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: NICOLE PEDEN	)	
	)	
To the Nomination	)	
Papers of: SHIRLEY A. COLEMAN	)	No.: 99-EB-ALD-174
	)	
Candidate for the office of	)	
Alderman of the 16th 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 NICOLE PEDEN to nomination papers ("Nomination Papers") of SHIRLEY A. COLEMAN, candidate for the office of Alderman of the 16th 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 Electoral Board assigned this matter to Hearing Examiner WILLIAM JONES for further hearings and proceedings.

6. The Hearing Examiner conducted an initial hearing of this case on December 28, 1998. The case was scheduled to be heard at 12:15 p.m. The Hearing Examiner called the case a few minutes early. The Candidate was present through a representative. The Objector did not respond to the call of the case on three occasions and was not otherwise present. The Hearing Examiner set this matter for status on January 11, 1999 to allow the Objector to be served a copy of the Call for the status hearing.

7. Shortly after the call of the case and before 12:30 P.M., the Objector and her attorney appeared for the hearing. The Hearing Examiner had already left. The Objector and her attorney were informed by the Board's general counsel that the matter had been continued to January 11, 1999 for a status hearing.

8. On January 11, 1999, the Hearing Examiner conducted a status hearing on this case at 10:00 a.m. The Candidate was present pro se. The Objector did not respond to the call of the case on three occasions and was not otherwise present.

9. The Electoral Board finds that the Objector, NICOLE PEDEN, was served with a copy of the Call to the January 11, 1998 hearing by certified mail on December 29, 1998 and was personally informed of the hearing by the Board's general counsel. The Objector was also served with a copy of a Notice of Records Examination by certified mail on December 31, 1998. Both envelopes were returned to the Electoral Board by the post office and marked as "unclaimed."

10. The Electoral Board finds that the Objector, NICOLE PEDEN, did not appear at the duly called meeting and hearing conducted in this matter after having been duly served with a copy of the Call and having been notified of the meeting and hearing in this cause as required by law.

11. The Electoral Board further finds that there are no additional Objections filed against the Candidate's Nomination Papers.

12. Therefore, the Electoral Board finds that the Objector, NICOLE PEDEN, is in default, that the Objections are overruled, and that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED, that the Objections of NICOLE PEDEN to the Nomination Papers of SHIRLEY A. COLEMAN, candidate for election to the office Alderman of the 16th Ward for the City of Chicago are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of SHIRLEY A. COLEMAN, candidate for election to the office of Alderman of the 16th Ward for the City of Chicago, SHALL 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.