

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

Objections of: NATHANIEL MOORE)
)
)
To the Nomination) No.: 19-EB-ALD-112
Papers of: CHARLES KYLE)
)
Candidate for the office of)
Alderman of the 7th 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, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of NATHANIEL MOORE (“Objector”) to the nomination papers (“Nomination Papers”) of CHARLES KYLE, candidate for the office of Alderman of the 7th 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 was held on these Objections commencing 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 to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at or filed appearances during such hearing; the Objector, NATHANIEL MOORE, and/or his Attorneys, RANDY CRUMPTON and MICHAEL J. KASPER; and the Candidate, CHARLES KYLE, and/or his attorney, ANDREW FINKO.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objector and/or his duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination

conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473.

B. The remaining number of signatures deemed valid as a result of the records examination total 538.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 7th Ward of the City of Chicago.

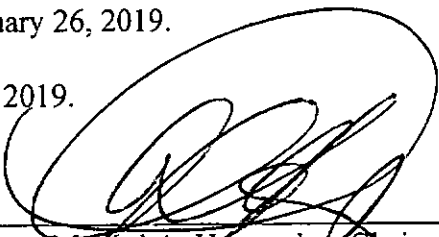
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 538 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 7th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

15. 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 recommended findings and conclusions of law.


16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of CHARLES KYLE are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of NATHANIEL MOORE to the Nomination Papers of CHARLES KYLE, candidate for the office of Alderman for the 7th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of CHARLES KYLE, candidate for the office of Alderman for the 7th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

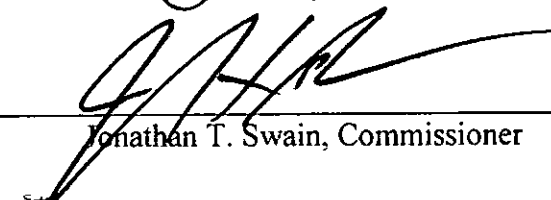
Dated: Chicago, Illinois, on Friday, January 25, 2019.



Marisel A. Hernandez, Chair



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**

NATHANIEL MOORE)
)
) **Case No. 19-EB-ALD-112**
) **Petitioner - Objector**)
)
) **vs**)
) **CHARLES KYLE**)
)
) **Respondent - Candidate.**)

Hearing Officer's Report and Recommended Decision

This matter first came before the hearing officer on December 10, 2018.
The Objector, **NATHANIEL MOORE** did not appear. There was no proof of
service for the Objector. The Candidate, **CHARLES KYLE** appeared through
his attorney on the initial hearing on December 10, 2018. The Candidate ,
CHARLES KYLE was represented in these proceedings by Attorney Andrew
Finko. The case was continued until December 16, 2018 for service on the

Objector **NATHANIEL MOORE**.

On December 16, 2018, Attorney Randy Crumpton appeared on behalf of the Objector , **NATHANIEL MOORE**. Attorney Finko appeared on behalf of the Candidate, **CHARLES KYLE**. The parties executed an acknowledgment of 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 was completed by both parties, (iv) and both parties acknowledged having received a copy of the Objection Petition filed against the Candidate's Nomination Papers. The Candidate and Objector further executed a waivers 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).

Additionally, the parties acknowledged having read and understood the Rules of Procedure for the Board. 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 Seventh (7th) Ward of the City of Chicago, County of Cook, State of Illinois including:
 - a. Statement of Candidacy
 - b. Loyalty oath
 - c. Nominating petition sheets, consisting of 124 pages containing 1,148 total signatures
 - d.. Receipt for Statement of Economic Interests
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 the 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 and Candidate. Waivers by both parties 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).

ISSUES IDENTIFIED BY THE PARTIES

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

The Objector argues in his verified petition that the Nomination Papers of CHARLES KYLE for election to the office of Alderman of the Seventh (7th) Ward of the City of Chicago, County of Cook, State of Illinois, to be voted upon at the February 26, 2019, Municipal General Election, were insufficient in fact and law for the following reasons:

- (1) That the nomination papers contained fewer than the required 473 duly qualified, registered and legal voters of the 7th Ward . Further, the signatures were not gathered, presented and executed in the manner prescribed by the Election code.
- (2) That the Nomination Papers contained petition sheets with the names of persons who were not registered voters, or who were not registered voters at the address specified in the petition, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.
- (3) That the Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures were not genuine and were forgeries, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.
- (4) That the Nomination Papers contain petition sheets with names of persons whom the addresses stated are not in the 7th Ward of the City of Chicago, State of Illinois, and such persons are not registered voters in the 7th Ward of the City of Chicago, State of Illinois, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.
- (5) That the Nomination Papers contain petition sheets with the names

of persons for whom the addresses given were either missing entirely or were incomplete, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

- (6) That the Nomination Papers contained petition sheets with the names of persons who had signed the Nomination Papers more than one time, as set forth specifically in the Appendix-Recapitulation attached to the Objector's Petition.

FINDINGS OF FACT

The Candidate did not file a preliminary motion to challenge the legal sufficiency of the Objector's petition in the nature of a motion to strike or dismiss the Objector's petition in whole or in part. Both parties agreed to a Records Examination to resolve all and any issues in the Objector's petition. On December 16, 2018, no date was available at the Board of Elections for the Records Examination. Both parties were told that a date would be set and both parties would be notified.

A records examination directive was issued by Charles Holiday and Jim Carli, Assignment Officers for the Chicago Board of Election Commissioners.

The record examination was set for January 2, 1019 at 1:15 p.m. Both parties were given proper notice of the scheduled record examination.

The records examination was completed on January 12, 2019 at 9:02:29 A.M. Both parties were served a copy of the Final Record Exam Report on January 12, 2019.

The attorney for the Objector, Randy Crumpton, unfortunately died after service of the Final Record Exam Report was served. The hearing officer had a letter served to the Objector, Nathaniel Moore that it would be necessary for Mr. Moore to obtain new counsel or represent himself in this matter. Attorney Finko was also served a copy of this communication. The matter was set for a status hearing on the Final Record Exam Results for January 22, 2019. Attorney Michael J. Kasper contacted the Board and appeared at the status hearing for the Final Record Exam Report on January 22, 2019. Attorney Michael J. Kasper filed his appearance for the Objector, Nathaniel Moore at that time.

The results of the record exam were read into the record on January 22, 2019. The record results are marked as Group Exhibit H. The minimum number of valid signatures necessary for the name of CHARLES KYLE for

election to the office of Alderman the Seventh (7th) Ward of the City of Chicago, State of Illinois, County of Cook to be voted upon at the February 26, 2019, Municipal General Election to appear on the ballot is 473 duly qualified, registered and legal voters of the 7th Ward. Both sides made objections and properly preserved certain of the rulings for further consideration pursuant to Board written, printed and widely available rules. However, neither party filed a Rule 8 Motion. The records examination results showed the Candidate's Nomination papers contained 1,148 signatures . There were 1,244 total objections.. Each of the 1,244 objections were ruled on. The records examination resulted in 538 total valid signatures. This was 65 signatures greater than the required minimum.

RECOMMENDATION

The candidate **CHARLES KYLE** has the necessary qualified, registered and legal voters of the Seventh (7th) Ward for the City of Chicago, State of Illinois and County of Cook on his petition papers . Based upon the factual and legal findings outlined and discussed above, it is recommended that the Objector's Petition be denied. It is further recommended that the name of the candidate, **CHARLES KYLE**, appear and be printed on the ballot for election

to the Office of Alderman of the Seventh (7th) Ward of the City of Chicago, State of Illinois, County of Cook to be voted upon at the February 26, 2019, Municipal General Election.

/s/ Edna Turkington

Edna Turkington

Hearing Officer

Dated: January 23, 2019