NBCON-RGA

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

Objections of: DERRICK PRINCE	)	
	)	
To the Nomination	)	
Papers of: MARLOW H. COLVIN	)	
	)	No. 06-EB-RGA-09
Candidate for the office of Representative of the 33rd	)	
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 DERRICK PRINCE ("Objector") to the nomination papers ("Nomination Papers") of MARLOW H. COLVIN, candidate for the nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd Representative District, State of Illinois ("Candidate"), having convened on January 3, 2006, at 10:00 a.m., in the Conference Room, Eighth Floor, 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 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 3, 2006 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Casandra B. Watson for further hearings and proceedings.

6. The Hearing Examiner conducted a hearing in this matter on January 3, 2006 at 2:00 p.m. The following persons, among others, were present at such hearing: the Objector, DERRICK PRINCE, appearing *pro se*; and the Candidate, MARLOW H. COLVIN, appearing through his attorneys.

7. The Candidate filed a Motion to Strike and Dismiss the Objector's Petition on January 3, 2006. The hearing was continued to January 7, 2006 at 11:00 a.m. for purposes of hearing and argument on the Candidate's motion.

8. On January 7, 2006 at 11:15 a.m., the Candidate was present through his attorneys; the Objector failed to appear. A member of the Electoral Board staff was sent to the records examination area where the Objector had been seen earlier that morning to advise the Objector that his hearing was scheduled and would proceed. Upon return of the staff member, the Hearing Examiner was advised that the Objector had signed out of the record examination area at 10 a.m. and had not returned. A telephone call was then made to the Objector by using the numbers listed on his Appearance Form filed by him in this matter. The Objector advised the Hearing Examiner's clerk that he would not be returning for the scheduled hearing and argument on the motion. At 11:30 a.m., the hearing was reconvened for hearing and argument on the Candidate's Motion to Strike and Dismiss. After argument from the Candidate's attorneys, and no argument by the Objector, the Hearing Examiner granted the Candidate's Motion to Strike and Dismiss the Objector's Petition.

9. The Electoral Board hereby adopts the Hearing Examiner's recommended decision in the case, the Candidate's Motion to Strike and Dismiss the Objector's Petition is granted and the Objector's Petition is dismissed.

IT IS THEREFORE ORDERED, that the Objections of DERRICK PRINCE to the Nomination papers of MARLOW H. COLVIN, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd Representative District, State of Illinois are hereby DISMISSED and said Nomination Papers are hereby declared VALID and the name of MARLOW H. COLVIN, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 33rd Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on March 21, 2006.

Dated: Chicago, Illinois, this 20th day of January, 2006.

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.