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

Objections of: RODERICK R. JONES	)	
	)	
	)	
To the Nomination	)	No.: 24-EB-WC-020
Papers of: STEPHEN F. BOULTON	)	
	)	Related: 24-EB-WC-030
Candidate for the election to the office of the	)	
REPUBLICAN Ward Committeeperson in the	)	
27th Ward of the City of Chicago, State of	)	
Illinois	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of the Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, 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 RODERICK R. JONES ("Objector") to the nomination papers ("Nomination Papers") of STEPHEN F. BOULTON, candidate for election to the office of the REPUBLICAN Ward Committeeperson in the 27th Ward of the City of Chicago, State of Illinois ("Candidate"), at the General Primary Election to be held on Tuesday, March 19, 2024, having convened on December 18, 2023, at 9:30 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 constituted according to 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 email transmission, as authorized by statutory service waivers executed by both parties and thereafter made part of the administrative record of this case.

4. A public hearing held on these Objections commenced on December 18, 2023, and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Yamil E. Colón for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board's Call to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. Appearances were filed on behalf of the following persons: the Objector, RODERICK R. JONES, by Attorney DANIEL J. KELLEY; and the Candidate, STEPHEN F. BOULTON, by Attorney JOHN FOGARTY JR.

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.

8. The Candidate and/or his duly authorized representative was present during the examination of the registration records or waived their right to do so.

9. The Objector and/or his duly authorized representative was present during the examination of the registration records or waived their right to do so.

10. The examination of the registration records was completed and, despite the inclusion of a clear administrative error regarding 29 blank signature lines that were later

addressed by the Hearing Officer and are described herein, the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The initial, uncorrected 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.

11. The initial, uncorrected 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 111;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 310[1];

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 207;

D. The remaining number of signatures deemed valid as a result of the records examination total 103[2].

12. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was eight fewer 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 the REPUBLICAN Ward Committeeperson in the 27th Ward of the City of Chicago, State of Illinois.

13. Both parties filed a motion pursuant to Rule 8 and the Hearing Officer conducted a hearing to allow the parties an opportunity to present evidence in support of their Rule 8

[1] This number was later reduced by 29 in relation to blank signature lines that were erroneously counted as valid signatures in the initial, uncorrected records examination results.
[2] See footnote 1.

motions. The Candidate's Rule 8 motion sought to rehabilitate a total of 34 signatures, and the Objector's motion alleged that 29 blank lines on the Candidate's petition sheets were erroneously counted towards the Candidate's total of valid signatures in the records exam results.

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 74 valid signatures, which is 37 fewer 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 the REPUBLICAN Ward Committeeperson in the 27th Ward of the City of Chicago, State of Illinois, and that the Candidate's Nomination Papers should therefore 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 and incorporates them herein as part of the Electoral Board's final Findings and Decision.

16. Following the issuance of the Hearing Officer's final recommendations, the Candidate timely filed a Rule 20 motion and the Electoral Board thus granted a hearing for the parties to address the issues raised in the Candidate's Rule 20 motion. In said motion the Candidate states that "The only real issue [remaining] in this case is whether the Electoral Board honors the wish of the Objector in this case, who validly filed a withdrawal ("the Withdrawal") on December 22, 2023." The Electoral Board heard arguments by both parties and analyzed all relevant evidence in the record on this issue and, again, adopts the Hearing Officer's recommendations in this regard.

17. The Electoral Board acknowledges the uniqueness (if not also strangeness) of the circumstances surrounding the Objector's Withdrawal, for which the Objector's own attorney of record ("Mr. Kelley") alleged that he did not file the document himself, nor did his client (the Objector) inform him that he intended or desired to file the Withdrawal. Nonetheless, the Electoral Board finds that, at all times relevant to these proceedings, Mr. Kelley was the official attorney of record for the Objector – there is no evidence in the record that the Objector ever took any action to terminate Mr. Kelley's representation nor to file a *pro se* appearance on his own behalf. To the contrary, the record indicates that the Objector retained the legal services of Mr. Kelley, who filed an attorney Appearance on the Objector's behalf, and the Objector has not informed the Electoral Board in any manner of any desire or intent to terminate the services of his attorney. There is no evidence that Mr. Kelley was not authorized to appear on the Objector's behalf throughout the entire course of these proceedings.

18. The Electoral Board finds that the Hearing Officer properly determined that there is no statutory nor common law right for an objector to withdraw his or her objector's petition. Thus, the Electoral Board's Rules of Procedure justly provide that, in relation to an objector's motion seeking leave to withdraw objections, "The Electoral Board has the sole discretion whether to grant or deny a motion to withdraw an objector's petition." Rule 13(b). The rules also provide that a Hearing Officer lacks the authority to make any final findings or final decisions regarding a Rule 13(b) motion to withdraw an objector's petition. See Rule 2(a): "...a hearing officer shall not have the power to make final findings or issue a final decision." Therefore, the Objector's Withdrawal motion could not have been granted by the Hearing Officer – the Hearing Officer was empowered only to make a non-final recommendation to the Electoral Board about whether to grant said Withdrawal motion.

19. As noted in the Hearing Officer's final report and recommended findings, the Hearing Officer had earlier issued a recommendation that the Electoral Board grant the Withdrawal, but that recommendation was issued immediately before the Objector's attorney of record raised a question of material fact about the validity of the Objector's Withdrawal. The Hearing Officer rightly found that he should reconsider his recommendation to grant a Withdrawal motion purportedly filed on behalf of a party when that party's own attorney of record questioned the validity of the motion. Therefore, the Electoral Board finds no clear error nor abuse of discretion by the Hearing Officer in rescinding his earlier recommendation and providing the parties with an evidentiary hearing regarding the validity of the Withdrawal.

20. Nonetheless, for demonstrative purposes only, the Electoral Board notes that under the language of its Rule 20, the Objector could have filed a Rule 20 motion when the Hearing Officer issued his earlier recommendation, which could have allowed the parties to come before the Electoral Board to present further argument in relation to the validity of the Withdrawal. Had that occurred, the Electoral Board finds that it would have reached then the same result that it reaches today – it would have remanded the case back to the Hearing Officer to conduct an evidentiary hearing about the validity of the Withdrawal before ruling upon it. The Electoral Board would have been just as reluctant as the Hearing Officer was to grant a Withdrawal when the Objector's own attorney of record had raised issues about the validity of said motion. Thus, the Electoral Board finds no harm to either party in the fact that the Hearing Officer rescinded his earlier recommendation in order to hear evidence and argument in relation to the validity of the Withdrawal.

21. In his Rule 20 motion and during the Rule 20 hearing, the Candidate's counsel argued that the Objector was entitled to have his Withdrawal granted at the time it was filed.

However, that assertion ignores the plain language of Rule 13(b), which clearly gives the Electoral Board "the sole discretion whether to grant or deny a motion to withdraw an objector's petition."

22. The Electoral Board further finds that the Hearing Officer wisely analyzed the language of Section 10-10 of the Election Code and found that there is no statutory right for the Objector to withdraw his Objector's Petition. 10 ILCS 5/10-10. The Electoral Board is equally unaware of any common law court decisions that grant any sort of affirmative right for an objector to withdraw an objector's petition, and the Candidate has not cited any such legal precedent in his motions or arguments.

23. To the contrary, Section 10-10 contains language that appears to *mandate* that the Electoral Board rule upon an Objector's Petition after it has been duly filed. "The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law..." *Id.* (Underscore added.) In the event this case is taken up on judicial review and further appeal on this issue, the Electoral Board finds it quite likely that the courts would rule that this language in Section 10-10 requires that an Electoral Board may not decline to rule upon objections that may be dispositive of whether a candidate's nomination papers are legally sufficient, and that the Electoral Board would certainly be bound by statute to do so whenever a Withdrawal motion remains pending at the time that qualified evidence is produced in the record to establish that a candidate's nomination papers are, in fact, legally deficient and invalid.

24. The Electoral Board rejects the Candidate's argument that the Electoral Board is required to ignore the qualified evidence that has been developed through the routine course of

these proceedings, and which clearly establishes that the Candidate's Nomination Papers are legally invalid. This finding is in accord with all known prior withdrawals that this Electoral Board has granted, all of which were granted *by the Electoral Board – not a hearing officer* – prior to the production of qualified evidence proving that the candidate's nomination papers are invalid. It is precisely this reason that the Electoral Board reserves its right to have sole discretionary authority to decide whether to grant an objector's request to withdraw the objections.

25. The Candidate has argued that the Electoral Board may not, *sua sponte*, raise or prosecute its own objections against a candidate, and the Candidate has cited prior case law holding this to be true. The Electoral Board readily agrees with that legal argument, but that is not what factually happened in this case. The Electoral Board only ruled upon objections that are contained within the Objector's Petition. The Electoral Board has not raised any of its own, *sua sponte*, objections, and it therefore has acted in harmony with the cited cases.

26. The Electoral Board again acknowledges the unusual circumstances surrounding this particular Withdrawal, and it very well may be a case of first impression for this Electoral Board to have been presented with an Objector's Withdrawal motion to which the Objector's own attorney of record raised questions of material fact as to the legitimacy of the document. Nonetheless, there was no error committed by the Hearing Officer in calling for an evidentiary hearing to determine whether the Withdrawal was, in fact, legitimate, nor was there any error in the Electoral Board allowing the records examination and other procedures to continue in this action as per its standard, routine practices, while the Withdrawal motion remained pending under these unusual circumstances.

27. The Electoral Board further finds that allowing the records examination to continue in the natural course of proceedings could have – arguably should have – resulted in a great benefit to the Candidate. Had the Candidate filed a sufficient number of valid petition signatures with his Nomination Papers, the results of the records examination would have proven the Candidate was entitled to have his name printed upon the ballot. That result would have rendered the Withdrawal moot, and there would have been no need to conduct an evidentiary hearing into the legitimacy of the Withdrawal because the Candidate would have been entitled to a favorable ruling by this Electoral Board on the merits of the case. Thus, for purposes of judicial economy and administrative efficiency, it was proper for this case to remain on its predetermined schedule of proceedings while the Hearing Officer conducted further hearings in relation to the validity of the Withdrawal.

28. The Electoral Board also acknowledges the Candidate's claims regarding a requested continuance of the Rule 8 hearing so as to provide more time to bring in additional evidence in relation to the Candidate's Rule 8 motion. The Electoral Board finds that such a delay would have been without any possible benefit to the Candidate because his Rule 8 motion only placed at issue a total of 34 signatures, despite the Candidate having 37 fewer valid petition signatures than the legal requirement. The Electoral Board agrees with the Hearing Officer and finds that the Candidate knew, or should have known, no later than the time that the original final records exam results were served on the parties that 29 blank lines were erroneously counted as valid signatures. Clearly, the Objector was aware of that fact at that time, for his Rule 8 motion involved this precise issue. Thus, there appears to have been equal and adequate notice to all parties that this administrative error was evident in the records exam report, and the Candidate therefore had ample opportunity to include an adequate number of signatures in his Rule 8

motion. The Candidate's failure to preserve a sufficient number of signatures in his Rule 8 motion, despite this evidence already being clearly indicated in the record of the case, was not sufficient grounds for allowing the Candidate to file an untimely amendment to his Rule 8 motion, nor to present rehabilitative evidence in relation to petition signatures that were not identified in his Rule 8 motion.

29. For the reasons stated above, the Electoral Board hereby denies the Objector's Withdrawal motion and finds that the Candidate has an insufficient number of valid signatures on his nominating petitions, and that the Nomination Papers of STEPHEN F. BOULTON are, therefore, legally invalid.

IT IS THEREFORE ORDERED that the Objections of RODERICK R. JONES to the Nomination Papers of STEPHEN F. BOULTON are hereby SUSTAINED, said Nomination Papers are hereby declared INVALID, and the name of STEPHEN F. BOULTON, candidate for election to the office of the REPUBLICAN Ward Committeeperson in the 27th Ward of the City of Chicago, State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on Tuesday, March 19, 2024.

Dated: January 12, 2024

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved by 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 COMMISSIONER OF THE CITY OF CHICAGO AS THE DULY CONSITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATNG PAPERS OF CANDIDATES FOR THE MARCH 19, 2024 PRIMARY ELECTION FOR THE OFFICE OF WARD COMMITTEEEPERSON FOR THE REPUBLICAN PARTY IN THE 27TH WARD OF THE CITY OF CHICAGO, STATE OF ILLINOIS

RODERICK R. JONES,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	NO. 24 EB-WC 020
	)	
STEPHEN F. BOULTON,	)	
	)	
Respondent- Candidate.	)	

HEARING OFFICER'S SECOND FINAL REPORT AND RECOMMENDATION

INTRODUCTION

This matter came to be heard this day, January 8, 2024. Mr. John Fogarty, Jr. appeared on behalf of the Candidate, Mr. Stephen F. Boulton. The Objector, Roderick R. Jones, did not appear. However, his counsel, Mr. Daniel Kelley, was present.

A brief history bears repeating here in order to give context to the events culminating in this current hearing and this resulting recommendation.

This case was initially heard on December 18, 2023. Only the Candidate's counsel was present for that hearing. A review of the Board's case file disclosed an appearance for the Candidate's counsel and one for the Objector's counsel. In addition, the Objector's counsel had filed a Motion to Continue the hearing because he was on trial on another matter, and in another venue. The Hearing Officer then granted the motion for good cause and continued the initial hearing to Wednesday, December 20, 2023, at 10:00 a.m.

Both attorneys appeared on that date. Having determined the sum and substance of the Objector's Petition, the Hearing Officer issued a Record Examination directive on December 20, 2023 with a to-be-determined date. A status date on the Record

Examination was set for December 22, 2023, and the parties convened on that date. However, the examination had not been yet begun. Subsequently, a date for the record examination was issued, and a status date was set for December 28, 2023.

In between the initial case management conference on December 18, 2023 and the status date of December 22, 2023, the Candidate had filed a timely Motion to Dismiss the Objector's Petition on December 19, 2023.

While the parties were waiting for the scheduled record examination, the Objector filed a Motion to Withdraw his Objector's Petition on December 22, 2023. The record examination was rightfully suspended in light of the withdrawal motion. Surprisingly, the case came to an abrupt ending. The Hearing Officer reviewed the Motion to Withdraw and found it to be legally sufficient to be accepted. On December 23, 2023, he then prepared and circulated his Recommendation based on the withdrawal of the Objector's Petition. It concluded that there being no active objection against the Candidate's nomination papers, the Candidate should be placed on the ballot for the March 19, 2024 Primary Election.

But this conclusion was short lived with yet another sudden turn of events. On December 26, 2023, Objector's counsel, Mr. Kelley, filed an "Objection to Final Report and Recommendation". The essence of this objection was to cast doubt on the authenticity of Mr. Jone's signature on the Motion to Withdraw. Mr. Kelley asserted that he was not aware of such a motion and had received no notice from his client of his intention to withdraw. It was further suggested by Mr. Kelley's objection, that there were certain suspicious circumstances underlying the filed Motion to Withdraw of Mr. Jones. The objection also alleged misconduct suggestions about the Candidate, which Kelley characterized as "unethical chicanery". Kelley's Objection motion prayed for the retraction of the Hearing Officer's recommendation and that "additional hearings" be conducted into the irregular circumstances involved in the filing of the Motion to Withdraw.

The Candidate filed a response to Kelley's objection requesting that the recommendation not be retracted and deny further hearing on the Motion to Withdraw.

Shortly after Kelley filed his Objection to the Hearing Officer's Final Recommendation, another momentous event followed. The Electoral Board issued the Record Examination Final Report on December 28, 2023.

It contained the following salient data:

Signature Required:	111
Total Pages:	31
Total Signatures:	310
Total Valid Signatures:	103

8 Signatures fewer than the required minimum

Both attorneys for the parties filed Rule 8 Motions. The Candidate's motion sought to produce evidence to rehabilitate 34 signatures. The Objector's Rule 8 Motion sought to discount 29 blank signature lines as signatures of the Candidate's nomination sheets.

Faced with these new developments, the Hearing Officer issued a Recommendation suspending his December 23, 2023 Recommendation. He also set the date of January 5, 2024 for a hearing on the authenticity of the Objector's signature on the Motion to Withdraw, and any other relevant circumstances relating thereto. In addition, the Rule 8 Motions would also be heard on that date.

Thereafter, Mr. Kelley submitted a request for subpoenas for:

1. The Objector Roderick R. Jones;
2. The Notary Public who notarized Jones' signature on the Motion to Withdraw;
3. Devin R. Jones, the son of the Objector;
4. The Candidate, Stephen F. Boulton.

Only the subpoena for the notary public and Devin Jones were approved by the Hearing Officer, but the Electoral Board only approved the subpoena for the notary public.

Mr. Kelley's issuance of a subpoena for his own client, the Objector, was not an appropriate vehicle to produce Mr. Jones. Instead, the Hearing Officer issued a directive for him to appear for testimony as to his Motion to Withdraw.

Given the elapsed time for the issuance of subpoena approval, and the necessary time to allow for service of subpoena and Jones' directive to appear, it was decided to set a new hearing date of January 8, 2023 at 10:30 am.

FACTS, EVIDENCE AND ARGUMENT PRESENTED AT THE HEARING OF JONES' MOTION TO WITHDRAW

At the commencement of the hearing, Mr. Kelley informed the Hearing Officer, that Mr. Jones had been served with the Hearing Officer's directive to appear as a witness to this scheduled hearing on his own Motion to Withdraw. A certificate of service was filed by Mr. Kelley's server evidencing that Jones had been served on January 4, 2024, at 4:45 p.m. In addition, Mr. Kelley filed his server's certificate of service for Tamika Palmer with the board. Ms. Palmer is the notary public who notarized Mr. Jones's signature on his Motion to Withdraw his Objector's Petition. Mr. Jones did not appear at the hearing.

Mr. Kelley called Ms. Palmer as a witness. She testified that she resides in Chicago and that she was employed at a currency exchange. When asked if she recognized the Motion to Withdraw with Mr. Jones' purported signature, she responded that she did not. She denied adding the date on the motion sheet. She said that she did not know Mr. Jones; could not describe his physical appearance; and could not recollect notarizing his signature. She stated that she sometimes notarizes as many 25 – 30 signatures a day during this time of the year. Ms. Palmer was asked how she knew that the signature belonged to Mr. Jones. She replied that she verified it from an I.D. that he produced.

She followed that statement by saying that her employer requires all notary signatures to be verified as a matter of rule, and that she practices that rule. In response to a query by Mr. Kelley, she responded that she does not keep a notary log. This was all the testimony elicited from Ms. Palmer by both attorneys. She was then dismissed with gratitude for her appearance and testimony at the hearing.

HEARING OFFICER'S FINDINGS OF MS. PALMER'S TESTIMONY

Ms. Palmer presented herself with a reserved and soft-spoken demeanor. She was focused on the questions asked of her, and gave complete answers. Even when she was challenged on how she could be so sure of Jones' signature if she did not remember him. She simply stated that she always verifies identities because her employer requires the notaries to do so. She did not vacillate or seem to be evasive in her responses. Her testimony was credible and unrefuted. No other witness was presented.

Ms. Palmer's unrefuted testimony is found to be credible and is accepted as evidence to indicate the authenticity of Roderick R. Jones, the signer of the Motion to Withdraw.

After her testimony, the Hearing Officer offered to the attorneys a copy of the Motion to Withdraw and the last page of the Objector's Petition. The motion bears one signature alleged to be Jones', and the signature page of the petition bears two signatures alleged to be Jones.

The Hearing Officer then acknowledged not possessing any forensic document expertise. He set the two sheets of papers containing the Jones alleged signature side by side and began to make observations of how very similar the signatures appeared to be for the benefit of the record.

These included the following:

a) Two signatures on the petition sheet and one on the motion sheet. Each of Jones's alleged signatures contain three "R" s. Two are in the first name, beginning and end. The third is the middle initial. So that there are 9 R's in the three sample signatures.

b) The three first name R's show a rolling of the right leg of the R into the motion of creating the neighboring "O".

c) The "D" and "E" in Roderick have very similar loops on the Ds and the Es.

d) The last R of Roderick has more of a similarity to the middle initial than the first R in the first name.

e) The J's in Jones all look almost identical.

f) The O's in Jones all have the same loop over the top as it rolls into the N.

g) Finally, the three S's in Jones have the same characteristic similar to a number 8.

These observations create the impression in the eyes of a lay person, that the three signatures appear to be written by the same signer. (See Attached Objector's Petition Signature Page as Exhibit A, and Motion to Withdraw Signature as Exhibit B)

This aspect of the hearing being completed, it moved to the Rule 8 Motions.

FACTS, EVIDENCE AND ARGUMENT PRESENTED AT THE HEARING FOR THE RULE 8 MOTIONS

Two days before this hearing, the Hearing Officer reviewed the nomination signature pages of the Candidate. The purpose was to verify the allegations contained in Mr. Kelley's Rule 8 motion, i. e. that 29 blank signature lines were counted as signatures for the Candidate. There were in fact 29 blank signature lines scattered across six pages. They are pages 12, 26, 27, 28, 30 and 31.

The Record Examination Report of the Candidate's nominating petition sheets reported 31 total pages and 310 total signatures. If each page contains 10 signature lines, and each line contain a signature, and there are 31 total pages, then 310 total signatures would be correct. However, the 29 blank signature lines prompted the Hearing Officer to contact the Electoral Board and request another count of signatures.

On the morning of, but prior to this hearing, a second Final Petition Summary Report was delivered to the Hearing Officer. The Report officially confirmed that the Candidate had 281 signatures, not 310. The 29 blank lines were reduced from the 310 total signatures. The correction also indicated that the Candidate had 37 signatures less that the required minimum of 111.

Prior to beginning of the hearing on both Rule 8 Motions, the Hearing Officer announced to counsel his findings regarding the 29 blank signature lines raised by Kelley's motion, and the subsequent recount. The Hearing Officer produced copies of the second record exam for the attorneys. He then began to explain the record examination findings subtracting the 29 blank lines from the total signatures of the Candidate.

The attention turned to Candidate's counsel and he was asked whether he had the required evidence to overcome the minus 37 signatures. After looking through his papers, he said that he only had 35. In addition, he protested that he was surprised by the hearing of the Rule 8 Motion proceedings. He said that he thought the hearing was intending to be only on the Motion to Withdraw issue. He also asked to continue the matter so that he may have enough time to review the new exam findings and better prepare for presenting his Rule 8 Motion.

The Hearing Officer informed Mr. Fogarty, that there was enough notice disseminated about the subject matter of this January 8, 2024 hearing. He was reminded that he was notified of the potential signature deficiency when Mr. Kelley filed his Rule 8 motion relative to the 29 blank lines on January 3, 2024. Further, in an email of January 3, 2024, the Hearing Officer informed all parties that he intended to proceed hearing on all matters on January 8, 2024. Therefore, there would not be a continuance and the hearing on Rule 8 motions would go forward.

Mr. Fogarty then argued that since the Motion to Withdraw the Objector's withdrawal was granted, there was nothing pending against the Candidate thereby making the challenge to the Candidate's nomination moot.

Mr. Fogarty's argument would be accurate in an ordinary scenario of facts, such as those which existed when the Hearing Officer's first recommendation was written accepting the Objector's withdrawal, and placing the candidate on the ballot. But the dynamics of this case evolved sideways more than once. These changes set the case on a different time trajectory which kept the Objection Petition at issue and alive against the Candidate's nomination papers; and which allowed the first Record Examination results to show a deficiency of 8 signatures. And, in an ironic twist of fate, a second record examination brought to light 29 additional signature deficiencies. This simply can not be ignored. To do so, would produce the unlawful result of allowing an unqualified candidate to reach the ballot by turning a blind eye to factual and legal requirements of the Illinois Election Code.

APPLICABLE LAW

Section 10 ILCS 5/10-10 provides in relevant part the following requirements for earning a place on the ballot:

> **The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1. The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained. A copy of the decision shall be served upon the parties to the proceedings in open proceedings before the electoral board. If a party does not appear for receipt of the decision, the decision shall be deemed to have been served on the absent party on the date when a copy of the decision is personally delivered or**

on the date when a copy of the decision is deposited in the United States mail, in a sealed envelope or package, with postage prepaid, addressed to each party affected by the decision or to such party's attorney of record, if any, at the address on record for such person in the files of the electoral board.

CONCLUSIONS AND RECOMMENDATION

Given the foregoing facts, circumstances and law, it is an inescapable conclusion that the Candidate does not meet the legal requirements of the Illinois Election Code. Therefore, the initial Final Report and Recommendation of this Hearing Officer issued and filed with the Chicago Electoral Board on December 23, 2023 shall be rescinded and held for naught.

The Candidate's name, Stephen J. Boulton, shall not be placed on the ballot for the March 19, 2024 Primary Election for the office of Committeeperson of the Twenty-Seventh (27th) District of the City of Chicago, State of Illinois.

Respectfully Submitted,

Yamil E. Colón, Hearing Officer
January 9, 2023

Honorable Board to be insufficient and not in compliance with the laws of the State of Illinois and that the candidate's name be stricken and that this Honorable Board enter its decision that the name of STEPHEN F. BOULTON, as a candidate for election to the office of Ward Committeeperson for the Republican Party in the 27th Ward of the City of Chicago, County of Cook, State of Illinois, BE NOT PRINTED UPON THE OFFICIAL REPUBLICAN PRIMARY BALLOT for the Election to be held on March 19, 2024.

Roderick R. Jones
Objector

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned being first duly sworn, deposes and states that the undersigned is the Objector in the above and foregoing Objector's Petition, by the undersigned subscribed; that he has read the same and knows the contents thereof; and that the matters therein are true.

Roderick R. Jones

Subscribed and Sworn To Before Me
This 9th day of December, 2024.

Notary Public

ELSA DE LA MORA-RODRIGUEZ
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
January 23, 2026

(Seal)

RODERICK R. JONES
Objector
300 West North Avenue - #1507
Chicago, Illinois 60610

State of Illinois)
)
County of Cook)

RODERICK R. JONES	)	
	)	
Objector,	)	
	)	
v.	)	Case No. 24-EB-WC-020
	)	
STEPHEN F. BOULTON,	)	
	)	
Candidate,	)	

MOTION TO WITHDRAW

I, RODERICK R. JONES, being first fully sworn upon oath, state that I reside at 300 West North Avenue, in the City of Chicago and the State of Illinois, and that I hereby move to withdraw my Objection Petition to the Nomination Papers of the above-named candidate in the above entitled cause.

Dated: 22DEC2023

Roderick R. Jones
RODERICK R. JONES

Subscribed and sworn to before me
This 22 of December 2023.

Tamika Palmer
Notary Public

TAMIKA PALMER
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
November 28, 2026

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