

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

Objections of: Larry G. Nelson)
)
)
To the Nomination) No.: 12-EB-WC-26
Papers of: Marcel A Walton-El)
) Rel. Case No.: 12-EB-WC-27
Candidate for the office of Democratic Party)
Ward Committeeman for the 24th Ward, City)
of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners for the City of Chicago 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 Larry G. Nelson (“Objector”) to the nomination papers (“Nominating Papers”) of Marcel A Walton-El, candidate for the office of Democratic Party Ward Committeeman for the 24th Ward of the City of Chicago (“Candidate”) at the General Primary Election to be held on March 20, 2012, having convened on December 19, 2011, at 8:30 AM, 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 19, 2011 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Richard Zulkey 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, Larry G. Nelson, pro se.

7. The Candidate, Marcel A Walton-El, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 19, 2011 and at no time did the Candidate or any person purporting to represent the Candidate appear.

8. The Hearing Officer has submitted his report and recommendation. The Hearing Officer recommends that the Candidate be defaulted for failing to appear either at the December 19, 2011 or at the continued hearing on December 23, 2011.

9. The Electoral Board hereby adopts the recommendations of the Hearing Officer. A copy of his report is attached and his recommendations are adopted and incorporated herein as though fully set forth herein.

10. The Electoral Board finds that the Candidate, Marcel A Walton-El, 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.

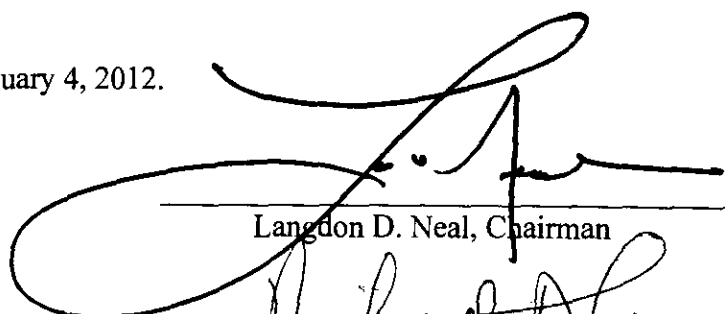
12. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

13. Therefore, the Electoral Board finds that the Candidate, Marcel A Walton-El, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

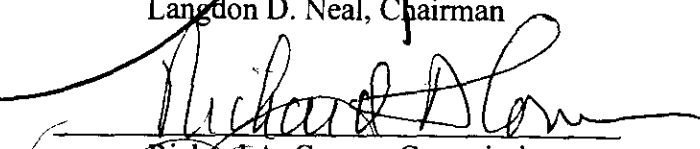
14. A similar finding is also made in 12-EB-WC-27.

IT IS THEREFORE ORDERED that the Objections of Larry G. Nelson to the Nomination Papers of Marcel A Walton-El, candidate for the office of Democratic Party Ward Committeeman for the 24th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Marcel A Walton-El, candidate for the office of Democratic Party Ward Committeeman for the 24th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 20, 2012.

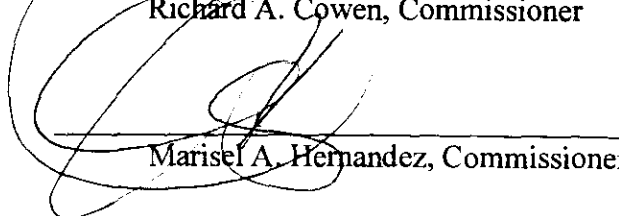
Dated: Chicago, Illinois, on January 4, 2012.



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 5 days after service of the decision of the Electoral Board.

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF
THE CITY OF CHICAGO
MARCH 20, 2012 ELECTION

LARRY G. NELSON]		
Objector]		
v.]	No. 12-EB-WC-26	
]		
MARCEL WALTON-EL]	Refer to Hooper v. Walt	
Candidate]	EL-12-EB-WC-27	

BOARD OF ELECTIONS
COMMISSIONER
2011 DEC 28 P 1:49

RECOMMENDATION OF HEARING OFFICER

This cause comes on to be heard on December 23, 2011, at 3:30 p.m. for initial status hearing.

Marcel Walton-El has filed nomination papers for the office of Democratic Ward Commitment of the 24 Ward. Objections were timely filed.

I. Background

At the initial hearing date of December 19, 2011 objector appeared *pro se* and the Candidate **did not** appear. It was noted that the candidate **had not been served**. The summons return displayed the candidate's address as 4900 W. Van Buren while the nomination papers of the Candidate disclosed the address as 4901 W. Van Buren, across the street.

The matter was continued to December 23, 2011 at 3:30 p.m. Objector was present.

Prior the hearing, the Hearing Officer was advised by Board Staff that the Candidate still was **not served**. However, earlier, the Candidate called the Board and was advised of this pending hearing date and of the attempts to serve him with the objections and Board Rules. He had agreed to accept service and appear at hearing. He had **not** done so.

At the hearing, his case was called. The file disclosed that "no contact" was made in an attempt to serve him. However, in view of the fact that the Candidate had been contacted and responded to the Board that he would appear, no action was taken until after 4:00 p.m.

II. Action on Case

The case was called after 4:00 p.m. The Candidate was not present. Because he had contacted the Board and advised that he would appear he was defaulted.

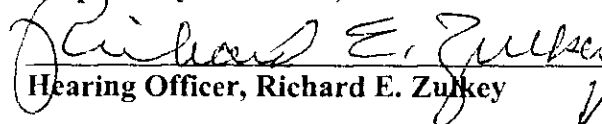
It was noted in the record that the objections to the signatures in his petition, if taken as true, would be adequate to cause his name to be removed from the ballot. The required valid signatures are 563. Although 729 signatures were filed, those signatures alleged to be invalid reduce the valid signatures to 359. This is below the statutory requirement of 563 valid signatures.

III. Recommendation

The Candidate failed to appear after receiving the notice of the hearing and after agreeing to appear, accept service and to proceed. Furthermore, there are enough allegations in the objections which, if found to be true, would suffice in rendering the signatures not valid to support a ballot position.

The Candidate is in default, and his name ought to be removed from the ballot.

Respectfully submitted,


Hearing Officer, Richard E. Zulkey

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