DEFAULT-ALD

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

Objections of: ANDREW V. HOLMES JR.	)	
	)	
To the Nomination	)	
Papers of: CHARLES PARTLOW JR.	)	No.: 03-EB-ALD-041
	)	
Candidate for the office of	)	
Alderman of the Seventeenth 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, Theresa M. Petrone, 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 ANDREW V. HOLMES JR. ("Objector") to the nomination papers ("Nomination Papers") of CHARLES PARTLOW JR., candidate for the office of Alderman of the Seventeenth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, 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. The Electoral Board assigned this matter to Hearing Examiner JOSEPH A. MORRIS for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. A public hearing held on these Objections commenced on January 2, 2003 at 11:00 AM. The following persons, among others, were present at such hearing; the Objector, Andrew V. Holmes, Jr. The Candidate, CHARLES PARTLOW, JR., was not present. The case was passed and called for a second time at 11:15 A.M, for a third time at 11:30 A.M., for a fourth time at 11:45 A.M, and for a fifth time at 11:50 A.M. At no time did the Candidate appear. A hearing was then held at 11:50 AM.

6. The Electoral Board finds that the Candidate, CHARLES PARTLOW JR., was served personally with a copy of the Electoral Board's Call to the January 2, 2003 meeting by a deputy Cook County Sheriff on December 30, 2002. The Board finds that the Candidate, CHARLES PARTLOW JR., was also served with a copy of the Call to the January 2, 2003 meeting by certified mail. A receipt, signed by C. Partlow on December 30, 2002, acknowledging receipt of the certified mail item was admitted in the record as part of Group Exhibit C.

7. The Electoral Board finds that the Candidate, CHARLES PARTLOW JR., 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.

8. 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.

9. Therefore, the Electoral Board finds that the Candidate, CHARLES PARTLOW JR., 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 ANDREW V. HOLMES JR. to the Nomination Papers of CHARLES PARTLOW JR., candidate for election to the office Alderman of the Seventeenth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CHARLES PARTLOW JR., candidate for election to the office of Alderman of the Seventeenth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Seventh day of January, 2003.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

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.