DEFAULT- OBJ

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

| | | |
|---|---|---|
| Objections of: ETTA JOHNSON | ) | |
| | ) | |
| | ) | |
| To the Nomination | ) | No.: 23-EB-ALD-078 |
| Papers of: JASON C. ERVIN | ) | |
| | ) | Rel.: 23-EB-ALD-063 |
| Candidate for the office of Alderperson for | ) | |
| the 28th Ward | ) | |

## 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 ETTA JOHNSON ("Objector") to the nomination papers ("Nomination Papers") of JASON C. ERVIN, candidate for the office of Alderperson for the 28th Ward ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on 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 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 Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Lynne Ostfeld for further hearings and proceedings.

5. 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 JASON C. ERVIN and his

6. The Objector, ETTA JOHNSON, did not answer to the call nor did she appear at the hearing. The case was called again at least two more times at least 15 minutes apart on Monday, December 12, 2022 and at no time did the Objector or any person purporting to represent the Objector appear.

7. The Electoral Board finds that the Cook County Sheriff attempted to serve the Objector with a copy of the Call to the Decemberr 9, 2022 and December 12, 2022 hearings. The return of the Sheriff's office indicated that the Objector was served by "Personal Service" on December 9, 2022 at 5:30 p.m. The Objector was also sent a copy of the Call to the December 9, 2022 and December 12, 2022 meetings by certified mail, but a signed receipt acknowledging receipt of the certified mail item has never been returned by the Postal Service.

8. The Electoral Board finds that the Objector, ETTA JOHNSON did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve the Objector with a copy of the Call by the means of service specified in the statute.

9. Therefore, the Electoral Board finds that the Objector, ETTA JOHNSON, is in default, that the Objections are dismissed.

10. The Electoral Board further finds that another Objector's Petition was timely filed against the Candidate's Nomination Papers and that matter remains pending before the Board (23-EB-ALD-063). Due to the other pending objection, the Board is not able in the present matter to determine whether the Candidate's Nomination Papers are valid.

11. IT IS THEREFORE ORDERED that the Objections of ETTA JOHNSON to the Nomination Papers of JASON C. ERVIN, candidate for the office of Alderperson for the 28th Ward of the City of Chicago, are hereby stricken and this case is dismissed with prejudice.

Dated: Chicago, Illinois, on Thursday, December 22, 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.**