DEFAULT-ALD

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

Objections of: LARRY G. NELSON	)	
	)	
To the Nomination	)	
Papers of: NEGALE T. JACKSON	)	No.: 03-EB-ALD-166
	)	
Candidate for the office of	)	
Alderman of the Twenty-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 LARRY G. NELSON ("Objector") to the nomination papers ("Nomination Papers") of NEGALE T. JACKSON, candidate for the office of Alderman of the Twenty-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 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 TERENCE E. FLYNN 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. The following persons, among others, were present at such hearing; the Objector, Larry G. Nelson. The Candidate did not appear at the hearing.

6. The Electoral Board finds that prior to the January 2, 2003, the Cook County Sheriff's

Office attempted to serve the Candidate at the address listed in his Nomination Papers with a copy of the Electoral Board's Call to the January 2, 2003 meeting on three occasions: December 27, 2002 at 10:27 A.M.; December 27, 2002 at 6:30 P.M.; and December 30, 2002 at 8:55 A.M.

7. The Hearing Examiner continued the hearing until January 9, 2003 at 10:45 A.M. and ordered further attempts of service on the Candidate.

8. Further personal service by the Sheriff's Office was attempted on the following dates: January 3, 2003 at 8:30 PM; January 6, 2003 at 8:47 AM; and January 6, 2003 at 5:00 PM. Again the result was no contact and no service.

9. The case was again called on January 9, 2003 at 10:50 AM, 11:05 AM and 11:20 AM. No one responded for the Candidate.

10. The sole objection to the Candidate's Nomination Papers is that the Candidate failed to file a Statement of Candidacy. On the record, the Hearing Examiner reviewed the file and determined that there was no Statement of Candidacy in the file.

11. The Objections, if taken as true are sufficient to invalidate the Candidate's Nomination Papers.

12. Section 10-5 of The Election Code (10 ILCS 5/10-5) requires that a candidate's nomination papers include a statement of candidacy setting out the address of the candidate, the office for which he or she is a candidate, and stating that the candidate is qualified for the office specified and that the candidate has filed (or will close before the end of the filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act. The statement of candidacy shall request that the candidate's name be placed upon the official ballot and shall be in substantially the form set forth in Section 10-5 and shall be subscribed and sworn to by the candidate before some officer authorized to take acknowledgments of deeds in the State of Illinois.

13. The Electoral Board finds that the Candidate did not file a Statement of Candidacy with his Nomination Papers as required by Section 10-5 of The Election Code. The Electoral Board finds that the failure to file a statement of candidacy renders the Candidate's nomination papers invalid. *Purnell v. Alcozer*, 95-EB-ALD-28, CBEC, 1995; *Hernandez v. Alcozer,* 95-EB-ALD-39, CBEC, 1995; *Mobley v. Beard*, 95-EB-MUN-07, CBEC, 1995; *Lacy v. Sias*, 92-EB-WC-35, CBEC, 1992.

14. A candidate cannot avoid service either of objections or of notices of hearings. A candidate must remain diligent and must anticipate the possibility of the timely and lawful filing of an objection pursuant to Section 10-8 of the Election Code. A candidate must make himself or herself reasonably available for such process under Article 10 of the Code.

15. The Electoral Board finds that the Candidate, NEGALE T. JACKSON, 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.

16. 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.

17. Therefore, the Electoral Board finds that the Candidate, NEGALE T. JACKSON, 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 LARRY G. NELSON to the Nomination Papers of NEGALE T. JACKSON, candidate for election to the office Alderman of the Twenty-fourth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of NEGALE T. JACKSON, candidate for election to the office of Alderman of the Twenty-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.