DEFAULT-ALD

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

Objections of: Christopher Butler	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-360
Papers of: David L. Nuckolls Jr.	)	
	)	Related Cases: 11-EB-ALD-097,
	)	11-EB-ALD-098
Candidate for the office of	)	
Alderman of the 20th 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 Christopher Butler ("objector") to the nomination papers ("Nomination Papers") of David L. Nuckolls Jr., candidate for the office of Alderman of the 20th 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 Casandra Watson 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, Christopher Butler, by attorney Nicholas Kefalos.

7. The Candidate, David L. Nuckolls Jr., 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 records of the United States Postal Service indicated that on December 4, 2010, a copy of the Objector's Petition and with a copy of the Call to the December 6, 2010 hearing in this cause was delivered to the Candidate via certified mail, return receipt requested.

9. The Electoral Board finds that the Candidate, David L. Nuckolls Jr., did not appear at the duly called hearing conducted in this matter on December 6, 2010 after being

served with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

10. The Electoral Board finds that the Candidate, David L. Nuckolls Jr., did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve the Candidate with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

11. 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.

12. Therefore, the Electoral Board finds that the Candidate, David L. Nuckolls Jr., 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 Christopher Butler to the Nomination Papers of David L. Nuckolls Jr., candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of David L. Nuckolls Jr., candidate for election to the office of Alderman of the 20th 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 10, 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.