANTHONY CLARK, candidate for the office of Alderman of the 4th 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 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 Objectors 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 Objectors, IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN; by counsel and the Candidate, JOSEPH ANTHONY CLARK, did not appear.

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

7. The Hearing Examiner conducted an initial hearing of this case on December 28, 1998 at 11:00 a.m. The Objector was present by counsel. The Candidate did not respond to the call of the case on three occasions and was not otherwise present. The Candidate had not been served with a copy of the Call for the December 28, 1998 hearing. The Hearing Examiner continued this matter to January 5, 1999.

8. On January 5, 1999, the following persons, among others were present at such hearing; the Objectors, IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN; by counsel and the Candidate, JOSEPH ANTHONY CLAK; pro se. The Hearing Examiner continued this matter to January 12, 1999.

9. The Electoral Board finds that the Candidate, JOSEPH ANTHONY CLARK, did not appear at the duly called meeting and hearing conducted in this matter on January 12, 1999.

10. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

11. Therefore, the Electoral Board finds that the Candidate, JOSEPH ANTHONY CLARK, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED, that the Objections of IVORY D. MITCHELL, LAWRENCE J. SCHEFF and L.S. ZUCKERMAN to the Nomination Papers of JOSEPH ANTHONY CLARK, candidate for election to the office Alderman of the 4th Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOSEPH ANTHONY CLARK, candidate for election to the office of Alderman of the 4th Ward for 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 held on February 23, 1999.

Dated: Chicago, Illinois, this Fifteenth 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.