DEFAULT-ALD

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

Objections of: Tina Perez	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-281
Papers of: Marvin Carr	)	
	)	Related Case: 11-EB-ALD-329
Candidate for the office of	)	
Alderman of the 10th 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 Tina Perez ("Objector") to the nomination papers ("Nomination Papers") of Marvin Carr, candidate for the office of Alderman of the 10th Ward of 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 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 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Gerald B. Mullin for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objector and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Objector, Tina Perez, by attorney, Michael J. Kasper.

7. The Candidate, Marvin Carr, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 6, 2010 and at no time did the Candidate or any person purporting to represent the Candidate appear.

8. The Electoral Board finds that the Candidate, Marvin Carr, did not appear at any of the duly called meetings and hearings conducted in this matter despite having been served with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

9. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

election to the office of Alderman of the 6thWard of the City of Chicago. Moreover, the Hearing Officer found that the Objector failed to prove a pattern of fraud in regard to the circulation of the petition sheets in question. Therefore, the Hearing Officer has recommended that the Candidate's Nomination Papers should be found valid.

16. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

17. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on her nominating petitions and that the Nomination Papers of Cassandra Goodrum-Burton are, therefore, valid. The Electoral Board has made a similar finding in Related Case 11-EB-ALD-059.

10. Therefore, the Electoral Board finds that the Candidate, Marvin Carr, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Tina Perez to the Nomination Papers of Marvin Carr, candidate for election to the office of Alderman of the 10th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Marvin Carr, candidate for election to the office of Alderman of the 10th 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.