

**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-142
Papers of: MAYA HODARI)
) Rel.: 19-EB-ALD-124
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 MAYA HODARI, candidate 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 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 Linda R. Crane 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, KEVIN BAILEY, pro se; and the Candidate, MAYA HODARI, and/or her Attorney, LAURA JACKSACK.

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 her 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 671.

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 20th Ward of the City of Chicago.

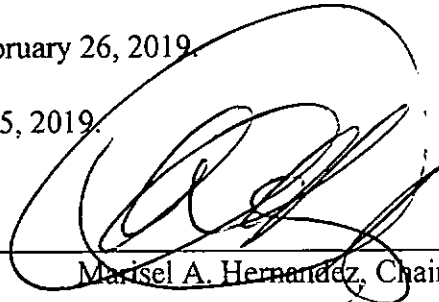
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 671 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 20th 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 her nominating petitions and that the Nomination Papers of MAYA HODARI are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of KEVIN BAILEY to the Nomination Papers of MAYA HODARI, candidate for the office of Alderman for the 20th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of MAYA HODARI, candidate for the office of Alderman for the 20th 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.

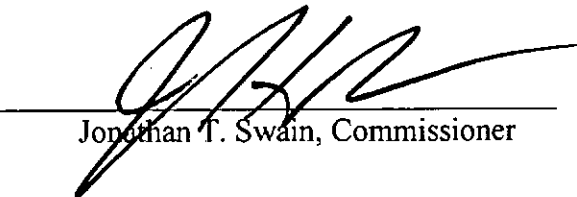
Dated: Chicago, Illinois, on Friday, January 25, 2019.



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.

BEFORE THE DULY CONSTITUTED BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF CHICAGO FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 20TH WARD OF TH CITY OF CHICAGO, STATE OF ILLINOIS

IN THE MATTER OF)
KEVIN BAILEY)
)
Petitioners-Objectors)
)
)
vs.)
)
MAYA HODARI)
)
Respondent-Candidate)

No. 19 – EB – ALD - 142

HEARING OFFICER’S RECOMMENDED DECISION

This matter having come before the Board of Election Commissioners for the City of Chicago (“CBOE”) on verified objections of **KEVIN BAILEY** (“Objector”) to the nomination papers of **MAYA HODARI** (“Candidate”), the Hearing Officer, Linda R. Crane, (H.O.) finds and recommends the following:

1. That the Respondent Candidate, **MAYA HODARI**, has filed Nomination Papers in support of her nomination to the office of Alderman of the 20th Ward of the City of Chicago in the State of Illinois to be voted upon during the upcoming Municipal General Election on February 26, 2019 (“Election”). The Petitioner-Objector, **KEVIN BAILEY**, filed a Verified Objector’s Petition Objecting to the sufficiency of the Candidate’s nomination papers for various reasons stated in Paragraphs 3 through 18 of his Petition.

2. That the initial hearing on the matter was held on December 10, 2018. Both parties were present and filed their Appearances: The Candidate by and through her attorney, Laura Jacksack; and the Objector, pro se. The hearing began with a review of the file to make sure that it was complete. Following a discussion about general procedural matters and the issues and objections raised in the Petition, the Candidate stated that she intended to file a Motion to Strike or Dismiss under the Board's Rule 5, so a briefing schedule was established.
3. That prior to the initial hearing, the Objector had sent an email to the Board with "Motion to transfer and consolidate" in the subject line. By reply email from the Board, he was instructed to file the Motion with the hearing officers that were assigned to each case and was provided with the Board's policy regarding case consolidation. *(See, email from Electoral Board to 20thwarddemocrats@gmail.com, Sun, Dec 9, 2018 at 3:41 PM)*
4. That the Objector filed the Motion during the first hearing. The Motion was denied because the his various cases did not qualify for consolidation under the Board guidelines that only consolidate cases for which all of the parties are the same in each case. The Objector clarified that he was not asking to actually consolidate all of his cases into a single case but that he wanted all of the 13 cases that he had filed as the objector to be heard by the same H.O. The H.O. told him that was not feasible and suggested that he hire an attorney who could manage the case load for him; but also informed him that subsequent hearings could be scheduled at times that were selected with his input to avoid conflicts as much as possible. *(12-10-18 transcript pp 17-19)*
The Motion as clarified was also denied.

5. That the Objector made another Motion to Amend the Name of the Candidate because he had misspelled her name in the Petition. The motion was granted.
6. That the Objector requested that subpoenas be issued to "*(a)ll objector Bailey petitions (sic) and affidavits,*" against which the Candidate filed a Response in Opposition to the Subpoena Request because the request was overbroad under the Board's Rule 19.
7. That the second hearing convened on December 17, 2018 for the purpose of allowing the parties to argue for and against the requested subpoenas; and for and against the Candidate's Motion to Strike.
8. That during the Rule 5 hearing, the Candidate argued that the Objector had used a shotgun approach to crafting the objections. The Objector denied doing so. It was agreed that the results of a Records Examination would be necessary to resolve this issue, so the Rule 5 hearing was continued pending the receipt of said results.
9. Later on December 17, 2018, the H.O. filed a Recommendation to Commissioners Re: Objectors' Subpoenas Request that opposed the request and the request was subsequently denied by the Commissioners.
10. That the parties requested a Records Examination and a Records Examination Directive was issued and, subsequently, the RE was scheduled for January 4, 2019 at 1:30 p.m.
11. That several hearings were scheduled and continued awaiting the completion of the Records Examination.
12. That, on January 22, 2019 at 1:00 p.m., a hearing was convened to review the results of the Records Examination, which had been completed and certified by the Board's

staff and handwriting expert on January 20, 2019.

13. That the final results of the Records Examination were as follows:

Signatures Required:	473
Total Pages:	130
Total Signatures:	1804
Total Objections:	2772
Total Ruled On:	2772
Total Remaining:	0
Total Sustained:	1133
Total Overruled:	450
For Review (Candidate):	583
For Review (Objector):	706
Total Valid Signatures:	671
Total Unchallenged Sigs:	221

198 Signatures greater than the required minimum

14. That the Candidate filed a Rule 8 Motion, but the Objector did not.
15. That the Candidate waived her right to commence a Rule 8 hearing on her motion and her right to continue the Rule 5 evidentiary hearing insofar as the Objector had not challenged the results of the Records Examination.

For all of the foregoing stated reasons, I am recommending to the Board that the Objector's objections to the Candidate's candidacy be overruled; and that the Candidate's name be added to the ballot in the upcoming Election.

Respectfully submitted,

Date: January 23, 2019

By: Linda R. Crane
Linda R. Crane, Hearing Officer