DEFAULT-MUN

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

Objections of: Arthur Mitchell	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-MUN-034
Papers of: Goran Davidovac	)	
	)	Related Cases: 11-EB-MUN-043,
	)	11-EB-MUN-051
Candidate for the office of	)	
City Clerk of 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 Arthur Mitchell ("Objector") to the nomination papers ("Nomination Papers") of Goran Davidovac, 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 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 Barbara Goodman 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, Arthur Mitchell, by attorneys James P. Nally and Timothy Johns.

7. The Candidate, Goran Davidovac, 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 on December 2, 2010 the Cook County Sheriff served the Candidate via substitute service with a copy of the Objector's Petition and with a copy of the Call to the December 6, 2010 hearing in this cause.

9. The Electoral Board finds that the Candidate, Goran Davidovac, did not appear at the duly called hearing conducted in this matter after having been 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 further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers. Specifically, a review of the Candidate's Nomination by the Hearing Officer reveals that on the face of such papers they contain no more than five (5) signatures. The minimum signature requirement for the office of City Clerk is 12,500 (65 ILCS 20/21-28).

11. Therefore, the Electoral Board finds that the Candidate, Goran Davidovac, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

12. IT IS THEREFORE ORDERED that the Objections of Arthur Mitchell to the Nomination Papers of Goran Davidovac, candidate for election to the office of City Clerk of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Goran Davidovac, 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 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.