

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

Objections of: ARLYCE GIUDICE)	
)	
)	
To the Nomination)	No.: 19-EB-ALD-004
Papers of: CHARLES M. HUGHES)	
)	
)	
Candidate for the office of Alderman 23rd)	
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, Chairwoman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of ARLYCE GIUDICE (“Objector”) to the nomination papers (“Nomination Papers”) of CHARLES M. HUGHES, candidate for the office of Alderman for the 23rd 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 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 Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Edna Turkington 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 Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, ARLYCE GIUDICE, and/or her ATTORNEY, PERICLES ABBASI; and the Candidate, CHARLES M. HUGHES, pro se.

7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found after an evidentiary hearing that the Candidate never timely filed a Statement of Economic Interests ("SEI") with the Cook County Clerk in violation of section 10-5 of the Election Code (10 ILCS 5/10-5) and the Illinois Governmental Ethics Act (5 ILCS 420/1-101, *et seq.*). On November 26, the Candidate filed along with this nomination papers a Statement of Financial Interests ("SFI") that was filed with the Chicago Board of Ethics, but that does not fulfill the statutory requirements cited above. On December 13 (after the close of the petition filing period) the Candidate filed an SEI form with the Chicago Board of Elections, but such filing was untimely and the SEI was not previously filed with the county clerk. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid.

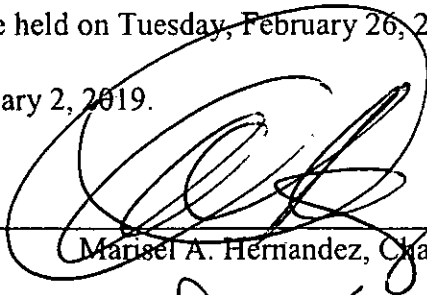
8. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's findings and conclusions of law and incorporates them herein by this reference. The Electoral Board finds that the failure to timely file a Statement of Economic Interests with the county clerk, and the failure to timely file a receipt of filing for that form with the election authority in relation to the nomination papers, is fatal to a candidacy.

Cortex v. Municipal Officers Electoral Bd., 2013 IL App (1st) 130442 at ¶¶24-27.


9. For the reasons stated above, the Electoral Board finds that the Objections filed in this matter should be sustained and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of ARLYCE GIUDICE to the Nomination Papers of CHARLES M. HUGHES, candidate for the office of Alderman for the 23rd Ward of the City of Chicago, are hereby **SUSTAINED** and said Nomination Papers are hereby declared **INVALID** and the name of CHARLES M. HUGHES, candidate for the office of Alderman for the 23rd 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.

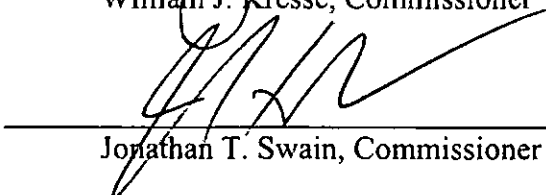
Dated: Chicago, Illinois, on Wednesday, January 2, 2019.



Marisel A. Hernandez, Chairwoman



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.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES
FOR THE FEBRUARY 26, 2019 MUNICIPAL GENERAL ELECTION
IN THE CITY OF CHICAGO**

ARLYCE GIUDICE)
)
) **Case No. 19-EB-ALD-004**
 Objector)
)
 vs)
CHARLES M. HUGHES)
)
 Respondent - Candidate.)

Hearing Officer’s Report and Recommended Decision

This matter first came before the hearing officer on December 10, 2018. The Objector, **ARLYCE GIUDICE** was represented in these proceedings by Attorney Pericles C. Abbasi. The Candidate, **CHARLES M. HUGHES** , appeared pro-se.

The parties executed an acknowledged of the personal receipt of the (i) the Call indicating the time and place of the initial meeting of the Electoral Board and the first scheduled hearing in this matter, (ii) a copy of the proposed Electoral Board’s Rules of Procedure, (iii) an

Appearance form, and (iv) a copy of the Objection Petition filed against the Candidate's Nomination Papers. The candidates further executed a waiver of any additional notice of the Electoral Board's initial meeting or hearings or service of the Call by either registered or certified mail or by Sheriff's service as provided by Section 10-10 of the Election Code (10 ILCS 5/10-10).

Further, the parties acknowledged having read and understood the Rules of Procedure. The hearing officer stressed the importance of meeting filing deadlines, emphasized Rule 6 concerning the procedure and deadlines when the records examinations are completed and Rule 16 with respect to the necessity of redacting personal identity information in documents.

The Hearing Officer received into evidence the following documents:

1. **Group Exhibit A**, consisting of the Candidate's Nomination Papers for candidate for election to the office of Alderman of the 23rd Ward of the City of Chicago, County of Cook, State of Illinois
 - a. Statement of Candidacy
 - b. Nomination petition sheets, consisting of 106 sheets
 - c. Nomination petition sheets consisting of 2,099 signatures
2. **Group Exhibit B**, consisting of Objector's Petition, including any exhibits, appendices or attachments thereto.
3. **Group Exhibit C**, consisting of proof of service of the Call to each

Objector and of the Call and the Objector's Petition to the Candidate.

4. **Group Exhibit D**, consisting of completed Appearance forms of all the parties, Non-Disclosure forms filed by the Objector(s) and waiver of statutory service of initial meeting or hearings of service of the Call by registered or certified mail or by Sheriff's service as provided by Section 10-10 of the Election Code (10 ILCS 5/10-10).

The parties identified the factual and legal issues involved in the case

The objections to the Nomination Papers of **CHARLES M. HUGHES** for election to the office of Alderman of the 23rd Ward of the City of Chicago, State of Illinois, to be voted upon at the February 26, 2019, Municipal General Election, included the following:

1. The Candidate did not timely file a Statement of Economic Interests with the Cook County Clerk, as required by the Illinois Governmental Ethics Act.
2. The Candidate did not file a receipt with the Chicago Board of Election evidencing the filing of a Statement of Economic Interests with the Cook County Clerk by the end of the period for the filing of his nomination papers.

EVIDENTIARY HEARING

The Candidate filed a Motion to Strike the Objector's Petition. An evidentiary hearing was held on December 16, 2018. Both parties appeared and presented evidence. The Candidate stated that he filed a Statement of Economic Interests with the County of Clerk. He further states that he filed a receipt for the Statement of Economic Interests as evidenced by the Receipt for Nomination Papers - City of Chicago for the February 26, 2019 Municipal Election with the Board of Election Commissioners for the City of Chicago on November 26, 2018..

In addition to the November 26, 2018 filing, the Candidate filed an additional Statement of Economic Interests with the County Clerk on December 13, 2018. The Candidate presented a receipt from the Chicago Board of Elections evidencing the filing of his Statement of Economic Interests for 2018. (Candidate's Exhibit E).

The Objector requested a due and diligent search of the records from the Office of Cook County Clerk David Orr. The Objector requested any and all records indicating a filing of a Statement of Economic Interests form by or on behalf of Charles Hughes (Candidate) for the year of 2018. As keeper of Records and files, Karen A. Yarbrough, County Clerk of Cook County prepared an affidavit that stated that after a due and diligent search, the Office of the Cook County Clerk had no filing of a Statement of Economic Interests from by or on behalf of Charles Hughes (Candidate) for the year of 2018. (Objector's Exhibit F)

Additionally, the Candidate did not have a copy of his 2018 Statement of Economic Interests that he alleges that he filed on November 26, 2018. The Objector stated that the Candidate filed a 2018 City of Chicago Statement of Financial Interests with the Chicago Board of Ethics. This is not the Statement of Economic Interests required by the Illinois Governmental Ethics Act or the Illinois Election Code. (10 ILCS 5/10-5).

FINDINGS

The Candidate's 2018 Statement of Financial Interests filed with the City of Chicago and filed with the Chicago Board of Elections Commissioners does not satisfy the requirements of Section 10-5 of the Election Code. Section 10-5 requires the Candidate to file a receipt evidencing the filing of his Statement of Economic Interests with the Cook County Clerk's Office .

The Objector submitted a Cook County Clerk's Certificate as Keeper of Records and files that established that there was no record of a filing of a statement of economic interests for the candidate. Nice v. Gonzalez 11-EB-ALD-204 (Chicago Electoral Board 2010).

Notwithstanding what the Board's intake sheet (receipt) indicated, the evidence in this case has established that the Candidate filed no statement of economic interests with the Cook County Clerk and no receipt was filed with the candidate's nomination papers. Tompkins v. Osborne, 11-EB-ALD-163 (Chicago Electoral Board 2011).

RECOMMENDED DECISION

Nomination papers are invalid where the Candidate fails to file with the election authority with which nomination papers are filed before the end of the nomination papers filing period a receipt evidencing the filing of the Statement of Economic Interests . *Brown v Hobbs*, 91-EB-ALD-159 (Chicago Electoral Board 1991). . *Henning v. Lawrence* (Chicago Electoral Board 2007), affirmed *Lawrence v Board of Election Commissioners, et al.*, Cir Ct. Cook County ,2007 COEL 0008, affirmed Illinois Appellate Court, No. 1-07-0286 (unpublished order).

For the foregoing reasons, the Objections of **ARLYCE GIUDICE** to the Nomination Papers of **CHARLES M. HUGHES**, candidate for Alderman of the Twenty-Third (23rd) Ward of the City of Chicago, County of Cook, State of Illinois , are hereby sustained and said Nomination Papers are hereby declared invalid and the name of **CHARLES M. HUGHES**, candidate for the office of Alderman of the Twenty-Third (23rd) Ward of the City of Chicago, County of Cook, State of Illinois, should not be printed on the official ballot for the General Primary Election to be held February 26, 2019.

/s/ Edna Turkington

Edna Turkington

Hearing Officer

Dated; December 23, 2018