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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-035
Papers of: Frank L. Coconate	)
	) Related Cases:
	) 11-EB-MUN-042,
	) 11-EB-MUN-050
Candidate for the office of	)
City Clerk of the 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 Frank L. Coconate, 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'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, Arthur Mitchell, by attorney, James P. Nally; and the Candidate, Frank L. Coconate, pro se.

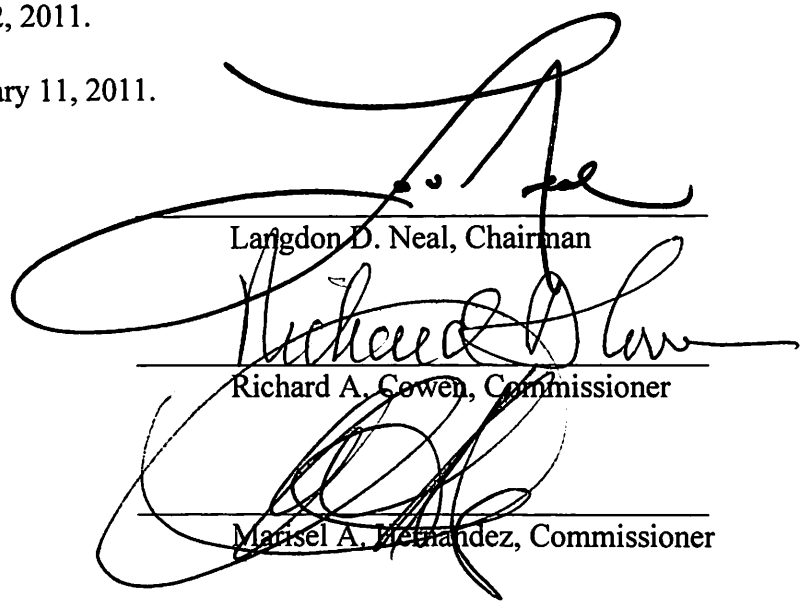
7. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be sustained and that the Nomination Papers be found invalid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board sustains the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are invalid. The Electoral Board has made a similar finding in 11-EB-MUN-042 and 11-EB-MUN-050.

IT IS THEREFORE ORDERED that the Objections of Arthur Mitchell to the Nomination Papers of Frank L. Coconate, candidate for election to the office City Clerk of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Frank L. Coconate, 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 January 11, 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.

BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARDFOR THE
HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION
IN THE CITY OF CHICAGO

ARTHUR MITCHELL)
)
Objector)
)
)
)
-v-)
)
FRANK L. COCONATE)
)
Candidate)

11 EB MUN 035
(related 11 EB MUN 042,
11 EB MUN 050)

BOARD OF ELECTION
POLLING PLACE DEPT
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HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 6, 2010. Objector appeared through ~~counsel~~ James Nally and counsel Timothy Johns. The candidate appeared pro se. The parties were given the opportunity to file preliminary motions. The matter was rescheduled for further hearing on December 9, 2010. Neither party submitted preliminary motions.

On December 9, 2010, the objector appeared through counsel and the candidate failed to appear. The candidate was reached via telephone and indicated that he did not intend on appearing at the hearing and that he did not intend to further defend the objections. Counsel for the Objector moved for a judgment of default against the candidate.

The Objector's Petition alleged that the Candidate's nominating papers were insufficient on their face in that the candidate filed no greater than 60 valid signatures, said number being 12,440 below the statutory minimum of 12,500. A review of the nominating papers established that the Objector's allegation was, in fact, correct.

In light of the foregoing, it is my recommendation that a motion for default judgment be entered against the candidate. It is my further recommendation that the objections be sustained and that the nominating papers of Frank L. Coconate for the office of City Clerk be deemed invalid. Accordingly, the name of Frank L. Coconate for the office of City Clerk should not appear on the ballot at the February 22, 2011 Municipal General Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Examiner
12/13/10