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: MAURICE HICKS	)	
	)	
To the Nomination	)	
Papers of: KENNETH SWEARNIGEN	)	No.: 99-EB-ALD-145
	)	
Candidate for the office of	)	
Alderman of the 21st 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 MAURICE HICKS to nomination papers ("Nomination Papers") of KENNETH SWEARNIGEN, candidate for the office of Alderman of the 21st 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 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, MAURICE HICKS, by counsel, and the Candidate, KENNETH SWEARNIGEN, pro se.

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

7. The Hearing Examiner conducted an initial hearing of this case on December 28, 1998 at 12:30 a.m. The Objector and the Candidate were present and the case was continued to January 7, 1999.

8. At the continued hearing on January 7, 1999, the objector was present and the Candidate did not appear. The Candidate did not respond to the call of the case on three occasions and was not otherwise present.

9. The Electoral Board finds that the Candidate, KENNETH SWEARNIGEN, did not appear at the continued hearing on this matter after having appeared at the initial trial call on December 28, 1998.

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, KENNETH SWEARNIGEN, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

12. The Electoral Board finds that a similar finding was made in related case number 99-EB-ALD-135, Smith v. Swearnigen, and the Candidate's Nomination Papers were found to be invalid.

IT IS THEREFORE ORDERED, that the Objections of MAURICE HICKS to the Nomination Papers of KENNETH SWEARNIGEN, candidate for election to the office Alderman of the 21st Ward for the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of KENNETH SWEARNIGEN, candidate for election to the office of Alderman of the 21st 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 Nineteenth 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.