OBJDEFOFF-ALD

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

Objections of: Shawn Essex	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-053
Papers of: Michael Finney	)	
	)	Related Case: 11-EB-ALD-104
Candidate for the office of	)	
Alderman of the 15th 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, Richard A. Cowen, and Marisel A. Hernandez, 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 Shawn Essex ("Objector") to the nomination papers ("Nomination Papers") of Michael Finney, candidate for the office of Alderman of the 15th Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 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 December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Travis Richardson 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 Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Shawn Essex, pro se; and the Candidate, Michael Finney, pro se.

7. The Candidate was granted leave to file a motion to strike the Objector's petition and a briefing schedule was set.

8. When the hearing was reconvened on December 10, 2010, the Candidate appeared pro se but the Objector did not appear. The Objector also did not file a response to the Candidate's motion to strike the Objector's Petition.

9. The Hearing Officer found, and recommends to this Board, that the Objector be found in default for failure to appear at the December 10, 2010 hearing and that he has failed to prosecute his Objections.

10. The Hearing the Officer has tendered his report and recommendations to the board in this matter. Having considered the Hearing Officer's report and recommendations, the Electoral Board adopts such recommendations and finds that the Objector is in default. Therefore, the Electoral Board dismisses said objections.

11. The Electoral Board further finds, however, that in related case 11–EB–ALB–104, the Candidate's Nomination Papers were found to be invalid.

IT IS THEREFORE ORDERED that the name of Michael Finney, candidate for election to the office of Alderman of the 15th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 21, 2011.

Langdon D. Neal, Chairman

Richard A. Cowen, Commissioner

Marisel A. Hernandez, 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 5 days after service of the decision of the Electoral Board.