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

Objections of: JASON C. ERVIN	)
	)
To the Nomination	)
Papers of: BRIAN REED	)
	) No. 04-EB-RGA-07
Candidate for the office of Representative in the	) (rel. 04-EB-RGA-10)
General Assembly, 10th Representative District, State	)
of Illinois, Democratic Party	)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election 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 JASON C. ERVIN ("Objector") to the nomination papers ("Nomination Papers") of BRIAN REED, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 10th Representative District, State of Illinois ("Candidate"), having convened on January 5, 2004, at 2:00 p.m., in the City Council Chambers, 121 North LaSalle Street, 2nd Floor, 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 January 5, 2004 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner CHARLES R. BERNARDINI for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Electoral Board on January 5, 2004, at 2:00 p.m. The Electoral Board directed that the parties appear before the assigned Hearing Examiner at the date and time indicated on the trial calls.

7. The Hearing Examiner conducted an initial hearing of this case on January 6, 2004 at 9:30 AM. The Objector was present through his attorney. The Candidate did not respond to the call of the case on three occasions and was not otherwise present.

8. The Electoral Board finds that the Candidate, BRIAN REED, was served with a copy of the Electoral Board's Call to the January 5, 2004 meeting by a deputy Cook County Sheriff on December 31, 2003 at 11:00 AM.

9. The Electoral Board finds that the Candidate, BRIAN REED, did not appear at the duly called meeting of the Electoral Board nor at the initial 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.

10. 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.

11. Therefore, the Electoral Board finds that the Candidate, BRIAN REED, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

12. The Electoral Board further finds that there is another set of objections filed in case number 04-EB-RGA-10 in which the Candidate is also defaulted.

IT IS THEREFORE ORDERED that the Objections of JASON C. ERVIN to the Nomination Papers of BRIAN REED, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 10th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of BRIAN REED, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 10th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 16, 2004.

Dated: Chicago, Illinois, this 23rd day of January, 2004.

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.