

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

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<b>Objections of: BENJAMIN BARNES</b>	)	
	)	
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<b>To the Nomination</b>	)	<b>No.: 07-EB-ALD-188</b>
<b>Papers of: ARNE M. KENT</b>	)	<b>(rel. 07-EB-ALD-164)</b>
	)	
<b>Candidate for the office of</b>	)	
<b>Alderman of the Second Ward,</b>	)	
<b>City of Chicago</b>	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal and Richard A. Cowen, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board for the purpose of hearing and passing upon objections (“Objections”) of BENJAMIN BARNES (“Objector”) to the nomination papers (“Nomination Papers”) of ARNE M. KENT, candidate for the office of Alderman of the Second Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 27, 2007, having convened on January 2, 2007, at 10:00 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 January 2, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Ernesto Borges, Jr. for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, BENJAMIN BARNES, *pro se*.

7. The Candidate, ARNE M. KENT, did not answer to the call nor did he appear at the hearing. The case was called again at least three times on January 2, 2007 and at no time did the Candidate or any representative of 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 January 2, 2007 hearing on December 29, 2006 at 7:40 p.m. The return of the Sheriff's office indicated that the reason that the candidate was not served was "No Contact." The building is a 4-story multi-unit apartment building and there were no apartment numbers and no names on the bells in the building entrance.

9. The Candidate was also sent a copy of the Call to the January 2, 2007 meeting by certified mail. The Postal Service returned a signed receipt acknowledging receipt of the certified mail item by Arne M. Kent on January 4, 2007.

10. The initial hearing was continued to January 8, 2007 to allow the Board an additional opportunity to serve the Candidate with a copy of the Objections and notice of hearing. Again, the Candidate did not appear at the January 8 hearing.

11. The hearing was continued one more time to January 11, 2007. On January 8, 2007, the Cook County Sheriff again attempted to serve the Candidate with a notice of the continued hearing on January 8, 2007. The Sheriff's return of service indicated that the reason the Candidate was not served was that the Candidate not listed on the building entrance, there was no unit numbers and bells were not marked.

12. The Electoral Board finds that the Candidate, ARNE M. KENT, did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to have the Candidate served with a copy of the Call by the means of service specified in the statute.

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.

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.

15. Therefore, the Electoral Board finds that the Candidate, ARNE M. KENT, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.



16. The Electoral Board further finds that there is another objection filed against the Candidate's Nomination Papers in 07-EB-ALD-164. In that case, the Candidate also failed to appear at the scheduled hearings and the Candidate was defaulted in that case as well.

IT IS THEREFORE ORDERED that the Objections of BENJAMIN BARNES to the Nomination Papers of ARNE M. KENT, candidate for election to the office Alderman of the Second Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ARNE M. KENT, candidate for election to the office of Alderman of the Second Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 27, 2007.

Dated: Chicago, Illinois, this 23<sup>rd</sup> day of January 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, 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 10 days after the decision of the Electoral Board.