

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

Objections of: JESSICA A. TERRY and)
KELLE MARTIN)
)
To the Nomination) No.: 19-EB-ALD-121
Papers of: SHEILA R. SCOTT)
) Rel.: 19-EB-ALD-140
Candidate for the office of Alderman for the)
20th 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 JESSICA A. TERRY and KELLE MARTIN (“Objectors”) to the nomination papers (“Nomination Papers”) of SHEILA R. SCOTT, candidate for the office of Alderman for the 20th 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 Objectors 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.

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

6. The Objectors 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 Objectors and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Objectors, JESSICA A. TERRY and KELLE MARTIN and/or their Attorney, ANDREW FINKO.

7. The Candidate, SHEILA R. SCOTT, 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.

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 Monday, December 10, 2018 hearing in this cause on two separate occasions: December 8, 2018 at 4:47 p.m. and on December 14, 2018 at 4:07 p.m. The return of the Sheriff's office indicated that the reason that the Candidate was not served on December 8th was "No Contact", but was served by "Substitute Service" on December 14th.

9. The initial hearing was continued to December 18, 2019 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 18, 2019 hearing on December 14, 2019 at 4:07 PM. The Sheriff's return of service indicated that the Candidate was served on this occasion. 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. The Electoral Board finds that the Candidate, SHEILA R. SCOTT, 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.

11. 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.

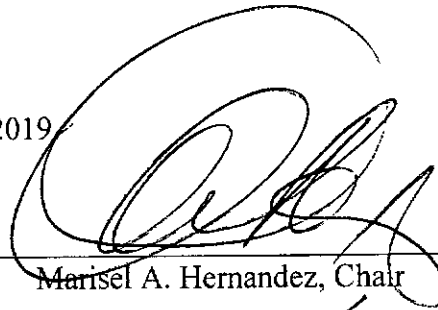
12. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

13. Therefore, the Electoral Board finds that the Candidate, SHEILA R. SCOTT, is in default, that the Objections are sustained, and the Candidate's Nomination Papers are invalid.

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IT IS THEREFORE ORDERED that the Objections of JESSICA A. TERRY and KELLE MARTIN to the Nomination Papers of SHEILA R. SCOTT, candidate for the office of Alderman for the 20th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SHEILA R. SCOTT, candidate the office of Alderman for the 20th 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.

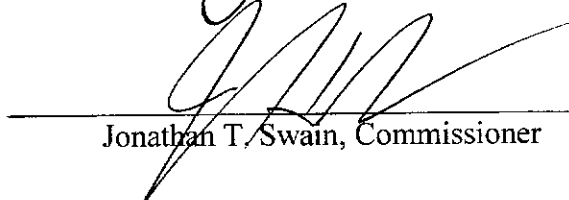
Dated: Chicago, Illinois, on Friday, January 18, 2019



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.

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

JESSICA A. TERRY AND)
KELLE MARTIN)
Objectors) 19 EB ALD 121
-v-)
SHELIA R. SCOTT)
Candidate)

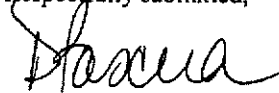
HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 10, 2018. The Objectors, Jessica A. Terry and Kelle Martin appeared through counsel Andrew Finko. The Candidate, Shelia R. Scott failed to appear. The parties were given an opportunity to file preliminary motions. The Candidate, Shelia R. Scott did not appear on December 10, 2018 and it was determined that No Contact was made during the Affidavit of Service. On December 10, 2018, Service of Process was reissued and Candidate, Shelia R. Scott was served by substitute service on December 14, 2018. This matter was then rescheduled for hearing on Monday, December 17, 2018. The Candidate, Shelia R. Scott again failed to appear and contacted Board of Election staff of her intent to withdrawal her candidacy. The Withdrawal of Candidacy form was emailed to address provided by Candidate, Shelia R. Scott. This case was rescheduled for final hearing on Thursday, December 20, 2018. On December 20, 2018, Objector's counsel Andrew Finko, appeared and the Candidate, Shelia R. Scott failed to appear. As of January 02, 2019, no Withdrawal of Candidacy has been filed by Candidate, Shelia R. Scott.

CONCLUSION

In light of the foregoing, it is my recommendation that the Candidate, Shelia R. Scott's failure to appear on multiple scheduled hearings is evidence of her intent to Withdrawal her Candidacy. Objections of Jessica A. Terry and Kelle Martin through counsel Andrew Finko in reference to Shelia R. Scott for the office of Alderman for the 20th Ward of the City of Chicago be sustained and that the name of Shelia R. Scott for said office **not be** printed on the ballot at the Municipal General Election to be held on February 26, 2019.

Respectfully submitted,



Debojah L. Pascua, Hearing Officer
01/02/2019