OBJWD2-WC

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

Objections of: MELVIN DELK AND ALVIN DELK	)
	)
To the Nomination	)
Papers of: GINA FRANKLIN-LIVERPOOL	)
	) No. 04-EB-WC-48
Candidate for the office of Ward Committeeman for	) (rel. 04-EB-WC-49)
the 28th Ward of the City of Chicago, Republican	)
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 MELVIN DELK AND ALVIN DELK to the nomination papers ("Nomination Papers") of GINA FRANKLIN-LIVERPOOL, candidate for the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party ("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 Objectors 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 LYNNE R. OSTFELD for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, MELVIN DELK, pro se; and the Candidate, GINA FRANKLIN-LIVERPOOL, pro se. Objector ALVIN DELK did not appear either in person or by counsel.

7. The Electoral Board finds that on January 6, 2004, Objector Melvin Delk filed a motion to withdraw his Objections against the Candidate's Nomination Papers.

8. The Electoral Board further finds that Objector ALVIN DELK is defaulted for failing to appear at any hearing conducted in this matter and that his Objections are STRICKEN.

9. The Electoral Board further finds that there is another objection filed against the Candidate's Nomination Papers in case 04-EB-WC-49 which will determine whether the Candidate's Nomination Papers are valid and whether the Candidate's name will appear on the ballot.

IT IS THEREFORE ORDERED that Objector MELVIN DELK'S motion to withdraw his Objections is granted and said Objections are WITHDRAWN. It is further ordered that Objector ALVIN DELK is defaulted and his Objections are STRICKEN. Therefore, this case is dismissed as moot.

Dated: Chicago, Illinois, this 27th 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.