

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

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Objections of: NATHANIEL MOORE )  
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)  
To the Nomination ) No.: 19-EB-ALD-127  
Papers of: JEDIDIAH L. BROWN )  
)  
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 JEDIDIAH L. BROWN, 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 Yamil E. Colón 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, JEDIDIAH L. BROWN, and/or his Attorney, FRANK AVILA.

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 or by authorized representatives, during this records examination. The Candidate and Objector and/or their duly authorized representatives were present during the examination of the registration records.

9. 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.

10. 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 897.

11. 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.

12. 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 897 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.

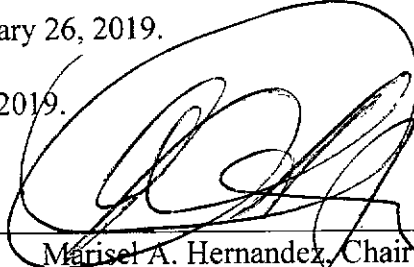
13. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

14. 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 JEDIDIAH L. BROWN are, therefore, valid.

15. The Electoral Board further takes judicial notice of the fact that Attorney Randy Crumpton passed away unexpectedly during the course of these proceedings. Thus, this is the last case Mr. Crumpton will ever handle before this Board. The Board finds that Mr. Crumpton was an accomplished, diligent and friendly attorney who always handed his electoral board cases with integrity and zealous advocacy for his clients. He was well respected and he is missed.

IT IS THEREFORE ORDERED that the Objections of NATHANIEL MOORE to the Nomination Papers of JEDIDIAH L. BROWN, 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 JEDIDIAH L. BROWN, 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.



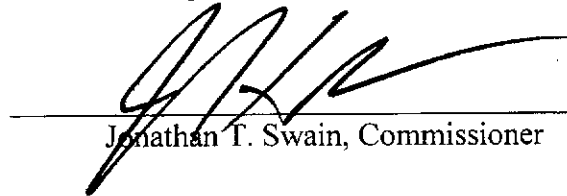
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Marisel A. Hernandez, Chair



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William J. Kresse, Commissioner



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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.

**BOARD OF ELECTION COMMISSIONER OF THE CITY OF CHICAGO AS THE  
DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING  
UPON OF OBJECTIONS TO THE NOMINATNG PAPERS OF CANDIDATES  
FOR THE FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR ALDERMAN OF  
THE 7<sup>th</sup> WARD, CITY OF CHICAGO, ILLINOIS**

|                        |   |                   |
|------------------------|---|-------------------|
| NATHANIEL MOORE,       | ) |                   |
|                        | ) |                   |
| Petitioner-Objector,   | ) |                   |
|                        | ) |                   |
| v.                     | ) | NO. 19 EB-ALD-127 |
|                        | ) |                   |
| JEDEDIAH BROWN,        | ) |                   |
|                        | ) |                   |
| Respondent- Candidate. | ) |                   |

**HEARING OFFICER’S REPORT AND RECOMMENDATION**

This matter came to be heard initially on December 10, 2018. There being no evidence of service on the Objector at that time, the case was continued to December 14, 2018 for status of service. On December 14, 2018, Mr. Frank Avila appeared on behalf of the Candidate, and Mr. Randy Crumpton appeared on behalf of the Objector.

The Candidate then advised of his intention to file a Rule 5 Motion to Dismiss. After a briefing schedule, the motion was set for hearing on December 17, 2018.

**ISSUES RAISED BY THE MOTION AND RESOLUTION**

On December 17, 2018, both counsel for the parties appeared prepared to present and argue the Rule 5 Motion to Strike.

The Candidate’s Motion to Strike contains general allegations seeking to dismiss the Objector’s petition as a whole. However specific arguments to dismiss are made primarily against paragraphs 11, 12, 13, 14, 15, 16, 17, 18 and 19. The first 5 paragraphs were prefatory in nature. Paragraphs 6 through 10 objected about non-registered voters; non-registered voters at address; non-genuine signatures; voters with address outside of 7<sup>th</sup> Ward; voters with missing or incomplete addresses; voters signing more than once; and an allegation that nomination papers didn’t have the required number of signatures.

The Objector filed a Response to Candidate's Motion to Dismiss essentially denying the allegations contained in the Motion and buttressing them with additional arguments.

For the reasons set forth in the Report and Recommendation of the Rule 5 Motion, portions of the motion were denied and another portion was granted. The motion was denied to the extent that Objector's Petition paragraphs 11, 12, 13, 18 and 19 were not stricken and remained viable objections. While paragraphs 14, 15, 16 and 17, were stricken in their entirety.

After the Rule 5 Motion hearing of December 17, 2018, the Hearing Officer issued a directive to conduct a record examination. During the pendency of the Record Exam and after, the parties engaged in discovery and issued witness subpoenas. On January 10, 2019, the Objector filed a Rule 8 Motion for hearing on the limited issue raised by paragraphs 18 and 19. These related to the issue of the Candidate's residency.

A hearing date was set for January 16, 2019. However, it had to be canceled due to the untimely death of Mr. Randy Crumpton, counsel for the Objector. A new hearing date was set for January 18, 2019, after it was learned that Mr. Michael Kasper would be substituting in as new counsel for the Objector.

### **EVIDENCE PRESENTED**

On January 9, 2019, Electoral Board personnel completed and issued the Final Petition Summary Report. Notice was sent to all parties concerned. At the beginning of the hearing set for January 18, 2019, the results of the Summary Report were read into the record. The Record Examination Summary findings were as follows:

|                    |      |
|--------------------|------|
| Signature Required | 473  |
| Total Pages:       | 124  |
| Total Signatures:  | 2399 |
| Total Objections:  | 3194 |

|                          |      |
|--------------------------|------|
| Total Ruled On:          | 3194 |
| Total Remaining:         | 0    |
| Total Sustained:         | 1502 |
| Total Overruled:         | 494  |
| For Review (Candidate)   | 1129 |
| For Review (Objector):   | 1423 |
| Total Valid Signatures:  | 897  |
| Total Unchallenged Sigs: | 403  |

424 Signatures greater than the required minimum.

The parties stipulated to the Petition Summary Report. The cause then proceeded to evidentiary hearing on the Candidate's residency.

**Testimony of the Candidate, Jedidiah L. Brown.**

Mr. Jedidiah L. Brown was called as an adverse witness by the Objector. He testified that his current employment was as a First Responder Advocate, and that he had no significant employment earnings. He stated that his main work was best described as a community activist under an entity which he founded, known as "Justice". In addition, he stated that he earned some money as a consultant.

Mr. Brown testified that he reported income on his tax returns for the year 2017 while residing at 7830 S. Phillips, Chicago, Illinois. He added that the address was located in the 7<sup>th</sup> Ward. His recollection was that he resided at the Phillips address from on or about September of 2017, until he returned to reside at 9716 S. Chappel, Chicago, Illinois, in what may have been April/May of 2018. He referred to the Phillips address as his second residence.

During his testimony, Mr. Brown maintained that he had kept a residence at 9716 S. Chappel, Chicago, Illinois since 2016. However, his testimony indicated that he had

applied for an Illinois state identification card on June 15, 2018 at the Chappel address.

The Chappel address was the address submitted with his nomination papers.

He testified that prior to the Chappel address, he resided at the 7830 S. Phillips address since September 2017. Prior to that, he stated that he resided at 1743 E. 71<sup>st</sup>. Street, Chicago, Illinois, which is now located within the 7<sup>th</sup> ward. However, after he was reminded during Objector's examination, Mr. Brown stated that he had resided at 6903 S. Paxton, Chicago, Illinois for 7-8 months. He speculated that it may have been in 2016.

Mr. Brown's residency was challenged on various occasions with what was later argued to be inconsistencies. These included having documents showing address at 7830 S. Phillips, Chicago, Illinois, including: a driver's license; income tax records; a lease; and Illinois State Police Records.

Subsequently, when questioned by his counsel, Mr. Brown reaffirmed that he resides at 9716 S. Chappel, Chicago, Illinois. He testified that his nomination papers contained that address and he acknowledged certain correspondence shown to him as being addressed and received at the Chappel address. He testified that although he travels quite a bit for his work, and sometimes sleeps at the homes of friends in the city, when he is in Chicago he primarily stays at the Chappel address.

Mr. Brown maintained that his residency is and has been at the Chappel address since at least a month or two prior to the date on his identification card, June 15, 2018. He testified that he did not own the property; did not have a lease; did not have or pay utilities in his name; did not pay real estate taxes; and did not pay regular rent. He stated that he had a friendship with Ms. Shaunte Brewer, the owner of the Chappel residence, and they had reached an informal arrangement. The arrangement consisted of Mr. Brown contributing varying sums of money of \$100.00 or less, which he did occasionally. The remaining consideration given in return for his rent appeared to be in the nature of in-kind



contributions. The contributions included household care, physical care for certain ailments of Ms. Brewer, and safety companionship. Ms. Brewer corroborated this arrangement during her testimony.

On re-direct examination, Counsel for Objector produced a certified copy of Mr. Brown's voting registration which he obtained from the Electoral Board. It showed that after the 7830 S. Phillips address, Mr. Brown was re-registered on July 17, 2018 at the address of 7916 S. Chappel, Chicago, Illinois. This address is located in the 8<sup>th</sup> Ward.

Although Mr. Brown admitted that the registration which he was shown by Mr. Kasper contained his address as 7916 S. Chappel, he denied ever having lived there. Upon further examination by his counsel, the Candidate denied living there; denied knowing anyone who lives there; denied ever registering at the address; and denied receiving mail at this address. Mr. Brown testified that the registration showing his address as 7916 S. Chappel must be an error. His counsel suggested that the first two digits of the address "79" may have been inverted from "9716 S. Chappel. Subsequent to the hearing, the Electoral Board of Chicago directed an email to the Hearing Officer stating that Mr. Brown's registration contained the numeric inverted error of 7916 for 9716 S. Chappel.

At the conclusion of Mr. Brown's testimony, Objector sought to introduce 15 affidavits from witnesses. These affidavits all were prepared in substantially the same format as follows and the personal information of each affiant was filled into the blanks:

AFFIDAVIT

State of Illinois)  
 )  
County of Cook)

I, \_\_\_\_\_, being first duly sworn and placed under oath, hereby depose and state:

1. I live at \_\_\_\_\_, Chicago, in the county of Cook, State of Illinois.
2. That have lived [sic] at said address for \_\_\_\_\_ years.

3. That as long as I have lived at said address, I have not seen the person Jedidiah Brown move into or live at 9716 S. Chapel, Chicago, Illinois.
4. That I was given an opportunity to review a photo of Jedidiah Brown.
5. As far I can [sic] observe there is one person living in the house.
6. Usually, there is one car parked in the driveway.
7. Based on my observation Jedidiah Brown does not and has never lived at 9716 S. Chappel, Chicago, Illinois.

FURTHER AFFIANT SAYETH NOT.

Subscribed and Sworn to before me under oath by \_\_\_\_\_ on  
this 12<sup>th</sup> day of January, 2019.

\_\_\_\_\_  
Notary Public

SEAL

The format of the affidavits was read into the record by the Hearing Officer. The Candidate's counsel objected to the introduction of these affidavits as violating due process by not having the ability to cross examine the affiants. In addition, he protested that the affiants don't know Mr. Brown or gave a description of him; that they have not been inside the home (on Chappel); and no photos were attached to the affidavits.

Two separate photos of the Candidate were produced by counsel for the Objector. They were not attached to the affidavits. Presumably, the photos that were presented were used to show the 15 affiants and forming the basis for paragraph 4 of the affidavits.

Lastly, counsel for Objector argued for denial for admission of the affidavits on the basis that they did not comply with the affidavit standards set forth in the case of *Fritchey v. Romanelli*, 08-EB-WC-37 Chicago Electoral Board, December 16, 2007, affirmed, Appellate Court of Illinois, First District, No. 1-08-0031 (February 11, 2008).

The Hearing Officer informed that he would determine admission at a later date.

### **Testimony of Ms. Shaunte Brewer**

During direct examination by Mr. Kasper, Ms. Brewer stated that Mr. Brown had been living with her in her home at 9716 S. Chappel, Chicago, Illinois since 2016. In response to cross examination questions from Mr. Avila, Ms. Brewer testified that he also lived at another address after he moved with her. She also stated that Mr. Brown left the majority of his things at her house. In addition, Ms. Brewer described the nature of her relationship with Mr. Brown, and her arrangement with him to stay in her home. This was described more fully during Mr. Brown's testimony above, which she confirmed in detail.

### **Testimony of Ms. Kelli Cole**

Ms. Cole testified that she resided at 97<sup>th</sup> and Carpenter. She stated that she had been to Mr. Brown's home at 9716 S. Chappel many times. She said that she had occasion to drop him off at that address 2 to 3 times a week; that she had been inside the home about 4 times; and that she had known him since December of 2017, a little over a year.

On cross-examination Ms. Cole also testified that she had dropped off Mr. Brown at 7830 S. Phillips a couple of times, around September, October of 2017.

### **Testimony of Ms. Alicia Spikes**

Ms. Spikes testified that she lived near 61<sup>st</sup> and King Dr. She said Mr. Brown was her best friend for the last 12 to 13 years. She stated that Mr. Brown lived at 97<sup>th</sup> and Chappel, and confirmed the address as 9716 S. Chappel. She said that she had been to his home "a lot". She further testified that she assumed Mr. Brown slept at the Chappel address and did not know his personal financial business.

### **Testimony of Ms. Ottoweis Campbell**

Ms. Campbell testified she had known Mr. Brown all of his life since she is his mother. She stated that he lives at the 9716 Chappel address and that she has visited him 5 or 6 times within the last 14 months. Ms. Campbell testified that Mr. Brown had been living at

9716 Chappel for some time, going back to 2016.

### **ARGUMENTS PRESENTED BY COUNSEL**

The Objector has argued that the Candidate has not maintained lawful residence in the 7<sup>th</sup> Ward, the office for which he is seeking election to. He relies on the various addresses that the Candidate has used in the last several years, and on the Candidate's non-traditional residential lifestyle. Objector argues that the Candidate hasn't shown clear evidence of his required qualifying residency.

The Candidate maintains that he has resided in address locations within the 7<sup>th</sup> ward, for at least 14 months if not more. He argues that having or paying mortgages, leases, utility bills, and real estate taxes are not the only method of proving residency.

### **ANALYSIS AND FINDINGS**

65 ILCS 5/3/1-10-5 (c) provides in relevant part as follows:

**"A person is not eligible for the office of alderman of a ward unless That person has resided in the ward that the person seeks to represent ... at least one year next preceding the election or appointment..."**

A candidate running for the election of February 26, 2019 for the office of Alderman of the 7<sup>th</sup> Ward, must reside within that ward no later than February 25, 2018.

Even though the Candidate and others contended that since sometime in 2016 his primary residence was at 9716 S. Chappel, Chicago, Illinois, the evidence shows that he meets that statutory requirement of one-year residency even though he resided in different addresses.

The candidate produced an Illinois State identification card dated June 15, 2018 showing his address as 9716 S. Chappel, Chicago, Illinois. This address is undisputedly within the 7<sup>th</sup> Ward and takes his residency there back more than 8 months from February 26, 2019. The Candidate testified that he resided at 7830 S. Phillips St., Chicago, Illinois from September of 2017 until the date he returned to 9716 S. Chappel, Chicago, Illinois.

The Phillips address is also located within the 7<sup>th</sup> Ward, Chicago, Illinois. Various items were attested to during his testimony showing his residency at 7830 S. Phillips, Chicago, Illinois including: a driver's license; income tax records; a lease; and Illinois State Police Records. This period of time conforms with Mr. Brown's testimony that he resided at the Phillips address from the fall of 2017 through April or May when he relocated to the Chappel address.

Three witnesses besides Mr. Brown presented testimony that Mr. Brown resided at the Phillips address and the Chappel address at least through all of 2018 and part of 2017.

It is noteworthy that all of the evidence and testimony presented by the Candidate was un rebutted, as no witnesses were produced by the Objector that contradicted the Candidate's evidence.

The Affidavits submitted by the Objector were not within the scope of the case of *Fritchey v. Romanelli*, 08-EB-WC-37 Chicago Electoral Board, December 16, 2007. That case was strictly a Rule 6 case regarding the authenticity of signatures challenged, and the appellate ruling on that case had no precedential value as it was decided under Supreme Court Rule 23. In addition, Rule 10 use of affidavits is limited to the gaminess of signatures during records examinations. Finally, the affidavits were not persuasive in their generality and speculative narration. They were not considered probative of whether the Candidate resided at the Chappel address. They were not considered a proper use of affidavits.

### **CONCLUSIONS AND RECOMMENDATION**

The Candidate has shown by a preponderance of the evidence that he has maintained the statutory required minimum one-year residency within the 7<sup>th</sup> Ward. In addition, he has 897 valid signatures in his nomination sheets, which is 424 signatures greater than the

minimum number of 473 required.

It is recommended that this Candidate's name may appear on the ballot for Alderman of the 7<sup>th</sup> Ward, Chicago, Illinois at the February 26, 2019 election.

Respectfully Submitted,

S/ Yamil E. Colón

Hearing Officer  
January 23, 2019