

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

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Objections of: KELSEY STONE	)	
	)	
	)	
To the Nomination	)	No.: 15-EB-ALD-026
Papers of: JEFFREY BOOKER	)	
	)	
Candidate for the office of	)	
Alderman of the 4th Ward, City of Chicago	)	

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of KELSEY STONE ("Objector") to the nomination papers ("Nomination Papers") of JEFFREY BOOKER, candidate for the office of Alderman of the 4th Ward in the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014 at 9:00 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 herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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 December 8, 2014 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Christopher Agrella 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, KELSEY STONE, by his attorney, Michael Dorf; and the Candidate, JEFFREY BOOKER, 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 number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 618;
- C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 343;
- D. The remaining number of signatures deemed valid as a result of the records examination total 275.

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 election to the office of Alderman of the 4th Ward of the City of Chicago.

14. Neither side file a Rule 8 motion objecting to the Board's clerk's findings during the records examination.

15. 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 275 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 election to the office of Alderman of the 4th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found invalid.

16. 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. A copy of the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

17. 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 JEFFREY BOOKER are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of KELSEY STONE to the Nomination Papers of JEFFREY BOOKER, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JEFFREY BOOKER, candidate for election to the office of Alderman of the 4th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on December 29, 2014.



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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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Marisel Hernandez, 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 ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PETITIONS OF  
CANDIDATES FOR THE FEBRUARY 24, 2015, MUNICIPAL GENERAL ELECTION IN  
THE CITY OF CHICAGO**

KELSEY STONE,	)	
	)	
Petitioner – Objector,	)	
	)	
v.	)	No. 15 EB ALD 026
	)	
	)	
JEFFREY BOOKER,	)	
	)	
Respondent – Candidate.	)	
	)	

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

This matter first came before the hearing officer on December 9, 2014. The matter was set on the call for 12:00 Noon, and at 12:00 Noon the matter was first called for hearing. Objectors were represented by counsel, Michael Dorf, *Esq.* The candidate represented himself *pro se*. Each filed their respective appearances and filed executed non-disclosure and confidentiality agreements.

The candidate timely filed nomination papers to be placed on the ballot for election as Alderman of the 4<sup>th</sup> Ward of the City of Chicago, to be voted upon at the February 24, 2015, Municipal General Election.

The objection raised a standard petition signature line challenge, incorporating an attached set of appendix recapitulation sheets, thereupon alleging the candidate's nomination papers contained an insufficient number of valid petition signatures to reach the minimum required signatory level, which is 473. In addition, it asserted false swearing by circulators as to being the circulators that actually circulated the petitions, as well as a number of 'first in time' challenges were made as to certain petition signers.

The parties were informed of the briefing schedule for any preliminary motions and upon inquiry the candidate informed the hearing examiner that a motion might be filed. Both sides were informed of the briefing schedule in the event one was filed.

A Rule 6 Record Examination was scheduled for December 15, 2014, at 1:30 p.m., and both sides were informed of the date and time of the record examination on the record, after which the matter was adjourned. In addition, on December 12, 2014, Board personnel formally served both sides with email notice of the date and time of the aforesaid Rule 6 Record Examination.

On December 10, 2014, candidate filed a Motion to Waive the Record Exam and a Motion to Waive Strict Compliance, objector filing a response to each by December 11, 2014. Candidate did not file a reply.

Candidate's motion, seeking to waive [sic] the record examination, contained statements in the nature of an admission by the candidate that the signatures on his nomination petition would not, in fact, be found genuine upon a record examination, with the additional assertion that the signatures may have been affixed by signers intentionally attempting to distort their actual signature. The candidate therefore sought equitable relief in the nature of the Board waiving the requirement for a Rule 6 Record Examination.

As to the candidate's motion seeing to waive [sic] strict compliance, in essence the candidate asserted a difficulty in acquiring signatures given the number of high rises, that one of his opponents used paid circulators, that the candidate was at a competitive disadvantage, and that the candidate's signature effort was conducted in good faith, such that the election rules regarding nomination petition requirements should not be enforced in this instance.

Objector filed a response to these motions within which objector asserted several legal

grounds, supported by case law, requiring this Board's adherence to the statutory requirements that apply to the objection process.

This hearing officer did not find any merit to the candidate's motions, and elected to make the proposed recommendations denying same on the record upon the return of the Rule 6 Records Examination Results, without entertaining argument.

It is this hearing officer's recommendation that the Board deny the candidate's motions, a recommendation made by the hearing officer on the record during the December 22, 2014, hearing on the return of the Rule 6 Record Examination.

This Board is a creation of statute, and only has such powers as are granted it by statute. The procedures this Board is mandated to take upon the filing of an objection to nomination papers are clearly set forth in the Election Code, and this Board is not empowered to act in any fashion outside of those powers conferred upon it under these enacting statutes. Leaving aside that this candidate was not required to face any greater burden than any other candidate seeking to be placed on the ballot, it is simply outside the powers of this Board to grant the relief requested by this candidate. *See e.g. Phelan v. County Officer's Electoral Board*, 240 Ill.App.3d 368 (1<sup>st</sup> Dist. 1992); *Kozel v. State Board of Elections*, 126 Ill.2d 58 (1988); *Reyes v. Bloomingdale Township Electoral Board*, 640 N.E.2d 956 (2<sup>nd</sup> Dist. 1994); *Wiseman v. Elward*, 5 Ill. App.3d 249 (1st Dist. 1972).

On December 17, 2014, the Rule 6 Record Examination was completed. On December 18, 2014, Board personnel served both sides by email with the final result of the record examination. Neither side filed any Rule 8 Motion by the December 18, 2014, 5:00 p.m. deadline. The matter was set down for further proceedings on December 22, 2014, at 9:00 a.m. It bears noting that the hearing officer's review of the final results evidenced that no such Rule

8 filing would have done the candidate any good, in that the candidate had failed to preserve enough adverse calls to affect the ultimate outcome.

On December 15, 2014, at 9:00 a.m., this matter was recalled for hearing for further proceedings on the Rule 6 Record Examination. Objector appeared through counsel and the candidate appeared *pro se*. As aforesaid, the hearing officer stated on the record his recommendation to deny the candidate's motions. Objector and candidate both confirmed that they had not filed any Rule 8 Motion.

At this point the hearing officer proceed to formally review the Rule 6 Record Examination results on the record, and accepted into evidence the original petition papers of the candidate and the objections of the objector, which were marked Exhibit A and Exhibit B, respectively. The hearing officer then accepted into evidence the service paperwork on the parties as Exhibit C, the appearances and confidentiality/non-disclosure agreements filed by the parties as Exhibit D, and the Final Petition Summary Report as Exhibit E. Each side acknowledged receipt of the results of the Rule 6 Record Examination. No objection was posed to the entry of this evidence into the record.

The hearing officer then read the results of the record examination into the record, as follows:

Signatures Required:	473
Total Pages:	32
Total Signatures Filed by the Candidate:	618
Total Objections:	405
Total Objections Ruled On:	405
Total Remaining to be Ruled On:	0



Total Objections Sustained:	343
Total Objections Overruled:	62
Findings Preserved For Review (Candidate):	2
Findings Preserved For Review (Objector):	79
Total Valid Signatures:	275
Total Unchallenged Signatures:	213
198 Signatures less than the required minimum	

There being nothing further offered on behalf of either party, the hearing officer stated that it would be his recommendation to the Board that the results of the record examination be accepted and the objection be sustained, in that the evidence produced in the course of the record examination affirmatively proved that the candidate did not have the minimum number of valid signatures required (473) in his nomination papers to permit his name to be placed on the ballot, and that the nomination papers of the candidate be declared invalid and insufficient, and the candidate's name not appear on the ballot.

This hearing officer recommends that the Board accept the above findings and decisions, that the objection of the objector, Kelsey Stone, be sustained, that the nomination papers of the candidate, Jeffrey Booker, for the office of Alderman of the 4<sup>th</sup> Ward of the City of Chicago be declared invalid and insufficient, and that the candidate's name not appear on the ballot for the February 24, 2015, Municipal General Election in the City of Chicago.

Christopher J. Agrella  
Hearing Officer  
330 East Main Street  
Suite 205  
Barrington, Illinois 60010  
Office: (847) 381-6800  
Fax: (847) 381-6866

Respectfully Submitted,

  
Christopher J. Agrella – Hearing Officer