

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

Objections of: Darnell Macklin)
)
)
To the Nomination) No.: 16-EB-WC-08
Papers of: Aja McClanahan)
)
Candidate for the office of Republican Party)
Ward Committeeman for the 6th Ward, City of)
Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of Darnell Macklin (“Objector”) to the nomination papers (“Nominating Papers”) of Aja McClanahan, candidate for the office of Republican Party Ward Committeeman for the 6th Ward of the City of Chicago (“Candidate”) at the General Primary Election to be held on March 15, 2016, having convened on December 14, 2015, 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 14, 2015 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Yamil Colón for further hearings and proceedings.

6. 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, Darnell Macklin, by his attorney, Brian P. Wojcicki.

7. The Candidate, Aja McClanahan, 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 December 14, 2015 and at no time did the Candidate or any person purporting to represent the Candidate appear.

8. 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 December 14, 2015 hearing in this cause on December 10, 2015. 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 December 14, 2015 meeting by certified mail, but a signed receipt acknowledging receipt of the certified mail item has never been returned by the Postal Service.

9. The initial hearing was continued to December 21, 2015 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 21, 2015 on December 16, 2015. The Sheriff's return of service indicated that the reason the Candidate was not served on these occasions was no contact. A copy of the notice of continued hearing was also sent to the Candidate by certified mail, return receipt requested, but no receipt was returned to the Board by the Postal Service.

10. Immediately after adjournment of the December 21, 2015 hearing, the Hearing Officer reviewed the Candidate's Nomination Papers for contact information. A telephone number contained on the Candidate's Receipt of Nomination Papers was called by a Board representative. The individual answering stated that the Candidate was not intending to pursue her candidacy any further because she believed she did not have sufficient supporting signatures. The individual was then informed that in the event, the candidate was required to file a written withdrawal of her candidacy. As of this date, no withdrawal has been filed by or on behalf of the Candidate.

11. The Electoral Board finds that the Candidate, Aja McClanahan, 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.

12. The Constitution requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objection." *Ho v. Donovan*, 569 F.3d 677, 680 (7th Cir. 2009), citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652 (1950). "The

Constitution does not require that an effort to give notice succeed. [citation] If it did, then people could evade knowledge, and avoid responsibility for their conduct, by burning notices on receipt – or just leaving them unopened *** Conscious avoidance of information is a form of knowledge. That’s the basis for the ‘ostrich instruction’.” Id.

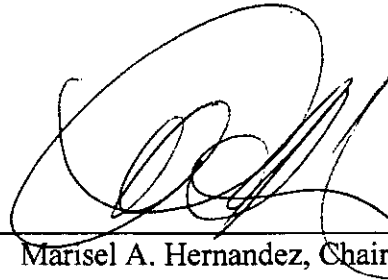
13. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that the Candidate cannot be found by the statutory methods of service. If this were permitted, 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. See, *Glatstein v. Beacham*, 15-EB-ALD-029 (CBEC, 2014).

14. 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. Such allegations averred that the Candidate’s Nomination Papers contained defects including: insufficient number of required valid signatures; petition signature sheets contained signatures of individuals not registered and legal voters; signatures of individuals who are not registered voters at the addresses shown on the petition or not in the district; individual signatures not signed in their proper person and not genuine; repeat signatures; signer signed petition for another established party candidate; and signatures with incomplete addresses.

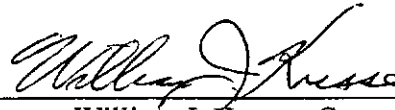
15. Therefore, the Electoral Board finds that the Candidate, Aja McClanahan, is in default, that the Objections are sustained, and that the Candidate’s Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of Darnell Macklin to the Nomination Papers of Aja McClanahan, candidate for the office of Republican Party Ward Committeeman for the 6th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Aja McClanahan, candidate for the office of Republican Party Ward Committeeman for the 6th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 15, 2016.

Dated: Chicago, Illinois, on January 5, 2016.



Marisel A. Hernandez, Chairman



William J. Kresse, Commissioner

Jonathan T. Swain, 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.