DEFAULT-ALD

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

Objections of: IVORY D. MITCHELL, DHAFIR H. MAALIK, and MARGIE LEONARD	)	
	)	No.: 03-EB-ALD-108
To the Nomination Papers of: RUSSELL D. GRADY	)	
Candidate for the office of Alderman of the Fourth 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 IVORY D. MITCHELL, DHAFIR H. MAALIK, and MARGIE LEONARD ("Objectors") to the nomination papers ("Nomination Papers") of RUSSELL D. GRADY, candidate for the office of Alderman of the Fourth 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 Objectors 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 CHRISTOPHER AGRELLA for further hearings and proceedings.

5. The Objectors 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 11:15 AM. The following persons, among others, were present at such hearing; the Objectors, Ivory D. Mitchell, Dhafir H. Maalik, and Margie Leonard, by counsel. The Candidate

did not appear or respond to the call of the case. The case was passed and was recalled again at 11:48 AM. The Candidate did not appear or respond at that time. The case was passed and called again a third time at 12:05 PM. Again, the Candidate did not appear or respond to the call of the case.

6. The Electoral Board finds that the Candidate, RUSSELL D. GRADY, was served with a copy of the Call to the January 2, 2003 hearing by certified mail on December 27, 2003. A signed receipt acknowledging receipt of the certified mail item is included with Group Exhibit C. The receipt was signed by Russell D. Grady.

7. The Electoral Board finds that the Candidate, RUSSELL D. GRADY, 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 hearing in this cause as required by law.

8. The Electoral Board further finds that the Objectors' petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers. Specifically, the Objectors' petition contains sheet and line objection to the signatures on the Candidate's petition which, if taken as true, would reduce the Candidate's valid signatures below the minimum required by law, or 240 valid signatures. Because these allegations alone would, taken as true, be sufficient to invalidate the Candidate's Nomination Papers, the Electoral Board makes no findings regarding the remaining allegations in the Objectors' Petition.

9. Therefore, the Electoral Board finds that the Candidate, RUSSELL D. GRADY, is in default, that the Objections as to the validity of specific signatures on the Candidate's Nomination Papers are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of IVORY D. MITCHELL, DHAFIR H. MAALIK, and MARGIE LEONARD to the Nomination Papers of RUSSELL D. GRADY, candidate for election to the office Alderman of the Fourth Ward of the City of Chicago, are hereby SUSTAINED in part and said Nomination Papers are hereby declared INVALID and the name of RUSSELL D. GRADY, candidate for election to the office of Alderman of the Fourth 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 Twenty-First 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.