DEFAULT

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

Objections of: PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI	)	
To the Nomination Papers of: EDDIEN ENRIQÚE GONZÁLEZ	)	No.: 23-EB-ALD-027
Candidate for the office of Alderperson for the 40th Ward, City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI ("Objectors") to the nomination papers ("Nomination Papers") of EDDIEN ENRIQÚE GONZÁLEZ, candidate for the office of Alderperson for the 40th Ward ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on Friday, December 9, 2022, at 4:00 p.m., 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 were duly and timely filed.

2. The Electoral Board was legally constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair of the Electoral Board and served upon the members of the Electoral Board, the Objectors and the

Candidate, by registered or certified mail and by Sheriff's service, as provided by statute or service was waived.

4. A public hearing held on these Objections commenced on Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Yamil E. Colón for further hearings and proceedings.

5. The Objectors 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 Objectors and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Objectors, PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI through their attorney SCOTT B. ERDMAN.

6. The case was called more than once on Monday, December 12, 2022 and at no time did the Candidate EDDIEN ENRIQÚE GONZÁLEZ or any person purporting to represent the Candidate appear.

7. The Electoral Board finds that the Cook County Sheriff attempted to serve the Candidate with a copy of the Objector's Petition and with a copy of the Call on Friday, December 9, 2022 at 3:32 p.m. The return of the Sheriff's office indicated that the reason that the Candidate was not served was "No Contact." The Candidate was also sent a copy of the Call to the Monday, December 12, 2022 meeting by certified mail.

8. The initial hearing was continued to December 19, 2022 to allow for additional service attempts upon the Candidate. The Cook County Sheriff again attempted to serve the Candidate with a notice of continued hearing for the December 19, 2022 at 5:14 p.m. The Sheriff's return of service indicated that the reason the Candidate was not served on this occasion

was "No Contact". A copy of the notice of the continued hearing was also sent to the Candidate by certified mail and signed for on December 16, 2022.

9. The Electoral Board finds that the Candidate, EDDIEN ENRIQÚE GONZÁLEZ, 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.

10. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that a candidate cannot be found by the statutory methods of service. If this were permitted, candidates would simply go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot.

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, EDDIEN ENRIQÚE GONZÁLEZ 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 PAUL W COLSON and MICHAEL BENJAMEN ABBINANTI to the Nomination Papers of EDDIEN ENRIQÚE GONZÁLEZ, candidate for the office of Alderperson for the 40th Ward, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of EDDIEN ENRIQÚE GONZÁLEZ, candidate the office of Alderperson for the 40th Ward,

SHALL NOT be printed on the official ballot for the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023.

Dated: Chicago, Illinois, on Friday, December 30, 2022.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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.