DEFAULT-ALD

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

Objections of: JOSEPH KINSELLA	)	
	)	
	)	
To the Nomination	)	**No.: 07-EB-MUN-003**
Papers of: THOMAS O'BRIEN	)	**(rel. 07-EB-MUN-009)**
	)	
Candidate for the office of	)	
City Clerk, 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 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 JOSEPH KINSELLA, ("Objector") to the nomination papers ("Nomination Papers") of THOMAS O'BRIEN, candidate for the office of City Clerk of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, 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. A public hearing held on these Objections commenced on January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Christopher Agrella for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, JOSEPH KINSELLA, by his attorney James P. Nally.

7. The Candidate, THOMAS O'BRIEN, did not answer to the call nor did he appear at the hearing. The case was called again at least three times on January 2, 2007 and at no time did the Candidate or any representative of the Candidate appear.

8. The Hearing Examiner found that the Cook County Sheriff did personally serve the Candidate at his listed home address on December 29, 2006, at 8:30 a.m. with a copy of the Objector's Petition and with a copy of the Call to the January 2, 2007 meeting.

9. The Hearing Examiner found and reports that the Candidate, THOMAS O'BRIEN, did not appear at any of the duly called meetings and hearings conducted in this matter after having the Candidate served with a copy of the Call by the means of service specified in the statute.

10. Upon examination, the Hearing Examiner determined and found that the Candidate's Nomination Papers contained only one (1) purportedly valid signature of qualified

voters, far below the minimum number of validly collected signatures of qualified and duly registered voters of the city of Chicago as required by law (12,500) for the office of City Clerk.

11. The Hearing Examiner defaulted the Candidate for failing to appear at the scheduled hearing on January 2, 2007 after having been duly served with a copy of the Electoral Board's Call.

12. The Electoral Board adopts the recommended findings and conclusions of the Hearing Examiner in this matter and finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

13. Therefore, the Electoral Board finds that the Candidate, THOMAS O'BRIEN, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

14. The Electoral Board reached a similar result in case 07-EB-MUN-009.

IT IS THEREFORE ORDERED that the Objections of JOSEPH KINSELLA to the Nomination Papers of THOMAS O'BRIEN, candidate for election to the office City Clerk of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of THOMAS O'BRIEN, candidate for election to the office of City Clerk of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 9th day of January 2007.

Langdon D. Neal, Chairman

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.