DEFAULT-OBJ

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

Objections of: STARR KEMP	)	
	)	
	)	
To the Nomination	)	No.: 24-EB-WC-022
Papers of: TAMIKO R. HOLT	)	
	)	
Candidate for election to the office of	)	
REPUBLICAN Ward Committeeperson of the	)	
28th Ward, City of Chicago, State of Illinois	)	
	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of the Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, 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 STARR KEMP ("Objector") to the nomination papers ("Nomination Papers") of TAMIKO R. HOLT, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 28th Ward, City of Chicago, State of Illinois ("Candidate") at the General Primary Election to be held on Tuesday, March 19, 2024, having convened on December 18, 2023, at 9:30 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 constituted according to 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(s) and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute, or statutory service was waived and service by email was authorized.

4. A public hearing held on these Objections commenced on December 18, 2023 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Laura Jacksack for further hearings and proceedings.

5. The Objector(s) 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(s) and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Candidate, TAMIKO R. HOLT, by Attorney STEPHEN BOULTON. The Objector, STARR KEMP, failed to appear.

6. The Objector did not answer the call nor did the Objector appear at the hearing. The case was called again at least one more time at least 15 minutes apart on December 18, 2023, and at no time did the Objector or any person purporting to represent the Objector appear.

7. The Call to the December 18, 2023 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 email transmission, in accord with statutory service waivers signed by the parties and filed with the Cook County Clerk's office. In said waivers, the parties waived their statutory right to service by registered or certified mail and by Sheriff's service, and in lieu thereof authorized service by email to the addresses they or their representatives provided.

8. The Electoral Board further finds that the Objector knew, or should have known, that an Objector's Petition was filed in the Objector's name, and the Objector therefore should have made a reasonable effort to inquire into the date and time of the hearings on the Objector's Petition. Despite such information being published on the Board's website at all relevant times, the Electoral Board finds that the Objector has not contacted the Electoral Board to inquire about these hearings as of the date that this Final Decision was entered.

9. The Electoral Board finds that the Objector did not appear at any of the duly called meetings and hearings conducted in this matter after reasonable attempts to serve the Objector with a copy of the Call by the means of service specified in the statute, or by email transmission if the Objector was found to have affirmatively waived statutory service.

10. An Objector cannot fail to appear for and fail to prosecute a duly filed objection by being unavailable for service of papers and by not participating in the proceedings and still expect the Electoral Board to prosecute the action in the Objector's absence.

11. Therefore, the Electoral Board finds that the Objector is in default, that the Objections are therefore overruled, and that the Candidate's Nomination Papers are, thereby, presumed to be valid. The Electoral Board further finds that this presumption of validity may still be overturned by the duty of, and the authority vested in, the Board of Election Commissioners for the City of Chicago, pursuant to 10 ILCS 5/10-8, to only certify to the ballot the names of those candidates whose nomination papers are in apparent conformity with the mandatory requirements of the Election Code.

IT IS THEREFORE ORDERED that the Objections of STARR KEMP to the Nomination Papers of TAMIKO R. HOLT, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 28th Ward, City of Chicago, State of Illinois, are hereby

DISMISSED, and said Nomination Papers are hereby declared presumptively VALID and the name of TAMIKO R. HOLT, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 28th Ward, City of Chicago, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on Tuesday, March 19, 2024.

Dated: Chicago, Illinois, on Friday, January 5, 2024.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved by 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.