

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

Objections of: GEORGE BROWN)
)
)
To the Nomination) No.: 19-EB-ALD-009
Papers of: MARCIA BROWN-WILLIAMS)
) Rel.: 19-EB-ALD-136
Candidate for the office of Alderman for the)
9th Ward of the 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 Jonathan T. Swain, 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 GEORGE BROWN (“Objector”) to the nomination papers (“Nomination Papers”) of MARCIA BROWN-WILLIAMS, candidate for the office of Alderman for the 9th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 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 Monday, December 10, 2018 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Thomas Quinn 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, GEORGE BROWN and/or his Attorneys, ROSS D SECLER and MARY RYAN NORWELL.

6. The Candidate, MARCIA BROWN-WILLIAMS, 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 10, 2018 and at no time did the Candidate or any person purporting to represent the Candidate appear. The case was continued to December 18.

7. The Candidate did not appear for the December 18 continued hearing. The Hearing Officer called the Candidate and left a message at the phone number she provided to the Board when she filed her Nomination Papers. At approximately 10:40 a.m. the Candidate returned the Hearing Officer's call, acknowledged that she was served with the Electoral Board's Call and a copy of the Objector's Petition on December 6. She requested, and was provided, a continuance until December 22. However, the Candidate also failed to appear at the December 22 hearing and, as of January 18, 2019, has not been in contact with the Hearing Officer or Electoral Board.

8. The Electoral Board finds that the Candidate, MARCIA BROWN-WILLIAMS, did not appear at any of the duly called meetings and hearings conducted in this matter after

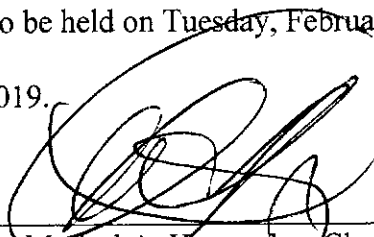
numerous attempts to serve the Candidate with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

9. 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.


10. 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. The Candidate's Nomination Papers are legally invalid for this nonpartisan election because the headings of the signature petition sheets contained a political party designation in violation of section 10-3 of the Election Code (10 ILCS 5/10-3). See *Toney v. Maxwell*, 91-EB-ALD-122 (Chicago Electoral Board 1991), *Hardy v. Percy*, 15-EB-ALD-009 (Chicago Electoral Board 2015), and others

11. Therefore, the Electoral Board finds that the Candidate, MARCIA BROWN-WILLIAMS, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

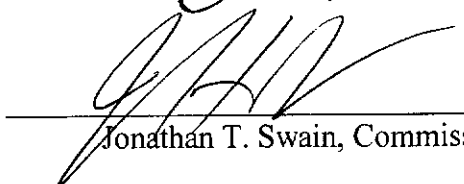
IT IS THEREFORE ORDERED that the Objections of GEORGE BROWN to the Nomination Papers of MARCIA BROWN-WILLIAMS, candidate for the office of Alderman for the 9th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of MARCIA BROWN-WILLIAMS, candidate the office of Alderman for the 9th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.
Dated: Chicago, Illinois, on Friday, January 18, 2019.



Marisel A. Hernandez, Chair



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.

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

In the matter of:)	
)	
GEORGE BROWN,)	
Petitioner-Objector,)	
)	No. 19-EB-ALD-009
v.)	
)	
MARCIA BROWN-WILLIAMS,)	
Respondent-Candidate.)	
)	
For the election for the Office of Alderman for the 9th)	
Ward, City of Chicago, to be voted on at the Municipal)	
General Election to be held on February 26, 2019.)	

RECOMMENDED DECISION

This matter comes before the Board of Election Commissioners of the City of Chicago on the Objector's Petition of George Brown ("Objector") to the nomination papers of Marcia Brown-Williams ("Candidate") as a candidate for the Office of Alderman for the 9th Ward, City of Chicago.

The initial hearing commenced on December 10, 2018. The Objector appeared by his attorney, Ross Secler, and the Candidate did not appear. The case was called several times over a 30-minute time period. There was no return of service in the file so the matter was continued until December 18, 2018, at 10:15am.

At the December 18th hearing, the Objector appeared by his attorney Mary Norwell-Ryan and the Candidate did not appear. The Hearing Officer phoned the Candidate at the phone number she listed on the Board of Elections Receipt for Nomination Papers. I left a message and asked that the Candidate return the call as soon as possible. It was noted that the return of

service was now in the file and that it indicates that personal service was effectuated upon the Candidate on December 6, 2018.

The Candidate returned my call at approximately 10:40am, acknowledged that she had been served on December 6th, and stated that she did not attend on December 10, 2018, because she had to work that day. The Candidate stated that she was also currently at work on December 18th. The Candidate requested that the matter be set for a Saturday and I asked if she could attend on December 22, 2018, at 10:00am. She agreed so the matter was continued until that time.

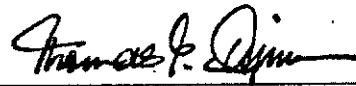
At the December 22nd hearing, the Objector appeared by his attorney Mary Norwell-Ryan and the Candidate did not appear. The Objector argued that the Nomination Papers are fatally defective because the Candidate failed to properly designate the office sought in her Statement of Candidacy and Petition Sheets. Specifically, the Statement of Candidacy indicates that the Candidate is a qualified voter of the Democratic Party and the Petition Sheets request that she be a candidate of the Democratic Party for the office of Alderman. In other words, the Candidate submitted Nomination Papers for a primary partisan election instead of for a general non-partisan election. The Petition Sheets could create a basis of confusion for the petition signers. The Objector's Petition also alleges that the Candidate is not registered to vote at the address listed in her Statement of Candidacy.

In *Ava Thomas v. Marcia Brown-Williams*, 19-EB-ALD-136, it was alleged that this Candidate failed to file her Statement of Economic Interest ("SOEI") by the end of the period for the filing of nomination papers. A file stamp on the SOEI indicates that it was received on December 5, 2018, which is after the last day on which nomination papers may be filed. The

SOEI was not, therefore, timely filed. *See*, 10 ILCS 5/10.5. The instant case and *Thomas v. Brown-Williams* are the only objector's petitions filed against the Candidate.

Accordingly, for the foregoing reasons, it is recommended that the Candidate be held in default, that sufficient grounds exist which would invalidate her Nomination Papers, and that the name Marcia Brown-Williams of 10049 S. St. Lawrence Ave., Chicago, IL, **should NOT** be printed on the ballot for Candidate for Election to the Office of Alderman for the 9th Ward, City of Chicago, to be voted for at the Municipal General Election to be held on February 26, 2019.

December 23, 2018



Thomas P. Quinn - Hearing Officer