DEFAULT-ALD

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

Objections of: ROSE MCDANIEL AND KENNETH HARRIS	)	
To the Nomination Papers of: DARRYL WRIGHT	)	No.: 03-EB-ALD-151
Candidate for the office of Alderman of the Sixth 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 ROSE MCDANIEL AND KENNETH HARRIS ("Objector") to the nomination papers ("Nomination Papers") of DARRYL WRIGHT, candidate for the office of Alderman of the Sixth 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 JOHN R. ASHENDEN 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 11:45 AM. The following persons, among others, were present at such hearing; the Objectors, Rose McDaniel and Kenneth Harris, by counsel. The Candidate did not appear or respond to the call of the case. The case was called again at 12:08 P.M., at 12:37 P.M. and at 1:00 P.M. At no time did the Candidate appear or respond to the call of the case.

The hearing was continued to January 8, 2003. The Board was directed to make a second attempt to serve the Candidate with a copy of the Objector's Petition and with notice of the January 8, 2003.

6. At the January 8, 2003, hearing, the Objectors appeared through counsel. The Candidate did not appear or respond to the call of the case. The hearing was continued again to January 21, 2003.

7. At the January 21, 2003, hearing, the Objectors appeared through counsel. The Candidate did not appear or respond to the call of the case. The Hearing Examiner spread of record that twice the Sheriff attempted to serve the Candidate with a copy of the Objector's Petition and with a copy of the Electoral Board's Call to the January 2, 2003 and with a notice of the January 8, 2003 hearing. Both times the Sheriff determined that the Candidate does not reside at 7442 S. Drexel Avenue, Chicago, the address listed on his Nomination Papers. In response to the Board's two attempts to serve the Candidate with the same materials by certified mail, both times the certified mail receipt was returned by the Postal Service unsigned by the Candidate or by anyone on his behalf.

8. The Electoral Board finds that the Candidate, DARRYL WRIGHT, did not appear at the duly called meetings and hearings conducted in this matter after the Electoral Board attempted on multiple occasions to serve the Candidate with a copy of the Call and with a copy of the Objector's Petition by means of service as provided by statute.

9. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that the Candidate cannot be found by the statutory methods of service. If this were permitted, candidates would simply go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot.

10. The Electoral Board 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, DARRYL WRIGHT, 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 ROSE MCDANIEL and KENNETH HARRIS to the Nomination Papers of DARRYL WRIGHT, candidate for election to the office Alderman of the Sixth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DARRYL WRIGHT, candidate for election to the office of Alderman of the Sixth 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 Third day of February, 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.