NBCPEND-ALD

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

Objections of: TONI WILLIAMS	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-PDC-005
Papers of: ROBERT R. MCKAY	)	
	)	Rel.: 23-EB-PDC-011
Candidate for the office of Council Member	)	
of the 5th Police District	)	
	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners of 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 TONI WILLIAMS ("Objector") to the nomination papers ("Nomination Papers") of ROBERT R. MCKAY, candidate for the office of Council Member of the 5th Police District5th ("Candidate") to be elected at the Municipal General and Alderpersons Elections to be held on 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 or service was waived.

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

5. 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 Candidate, ROBERT R. MCKAY. The Objector, TONI WILLIAMS was not present and had not been served at the initial call of the case on December 12, 2022.

6. The Electoral Board finds that the Cook County Sheriff attempted to serve the Objector with a copy of the Objector's Petition and with a copy of the Call on Friday December 9, 2022 at approximately 4:25 p.m. The return of the Sheriff's office indicated that the reason that the Objector 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. While a signed receipt acknowledging receipt of the certificate mail item was not returned by the Postal Service, a true and correct copy of the Board's ledger showing that the certified item was delievered to the Postal Service was contained in the file.

7. The initial hearing was continued to December 19, 2022 to allow for additional service attempts upon the Objector. The Cook County Sheriff attempted to serve the Candidate with a notice of continued hearing for the December 19, 2022 at approximately 6:12 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 continued hearing was also sent to the Objector by certified mail, return receipt requested, but no receipt was returned to the Board by the Postal Service.

8. Neither the Candidate nor the Objector appeared at the December 19, 2022 hearing.

9. The Electoral Board finds that an Objector, having filed an Objector's Petition, must actively participate in the hearing process which includes, but is not limited to, ascertaining the date(s) of the hearing and appearing at said hearing(s).

10. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. In light of the Objector's failure to appear and participate in the proceedings, the Hearing Officer recommends that the Objector's Petition be dismissed.

11. 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.

12. For the reasons stated above, the Electoral Board dismisses the Objections to the Candidate's Nomination Papers.

13. The Electoral Board further finds that objections to the Candidate's Nomination Papers were filed in related case 23-EB-PDC-011 and the Electoral Board has not yet entered a final Decision in said case.

IT IS THEREFORE ORDERED that the Objections of TONI WILLIAMS to the Nomination Papers of ROBERT R. MCKAY candidate for election to the office of Council Member of the 5th Police District, are hereby DISMISSED and the validity of the Candidate's Nomination Papers shall be determined in case 23-EB-PDC-011.

Dated: Chicago, Illinois, on 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.