

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

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Objections of: KEVIN BAILEY	)	
	)	
	)	
To the Nomination	)	No.: 19-EB-ALD-147
Papers of: KIMETHA HILL	)	
	)	Rel.: 19-EB-ALD-122
	)	
Candidate for the office of Alderman 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 KIMETHA HILL, candidate for the office of Alderman for 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 Yolanda Carrillo 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, KEVIN BAILEY, pro se. The Candidate did not appear. Due to lack of evidence of service in the file, the matter was continued to a later date. Although the Candidate never appeared at subsequent hearings, the record now indicates that she received service via U.S. Certified Mail on December 7, 2018.

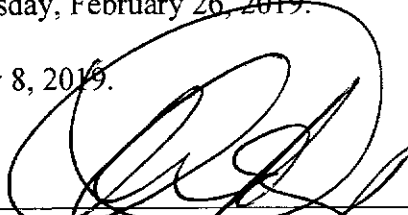
7. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contain only 281 petition signatures, which is less than the 473 required. The Hearing Officer found, therefore, that the Candidate's Nomination Papers are invalid and that the Candidate was in default under the Board's Rule 12.

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 recommended findings and conclusions of law.

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 KEVIN BAILEY to the Nomination Papers of KIMETHA HILL, candidate for the office of Alderman for the 20th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of KIMETHA HILL, 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 Tuesday, January 8, 2019.



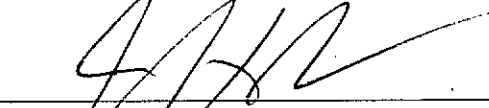
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Marisel A. Hernandez, Chair



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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 COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY  
CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON  
OBJECTIONS TO THE NOMINATING PAPERS OF CANDIDATES FOR THE  
FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR  
ALDERMAN OF THE 20<sup>th</sup> WARD IN THE CITY OF CHICAGO**

	)	
KEVIN BAILEY,	)	
Petitioner-Objector	)	
	)	
v.	)	19-EB-ALD-147
	)	
KIMETHA HILL,	)	
Respondent - Candidate	)	
	)	

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

Objector Kevin Baily ("Objector") filed an objection petition challenging the nominating papers for election of The Office of Alderman of the 20<sup>th</sup> Ward of the City of Chicago in the State of Illinois filed by the Candidate Kimetha Hill ("Candidate"). This matter was first heard on December 10, 2018. The Objector appeared pro se, filing his appearance. The Candidate failed to appear. Objector moved for a default judgment against the Candidate. The Objector's oral motion was denied, as proof of service on the Candidate was required. The matter was scheduled for a hearing on December 14, 2018. At the December 14, 2018 hearing, the Objector appeared. The Candidate failed to appear. The matter was continued for 15 minutes with the Candidate failing to appear during the additional time. The hearing moved forward.

**Service of the Candidate**

The matter was reviewed for proof of service. The record showed an effort to serve the Candidate via (1) the Sheriff and (2) Certified Mail. The Sheriff's Office - Affidavit of Service dated December 6, 2018 showed that serve was not made with

the Deputy Sheriff stating: "gate locked, no bell". The Certified Mail Receipt showed that the delivery was made December 7, 2018 at 3:47 p.m. at 6501 S. Langley Ave., #2, Chicago, IL 60637, the same address listed by Candidate in her nominating papers. The Certified Mail Receipt shows a signature in the "Signature of Recipient" section and writing in the "Address of Recipient" section. Neither the signature nor the address is legible. However, the markings show that someone at the address provided by the Candidate in her nominating papers signed for the documents.

Service of the call stating the day, hour and place at which the electoral board will hear and pass upon the objections to the nominating papers shall be done by registered or certified mail and the sheriff. 10 ILCS 5/10-10. Here, there was service by Certified Mail, as required by law. While, service by Sheriff is required, a candidate cannot evade the effects of a duly filed objection by being unavailable for service of the papers. *Gladstein v. Beachman*, 15-EB-ALD-029 (Chicago Electoral Board 2014). In this matter, the record shows that the gate was locked and there was no means to ring the bell, which are indicative of the Candidate being unavailable for service. Supporting evidence to evade service is the illegible signature and address on the Certified Mail Receipt.

Based on the foregoing, a finding that proper service occurred is made.

### **Default Judgment**

The Objector orally moved for the entering of a default judgment against the Candidate. The Objector presented his offer of proof which was that the Candidate filed a maximum total of 330 signatures, contained in 22 petition signature sheets, which were less than the 473 signatures of legal votes of the Ward, as required.

Here, the Objector's petition and offer of proof pled a factual issue that does not require an evidentiary hearing but instead, can be determined by a review of the nominating papers, on their face. Upon a review of the nominating papers, the Candidate filed 281 signatures, a number less than the 473 required signatures needed to be on the ballot.

Based on the foregoing, a finding that the nominating papers are invalid is made.

### **Conclusion**

It is my recommendation that 1) the nominating papers for the Candidate, Kimetha Hill, be found invalid and 2) that the Candidate's name, Kimetha Hill, not be on the ballot.

Date: December 16, 2018

Respectfully Submitted,

s/Yolanda Carrillo  
Yolanda Carrillo  
Hearing Officer