

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

Objections of: KEVIN BAILEY)
)
)
To the Nomination) No.: 19-EB-ALD-139
Papers of: CHARLES HILLIARD)
)
Candidate for the office of)
Alderman of the 20th 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 KEVIN BAILEY (“Objector”) to the nomination papers (“Nomination Papers”) of CHARLES HILLIARD (a/k/a CHARLES HILLARD), for the office of Alderman of the 20th 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 Lynne Ostfeld 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. The following persons, among others, were present at such hearing: the Objector, KEVIN BAILEY, pro se; and the Candidate, CHARLES HILLIARD (a.k.a. Charles Hillard), pro se.

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 Electoral 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 344.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman of the 20th Ward of the City of Chicago.

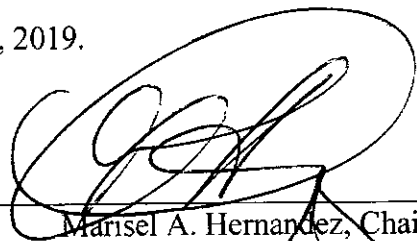
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained only 344 valid signatures, which is less than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Alderman for the 20th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

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.

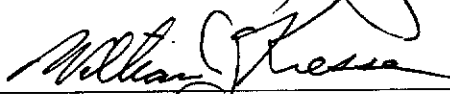
16. For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on his nominating petitions and that the Nomination Papers of CHARLES HILLIARD are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of KEVIN BAILEY to the Nomination Papers of CHARLES HILLIARD, candidate for election to the office of Alderman of the 20th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CHARLES HILLIARD (and/or Charles Hillard), candidate for the office of Alderman for the 20th 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.

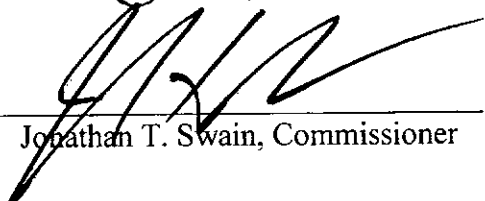
Dated: Chicago, Illinois, on Friday, January 25, 2019.



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.

CHICAGO BOARD OF ELECTION COMMISSIONERS

Objections of:)
 KEVIN BAILEY)
))
 To the Nomination)
 Papers of:) **No. 19-EB-ALD-139**
 CHARLES HILLARD)
) Lynne R. Ostfeld,
 Candidate for the Office of) Hearing Officer
 Alderman of the 20th Ward)
 in the City of Chicago)

RECOMMENDED DECISION

This matter having come before the Chicago Board of Election Commissioners (“CBOE”) on objections of KEVIN BAILEY (“Objector”) to the nomination papers of CHARLES HILLARD (*sic* a/k/a CHARLES HILLIARD) (“Candidate”), Lynne R. Ostfeld, Esq., Hearing Officer, finds and recommends as follows:

1. The hearing was begun on December 10, 2018. In attendance at the hearing were the Objector, Kevin Bailey, and the Candidate, Charles Hilliard. Both the Objector and the Candidate appeared *pro se*.

2. The objector requested that Charles Hilliard's name not be printed on the ballot for election to the office of Alderman of the 20th Ward, City of Chicago, because he did not have the requisite number of 473 valid signatures, based on the following objections:

- A. the nomination papers contained the names of persons who were not registered voters at the addresses shown;
- B. the nomination papers contained sheets with the names of people whose addresses were not in the 20th Ward, City of Chicago;
- C. the nomination papers contained the names of people who did not sign the papers in their own proper persons, whose signatures were not genuine, or complete;
- D. the nomination papers contained the names of people who had earlier signed nomination papers for Kevin Bailey, the Objector in the instant case;
- E. the nomination papers contained petition sheets where signers signed twice;
- F. the nomination papers contained petition sheets with addresses either missing or incomplete.

3. Inasmuch as the objections were all factual in nature, a records examination was ordered. It was conducted on January 12, 2019. Notice of the date for the examination was given to both the Objector and to the Candidate. It appears that the Candidate was not present at the examination and the Objector may not have had representation throughout the examination.

4. On January 12, 2019, the Hearing Officer sent emails to each party that she would notify them of the next hearing date as soon as she learned whether there would be a Rule 8 Motion

submitted.

5. No Rule 8 Motions were filed.

6. Hearing was continued to January 15, 2019, at 1:30 p.m., to receive the report of the records examination. The hearing Officer had personally emailed a notice of the hearing to the parties on January 13, 2019 at 8:46 p.m.: to Charles Hilliard at charleshilliard13@yahoo.com; to Kevin Bailey at 20thWardDemocrats@gmail.com. These were the parties' email addresses provided to her at the December 10, 2018 hearing.

7. On January 15, 2019, at 1:30 p.m. the Hearing Officer called the case. Neither the Objector nor the Candidate appeared. She waited 10-15 minutes and then recalled the case. Neither the Objector nor the Candidate appeared. She continued the work of the hearing.

Findings of Fact and Conclusions of Law

8. On continued hearing on January 15, 2019, the Hearing Officer received the report of the Record Examination Results, prepared by staff of the Chicago Board of Election Commissioners, and found the following:

Number of signatures required	473
Number of signatures on petitions	770
Number of objections	1065
Number ruled on	1065
Number of objections overruled	94
Number of objections sustained	426
Number of valid signatures	344
Number of unchallenged signatures	250

129 Signatures fewer than the required minimum

9. For the record, the Hearing Officer found that the Candidate had not met the requirements of 473 valid signatures on his nominating petitions to have his name put on the ballot for election to the office of Alderman of the 20th Ward. She stated that she would submit this recommendation to the CBOE.

10. After the hearing was terminated, a friend of the Candidate's came to the Hearing Officer's table and asked the results of the hearing. She told him.

11. On January 15, 2019 at 3:24 p.m., the Candidate sent an email to the Hearing Officer that he had been informed that his name was not on the upcoming ballot and he wanted to know why not. He stated to have been checking the website on a daily basis and read that the exam was "to be determined".

12. The Hearing Officer responded to him at 4:08 p.m. that he would have received notification of the record exam from the CBOE and that she had sent emails to him about the upcoming hearing. She advised him to monitor the submittal of her decision to the CBOE so that he could argue that he should be on the ballot, if he so chose.

13. At the time of this exchange of emails, she looked at her file and the records held by the CBOE. She discovered that the Candidate spelled his name differently on different documents: Charles Hillard (only one "i") on the Receipt for Nomination Papers, the Statement of Organization Form D-1; Charles Hilliard (two "i"s) on the Statement of Economic Interests and printed Petitions.

14. He used one email address on his "Appearance" submitted on December 10, 2018: charleshilliard13@yahoo.com. This was written on the Appearance by the Hearing Officer due to the

Candidate's handwriting problems. In fact, his signature is virtually illegible. The exception is on the Statement of Economic Interests where the signature is quite clear, to the point of looking like someone else signed his name. The address from which his email of January 15th was sent was "charleshilliard59@gmail.com". The emails sent by the Hearing Officer to the Candidate at "charleshilliard13@yahoo.com" did not come back.

15. When looking through the CBOE file on this case, the Hearing Officer also discovered a Request for Subpoenas submitted by Kevin Bailey, the Objector herein. She had not received this. His Notice of filing indicated that he had sent it to Joseph Morris as hearing officer in this case.

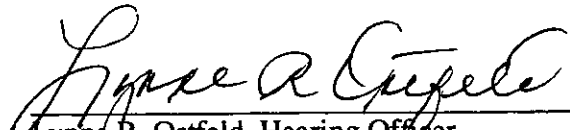
16. The issue is moot but the Hearing Officer would have denied the Request for Subpoenas because they were too vague to meet the standards required by the CBOE for issuance of a subpoena. *see*, Rule 19 of the Rules of Procedure of the CBOE. Further, the proposed subpoenas had not been attached as required. Rule 19 (c).

17. There were no issues of law to be dealt with. The issues of fact were the validity of the signatures on the nominating petitions.

18. The Hearing Officer recommends that this Board find that the Nomination Papers of CHARLES HILLARD a/k/a CHARLES HILLIARD) be declared to be INVALID for the reasons stated above.

19. The Hearing Officer recommends that this Board order that the name of CHARLES HILLARD (a/k/a CHARLES HILLIARD) NOT be printed on the ballot for the Aldermanic Election, 24th Ward, City of Chicago, to be held on February 26, 2019, for the reasons stated above.

Dated: Chicago, Illinois, this 21st day of January, 2019.


Lynne R. Ostfeld, Hearing Officer