DEFAULT

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

Objections of: MELARI JONES	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-PDC-010
Papers of: JACQUELINE BROWN	)	
	)	Rel.: 23-EB-PDC-018
Candidate for the office of Council Member	)	
for the 18th Police District	)	

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 MELARI JONES ("Objector") to the nomination papers ("Nomination Papers") of JACQUELINE BROWN, candidate for the office of Council Member for the 18th Police District ("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 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 Friday, December 9, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Pedro Fernandez 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 Objector, MELARI JONES through her attorneys, SEAN MCGRATH, BURTON S ODELSON and ROSS D. SECLER.

6. The Candidate, JACQUELINE BROWN, 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 Candidate 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 to the Monday, December 12, 2022 hearing in this case on December 9, 2022 at 4:04 p.m. The return of the Sheriff's office indicated that the candidate was served by "Personal Service". The Candidate was also sent a copy of the Call to the Friday, December 9, 2022 meeting by certified mail, but a signed receipt acknowledging receipt of the certified mail item has never been returned by the Postal Service.

8. The initial hearing was continued to December 20, 2022 at 10:00 a.m. to allow for additional service upon the Candidate of a copy of the Objections and notice of hearing. The Cook County Sheriff again attempted to serve the Candidate with a notice of continued hearing for the December 20, 2022 hearing on December 15, 2022 at 4:50 PM. The Sheriff's return of service indicated that the Candidate was served on said date.

9. The Electoral Board finds that the Candidate, JACQUELINE BROWN 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, JACQUELINE BROWN 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 MELARI JONES to the Nomination Papers of JACQUELINE BROWN, candidate for the office of Council Member for the 18th Police District, are hereby SUSTAINED and said Nomination Papers are hereby

declared INVALID and the name of JACQUELINE BROWN, candidate the office of Council Member for the 18th Police District, 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, January 6, 2023.

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.