

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

Objections of: Mariah Karson)	
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To the Nomination)	No. 10-EB-RGA-07
Papers of: Matthew (Matt) Harrington)	
)	
)	
Candidate for the office of Representative)	
in the General Assembly, 9th)	
Representative District, State of Illinois,)	
Democratic Party)	
)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, 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 Mariah Karson ("Objector") to the nomination papers ("Nomination Papers") of Matthew (Matt) Harrington, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District, State of Illinois ("Candidate"), having convened on November 16, 2009, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 November 16, 2009 and was continued from time to time.
5. The Electoral Board assigned this matter to Hearing Officer Kelly McCloskey Churf for further hearings and proceedings.
6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the assigned Hearing Officer on November 16, 2009, at 1:00 p.m.
7. The Hearing Officer conducted an initial hearing of this case on November 16, 2009 at 1:00 p.m. The Objector, appearing by counsel, James P. Nally PC, was present. The Candidate did not respond to the call of the case on three occasions and was not otherwise present.
8. The case was continued to November 20, 2009 at 9:00 a.m. The Electoral Board sent additional notice to the Candidate via certified mail, return receipt requested and by Sheriff's service. At the hearing on November 20, 2009, the Objector appeared through counsel. Neither the Candidate nor anyone else on his behalf appeared at the

November 20, 2009. The case was continued yet a third time until November 25, 2009 at 9:00 a.m. The Electoral Board sent notice of the third continued hearing to the Candidate via certified mail, return receipt requested.

9. When the case was called a third time on November 25, 2009, the Objector was present through counsel. Neither the Candidate nor anyone else on his behalf appeared at the November 25, 2009.

10. The Electoral Board finds that a deputy Cook County Sheriff attempted to serve Candidate, Matthew (Matt) Harrington with a copy of the Electoral Board's Call to the second scheduled hearing for November 20, 2009 on November 18, 2009. The return of service from the Sheriff stated reason not served was "Moved" and contained additional remarks stating, "Does not reside per Prop Mgr Laurie Pierce." A second attempt at service was made by the Sheriff on November 12, 2009. The return of service indicated reason not served was "No Contact." The Candidate was also served with a copy of the Call to the November 16, 2009 meeting by certified mail on November 10, 2009. Delivery Tracking records available from the U.S. Postal Service indicate that the certified mail was "Delivered" on November 13, 2009. No Domestic Return Receipt has yet been received from the Postal Service.

11. The Electoral Board finds that a deputy Cook County Sheriff attempted to serve Candidate, Matthew (Matt) Harrington with a copy of the Electoral Board's Call to the November 16, 2009 on November 9, 2009. The return of service from the Sheriff contained additional remarks stating, "per doorman (Bruce)."

12. The Electoral Board finds that the Candidate was served with a copy of the Call to the November 25, 2009 meeting by certified mail. Delivery Tracking records

available from the U.S. Postal Service indicate that the certified mail was “Attempted/Notice Left” on November 23, 2009. No Domestic Return Receipt has yet been received from the Postal Service.

13. The Electoral Board finds that the Candidate, Matthew (Matt) Harrington, did not appear at the initial hearing conducted in this matter after having been duly served with a copy of the Call and having been notified of the meeting and hearing in this cause as required by law. The Electoral Board also finds that the Candidate did not appear at two subsequent hearing scheduled and conducted in this matter after attempted service of notice of these hearings.

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.

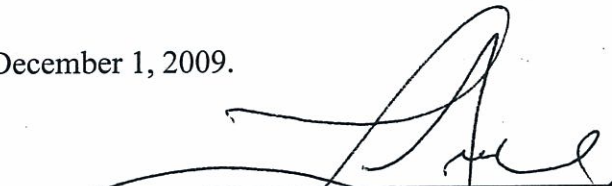
15. Therefore, the Electoral Board finds that the Candidate, Matthew (Matt) Harrington, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

16. The Electoral Board also finds that the Candidate in this case filed with the Chicago Board of Election Commissioners a notarized “Withdrawal of Candidacy” form. However, there is no evidence that the Candidate filed such form with the Illinois State Board of Elections, where it is required to be filed.

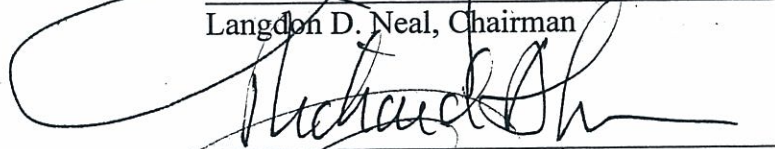
IT IS THEREFORE ORDERED that the Objections of Mariah Karson to the Nomination Papers of Matthew (Matt) Harrington, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District, State of Illinois, are hereby SUSTAINED and said Nomination

Papers are hereby declared INVALID and the name of Matthew (Matt) Harrington, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly, 9th Representative District, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on February 2, 2010.

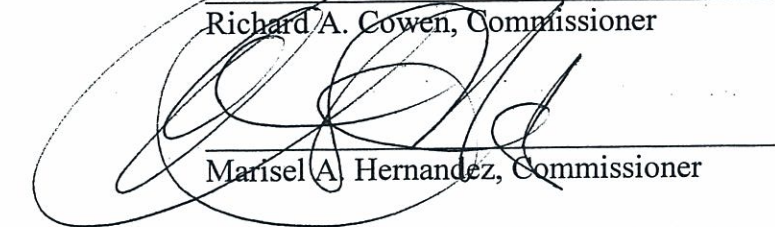
Dated: Chicago, Illinois, on December 1, 2009.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, 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.