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

Objections of: ESTELLA RICHARDS	)	
	)	
	)	
To the Nomination	)	No.: 24-EB-WC-035
Papers of: JOHN ZACHARY KITOVER	)	
	)	
Candidate for election to the office of	)	
REPUBLICAN Ward Committeeperson of the	)	
45th Ward, 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 ESTELLA RICHARDS ("Objector") to the nomination papers ("Nomination Papers") of JOHN ZACHARY KITOVER, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 45th Ward, 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 registered or certified mail and by Sheriff's service, as provided by statute or statutory service was waived and service by email was authorized.

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 Kevin E. Bry for further hearings and proceedings.

5. 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. Appearances were filed by or on behalf of the following persons: the Objector, ESTELLA RICHARDS, by Attorney FRANK AVILA; and the Candidate, JOHN ZACHARY KITOVER, *pro se*.

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 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 324;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 498;

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 405

D. The remaining number of signatures deemed valid as a result of the records examination total 93.

10. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination was 231 fewer than the minimum of 324 valid signatures required by law to be placed upon the official ballot as a candidate for election to the office of REPUBLICAN Ward Committeeperson of the 45th Ward, City of Chicago, State of Illinois.

11. The Hearing Officer has tendered to the Electoral Board a report and recommended decision in which he found that the Candidate's Nomination Papers contained fewer than 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 REPUBLICAN Ward Committeeperson of the 45th Ward, City of Chicago, State of Illinois, and that the Candidate's Nomination Papers should be found invalid.

12. The Hearing Officer denied the Candidate's Rule 8 motion because, *inter alia*, it did not identify any specific signature or basis for objection. The Candidate also failed to present any evidentiary material to support any allegations raised in the Rule 8 Motion.

13. 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.

14. 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 JOHN ZACHARY KITOVER are, therefore, invalid.

IT IS THEREFORE ORDERED that the Objections of ESTELLA RICHARDS to the Nomination Papers of JOHN ZACHARY KITOVER, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 45th Ward, City of Chicago, State of Illinois, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of JOHN ZACHARY KITOVER, candidate for election to the office of REPUBLICAN Ward Committeeperson of the 45th Ward, 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 23, 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.