

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

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| Objections of: HARRIETTE MIMMS and |) | |
| CHANTIA KINDLE |) | |
| |) | |
| To the Nomination |) | No.: 19-EB-MUN-007 |
| Papers of: DOROTHY A. BROWN COOK |) | |
| |) | Rel.: 19-EB-MUN-013 |
| Candidate for the office of |) | |
| Mayor 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 HARRIETTE MIMMS and CHANTIA KINDLE ("Objectors") to the nomination papers ("Nomination Papers") of DOROTHY A. BROWN COOK, for the office of Mayor 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 Objectors 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. The Electoral Board assigned this matter to Hearing Officer Rodney Stewart for further hearings and proceedings.

5. The Objectors 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 hearings: the Objectors, HARRIETTE MIMMS and CHANTIA KINDLE, and/or their Attorney, KERI-LYN J. KRAFTHEFER; and the Candidate, DOROTHY A. BROWN COOK, and/or her Attorneys, MABLE TAYLOR, KEITH L. SPENCE, MICHAEL S. GLATT and DOROTHY A. BROWN COOK.

6. 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.

7. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives, during this records examination. The Candidate and/or her duly authorized representative was present during the examination of the registration records. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

8. 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.

9. 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 12,500;
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 23,979;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 12,428;
- D. The remaining number of signatures deemed valid as a result of the records examination total 11,551.

10. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination is 949 fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Mayor of the City of Chicago.

11. The Candidate and Objector both filed Rule 8 motions, and the Hearing Officer scheduled a Rule 8 hearing with notice to the parties. At the Rule 8 hearing, the Candidate presented no affidavits, testimony or other evidence in support of her appeals of the line-by-line rulings made during the Rule 6 records exam. The Candidate requested a continuance to the Rule 8 hearing so she could have more time to gather additional affidavits. The Hearing Officer found that the Candidate's request was not made in good faith and there was no just cause for granting a continuance because the Candidate had made no apparent effort to produce any evidence for

the previously scheduled Rule 8 hearing. The Objectors then submitted an offer of proof to preserve their appeals in the record should further need ever arise.

12. The Electoral Board finds that the Candidate had watchers present for most, if not all, of the Rule 6 records examination, and those watchers were able to provide information to the Candidate on a daily basis as to the preliminary rulings that were adverse to the Candidate. Such provided the Candidate with ample time to begin gathering the witness and documentary evidence needed to rebut the records exam results in a Rule 8 hearing. The Electoral Board therefore agrees with the Hearing Officer that no good cause was shown to justify granting a continuance of the Rule 8 hearing.

13. The Hearing Officer also found that the Candidate's Emergency Motion to Suspend the Records Exam, and other similar filings, should be denied. As did the Hearing Officer, the Electoral Board finds that the sworn testimony provided by Mr. Charles Holiday, who is Executive Director to the Chicago Board of Election Commissioners and is responsible for preparing, scheduling and managing the Board's Rule 6 records examinations, adequately explained to the parties why the objections contained on several of the Objectors' Petition's appendix recap sheets were added to the computerized objection database in the course of the Rule 6 proceedings, why the number of sustained objections increased during a particular timeframe in which the records exam was ongoing, and why the underlying records exam results have not changed despite the differences in reporting methods between "total objections" overruled and "total signature lines" overruled.

14. Despite the Candidate's several different attempts at filing documents and making oral arguments alleging that the Electoral Board has engaged in fraud, or that the records exam results are not accurate, the Candidate has completely failed to identify even a single occurrence

of possible fraud or of a single uncorrected mistake. As Mr. Holiday testified, the late-added objections were merely overlooked during the original computer programming due to the corresponding appendix sheets having been scanned upside-down, thus appearing blank. The Candidate has failed to identify even one single ruling in the record of this case that is not directly related to a written objection that was duly lodged in the timely filed Objectors' Petition, which was duly served upon the Candidate. She has also failed to identify a single preliminary ruling in the records exam that was changed without explanation, or that was changed by someone other than the Board's handwriting experts in the normal course of Rule 6 proceedings. The Electoral Board finds that the Candidate has failed to identify even a single occurrence of possible fraud or uncorrected mistake, because no such thing exists.

15. For the above reasons, the Electoral Board adopts the Hearing Officer's recommendations as to the Candidate's emergency motions and additional filings in relation to the alleged irregularities with the records examination. Having brought forth not a single example of any problems in need of investigation or remedy, those requests are not made in good faith and there is no basis in fact or law for those requests to be granted. The Electoral Board has provided un rebutted explanations for all matters related to the conduct and results of the Rule 6 records examination in this case.

16. The Hearing Officer conducted a hearing to allow the Candidate an opportunity to present evidence in support of her Rule 8 motion objecting to the Board's clerk's findings during the records examination. The Candidate failed to present any evidence whatsoever in relation to any particular records examination finding. The Candidate therefore also failed to show good cause for granting any continuance to the Rule 8 hearing.

17. 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 11,551 valid signatures, which is 949 fewer than the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for the office of Mayor for the City of Chicago, and that the Candidate's Nomination Papers should therefore be found invalid.

18. The Candidate filed a Rule 20 Motion and was afforded an opportunity to present further argument directly to the Electoral Board in opposition to the Hearing Officers report and recommended decision. However, the Candidate still failed to provide any evidence or even any allegation that any particular ruling in this case was outside the scope of the objections duly lodged in the Objector's Petition, or was changed without explanation by anyone other than the Board's handwriting experts in the normal course of Rule 6 proceedings. Thus, the Electoral Board finds that the Candidate's Rule 20 Motion was unpersuasive and is hereby denied.

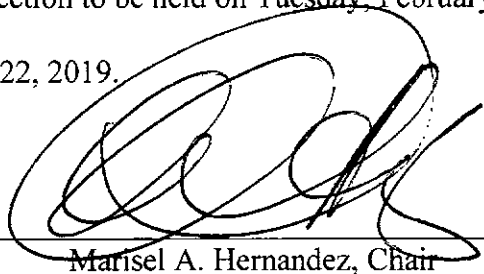
19. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law and incorporates them herein by this reference.

For the reasons stated above, the Electoral Board finds that the Candidate has an insufficient number of valid signatures on her nominating petitions and that the Nomination Papers of DOROTHY A. BROWN COOK are, therefore, invalid.

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IT IS THEREFORE ORDERED that the Objections of HARRIETTE MIMMS and CHANTIA KINDLE to the Nomination Papers of DOROTHY A. BROWN COOK, candidate for election to the office of Mayor of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of DOROTHY A. BROWN COOK, candidate for the office of Mayor for 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.

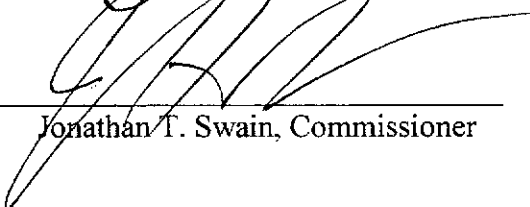
Dated: Chicago, Illinois, on Tuesday, January 22, 2019.



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.

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATING PAPERS OF CANDIDATES FOR THE
FEBRUARY 26, 2019 MUNICIPAL ELECTION FOR MAYOR IN THE CITY
OF CHICAGO**

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| |) | |
| HARRIETTE MIMMS and |) | |
| CHANTIA KINDLE, |) | |
| Objectors, |) | |
| -v- |) | NO. 19-EB-MUN-007 |
| |) | |
| DOROTHY A. BROWN COOK, |) | |
| Candidate. |) | |

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 10, 2018. The Objectors appeared through counsel, Keri-Lyn J. Krafthefer and the Candidate appeared through counsel, Mable Thomas. Attorney Keith Spence filed an Appearance on behalf of the Candidate but did not appear. Disclosure forms were submitted. The Board Exhibits were introduced into evidence without objection. Parties agreed to accept service of documents via email. The parties were given the opportunity to file preliminary motions. A briefing schedule was set pursuant to the Candidate's request to file a Motion to Strike and Dismiss. A records examination was ordered pursuant to the issues outlined by the Objectors. The matter was scheduled for further hearing and continued to December 14, 2018.

On December 14, 2018, all parties appeared personally or thru their respective counsel. The Candidate had filed the Motion to Strike and Dismiss, the Objectors filed a Response and the Candidate filed a Reply. The Motion was presented and argued. The Candidate raised the argument that the Objector had not made a good faith inquiry. The Objectors responded that Section 10-8 was fully complied with and that the Candidate has been given sufficient notice to address the issues at a Rule 8 Hearing. The Candidate sought to argue that the Objectors' Petition raised "shot gun" objections. Said objection was not previously raised in the Motion to Strike and Dismiss and was overruled.

Candidate also presented a Request For Subpoenas seeking the production of documents "relating to or evidencing any individuals accessing or using the computer system containing voter registration and signatures during the period of November 26, 2018 to December 3, 2018." The Candidate sought to amend the request during the course of the hearing by limiting the request to two specific individuals who may have accessed the computer system. The request for the amendment was denied.

It was recommended that the Candidate's Motion to Strike and Dismiss be denied. The matter was continued to Wednesday, December 19, 2018 at 1:00 p.m. for Status Hearing with respect to the Records Examination. Pursuant to the request of the Objectors, the time for both parties to request subpoenas was extended to December 22, 2018 at 5:00 p.m.

On December 19, 2018, all parties appeared personally or thru their respective counsel. Mable Taylor appeared on behalf of the Candidate. Keri-Lyn J. Kraftheger of Ancel Glink appeared on behalf of the Objectors. The matter was scheduled for a Status on the Records Examination. The parties reported and it was confirmed by the Board of Elections that the Records Examination was underway and had begun on Wednesday, December 19, 2018 at 9:15 a.m. with three teams. The matter was continued to Saturday, December 29, 2018 at 9:30 a.m. for Status on the Records Examination.

On December 29, 2018, the parties appeared thru their respective counsel. Mable Taylor appeared on behalf of the Candidate. Dan Bolin of Ancel Glink appeared on behalf of the Objectors. The matter was scheduled for a Status on the Records Examination. The parties reported and it was confirmed by the Board of Elections that the Records Examination was underway and was approximately forty percent complete. In anticipation that the Records Examination could be completed in about one week (and then proceed to a handwriting expert), the matter was continued to Monday, January 7, 2019 at 2:00 p.m. for Status on the Records Examination.

By agreement of the parties, the matter was continued from Monday, January 7, 2019 at 2:00 p.m. to Tuesday, January 8, 2019 at 2:30 p.m.

On January 8, 2019, all parties appeared personally or thru their respective counsel. Mable Taylor appeared on behalf of the Candidate. Keri-Lyn J. Kraftheger of Ancel Glink appeared on behalf of the Objectors. The matter was scheduled for a Status on the Records Examination. The parties reported that the Records Examination was well underway. Objectors' attorney reported that the Records Examination should be completed by Friday, January 11, 2019. Candidate's attorney reported that, pursuant to a conversation with Charles Holiday, the Records Examination should be completed by Wednesday, January 16, 2019.

In addition to the issues pertaining to the Records Examination, the Objectors' Petition sought relief with respect to issues pertaining to 1) Multiple or Duplicate Signatures on the Candidate's Nomination Petitions and 2) the voter having signed more than one Nomination Petition for different candidates seeking the same office (first in time issue). A Request for Subpoenas filed by the Objectors was previously approved by the Board of Elections. In an effort to expedite matters, the Hearing Officer scheduled a hearing with respect to evidentiary matters and Rule 8 Hearing, if possible, for the following days and times:

January 15, 2019 from 1:00 p.m. to 9:00 p.m.

January 16, 2019 from 6:00 p.m. to 9:00 p.m.

January 18, 2019 from 6:00 p.m. to 9:00 p.m.

January 19, 2019 from 10:00 a.m. to 9:00 p.m. and

January 20, 2019 from 10:00 a.m. to 5:00 p.m.

The matter was scheduled for further hearing and continued to Friday, January 11, 2019 at 1:00 p.m. for Status on the Records Examination and Status on Hearing.

On January 9, 2019, the Candidate, personally and separate and apart from counsel, Mable Taylor, filed a Notice of Filing and Appearance with the Board of Elections stating an emergency motion was in order seeking to suspend the ongoing Records Examination. The Hearing Officer forwarded a copy of the filed documents to the Candidate's attorney and to the Objectors attorney for review. A date for hearing on the Notice of Filing (outlining the nature of the emergency motion) had not been requested or scheduled.

On January 11, 2019, all parties appeared personally or thru their respective counsel. Mable Taylor appeared on behalf of the Candidate. In addition to Ms. Taylor, the Candidate (who previously filed a Pro Se Appearance) and Michael Glatt also appeared. Keri-Lyn J. Krafthefer appeared on behalf of the Objectors. The Candidate and her attorneys filed an Emergency Motion to Suspend the Records Examination on January 10, 2019. (The Candidate had personally filed several Notice of Filings on January 9, 2019 and within the Notice of Filing sought to outline the nature of the emergency. Attorney Taylor subsequently filed the Emergency Motion but no Notice of Motion. All parties waived service and the motion proceeded.)

The matter was consolidated with Melvin Gunn and Karisha Carriel v. Dorothy A. Brown Cook, 19-EB-MUN-013 and both motions were heard together. The same attorneys appeared for the Candidate (as well as the Candidate personally). Frank Avita appeared on behalf of the Objectors. The Candidate and her attorneys filed an Emergency Motion to Suspend the Records Examination on January 10, 2019 with respect to this matter and the issues were similar enough to warrant consolidation. Any issues specific to the particular case were treated individually.

The Emergency Motion in 19-EB-MUN-013 alleged fraud on the part of the Board of Elections and an investigation for alleged discrepancies with respect to the signature count but fails to sufficiently state a basis.

The Emergency Motion in 19-EB-MUN-007 alleged fraud on the part of the Board of Elections based upon a change with respect to the number of signature during the Records Examination. All parties agreed that the Records Examination had been completed and the matter was on its way for review by the handwriting expert. The Candidate maintained that 1376 signatures were added at the end of the Records Examination constituting an irregularity that warrants an investigation. During the course of the evidence presented by the Candidate, Charles Holiday, a Board employee testified that the Board, when scanning the Candidate's Nomination Petitions,

inadvertently scanned the back or blank side of Petition Sheets 1195 t 1261 thereby substantiating the difference with respect to the number of signatures. Ms. Holiday further testified that the Candidate's Watchers were immediately made aware that the blank sheets were inadvertently scanned into the system and were advised that the additional signatures were later reviewed and scanned in. Mr. Holiday stated that of the two open matters (19-EB-MUN-007 and 19-EB-MUN-013) one of the records examinations were temporarily halted. In addition, Mr. Holiday testified that the difference with respect to the numbers occurred because the preliminary count with 1083 signatures occurred on December 31, 2018 and at a time when all signatures had not been considered. The second count occurred on January 7, 2019 which changed the signature total. Mr. Holiday further testified that over a period of eleven days the number of overruled objections increased from 1083 to 9974 because of the continuation of the Records Examination. Mr. Holiday then pulled the blank sheets up on a computer and showed all parties and the Hearing Officer the documents.

The Candidate then called Merideth Hammer, the campaign manager for the Dorothy Brown for Mayor campaign. Ms. Hammer testified that she was aware of he missing pages in the recapitulation sheets after a conversation with Peggy. Peggy advised Ms. Hammer that pages 1204 to 1218 were missing. Ms. Hammer further testified that she could not recall the Records Examination being halted at any time.

Candidate argued that the confusion was sufficient enough evidence to suggest fraud and that an investigation was warranted. The Candidate has failed to establish that any fraud or irregularities have occurred. Rule 8 of provides a sufficient mechanism to the Candidate (and the Objectors) to challenge and/or rehabilitate any signatures previously objected to. It is therefore the recommendation of the Hearing Officer that the Candidate's Emergency Motions with respect to both cases (19-EB-MUN-007 and 19-EB-MUN-013) be denied.

In light of the ongoing records examination proceedings, the previously scheduled dates of January 15, 2019 and January 16, 2019 were stricken. The remaining dates stand. The matter was continued to January 18, 2019 at 6:00 p.m. to begin the evidentiary hearings and possible Rule 8 Hearing. Evidentiary documents and affidavits are to be exchanged by 3:00 p.m. and 24 hours prior to the initial hearing date.

On January 17, 2019, all parties appeared personally or thru their respective counsel. Mable Taylor and Michael Glatt appeared on behalf of the Candidate. Keri-Lyn J. Krafthefer appeared on behalf of the Objectors. The Records Examination was completed on January 16, 2019. The Final Petition Summary Report indicated that the Candidate was 949 Signatures fewer than the required 12500 minimum required signatures.

The Candidate filed a Supplemental Rule 8 Motion should have been properly entitled as Candidate's Notice to Produce. It is the recommendation that the Supplemental Rule 8 Motion be stricken. The Candidate also filed a Motion to Dismiss. Said motion was filed on January 17, 2019 at 4:58 p.m. per the statement of the Candidate's attorney, Mable

Taylor. As a result, the motion was not timely filed. Pursuant to Rule 5(b)(i) of the Rules of Procedure for the Election Commissioners of the City of Chicago, motions must be made in writing and filed with the Electoral Board and served upon other parties in the case by 5:00 p.m. on the first business day following the initial hearing. The initial hearing was conducted in December 2018. In addition, at least one of the issues raised in the Motion to Dismiss was previously addressed and ruled upon in the Candidate's Emergency Motion heard on January 11, 2019. Based upon this, it is the recommendation that the Candidate's Motion to Dismiss be stricken.

On January 18, 2019, all parties appeared personally or thru their respective counsel. Mable Taylor and Michael Glatt appeared on behalf of the Candidate. Keri-Lyn J. Krafthefer appeared on behalf of the Objectors. The matter was scheduled for Rule 8 Hearing. The Candidate sought a continuance due to not being able to present affidavits and inability to proceed with the Rule 8 Hearing. Candidate is unable to proceed with any evidentiary portion of the hearing. The Candidate was unable to state exactly how much time was needed to produce the affidavits and to proceed with the Rule 8 Hearing. Good cause for seeking a continuance has not been shown.

An Offer of Proof was tendered by the Objectors. Objector stated that based upon their Offer of Proof, they would introduce evidence of an additional 5402 additional signatures. Objector withdrew paragraph 9 of the Objector's Petition which stated that the Objector raised first in time issues with respect to the signatures tendered by the Candidate.

Based upon the failure to submit evidence to sufficiently meet the Candidate's burden of proof, it is the recommendation of the Hearing Officer that the Board's decision with respect to the number of valid signatures obtained by the Candidate be upheld. Furthermore, it is the recommendation of the Hearing Officer that the Candidate's name not appear on the ballot for the Office of Mayor of the City of Chicago in the February 26, 2019 election.

cs// Rodney W. Stewart
Rodney W. Stewart

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