MOOT-ALD

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

Objections of: MELINDA LAFAYETTE	)	
	)	
To the Nomination	)	
Papers of: WILLIAM "MIKE" BAXTER	)	No.: 03-EB-ALD-092
	)	
Candidate for the office of	)	[related to 03-EB-ALD-048]
Alderman of the Twenty-eighth 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 MELINDA LAFAYETTE ("Objector") to the nomination papers ("Nomination Papers") of WILLIAM "MIKE" BAXTER, candidate for the office of Alderman of the Twenty-eighth Ward for 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. A public hearing held on these Objections commenced on December 30, 2002 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner RICHARD E. ZULKEY for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Trial Call. The following

persons, among others, were present at such hearing: the Candidate, WILLIAM "MIKE" BAXTER, pro se.

7. The Objector, MELINDA LAFAYETTE, did not appear at the January 2, 2003 hearing in this matter and the hearing was continued to January 8, 2003. The Board attempted again to serve the Objector by Sheriff's service and by certified mail to notify her of the continued hearing of January 8, 2003.

8. The Objector did not appear for the January 8, 2003 continued hearing in this matter. The Hearing Examiner found that the Sheriff's Office attempted to serve the Objector with copies of the Board' call and of notices of the hearings on December 27, 2002 and again on January 3, 2003 but the Objector was not served. The Sheriff's return of service noted that the Objector did not reside at the address given on her Objector's Petition. The Hearing Examiner has recommended that the Objector be defaulted and that the Objections be dismissed.

10. The Electoral Board finds that because the Objector did not appear at either of the two scheduled hearings in this matter, she should be defaulted and the Objections be stricken and dismissed.

11. In any case, the Board finds that this case is mooted by virtue of the decision rendered by the Electoral Board in case 03-EB-ALD-048, wherein the Candidate's Nomination Papers were found to be invalid.

IT IS THEREFORE ORDERED the name of WILLIAM "MIKE" BAXTER, candidate for election to the office of Alderman of the Twenty-eighth 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 Fourteenth 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.