CANDWD-ALD

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

Objections of: Gail A. Merritt	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-241
Papers of: Michael "Mike" Kelly	)	
	)	Related Case: 11-EB-ALD-180
	)	
Candidate for the office of	)	
Alderman of the 2nd 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 Gail A. Merritt ("Objector") to the nomination papers ("Nomination Papers") of Michael "Mike" Kelly, candidate for the office of Alderman of the 2nd Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held 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 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 December 6, 2010 at 9:00 a.m.

5. The Electoral Board assigned this matter to Hearing Officer Christopher Agrella 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, Gail A. Merritt, by attorney Marni Willenson; and the Candidate, Michael "Mike" Kelly, by attorneys Steven M. Laduzinsky and Mark L. Evans.

7. The Board finds that on December 17, 2010, the Candidate filed papers with the Board of Election Commissioners withdrawing as a candidate for election and requesting that his name not be printed upon the ballot, thus rendering the Objections moot.

IT IS THEREFORE ORDERED that the name of Michael "Mike" Kelly, candidate for election to the office of Alderman of the 2nd 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 December 21, 2010.

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.